14-11 - Vehicle Repossessions

Los Angeles County Sheriff's Department
NEWSLETTER
Field Operations Support Services, (323) 890-5411

VEHICLE REPOSSESSIONS

The purpose of this newsletter is to familiarize personnel with the responsibilities involving vehicle repossessions.

Vehicle repossession calls for service deal with adversarial parties. They consist of the repossessor (tow truck driver), registered owner, legal owner, and third parties. The most common crimes arising at a repossession dispute scene are assault, battery, disturbing the peace, vandalism, trespassing, and malicious mischief.

Business and Professional Code, 7507.12, defines a repossession of a vehicle complete if any of the following occur (the B&P code refers to vehicles as collateral):

1. The repossessor gains entry to the vehicle.
2. The vehicle is hooked onto a tow truck or the repossessor 's tow vehicle, as defined in section 615 of the Vehicle Code.
3. The repossessor moves the entire vehicle present.
4. The repossessor is physically inside of the vehicle.
5. No person other than the legal owner may direct the repossessor to release a vehicle without legal authority to do so.

Patrol Deputy Responsibilities

1. Your primary responsibility at the scene of a repossession dispute is to keep the peace.
2. At the scene of a repossession dispute, ascertain the identity of the repossessor, ask for company identification, a private license, a copy of the contract, or a document describing the property to be repossessed, and preferably the identity of the legal owner (usually a financial institution).
3. Establish the identity of the disputing party. If this person is the buyer, the buyer's spouse, or a third person in lawful possession, you should ask whether or not this person objects to the repossession. If he/she does object, the repossessor cannot take the vehicle unless control and dominion of the vehicle by the repossessor has taken place (Fuentes (1972) 407 U.S. 67.) and (Burns (1979) 96 Cal.app. 3d 591,600 Comm Code section 9503).
4. Remember you are there to keep the peace.
5. The repossessor does have the right to go onto private property (driveway) to repossess a vehicle. (A closed, unlocked gate does not legally keep a repossessor from repossessing a vehicle.
6. Occasionally a crime will take place in your presence during the dispute. When those events arise, you will have to take appropriate action.

Desk Operations Responsibilities

The following information will be confirmed for repossessed vehicles per MPP5-01/0200.00:

1. Time and date stored
2. Vehicle year, make, license number (or VIN if no license)
3. Vehicle disposition
4. Location of the stored vehicle
5. Deputy or L.E.T.'s name
6. Entry to station daily log

Additional responsibilities are assigning a file number, making a photocopy of the station repo/PPI form, and submitting paperwork to the station secretaries for processing.

BOTTOMLINE: Repossessions are potentially dangerous calls for service. Personnel should use extreme caution and sound, unbiased judgment in dealing with all parties involved. Repossession calls are civil matters that can further be resolved by arbitration or through the court system. Deputies have a responsibility to identify the parties involved and to prevent theft.

Information regarding the content of this newsletter may be directed to Field Operations Support Services.