

CSU BAKERSFIELD POLICE DEPARTMENT
DIRECTIVE 07-01
Revised 10-21-13

SCOFFLAW ABATEMENT PROCEDURE
(Immobilization and Release)

PURPOSE: Parking regulations are in place to provide fair and consistent opportunity to all parking at CSUB. CSUB has created this immobilization process as a tool to create an enforcement strategy for owners of vehicles with delinquent parking citations to pay the outstanding fines. Vehicles with five or more delinquent citations will be subject to immobilization. The intent is not to deprive the owner of their vehicle, but to have the owner come to the University Police Department and arrange to pay their outstanding parking fines. The sole intent is compliance to parking regulations.

DIRECTIVE: The scofflaw abatement procedure encompasses two specific phases. The first phase is the immobilization of the vehicle, and the second phase is the release of a vehicle after satisfactory payment of outstanding parking fines has been made.

1. AUTHORITY AND DEFINITIONS

- a. California Vehicle Code Sections 22651(i)(1) and 22651.7 provides authority for Parking Services employees or University Police Officers to remove or immobilize vehicles with a device designed and manufactured for the immobilization of vehicles...when the vehicle is found to have been issued five or more notices of parking violations which are delinquent with DMV holds because the owner has not responded within the statutory time limits.
- b. Delinquency is determined by the owner of the vehicle not responding to Parking Management Bureau within 21 days from the issuance of a citation or 14 days from the mailing of the notice for a delinquent parking violation.
- c. In compliance with C.V.C. 22651(k), no vehicle will remain parked or left standing for more than 72 consecutive hours, reference CSUB Parking Regulations 1.04.02a.

2. PROCEDURE FOR IMMOBILIZING VEHICLES

- a. When an officer locates a vehicle that is confirmed to have five or more delinquent citations with DMV holds, the officer will contact a supervisor who will review the citations and reconfirm the outstanding citations.
- b. Before the final decision is made to immobilize the vehicle, the Chief of Police will be briefed.
- c. Upon confirmation and supervisor authorization, a full-time employee, who has been trained in the attachment and removal of the immobilization devices, will respond to the location of the vehicle.
- d. By utilizing proper procedure, the employee will attach the immobilization device and place the appropriate notifications on the vehicle.

3. PROCEDURE FOR THE RELEASE OF IMMOBILIZED VEHICLES

- a. Any requests for removal of the immobilization device will be approved by a department supervisor or department administrator.
- b. Upon approval, the full-time employee will respond to the affected vehicle, and by utilizing proper procedure will remove the device.

4. PROCEDURE FOR DETERMINING VEHICLE ELIGIBILITY TO BE IMMOBILIZED

- a. When the on-duty/on-call supervisor is advised of a vehicle that is eligible to be immobilized, the following procedures will be followed:
 - 1. The supervisor will verify by utilizing the PMB website the vehicle has at least 5 parking citations that are delinquent. Delinquency is when the citation has been sent to the DMV by PMB as a lien against the vehicle's registration.
 - 2. If the vehicle remains eligible for immobilization, the supervisor will advise the employee.
 - 3. The supervisor will insure a case report is written and complete an Immobilized Vehicle Receipt form and place it in Dispatch (Attachment A).
 - 4. Upon request, outstanding fines can be reduced (per each citation) based on the chart listed in the appendix of this directive. This is a one-time reduction, and the person is not eligible if citations in the past have been reduced. Reduced fines must be paid in full before the vehicle is released.
 - 5. The supervisor will attach a copy of the vehicle's registration information to the Immobilized Vehicle Receipt form.
 - 6. The supervisor will insure a RiMS case report is filed as listed above, and send an email to the department staff with the vehicle description, location, and case number, advising them of the immobilized vehicle.

5. PROCEDURE FOR RELEASING IMMOBILIZED VEHICLES

- a. When the vehicle's owner or the driver of the vehicle calls or comes into the police department, the dispatcher or staff member will advise them of the amount due, and provide a copy of the Immobilized Vehicle Receipt form to them. Payment must be made to PMB, or payment may be made by credit card utilizing the PMB website (PMBonline.org). Also advise the patron of the date and time that the vehicle will be towed if payment has not been received per Parking Regulations 1.04.02a.
- b. The person is responsible for the amount due shown on the Immobilized Vehicle Receipt form. Advise them of the amount due, and inform them they must pay with via PMB utilizing the PMB website (PMBonline.org).
- c. Upon proof of the amount due being paid, the UPD employee will contact the on-duty/on-call supervisor and notify him/her. The supervisor will then advise if the vehicle may be released.
- d. The release of the vehicle will generally be made to the registered owner with satisfactory proof of identification and an address where he/she can be located. Photo

copies of such are attached to the Immobilized Vehicle Receipt. (See CVC 22651 (4) for exception)

- e. The completed Immobilized Vehicle Release Receipt form with the proof of payments and or receipts will be placed in the Parking Services supervisor's box.

6. HEARING PROCEDURE

- a. In lieu of payment of the amount due, the person may request to have a hearing with a Hearing Examiner.
- b. When such a request is made, schedule a meeting with the sergeant in charge of parking or the lieutenant as soon as possible, but no more than 48 hours from the request if during weekdays, 72 hours if weekend. During the time up to the hearing, the vehicle will not be towed (this does not apply if the vehicle has already been towed).
- c. If the sergeant in charge of parking or lieutenant is not available within the 48/72 hour time limit, then schedule a meeting with a department supervisor.
- d. The Hearing Officer, during the hearing, will listen and review any documentation or statements as to the validity of the citations and determine if the citations in question were issued appropriately and are actually delinquent. If it is determined that there were not 5 citations that were delinquent, the Hearing Officer will direct that the immobilization device be removed.
- e. The Hearing Officer may reduce the outstanding fines based on the chart listed in the appendix of this directive as previously described. All persons may be allowed this as a one-time reduction, but the person is not eligible if citations in the past have been reduced. Reduced fines must be paid in full before the vehicle is released.
- f. At any time, the Hearing Officer may consult with the Chief of Police if the circumstances of the appellant are such that a resolution could be warranted that does not fall within the exact guidelines of this directive. The decision of the Chief of Police is final in these types of resolutions.
- g. All proof for payment documentation of outstanding fines, and a copy of the Immobilized Vehicle Receipt, will be forwarded via US mail to PMB for processing.
- h. Once the hearing has concluded, the 72-hour time restriction will restart unless the hearing officer allows additional time (no more than 24 hours) to allow the person to obtain the required funds.

Parking Citation Reduction Table v 1.1

<u>Code</u>	<u>Violation</u> <u>Reduce</u>	<u>Base</u>	<u>1st</u>	<u>2nd</u>
20.1	IMPROPER DISPLAY OF A PERMIT \$25	\$15	\$25	\$45
20.2	NO VALID PARKING PERMIT \$55	\$30	\$55	\$105
21.1	METER VIOLATION \$55	\$30	\$55	\$105
21.2	PARKED OUT OF STALL \$55	\$30	\$55	\$105
22.1	LOADING OR TIMED ZONE VIOLATION \$75	\$40	\$75	\$145
22.2	PARKED IN A RESERVED STALL \$75	\$40	\$75	\$145
23.1	ILLEGALLY PARKED IN DRIVEWAY OR SIDEWALK \$85	\$45	\$85	\$165
23.2	ILLEGALLY PARKED ON GRASS/DIRT \$85	\$45	\$85	\$165
23.3	UNAUTHORIZED PARKING \$85	\$45	\$85	\$165
24.1	NO PARKING ZONE FIRE LANE, HYDRANT, OR RED ZONE \$105	\$55	\$105	\$205
24.2	OBSTRUCTING ROADWAY \$105	\$55	\$105	\$205
25.1	FORGED, ALTERED, OR UNAUTHORIZED USE OF A PERMIT NR	\$180	\$355	\$705
26.1	BLOCKING OR PARKED ON A DISABLED STALL \$405	\$305	\$605	\$805

Updated October 21, 2013

Case# _____ OFFICER: _____ VEHICLE LICENSE: _____ STATE: _____ EXP: _____

IMMOBILIZATION DATE: _____ LOCATION: _____ Supervisor: _____

IMMOBILIZED VEHICLE RECEIPT

CITATION #	DATE	AMOUNT	CITATION#	DATE	AMOUNT
1)		\$	8)		
2)		\$	9)		
3)		\$	10)		
4)		\$	11)		
5)		\$	12)		
6)		\$	SUB TOTAL from back		
7)		\$	TOTAL		

PAYMENT IS DUE IN FULL BY 4:00 PM ON: _____	
<u>If checked, This vehicle is NOT eligible for a fine reduction</u>	
VEHICLE WILL BE TOWED AND STORED AT THE OWNERS EXPENSE IF NOT PAID BY DUE DATE	
Payment must be arranged via PMB. Credit card payments can be made on –line at www.pmbonline.org (agency is CSU Bakersfield) or by calling 800-766-2782. There is a service charge for each citation paid by credit card.	
INITIAL CONTACT:	Additional Contact
Name:	Name:
Address:	Address:
City, ST, ZIP:	City, ST, ZIP:
Phone:	Phone:
By: _____	By: _____
Date: _____	Date: _____

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CITATION #	DATE	AMOUNT	CITATION#	DATE	AMOUNT
14)		\$	20)		
15)		\$	21)		
15)		\$	22)		
16)		\$	23)		
17)		\$	24)		
18)		\$	25)		
19)		\$	SUB TOTAL (copy to front)		

Releasing Supervisor Approval:

Date:

Immobilized Vehicle Modified Fine

UPD Case # _____ Vehicle License _____

Supervisor Modifying Fine _____

Date _____

Citation #	Date	Original Amnt	Modified Amnt
1)			
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			
11)			
12)			
13)			
		Total:	Total: