

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 273-P

REFERENCE STANDARDS:

SUBJECT: Vehicle Immobilization and Driver's License Suspension Procedure

PURPOSE: To provide procedures to Department personnel for the installation and removal of a vehicle immobilizer, commonly known as the "Barnacle", and for completing the related administrative processes.

I. IDENTIFICATION OF OFFENDING VEHICLE

- A. DACRA will be used to generate a live vehicle immobilization/boot list.
(Ref. Ordinance #0-19-36 or Municipal Code Section 62-17-108)

II. VEHICLE IMMOBILIZATION PROCEDURE

- A. Identification of qualifying violators
 - 1. The Village Finance Department will identify individuals who, as a vehicle owner, have five (5) or more outstanding or otherwise unsettled violation notices issued for any such violations. Notification letter(s) will be generated by the Finance Department and mailed by Municipal Collections of America to the registered owner(s) of the vehicle advising them their vehicle is eligible for booting/immobilization within 21-days. The immobilization list is available through DACRA. Only a "live" list should be utilized, and a printed list should be avoided as the list is updated daily.
 - 2. The vehicle owner has 15-days from the date of the Notice of Impending Vehicle Immobilization to complete the "Request for a Pre-Immobilization Hearing" form (APPENDIX C) and deliver it to the Police Department's Strategic Enforcement & Prevention Unit. See Section III for Pre-Immobilization Hearings.

3. Failure to pay the fines and penalties owed, or exercise his/her right to a pre-immobilization hearing to challenge the validity of the notice of impending vehicle immobilization if the fines and penalties are not paid, will result in the inclusion of the State registration number of the vehicle or vehicles of such registered owner(s) on an immobilization list (21) days from the date of the notice of impending vehicle immobilization.
4. Municipal Collections of America, Inc (MCOA) will email the afternoon records division personnel an electronic file at the close of business Monday-Friday. The records division personnel on-duty shall upload the file into DACRA upon receiving the file. The file will update DACRA to reflect any payments or payment plans that would make a vehicle no longer immobilization eligible.

B. Installation of the “Barnacle” windshield-locking device

1. Upon identifying a vehicle on the immobilization list, the police department shall attempt to locate the offender’s vehicle parked upon a public street or Metra Train Station public parking lot. When a qualifying vehicle is located, the following procedure shall be followed:
 - a. **The officer deploying the device will contact Municipal Collections of America (MCOA) at 708-455-4030 to verify the vehicle is still immobilization eligible prior to immobilizing the vehicle if the date/time of immobilization is Monday-Friday between the hours of 8am-5:30pm.**
 - b. The deploying officer shall secure the approval of the on-duty supervisor before immobilizing the offender’s vehicle.
 - c. A police officer or secondary CSO will be assigned by the on-duty supervisor to be present while the immobilization device is affixed to the offender’s vehicle by the qualified department employee.
 - d. The windshield shall be inspected for visible cracks. The device shall not be deployed on a windshield that has any cracks; see Paragraph E when unable to deploy the Barnacle. If there is any snow/ice, the windshield needs to be cleared of snow/ice to inspect for damage as well as to ensure proper deployment of the Barnacle. Photographs will be taken of the vehicle documenting the presence or absence of defects. The Barnacle can be deployed on a wet windshield.
 - e. The device should be folded inside out and affixed to the windshield as to position the keypad and warning notices closest to the edge of the windshield on the driver side of the vehicle. The Barnacle should then be unfolded as to allow the other side to flop, creating a suction with the windshield.

- f. A printed placard/warning sticker (APPENDIX A) warning the driver of the immobilization and warning them not to move the vehicle or tamper with the device shall be affixed to the driver side window.
- g. Additional photographs will be taken, showing a front and rear view of the vehicle with the license number, Barnacle and warning placard in place.
- h. After immobilizing the offender's vehicle, the officer shall complete an Incident Case Report titled "VEHICLE IMMOBILIZATION – BARNACLE" and attach the photographs.
- i. The immobilizing officer shall also complete the Vehicle Immobilization Report (APPENDIX D) and turn it into records upon completion.
- j. The Police Records Clerk shall forward an electronic copy of the Vehicle Immobilization form to Municipal Collections of America, Inc. and file the form in the "VEHICLE IMMOBILIZATION LOG".

C. First 72 hours with the "Barnacle" device installed:

- 1. The "Barnacle" shall remain in place for seventy-two (72) hours unless the owner has secured the release of the vehicle as described below in Section VII below.
- 2. In a case where the Barnacle was removed or damaged or the vehicle was relocated or towed while restrained by the immobilization device the on-duty supervisor shall have the incident investigated and determine whether the violator is charged under local ordinance or state statute.

D. 72 hours after the "Barnacle" device was installed:

- 1. If after seventy-two (72) hours (excluding weekends), the proper release of the vehicle has not been secured by the owner, the following will occur.
 - a. The Police Department on-duty supervisor shall cause the vehicle to be towed and impounded by an approved tow agency.
 - b. The assigned officer shall abort the deployment and secure a release code via the Barnacle website or mobile application.
 - c. A tow will be requested, and an electronic tow receipt shall be completed with a supervisory hold placed on the vehicle for "Immobilization". The officer shall abort the deployment and remove the device upon the towing agency taking possession of the vehicle.

- d. Additional photographs will be taken before and after the device is removed to give an accurate representation of the condition of the device and windshield.
- e. The device shall be inspected for visible damage:
 - i. The outer case/shell should be free of cracks and visible damage including the electronics and weather stripping.
 - ii. The security tabs around the suction cups should be intact and not bent or broken.
 - iii. The suction cups should be intact and free of damage.
 - iv. The electronics underneath the device adjacent to the suction cups should be intact and free of damage.
- f. If no damage is found, check the device in using the Barnacle website or mobile application.
- g. If damage is discovered, check the device in on the Barnacle website or mobile application and indicate the damage observed. Be sure to take photos of the damaged device and indicate the damage on the supplemental report. Notify a supervisor who will make a decision whether or not to cite the violator under 62-17-108(h) or have them criminally charged.
- h. Update the immobilization record on the Vehicle Immobilization Report maintained in Records and document the device removal and tow using a supplement report to the original case report.

E. When unable to install the Barnacle.

- 1. If the Barnacle cannot be installed because of preexisting damage that would prevent its use or all of the devices are currently deployed, the vehicle shall be towed and impounded in the police department's secure lot. This towing shall not result in an additional towing charge to the vehicle owner but is considered part of the boot fee and for towing purposes should be considered a relocation.
 - a. The officer causing the vehicle to be towed shall:
 - i. Take photos of the vehicle that provide a clear and accurate representation of the vehicle including the vehicle's registration and any preexisting damage that prevented the installation of the Barnacle.
 - ii. Have DuComm arrange for a tow to **relocate** the vehicle. Complete a tow receipt with reason being "RELOCATE" and specify the location as "POLICE DEPARTMENT". The vehicle should be towed to the police department's secured parking lot with a supervisory hold for "IMMOBILIZED VEHICLE". The requesting officer shall have DuComm notate on the CAD ticket the time the tow

was requested, the time it arrived and the arrival time at the police department.

2. After towing the vehicle, the officer shall do the following:
 - a. Provide a copy of the tow receipt to Records to be entered into the LEADS towed vehicle file.
 - b. Complete an Incident Case Report titled "VEHICLE IMMOBILIZATION - TOWED" and attach the photographs.
 - c. The immobilizing officer shall also complete the Vehicle Immobilization Report (APPENDIX D) and turn it into records upon completion of the immobilization/impoundment.
 3. The Police Records Clerk shall do the following:
 - a. Enter the vehicle information into the LEADS towed vehicle file.
 - b. Update the DACRA tow file with the LEADS information.
 - c. An electronic copy of the Vehicle Immobilization form shall be forwarded to Municipal Collections of America.
- F. After 72 hours of impounding the vehicle as a means of immobilization.
1. If after seventy-two (72) hours (excluding weekends), the proper release of the vehicle has not been secured by the owner, the following will occur:
 - a. The Police Department on-duty supervisor shall cause the vehicle to be towed and impounded by the original tow agency that relocated the vehicle.
 - b. The vehicle owner will be responsible for the payment of the towing and storage fees to the tow agency in addition to the \$100 boot fee.
 - c. The officer causing the vehicle to be towed shall:
 - i. Update the original tow receipt and change the reason to "IMMOBILIZED VEHICLE" with a supervisory hold for "IMMOBILIZATION" on the vehicle.
 - ii. Complete a supplement to the original Incident Case Report.
 - iii. Provide information on the location of the vehicle to the Police Records Division so the vehicle can be entered into LEADS.
 - iv. The officer shall update the Vehicle Immobilization Report (APPENDIX D) which is maintained in the Records Division.
 - d. The Police Records Clerk shall:
 - i. Enter the vehicle information into the LEADS towed vehicle file.
 - ii. Update the DACRA tow file with the LEADS information.

III. PRE-IMMOBILIZATION HEARING

- A. The owner of the immobilized/impounded vehicle has the right to a Pre-Immobilization Hearing to determine the validity of the immobilization/impoundment.
1. The vehicle owner must complete the “Request for a Post Immobilization Hearing” form (APPENDIX C) and deliver it to the Police Department’s Strategic Enforcement & Prevention Unit within fifteen (15) days of the date on the notice.
 2. The Police Department’s Strategic Enforcement & Prevention (SEP) Unit will schedule the hearing at the next regularly scheduled administrative hearing.
 3. The SEP Unit will notify the collection agency of the pre-immobilization hearing to ensure if the 21-days occurs before the scheduled hearing, the vehicle will not be considered immobilization eligible. The hearing officer will complete the Pre-Immobilization Order (APPENDIX E).
 4. If the hearing officer determines that there were not five (5) or more outstanding or unsettled traffic violations for any such violations pending against the owner of the motor vehicle, or the respondent was not the owner or lessee of the vehicle or vehicles receiving the citations on the date/time the citations were issued or all fines and penalties for the violations cited in the notice have been paid in full, the vehicle will be removed from the vehicle immobilization list.
 5. If the hearing determines that there were five (5) or more outstanding or unsettled traffic violations for any such violations pending against the owner of the motor vehicle and the respondent was the owner or lessee of the vehicle or vehicles receiving the citations on the date/time the citations were issued or all fines and penalties for the violations cited in the notice have not been paid in full, the vehicle will be considered eligible for immobilization and included on the immobilization list.
 6. The SEP Unit will ensure the respondent is served a copy of the order and will notify Municipal Collections of America, Inc of the hearing officers’ decision.

IV. POST IMMOBILIZATION/TOW HEARING NOTICE

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VILLAGE OF HANOVER PARK

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- A. The Notice of Immobilization/Impoundment shall serve as notification to the registered vehicle owner and lien holder that the vehicle was immobilized for unpaid parking citations and payment of the fines or establishment of a payment plan along with payment of the \$100 vehicle immobilization fee is required to secure the release of the vehicle.
- B. The Records Division will cause the “Notice of Immobilization/Impoundment” (APPENDIX B) to be mailed to the registered vehicle owner(s) and lien holders. The notice shall be mailed by certified US Mail no later than ten (10) days from the date of immobilization or three (3) days if the vehicle was towed as a means of immobilization.
- C. A copy of the letters shall be filed with the immobilization paperwork and maintained by the Records Division.

V. POST IMMOBILIZATION/IMPOUNDMENT HEARING

- A. The owner of the immobilized/impounded vehicle has the right to a Post Immobilization Hearing to determine the validity of the immobilization/impoundment.
 - 1. The vehicle owner must complete the “Request for a Post Immobilization Hearing” form (APPENDIX F) and deliver it (or mail it post-marked within the 15-days) to the Police Department’s Strategic Enforcement & Prevention Unit within fifteen (15) days of the date that the vehicle was immobilized/towed as a means of immobilization or the date of the notice of immobilization (APPENDIX B) whichever is later.
 - 2. The Police Department’s Strategic Enforcement & Prevention (SEP) Unit will schedule the hearing at the next regularly scheduled administrative hearing. The hearing officer will complete the Pre-Immobilization Order (APPENDIX G).
 - a. If the hearing officer determines that the vehicle was improperly immobilized due to either when there were not five (5) or more outstanding or unsettled traffic violations for any such violations pending against the owner of the motor vehicle, or that the vehicle was not parked upon a public street or public parking lot, the vehicle will be released to the owner without cost or any charges paid by the owner to obtain the release of the vehicle.
 - i. If fees were paid, the Police Department shall coordinate with the Finance Department and appropriate towing agencies for any refund of costs to the vehicle owner.

- b. If the hearing determines that the immobilization or towing of the vehicle was legally justified, the vehicle shall not be released until the owner secures the release of the vehicle as described below. The owner shall be responsible for all additional towing and storage fees incurred during the Post Immobilization Hearing process.
3. The SEP Unit will ensure the respondent is served a copy of the order and will notify Municipal Collections of America, Inc. of the hearing officer's decision.

VI. REQUIREMENTS FOR SECURING THE RELEASE OF AN IMMOBILIZED OR TOWED VEHICLE

- A. The owner may contact the Barnacle at 630-912-9918 to make payment of the outstanding fines/fees in full including the \$100 immobilization fee.
- B. In lieu of making payment of the outstanding fines/fees in full or at any time after the Barnacle was removed and subsequently towed, the owner of the immobilized/towed vehicle may contact Municipal Collections of America, Inc. (MCOA) at 708-455-4046 to make payment in full or request a payment plan. MCOA is available Monday-Friday 9am-5:30pm.
 1. After payment is made or a payment plan is successfully arranged, MCOA will notify the Finance Department and direct the vehicle owner to the Finance Department where they will be required to pay the \$100 immobilization fee.
 2. After receiving the \$100 vehicle immobilization fee, the Finance Department will notify the Police Department Records Division that the vehicle is eligible for release.
 3. The Records Division will notify the on-duty supervisor who will cause the device to be removed from the vehicle.
- B. In the event the vehicle owner requested a post-tow hearing and was subsequently found not liable for the immobilization he/she shall not be responsible for additional towing and storage fees incurred during the Post-Immobilization Hearing process and the vehicle shall be released.

VII. RELEASE OF IMMOBILIZATION DEVICE OR RETURN OF THE VEHICLE TO THE OWNER

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- A. When the vehicle still has the Barnacle attached and the vehicle owner contacts Barnacle directly and makes payment in full, they are provided a release code and instructions to return the device to the police department.
1. The Records Clerk will notify the on-duty supervisor who will have arrange to have the device checked-in by available personnel.
 2. The device shall be inspected for visible damage:
 - a. The outer case/shell should be free of cracks and visible damage including the electronics and weather stripping.
 - b. The security tabs around the suction cups should be intact and not bent or broken.
 - c. The suction cups should be intact and free of damage.
 - d. The electronics underneath the device adjacent to the suction cups should be intact and free of damage.
 3. If no damage is found, check the device in using the Barnacle website or mobile application.
 4. If damage is discovered, check the device in on the Barnacle website or mobile application and indicate the damage observed. Be sure to take photos of the damaged device and indicate the damage on the supplemental report. Notify a supervisor who will make a decision whether or not to cite the violator under 62-17-108(h) or have them criminally charged.
 5. Update the immobilization record on the Vehicle Immobilization Report (APPENDIX D) maintained in Records and document the device return and tow using a supplement report to the original case report.
- B. When the vehicle still has the Barnacle attached and the vehicle owner has satisfied the requirements for the return of the vehicle through Municipal Collections of America, Inc:
1. MCOA will forward a Vehicle Release (Appendix H) to the Finance Department and instruct the vehicle owner to go to the Finance Department to pay the \$100 immobilization fee.
 2. The Finance Department will stamp the Vehicle Release “PAID” and notify the Records Division.
 3. The On-Duty Supervisor shall arrange for the removal of the Barnacle and warning notice sticker from the vehicle at the earliest possible time.

4. The officer assigned to remove the Barnacle shall:
 - a. Photograph the vehicle before and after the Barnacle has been removed showing where the Barnacle was and the condition of the windshield; and
 - b. Remove the warning notice sticker to the best of his/her ability; and
 - c. Prepare a follow-up police report documenting the removal of the Barnacle condition of the windshield and attach the photographs to the supplement case report.
 - d. Update the Vehicle Immobilization Report maintained in Records.
- C. When the vehicle has been towed and impounded at the police department's secure lot and the vehicle owner has satisfied the requirements for the return of the vehicle through Municipal Collections of America, Inc within 72-hours:
 1. MCOA will forward a Vehicle Release to the Finance Department and instruct the vehicle owner to go to the Finance Department to pay the \$100 immobilization fee.
 2. The Finance Department will stamp the Vehicle Release paid (APPENDIX H) and notify the Records Division.
 3. The On-Duty Supervisor shall arrange for the release of the vehicle from the secured lot.
 4. The officer assigned to release the vehicle will:
 - a. Escort the vehicle owner to the secured lot so they can take possession of their vehicle.
 - b. Prepare a follow-up police report documenting the removal of the Barnacle condition of the windshield and attach the photographs to the supplement case report.
 - c. Update the Vehicle Immobilization Report maintained in Records.
- D. When the vehicle has been towed and impounded at the tow agency and the vehicle owner has satisfied the requirements for the return of the vehicle:
 1. MCOA will forward a Vehicle Release to the Finance Department and instruct the vehicle owner to go to the Finance Department to pay the \$100 immobilization fee.
 2. The Finance Department will stamp the Vehicle Release paid (APPENDIX H) and notify the Records Division.

3. The Records Clerk releasing the vehicle will:
 - a. Prepare an Authorization to Release Immobilized Vehicle (APPENDIX I) and check "\$100 IMMOBILIZATION FEE PAID AND RELEASE AUTHORIZED UPON PAYMENT OF APPLICABLE TOWING/STORAGE FEES".
 - b. Prepare a supplemental police report documenting the release of the vehicle.
 - c. Update the Vehicle Immobilization Report maintained in Records.
 - d. Attach a copy of the Vehicle Release stamped paid and Authorization to Release Immobilized Vehicle to the Vehicle Immobilization Report.

IX. VEHICLE DISPOSITION PROCEDURE

- A. See Directive 272-P, Section IX

X. PROCEDURE FOR SUSPENSION OF OFFENDER'S DRIVER'S LICENSE

- A. Pursuant to State Law (625 ILCS 5/6-306.5), the Village may request that the Secretary of State suspend the driving privileges of the registered owner of a vehicle when the owner has failed to pay any fine or penalty imposed by final judgments of ten (10) or more violations of the Village's Parking or Standing ordinances, or (5) or more red light camera violations.
 1. The Collection Agency will prepare the required 45-day notification of pending driver's license suspension and transmit them to the Strategic Enforcement & Prevention (SEP) Unit. SEP will send the original notices by first class United States mail, postage prepaid, and retain a copy.
 2. The Collection Agency will prepare and forward one of the following notices to the SEP Unit to the Secretary of State and transmit them to the SEP Unit. SEP will identify the driver's license number and date of birth for the violator. The notices will be completed, signed and the required notice to the Secretary of State will be sent by certified mail to ensure delivery was made. SEP will retain the Municipality Copy of the notice as well as the "Notice to the Secretary of State of Final Disposition of Parking Violations".
 - a. Notice to Violator for Failure to Pay Fines for Vehicular Standing or Parking Violations
 - b. Notice to Violator for Failure to Pay Fines for Automated Traffic Violations

- c. Certified Report of Default of Payment Plan for Vehicular Standing, Parking and/or Automated Traffic Violations
- 3. Upon notification from the Finance Department that the Collection Agency has submitted an uplift request and the violator has paid the \$10 administrative reinstatement fee required by ordinance, SEP will complete and send the “Notice to the Secretary of State of Final Disposition of Parking Violations” to the Secretary of State by certified mail to ensure delivery. A copy of the final disposition should be made and provided to the violator.