

April 16, 2010

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE****Index as:**

Automobile Repossession

Property Disputes

OFFICER ACTION IN PROPERTY INTEREST DISPUTES**44100 PURPOSE**

The purpose of this General Order is to establish procedures to follow when property interests are in dispute.

441.01 POLICY

Officers responding to calls regarding disputes over rent or lease agreements should limit the response to restoring order. The officer should not attempt to take personal property away from one party and give it to another.

441.02 PROCEDURE

- A. When property is in dispute, the officer should advise and permit the courts to determine their respective rights to the property. The officer should advise the party in possession of the property not to dispose of it until the courts have resolved the matter.
- B. If one party has a court order which appears to give that party the right to possession of the property, that order should be enforced only by the official specifically directed to do so in the order. Officers are advised to beware of court orders of suspicious nature.

441.03 AUTOMOBILE REPOSSESSIONS

- A. If an officer encounters a situation where-in a repossession agent attempts to repossess a car or vehicle from private property against the wishes of the property owner, the officer should limit his actions to keeping the peace.
- B. The officer should inform the property owner to contact their legal counsel if they wish to pursue a civil remedy. The officer should not assist the person that is attempting to repossess the car nor should the officer act in behalf of the property owner.
 - 1. The officer should note the identification of the repossessor and their vehicle and ascertain if the repossessor is in fact repossessing the correct vehicle.

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2. Repossessions may legally be carried out based on the terms of the lender's contract or with a court order.

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned above the printed name.

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel