



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATION EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

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04 OCT 2024

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
5560.4

From: Commander
To: Distribution List

Subj: REGIONAL IMPOUND AND ABANDONED VEHICLE POLICY

Ref: (a) Title 10, U.S. Code, Section 2575
(b) DOD 4160.21-M
(c) MCO 4400.201 Vol 13
(d) MCO 5580.2B Ch 2
(e) MCO 5110.1D

1. Situation. Abandoned, derelict, and unlawfully parked vehicles pose a threat to operations and public safety aboard all MCIEAST Installations. Improperly parked vehicles can restrict access for emergency services, interfere with safe flow of traffic, complicate force protection measures and/or deny legitimate access to special use spaces by delivery services, maintenance crews, and disabled personnel. As such, it is incumbent on installation and unit leadership to make all reasonable effort to minimize the instances of abandonment and to have executable plans and procedures in place to safely and legally remove any vehicle deemed to pose a hazard to operations and public safety.

2. Mission. MCIEAST Installation commanders will develop abandoned vehicle removal procedures for their installation that ensures operational and public safety, meets the needs of tenant commands, and observes the property rights of individual property owners. All commanders will implement vehicle disposition procedures for all personnel departing the installation on deployment, Temporary Additional Duty (TAD) in excess, separation from service, etc. to reduce the number of abandoned vehicles occurrences.

3. Execution

a. Commander's Intent. MCIEAST Installations will take a wholistic approach in developing and coordinating measures with tenant commands to lessen the instances of abandoned vehicles aboard MCIEAST Installations and, failing that, to legally and expeditiously remove any vehicle deemed to pose a risk to base operations and/or public safety.

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b. Concept of Operations. The MCIEAST Regional Impound and Abandoned Vehicle Policy provides unifying criteria upon which installation commanders, working in concert with tenant and area commanders, will base installation orders that establish specific procedures at all MCIEAST Installations. This Order is intended to establish consistency throughout the region and foster the legality of removal procedures while giving local planners the freedom to develop the best approach to fit the unique circumstances aboard their installation.

c. References

(1) Reference (a) is the federal statute which provides statutory authority to the installation commander over the disposition of lost, abandoned, or unclaimed vehicles in the custody and control of a government agency. Reference (b) is the Marine Corps order which describes the procedures for management of disposition of property in the possession of the Marine Corps. Reference (c) is the Department of Defense Material Management Regulation, which establishes procedures for the disposition of abandoned vehicles. Reference (d) is the Marine Corps Law Enforcement Manual which establishes procedures for vehicle towing and impoundment aboard Marine Corps installations. Reference (e) is the Armed Forces Traffic Regulations which provides standards and procedures for law enforcement personnel when towing, inventorying, searching, impounding, and disposing of vehicles. It also grants authority to installation commanders to contract towing and disposal of vehicles with commercial towing services.

(2) Reference (a) authorizes the public or private sale, or otherwise dispose of all lost, abandoned, or unclaimed personal property that comes into the custody or control of the Secretary's department; however, property may not be disposed of until diligent effort has been made to find the owner (or the heirs, next of kin, or legal representative of the owner).

(3) References (b) and (c) detail the abandonment of personal property as a personnel management issue and all commanders must be diligent in deterring it. During familiarization and indoctrination training (i.e., when personnel are checking in/out), it is necessary to foster personal responsibility and stress the consequences of abandoning private property. Upon departing an installation, procedures should ensure all personal privately owned property is removed from the installation before their departure. This approach is significantly more cost-effective than funding the disposal costs of abandoned vehicles.

(4) Per reference (c), the intentional abandonment of private property resulting in subsequent cost to the U.S. Government for disposal will not be tolerated. Personnel must be knowledgeable of the consequences associated with intentional abandonment, such as:

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- (a) Reimbursing the government for incurred costs.
- (b) Repossession by lien holder.
- (c) Garnishment of pay.
- (d) Internal Revenue Service withholding of income tax refunds for indebtedness to the U.S. Government.
- (e) Violation of articles under the Uniform Code of Military Justice.

(5) In accordance with reference (c), the disposal of private property is an unnecessary expense to the U.S. Government. The notification requirement of reference (a) should include a daily cost for up to 45 days if the government incurs a cost resulting from commercial removal of property and impoundment due to lack of government resources to store the Privately Owned Vehicle (POV). These costs should be reimbursed to the government in exchange for return of the property to the owner or legal representative. In the case of the owner's heirs or next of kin, discretionary authority is granted to waive reimbursement to the government in favor of final disposition of the property.

d. Definition of Terms.

(1) Vehicle. For the purpose of this Order a vehicle refers to all motorized and recreational-type vehicles (including, but not limited to all-terrain vehicles, dirt bikes, campers, watercraft, trailers, etc.).

(2) Abandoned Vehicle. A vehicle is considered abandoned when the owner voluntarily relinquishes possession with the intention of terminating ownership, but without vesting ownership to any other person. A vehicle left unattended for an extended period (for the purposes of this Order - 90 days or more), without notification to installation law enforcement will be considered abandoned, even if it is not the intent of the owner to relinquish possession.

(3) Derelict Vehicle. A vehicle is considered derelict when the owner voluntarily allows mandated insurance or registration requirements to expire or brings a vehicle aboard the installation without authority. Derelict vehicles are also those vehicles which could not pass a state's required safety inspection or are in an obvious state of mechanical failure.

(4) Illegally Parked Vehicles. The following define illegally parked vehicles:

- (a) Parked in violation of regulations, orders, or directives of the organization responsible for that area.

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(b) Parked unattended along a roadway, unless specifically authorized by the Provost Marshall/Police Chief (PM/PC).

(c) Rendered unsafe or inoperative because of dismantling, mechanical failure, or a traffic accident.

(d) Was driven or towed aboard in violation of any access regulation.

(e) Is not properly registered, has an expired visitors pass, or is not properly licensed, per state law.

(f) Owner has no insurance.

(g) Owner has been apprehended for Driving Under the Influence (DUI) or driving on revocation or suspension.

(5) Impound. Impound occurs when a vehicle is lawfully seized by law enforcement, transported, held in legal custody, and inventoried.

(6) Removal. Transferring a vehicle on the installation to a commercial storage facility or elsewhere off the installation, at the direction of the installation commander, or his designee, or according to regulations/directives.

(7) Inventory. Search or inspection of a vehicle to identify and record the condition of the vehicle and catalogue its contents. After a vehicle's condition is noted and its contents are catalogued, law enforcement personnel shall release all U.S. Government property to the registered owner's command or retain it for disposition if an owner cannot be identified.

(8) Property Disposal Board. A board consisting of one or more commissioned or noncommissioned officers or civilians appointed in writing by the installation commander or PM/PC. This board convenes, as appropriate, to evaluate the vehicle impound process. The board reviews impound records to ensure compliance with reference (b) and recommends final disposition for each vehicle.

e. Policy

(1) Identification of abandoned, derelict, and/or illegally parked vehicles

(a) Reference (e) provides standards and procedures for towing, inventorying, searching or inventorying, impounding, and disposing of vehicles and is based on:

1. Vehicles should not be impounded unless they clearly interferes with ongoing operations or movement of traffic,

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threaten public safety, are involved in criminal activity, contain evidence of criminal activity, or are stolen or abandoned.

2. Impounding of a vehicle would be inappropriate when reasonable alternatives to impounding exist.

a. Every attempt should be made, and documented, to locate the owner of the vehicle and have it removed. Area and tenant commanders must make all reasonable efforts to identify the owners of suspected abandoned, derelict, and/or illegally parked vehicles in their respective areas prior to contacting installation law enforcement personnel.

b. Another responsible person may be allowed to drive or tow the vehicle with permission from the owner, operator, or person empowered to control the vehicle.

3. Impounding of vehicles is justified when any of the following conditions exist:

a. The vehicle is illegally parked:

(1) On a street or bridge, in a tunnel, or is double parked and interferes with the orderly flow of traffic.

(2) On a sidewalk, within an intersection, on a crosswalk, on a railroad track, in a fire lane, or is blocking a driveway so that the vehicle interferes with operations or creates a safety hazard to other roadway users or the public. An example would be a vehicle parked within fifteen feet of a fire hydrant or blocking a properly marked driveway of a fire station or aircraft-alert crew facility.

(3) When blocking an emergency exit door of any public place (installation theater, club, dining hall, hospital, and other facility).

(4) In a zone or area marked with proper signs.

b. The vehicle interferes with:

(1) Street cleaning or snow removal operations and attempts to contact the owner have been unsuccessful.

(2) Emergency operations during a natural disaster or fire or must be removed from the disaster area during cleanup operations.

(3) The vehicle has been used in a crime or contains evidence of criminal activity.

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(4) The owner or person in charge has been apprehended and is unable or unwilling to arrange for custody or removal of the vehicle.

(5) The vehicle is mechanically defective and is a menace to others using the public roadways.

(6) The vehicle is disabled by a traffic incident and the operator is either unavailable or physically incapable of having the vehicle towed to a place of safety for storage or safekeeping.

(7) Law enforcement personnel reasonably believe the vehicle is abandoned.

(b) Simply leaving an operable vehicle legally parked, with proper insurance and registration for an extended period, does not in itself, constitute an abandoned or derelict vehicle per this Order. Every effort must be exhausted, by the tenant and area commander with the assistance of installation law enforcement personnel, to locate the owner prior to impounding these vehicles.

(c) Vehicles of deployed or otherwise committed servicemembers

1. Unless specifically permitted in an installation order, it is strictly prohibited for any vehicle of deployed servicemember to remain in barracks parking lots, at the work section, in unoccupied base housing residences, or any other "common area" parking such as the commissary, exchange, etc.

2. Commanders shall work with the installation Distribution Management Office to establish, coordinate, or provide deployment parking options to ensure personnel are advised of approved, appropriate vehicle storage options.

3. It is imperative abandoned and/or derelict vehicles are clearly identified and not mistaken for vehicles of servicemembers who were misinformed and/or uninformed of the proper procedures for storing vehicles prior to deployment, long term TAD, or extended leave periods. Tenant and area commanders and installation law enforcement personnel must work closely together to ensure vehicles of service members away on operational commitments, approved long term absences, or otherwise unable to be contacted due to unique circumstances do not have their vehicles impounded prematurely creating an unnecessary financial hardship on the servicemember or a superfluous expense to the U.S. government.

(2) Property rights of the owners of abandoned, derelict, and/or illegally parked vehicles. It is paramount consideration is given to the vehicle owner's constitutional right to due process, freedom from unreasonable search and seizure, and freedom from

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deprivation of private property. When an installation has determined a vehicle maybe abandoned or derelict, the owner does not forfeit their legal right to the property until that time no legal owner can be identified, or a written response is returned by the owner releasing ownership to the U.S. Government.

(3) Towing and Storage. Towing and storage of POVs will be accomplished in accordance with this Order and references (d) and (e).

(a) Impounded vehicles may be towed and stored by an installation wrecker or a contracted wrecker service depending on availability of towing services and the installation commander's preference. Per reference (d), due to the cost associated with disposal of vehicles through the Defense Logistics Agency (formerly Defense Reutilization Marketing Office (DRMO)), contracted services are generally the most cost effective and the preferred method of disposal in the United States and should be carefully considered when establishing local policy.

(b) Installation commanders have two options when designating an impound lot to store vehicles.

1. On installation impound lot
2. Off installation impoundment area

(c) With either option the installation commander will designate an enclosed area which can be secured by lock and key.

1. Installation impound lots shall be a fenced lot, preferably asphalt or concrete, provide adequate lighting, and secured when not attended by designated personnel. Site selection must consider local environmental concerns and the potential for criminal activity.

2. An approved impoundment area belonging to a contracted wrecker service must provide adequate accountability and security of towed vehicles.

3. All vehicles shall be visually accounted for by a law enforcement representative at least once a month, regardless of whether the vehicles are in the custody of a contract wrecker service or stored in the installation impound lot. The results will be documented in the impound record system.

(d) Temporary impoundment and towing of vehicles for violations of the installation traffic code or involvement in criminal activities must be accomplished under the direct supervision of law enforcement personnel.

(4) Removal of abandoned, derelict, and/or illegally parked vehicles to an installation managed impound lot.

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(a) Procedures for Impoundment. Impounding of vehicles will be done in accordance with this Order and references (d) and (e).

1. Unattended (abandoned) POVs.

a. The DD Form 2504 (Abandoned Vehicle Notice) will be conspicuously placed on vehicles considered unattended. This action will be documented by an entry in the installation law enforcement desk journal or blotter.

b. The owner will be allowed three days from the date the vehicle is tagged to remove the vehicle before impoundment action is initiated. If the vehicle has not been removed after three days, it will be removed by the installation or contracted wrecker service to an installation impound lot. If a contracted wrecker service is used, a DD Form 2505 (Abandoned Vehicle Removal Authorization) will be completed and issued to the contractor by installation law enforcement.

c. After the vehicle has been removed, the installation law enforcement officer or the contractor will complete DD Form 2506 (Vehicle Impoundment Report) as a record of the actions taken.

(1). An inventory listing personal property will be done to protect the owner, law enforcement personnel, the contractor (if used), and the commander.

(2). Contents of a closed container such as a suitcase inside the vehicle need not be inventoried. Such articles should be opened only if necessary to identify the owner of the vehicle or if the container might contain suspected explosives or otherwise present a danger to the public. Merely listing the container and sealing it with security tape will suffice.

(3). Personal property must be placed in a secure area designated by the installation commander for safekeeping. If an owner is identified the personal property will be returned to the individuals command for proper disposition.

d. The DD Form 2507 (Notice of Vehicle Impoundment) will be forwarded by certified mail to the address of the last known owner of the vehicle to advise the owner of the impoundment action and to request information concerning the owner's intentions pertaining to the disposition of the vehicle.

2. Stolen privately owned vehicles or vehicles involved in other criminal activity.

a. When a vehicle is to be held for evidentiary purposes, the vehicle should remain in the custody of the applicable installation until law enforcement purposes are served.

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b. Recovered stolen vehicles will be released to the registered owner, unless held for evidentiary purposes, or to the law enforcement agency reporting the vehicle stolen as appropriate.

c. Vehicles held on request of other authorities will be retained in the custody of the installation until the vehicle can be released to such authorities.

(5) Removal of abandoned, derelict, and/or illegally parked vehicles to a privately owned/operated commercial impound lot. The procedures for removal of vehicles to a privately owned/operated commercial impound lot are the same as paragraph 3. e.(4) with the exception of: if a contracted wrecker service is used, a DD Form 2505 (Abandoned Vehicle Removal Authorization) will be completed and issued to the contractor by installation law enforcement as indicated in paragraph (3. e. (4) (a) 1. b.).

(6) Search Incident to Impoundment Based on Criminal Activity. The search of a vehicle in conjunction with impoundment based on criminal activity will likely occur in one of the following general situations and will be conducted in accordance with reference (e):

(a) The owner or operator is not present. This situation could arise during traffic and crime-related impoundments and abandoned vehicle seizures. A property search related to an investigation of criminal activity should not be conducted without search authority unless the item to be seized is in plain view or is readily discernible on the outside as evidence of criminal activity. When in doubt, proper search authority should be obtained before searching.

(b) The owner or operator is present. This situation can occur during either a traffic or criminal incident, or if the operator is apprehended for a crime or serious traffic violation and sufficient probable cause exists to seize the vehicle. This situation could also arise during cases of intoxicated driving or traffic accidents in which the operator is present but incapacitated or otherwise unable to make adequate arrangements to safeguard the vehicle. If danger exists to the police or public or if there is risk of loss or destruction of evidence, an investigative type search of the vehicle may be conducted without search authority.

(7) Disposition of Vehicles After Impoundment. Disposition of POVs after impoundment will be conducted in accordance with reference (a) through (e).

(a) If a vehicle is impounded for evidentiary purposes, the vehicle can be held for as long as evidentiary purposes exist. The vehicle must then be returned to the owner without delay unless directed otherwise by competent authority.

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(b) If the vehicle is unclaimed after 120 days from the date notification was mailed to the last known owner or the owner released the vehicle by properly completing DD Form 2505, the vehicle will be disposed of by one of the following procedures:

1. Release to the lienholder, if known.
2. Process as abandoned property in accordance with reference (b).
 - a. Property may not be disposed of until diligent effort has been made to find the owner, or the heirs, next of kin, or legal representative of the owner.
 - b. The diligent effort to find one of those mentioned in paragraph (a), shall begin not later than seven days after the date on which the property comes into custody or control of the installation law enforcement agency.
 - c. The period for which this effort is continued may not exceed 45 days.
 - d. If the owner or those mentioned above are determined, but not found, the property may not be disposed of until the expiration of 45 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at his or her last known address.
 - e. When diligent effort to determine those mentioned above is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of more than \$300, the law enforcement official may not dispose of the property until 45 days after the date it is received at the storage point.

(c) All contracts for the disposal of abandoned vehicles must comply with reference (a).

5. Administration and Logistics

a. This Order has been coordinated with and concurred by the Commanding Generals, II Marine Expeditionary Force, Commander, U.S. Marine Corps Forces Special Operations Command, U.S. Marine Corps Logistics Command, and the Commanding General Marine Corps Recruit Depot Parris Island. For the purposes of this Order, MCIEAST Installations refers to Marine Corps Base Camp Lejeune, Marine Corps Air Station (MCAS) New River, MCAS Cherry Point and outlying airfields, MCAS Beaufort, Marine Corps Logistics Base Albany, and Marine Corps Support Facility Blount Island.

b. Applicability. This Order is applicable to all military and civilian personnel, family members, contractors, and any other

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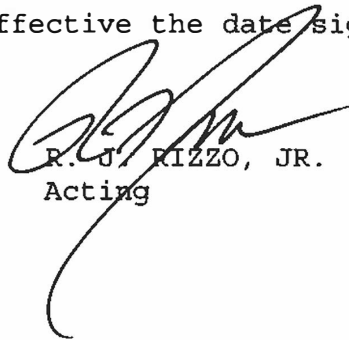
individual or organization that operates a vehicle aboard any MCIEAST Installation. Individuals who violate the provisions of this Order, or the references, are subject to administrative and/or disciplinary action.

c. Punitive Effect. This Order is punitive. Violation of any provision of this Order may be punishable by administrative action and/or criminal prosecution.

6. Command and Signal

a. Command. This Order is applicable to all MCIEAST Installations and subordinate and tenant commands aboard these Installations.

b. Signal. This Order is effective the date signed.



R. J. RIZZO, JR.
Acting

DISTRIBUTION: A/B/C