

1 August 1996

Security Police

**LOST, ABANDONED, OR UNCLAIMED
PRIVATE PROPERTY**



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTICE: This publication is available digitally on the AFDPO/PP WWW site at:
<http://afpubs.hq.af.mil>.

OPR: 437 SPS/SPOI
Supersedes CAFBR 125-8, 5 Sep 92

Certified by: (Major Gregory D. Moultrie)
Pages: 5
Distribution: F, X, HQ AMC/SPOI

This regulation establishes the Charleston AFB Abandoned Property Board and outlines responsibilities and procedures by which lost, abandoned, or unclaimed private property will be processed in accordance with DoD 4160.21-M, Chapter 6, AMCR 76-1 and South Carolina Vehicle Code. This regulation is applicable to all units on base that come into possession of lost, abandoned, or unclaimed privately owned property.

SUMMARY OF REVISIONS

Paragraph **5**. specify procedures to institute and properly execute the Towing at Owners Expense program, using local area civilian towing companies to tow vehicles abandoned on CAFB as permitted by SC Law.

1. Terms Explained.

1.1. Abandoned Private Property. Any privately owned personal property that comes into the possession, custody, or control of any agency or activities of DoD through loss or abandonment, and is unclaimed by the owner. This definition includes, but is not limited to, vehicles, vessels, aircraft, personal effects, baggage, and any other personal property that is not owned by the government.

1.2. Abandoned Property Board (APB). A board of officers or civilians will be appointed by the installation Commander and charged with the responsibility for disposing of abandoned private property IAW DOD 4160.21M.

1.3. Abandoned Vehicle. Means a motor vehicle that is inoperable or is left unattended on public property for more than seventy-two (72) hours, or a motor vehicle that has remained illegally on private property or public property for a period of more than seven days without the consent of the owner or person in control of the property.

1.4. Vessel. Includes every description of watercraft or other conveyance used or capable of being used as a means of transportation in water, but does not include aircraft.

1.5. Controlled Substance. Drugs or other substances or immediate precursor included in Schedule I, II, III, IV, or V of 21 U.S.C. 812 (Also see AFI 36-2701).

1.6. Contraband. This term is defined under 49 U.S.C 781 to include controlled substances, certain firearms, counterfeit coin or instruments, and cigarettes which there has been a committed violation of Chapter 114 of 18 U.S.C.

2. General. The intent of this regulation is to ensure:

2.1. That property is safeguarded against pilferage or deterioration for the required time during which the owner may claim it.

2.2. That every reasonable effort is made to locate and return the property to the rightful owner or their representatives.

2.3. That proper documentation regarding disposition is on file in the event future claims for such property is made against the government.

3. Responsibilities.

3.1. Every agency or activity of the DoD on Charleston AFB is responsible for the protection and proper processing of abandoned property which come into the agencies possession.

3.2. The Chief, Security Police or designated representative will act as recorder of the CAFB Abandoned Property Board (APB). The recorder prepares the minutes IAW AFM 37-126.

3.3. The APB chairperson will convene the board as required, but at least quarterly.

3.4. The APB will periodically submit a request for publication in the Base Bulletin and base newspaper that lost, abandoned, and unclaimed private property can be claimed and picked up from Security Police Investigations (SPOI) or the Passenger Terminal.

4. Procedures.

4.1. When an activity comes into possession of abandoned private property other than vehicles (except property controlled by the Passenger Terminal Lost and Found), it will be retained for seven work days while an attempt is made to locate the owner. If the owner is not found after seven days, the property will be turned over to Security Police for disposition through the APB.

4.2. The Installation Chaplain's office is designated the approved recipient of clothing/miscellaneous items for donation to humanitarian causes. SPOI will direct disposition of all unclaimed property. Items turned in will include assorted clothes, shoes, towels, and bags. Staff personnel with the base gym, billeting, and golf pro shop (who regularly turn items into Security Police) will be directed to the Installation Chaplain's office. Items with identified owners will continue to be turned into Security Police.

4.3. Abandoned property in possession of the Passenger Terminal will be processed/disposed of IAW AMCR 76-1 and the APB.

4.4. The date property is acquired by the Security Police or the Passenger Terminal is the date the case is considered referred to the APB.

4.5. The APB shall review the inventory, revise it as necessary, and estimate the current fair market value of the property. The APB shall conduct, or cause to be conducted, an inquiry to ascertain or locate the owner or his or her heirs, next of kin, or legal representative. This inquiry shall not exceed 45 days from the date the property came into the control or custody of CAFB, including attempts to locate the owner under paragraph 4.1. above.

4.6. When the owner is found, the APB shall send, or cause to be sent, a notice by certified or registered mail to the owner's last known address. The owner (heirs, next of kin, or legal representative) may claim the property or may, in writing, release the property to CAFB. If the property is not claimed, the APB may dispose of it 45 days after the notice was mailed. (See paragraph 4.8. below for disposition alternatives available to the APB.)

4.7. When the owner cannot be found, the APB may dispose of the property without delay if the property has a current fair market value of less than \$300. If the property has a fair market value in excess of \$300 and the owner has not been found, the APB may dispose of it 45 days after the date the property was received at the designated storage point. (See paragraph 4.8. below for disposition alternatives available to the APB.)

4.8. The following disposition alternatives are available to the APB:

4.8.1. The APB may direct the activity having custody of abandoned property to transfer it to any Non-Appropriated fund activity or instrumentality (NAFI) for use in that NAFI programs. Unless the NAFI agrees or directs otherwise, the activity having custody shall have primary responsibility for transporting the property to the NAFI. (See 10 USC 2575 and DoD 4160.21-M)

4.8.2. The APB may sell the property, or components thereof, through the CAFB Recycling Program. The proceeds shall be credited to operating and maintenance funds in an amount sufficient to cover the costs of operations, maintenance, and overhead of processing recyclable materials at the installation (including the cost of any equipment purchased for recycling purposes). For additional guidance refer to Title 10 USC 2577 and 2805 (Qualifying Recycling Program).

5. Abandoned Motor Vehicles/Towing at Owners Expense (TOE) program.

5.1. The TOE program is designed to reduce liability and cost of towing abandoned vehicles by arranging a program with local towing companies to tow vehicles from Charleston Air Force Base at the owner's expense.

5.2. The OPR for the program will be Security Police Investigations (SPOI). They will be responsible for contacting all towing companies and equitably distributing calls for service among them. In addition, they will be responsible for accurate, legal identification of vehicles as abandoned and all proper documentation required prior to and at the time of towing.

5.2.1. Procedures for contacting towing companies is as follows:

5.2.1.1. The list identifying appropriate tow companies will be acquired from the South Carolina Highway Patrol. All companies listed will meet the standards established by the South Carolina Highway Patrol for towing vehicles. The Security Police Investigation section will contact the South Carolina Highway Patrol to insure the validity of the list.

5.2.1.2. The list will be maintained in the Security Police Investigation office.

5.3. Vehicles are suspected of being abandoned when one or more of the following circumstances exist:

5.3.1. The certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the Department of Revenue and Taxation.

5.3.2. The major parts have been removed so as to render the motor vehicle inoperable and incapable of passing inspection as required under existing standards.

5.3.3. Manufacturer's serial plates, motor vehicle identification numbers, license number plates and other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner.

5.3.4. The registered and legal owner of record disclaims ownership or releases his rights thereto.

5.4. When a vehicle is suspected of being abandoned, Security Police will issue DD Form 2504, Abandoned Vehicle Notice. The notice will be affixed to the windshield. If the owner does not contact the Security Police or move the vehicle within 72 hours, it will be considered abandoned and towed.

5.4.1. At the time of the notice, Security Police Investigations will conduct Air Force Law Enforcement Terminal System (AFLETS) check to ensure the vehicle is not stolen. SPOI will photograph the vehicle.

5.4.1.1. After three days from the notice, the vehicle will be towed by a civilian tow truck service to their storage lot. A DD Form 2506, Vehicle Impoundment Report, will be accomplished. The tow truck driver will receive one copy. The other copies will be maintained on file, along with an NCIC rip of the vehicle's license plate number and/or VIN number and a picture of the vehicle. These files will be maintained for at least one year from date of release to the tow truck company.

5.4.1.1.1. The tow company is responsible for any damage to the vehicle resulting from the tow, and notifying the rightful owner of final disposition of the vehicle if not claimed within 30 days. If an owner claims the vehicle, the owner will be responsible for the towing and storage charges.

6. Impoundment Procedures for Vehicles Carrying Contraband.

6.1. Whenever a vehicle operated by a person subject to the UCMJ is on Charleston AFB and found to contain contraband such as a controlled substance, possession of which is punishable under the UCMJ, it shall be seized and impounded as evidence by OSI/SPOI. For this purpose, possession of contraband as defined in 49 U.S.C. 781 is considered punishable under Articles 92, 112a, or 134 of the UCMJ. Vehicles operated by persons not subject to the UCMJ may not be impounded pursuant to the regulation. Any such vehicle seized will be processed in accordance with local procedures established by the commander and released to civilian authorities.

6.2. Immediately after the seizure, the vehicle and its contents shall be inventoried by OSI/SPOI and removed to a secure area. Personal property which is not contraband or evidence, or is not being used

to facilitate the transportation of contraband, will be released after being inventoried and receipted for by the owner. All related reports and/or documentation will be accomplished by OSI/SPOI.

6.2.1. Evidence. Vehicles seized and impounded for carrying contraband may only be properly retained in Air Force custody for evidentiary purposes. Release or continued retention of any vehicle seized for carrying contraband shall be determined by OSI/SPOI, Staff Judge Advocate, and the FBI.

6.2.2. Forfeitures. Retention of any vehicle seized by the Air Force solely for federal forfeiture proceedings for carrying contraband articles is not authorized. However, if the appropriate conditions exist such vehicles may be "adopted" for certain federal agencies to support an agency request for forfeiture. If a sufficient amount of contraband drugs are seized and/or if the owner of the vehicle is a substantial drug violator, this may warrant "adoption." If circumstances supporting "adoption" are present, the appropriate federal agency will be notified immediately, advised of the facts surrounding the seizure, and informed of such vehicles. Such notification will be coordinated through the Staff Judge Advocate (SJA) by OSI/SPOI.

6.3. Unless it is determined the vehicle should be released as provided in paragraph 6.1. above, notice of impoundment will be mailed to:

6.3.1. The registered owner (s) of the vehicle.

6.3.2. Any known lien holder having security interest in the vehicle.

LARRY A. TURNER, Colonel, USAF
Commander, 437th Support Group