

REPOSESSION OF VEHICLES

Quinsigamond Community College Police Department POLICY & PROCEDURE NO. 7.25 COMMUNITY INVOLVEMENT	ISSUE DATE: 26 April 2024
	EFFECTIVE DATE: 26 April 2024
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: N/A	REVISION: N/A NEXT REVIEW: April 2025

I. GENERAL CONSIDERATIONS AND GUIDELINES

Massachusetts General Law Chapter 255B § 20C has a provision within a retail contract. This provision allows a creditor under a consumer credit transaction to take possession of property without a prior hearing (no notice required). This is allowed only if the debtor is in default by failing to make agreed upon payments.

According to the law, any creditor obtaining possession of a motor vehicle shall, within one hour after obtaining such possession, notify the police department in a city or town in which such possession occurred. The creditor must give description of the motor vehicle.

Quinsigamond Community is not a city or town but located in the city of Worcester. The creditor must notify the city within one hour after. However, QCC is not under that obligation as the property is state controlled. As Worcester will be notified, QCC is uniquely semi-private property. It is well established through the College's ability to trespass individuals from campus grounds. Therefore QCC reserves the right to modify the rule of notice as part of granting permission to be on campus.

The creditors use a "repossession agent". The agent is not allowed to go onto property owned or rented, unless allowed. Further the agent is not allowed to use force or threats when repossessing vehicle. In general agents are allowed on public property as long as they do not breach the peace. If they enter QCC they are subject to College policies as invitees to the campus.

II. POLICY

It is the policy of this department to grant permission to repossession agents as long as they follow QCCPD protocol. If not, then repossession agents are subject to being charged with trespassing and/or larceny of a motor vehicle.

III. PROCEDURES

A. Repossession Agent (Tow Company)

1. Fax or Contact QCC PD one hour prior to arrival on campus.
 - a) QCC PD will be present to keep the peace and ensure there is no use of force or threats.
2. Receive permission from the shift sergeant or senior officer on duty prior to towing any vehicle.
3. Shall allow the removal of all personal belongings of operator of the vehicle to be repossessed.

B. Supervisor Responsibilities

1. Ensure that an entry is made into IMC records management system.
 - a. If repossessed or attempt made to repossess.
 - b. Notify operator of vehicle in order to retrieve personal items and to make transportation arrangements if necessary.