



## LAGUNA BEACH POLICE DEPARTMENT TRAINING BULLETIN # 21-02

### **Storage of Personal Property in Public Areas**

This training bulletin identifies the procedure that should be followed when identifying and collecting abandoned property from public areas, including but not limited to city beaches and parks.

#### **LBMC 8.32.040 STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS PROHIBITED.**

*(a) It shall be unlawful and a public nuisance for any person to Store Personal Property in any Public Area, except as otherwise approved in writing by the Chief of Police, the Community Development Director, or by resolution of the City Council. Personal Property Stored in Public Areas in violation of this section shall be impounded pursuant to Sections 8.32.050 through 8.32.050 of this Chapter.*

*(b) Any Personal Property left in any park or beach at the time it is closed to the public, whether or not the Personal Property is unattended, shall be immediately impounded, pursuant to the provisions of Sections 8.32.050 through 8.32.060 of this Chapter.*

When personal property is found stored in any public area in violation of LBMC 8.32.040, officers should make an effort to identify the property owner and take the following action.

If the property owner is located:

1. The property owner should be given verbal notice about the violation of LBMC 8.32.040 and encouraged to remove the stored property.
2. Give the property owner a property tag documenting the date and time of the notification and the location of the stored property.
3. Advise the owner that if the property is found in the same location 24-hours later or upon closing (may be less than 24-hours, such as a library, park, or beach), the property will be impounded.

If the property owner is not located (presumed abandoned):

1. Complete a property tag. Record the date, time, and location where the stored property was found, as well as the date and time the property will be impounded if not removed.
2. Affix the property tag with tape, zip tie, etc., to the stored property and take a photo.
3. Provide the information to a COO Team member for follow-up if needed.



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- Stored personal property may be impounded without notice if there is a reasonable belief that it is abandoned, presents an immediate threat to public health or safety, evidence of a crime, evidence in a criminal investigation, contraband, or entirely blocks a pedestrian walkway or entry to a facility.
- Abandoned property left behind after closing (library, park, beach) does not require a 24-hour tag and should be impounded immediately.
- "Abandoned Personal Property" means personal property to which the owner surrenders, relinquishes, or disclaims all right, title, claim, and possession, with the intention of not reclaiming it or resuming its ownership, possession, or enjoyment. Indicia of abandoned personal property shall include, but not be limited to, the act of leaving the personal property in a public area so that it may be appropriated by the next comer.

#### **IMPOUNDING PROPERTY**

1. Return 24-hours after the tag date/time or after closing (beach, park, etc.) and photograph the property again before collecting.
  2. Items that are wet, soiled, moldy, filthy, sullied, perishable, open consumables, recyclable waste, of a foul odor, could be used as bedding material, could be infested with insects or other contagions, or belonging to someone suspected of having a contagious skin disease, should be disposed of to protect the public and prevent contamination of the property storage facility. *Cal. Civil Code 2080.10*
  3. All remaining property shall be impounded and placed inside clear plastic bags (available in the sally port).
  4. Obtain a DR# and write it on the bottom portion (receipt) of the property tag. Tear off the property tag receipt and take a photo of it in the location where the property was collected.
  5. Deliver the abandoned property to (TBD) and send DR# and photographs to a COO team.
- The use of a personal body camera will suffice for photographs.



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#### **8.32.050 CHIEF OF POLICE TO RECEIVE STORED PERSONAL PROPERTY.**

*The Chief of Police is authorized to impound Personal Property pursuant to the provisions of Sections 11.10.040 through 11.10.160 and shall make provisions for the receipt and safekeeping of Personal Property coming into his or her possession pursuant to this Chapter. A receipt shall be issued to the person delivering such Personal Property unless the Personal Property was found in the course of employment by an employee of the City. The Chief of Police shall notify the owner of the Personal Property if his or her identity is reasonably ascertainable, or, if the identity of the owner is not reasonably ascertainable, cause a notice to be left in a prominent place on or near the location of the Personal Property for any Personal Property impounded pursuant to Section 11.10.040, advising that the Chief of Police is in possession of the Personal Property and the location where it may be claimed. (Ord. 6290 § 1 (part); November 5, 2013.)*

#### **8.32.060 NOTICE PRIOR TO IMPOUNDMENT.**

*(a) Stored Personal Property may be impounded without notice if there is a reasonable belief that it is abandoned, presents an immediate threat to public health or safety, is evidence of a crime, is evidence in a criminal investigation, or is contraband.*

*(b) The City may erect signs in Public Areas stating that any Personal Property Stored in those areas will be impounded. Those signs shall serve to provide the notice required by this Section 8.32.060.*

*(c) If neither subsection "a" nor subsection "b" apply, Personal Property unlawfully Stored in Public Areas shall be impounded only after notice is left at or near the location of the Personal Property advising that the Personal Property will be impounded if it is not removed. This notice will specify a time when the Personal Property will be impounded if it is not removed, which shall be at least twenty-four (24) hours after the notice is left.*

#### **8.32.070 NOTICE UPON IMPOUNDMENT.**

*If, after any notice required by Section 8.32.060 is given, Personal Property remains unlawfully Stored in a Public Area, that Personal Property may be impounded. The person impounding the Personal Property shall leave a notice in a conspicuous place at or near where the Personal Property was located prior to being impounded, advising where the Personal Property is being kept and when and where it may be claimed by its owner.*