



UPDATE - Vehicle Marking for Parking Citations

Taylor v. City of Saginaw, MI (6th Circuit) determined it was a violation of the 4th Amendment to mark a vehicle's tires in any fashion when enforcing parking regulations. Due to this ruling, OCSD released Bulletin No. 19-06 on April 30th, 2019. Patrol Operations Manual (POM) Section 47(C)(1) was also updated to reflect best practices.

Recently, the 9th Circuit determined tire chalking was not a constitutional violation of a citizen's 4th Amendment rights under the "Administrative Search Exception" (*Verdin v. City of San Diego, CA*) and that municipalities are not required to obtain warrants when gathering evidence to determine if the vehicle in question was in violation of the municipality's parking regulations.

Effective immediately, this bulletin reverses Bulletin No. 19-06. Field personnel initiating a parking enforcement investigation are once again permitted to place chalk or crayon on the tire itself and a rock on top to determine if the vehicle has been moved during the 72-hour timeframe. ***You continue to have the option of marking the location (front and back) of at least one tire with chalk on the asphalt or ground.***

POM 47(C)(1) will be updated to reflect the 9th Circuit's decision. Until such time that it is, field personnel can refer to this Bulletin for guidance and adhere to the following:

Upon receipt of a 72-hour violation call or observation of a possible violation, the deputy or CSO will check the vehicle for stolen by running the VIN and license plate. If it's not stolen, PLAINLY MARK the vehicle in some manner (chalk or crayon on a tire plus a rock on top of a tire are the most common methods). You also have the option of marking the location (front and back) of at least one tire with chalk on the asphalt or ground. If in a residential area and the hour is appropriate, try to talk to the resident where the vehicle is parked. Often, advising the vehicle owner of the violation will take care of the problem. If unable to contact the owner, a Sheriff's Warning Notice will be CONSPICUOUSLY AFFIXED to the vehicle.

