

Milton Police Department

*Monthly Report
To
Mayor & Town Council*



“Pride & Integrity”

June 21, – July 20, 2008

Respectfully Submitted By:

*William E. Phillips
Chief of Police*

MILTON POLICE DEPARTMENT

PRIDE



INTEGRITY

Chief William E. Phillips

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August 4, 2008

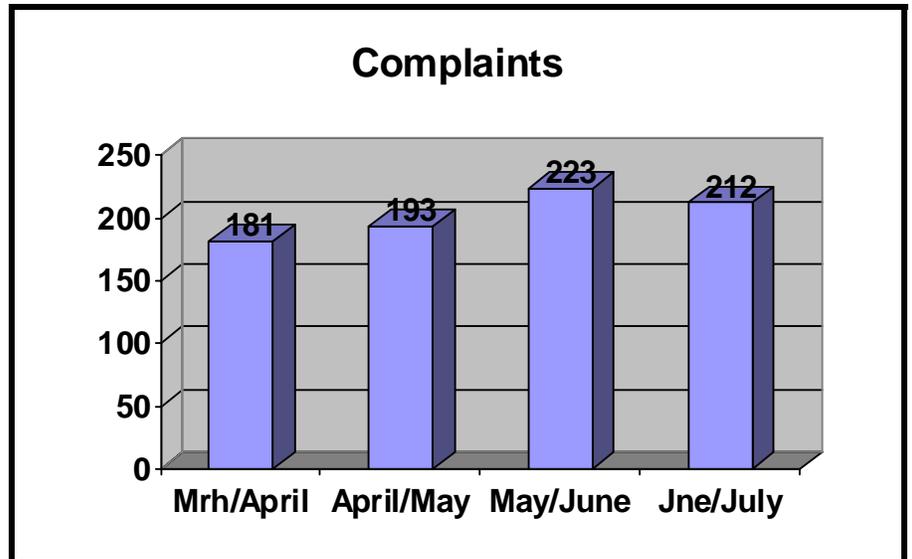
The Honorable Don Post, Mayor
Members of Milton Town Council
Town Hall
Milton, DE 19968

Mayor Post and Council Members:

The following is the report on police department activities from June 21 – July 20, 2008.

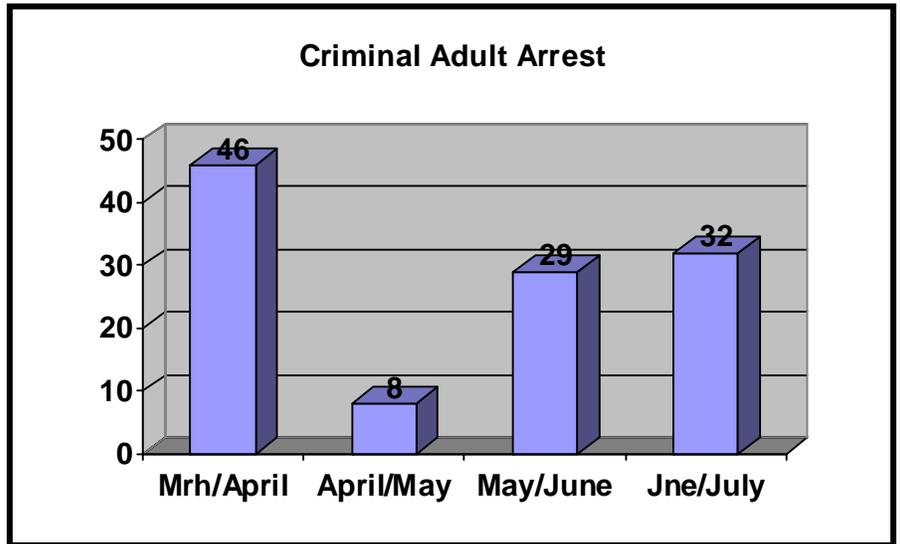
Complaints

Total complaints received
from **June 21 – July 20,**
2008 numbered 212.



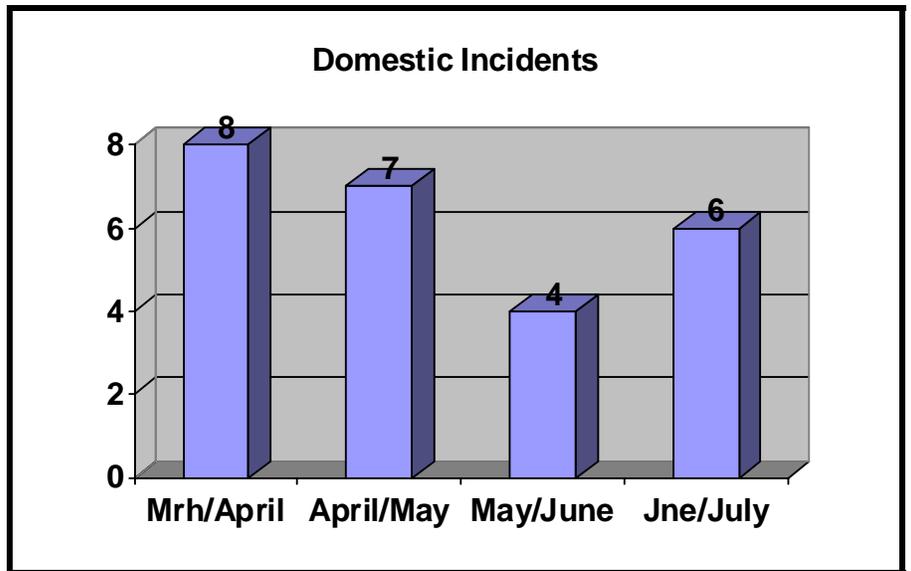
Criminal Arrests

Total criminal arrests from **June 21 – July 20, 2008** numbered 32.



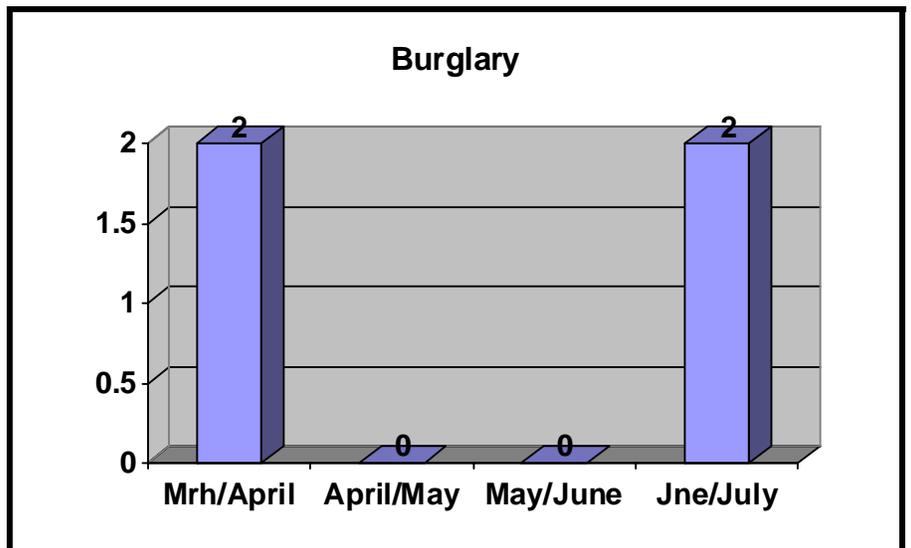
Domestic Incidents

Total domestic incidents from **June 21 – July 20, 2008** numbered 6.



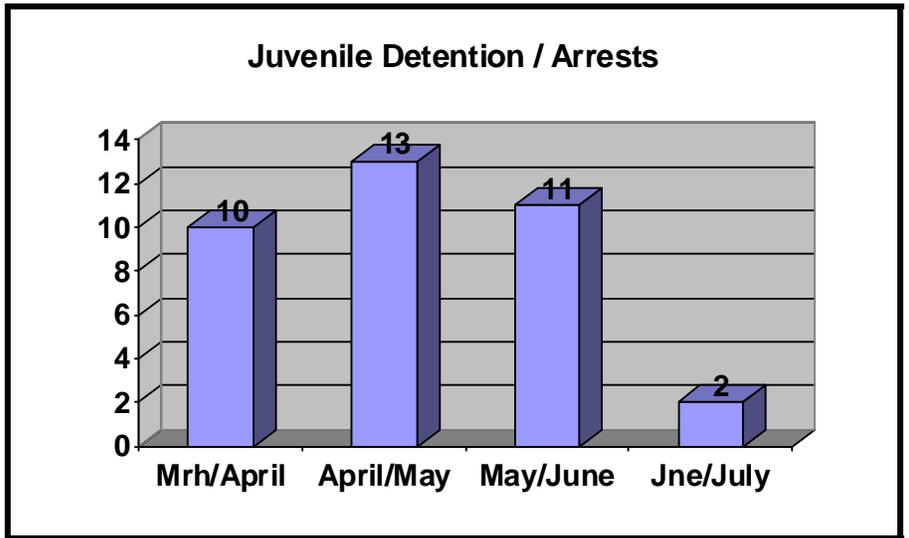
Burglary

Total Burglaries from **June 21 – July 20, 2008** numbered 2.



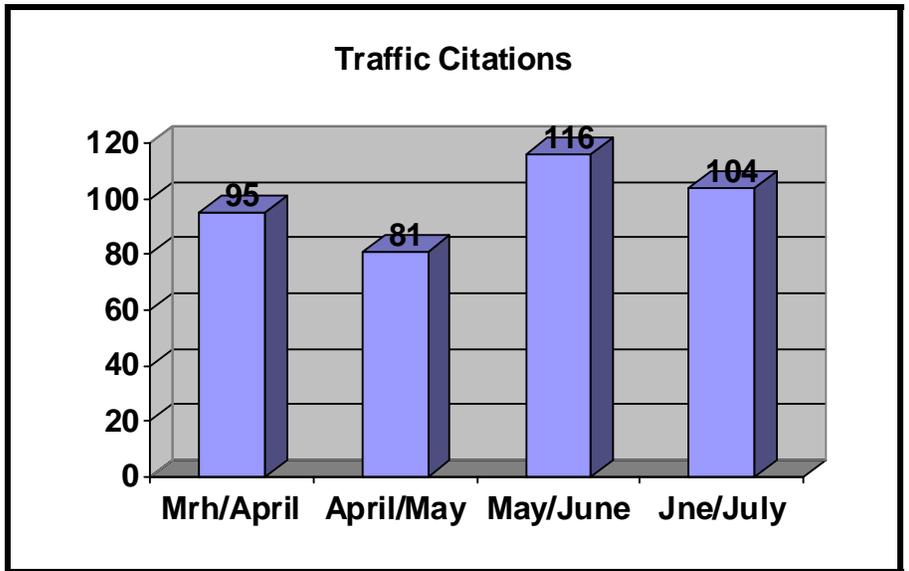
Juvenile Detention / Arrests

Total juvenile detention / criminal arrests from **June 21 – July 20, 2008** numbered 2.



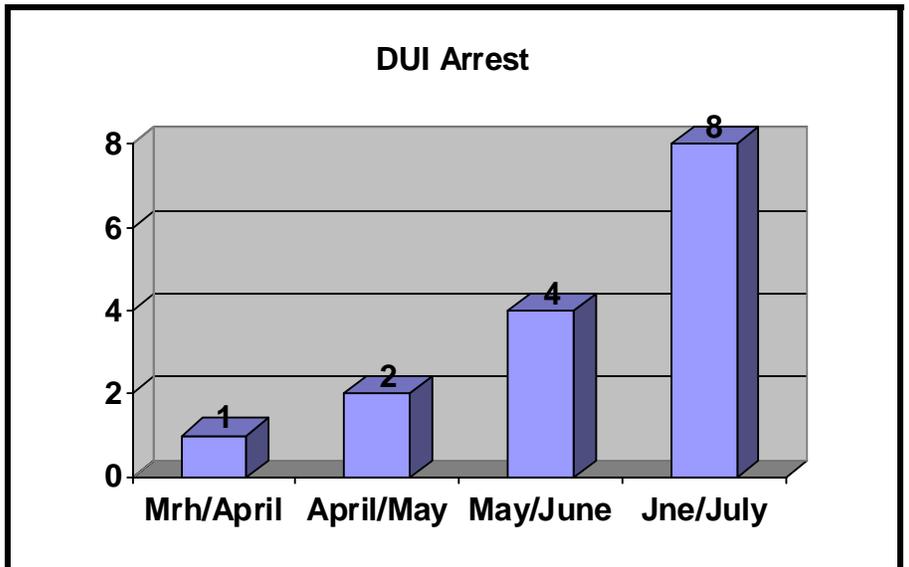
Traffic Citations

The total traffic citations issued from **June 21 – July 20, 2008** numbered 104.



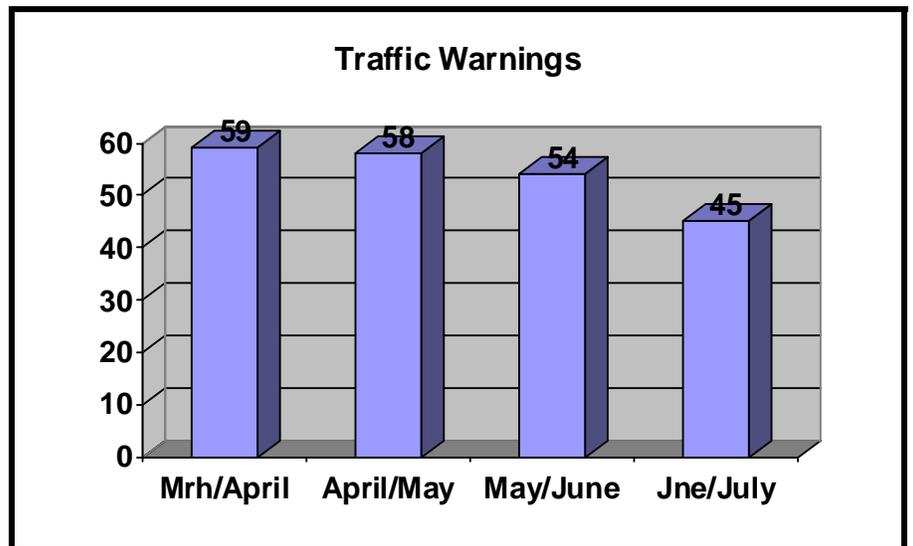
DUI Arrests

The department made 8 DUI arrests from **June 21 – July 20, 2008**.



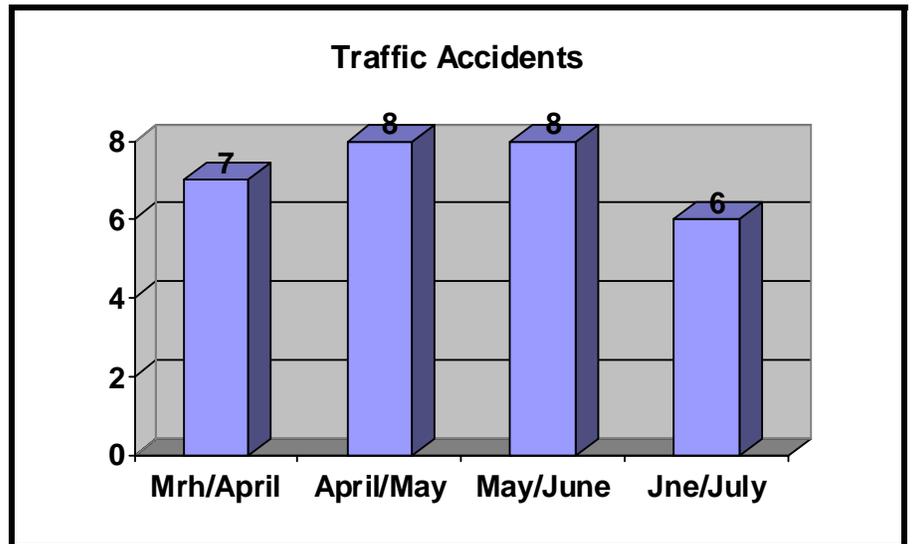
Traffic Warnings

The total traffic warnings issued from **June 21 – July 20, 2008** number 45.



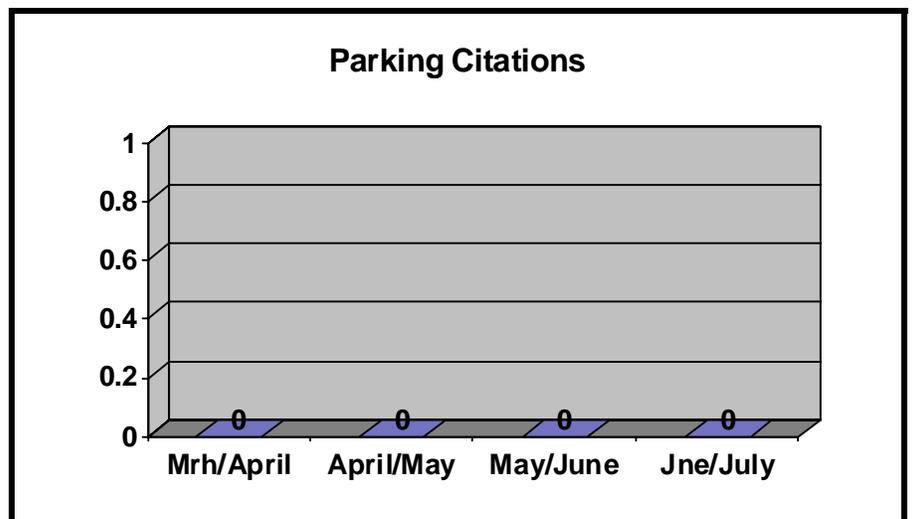
Traffic Accidents

From **June 21 – July 20, 2008** police investigated 6 traffic accidents.



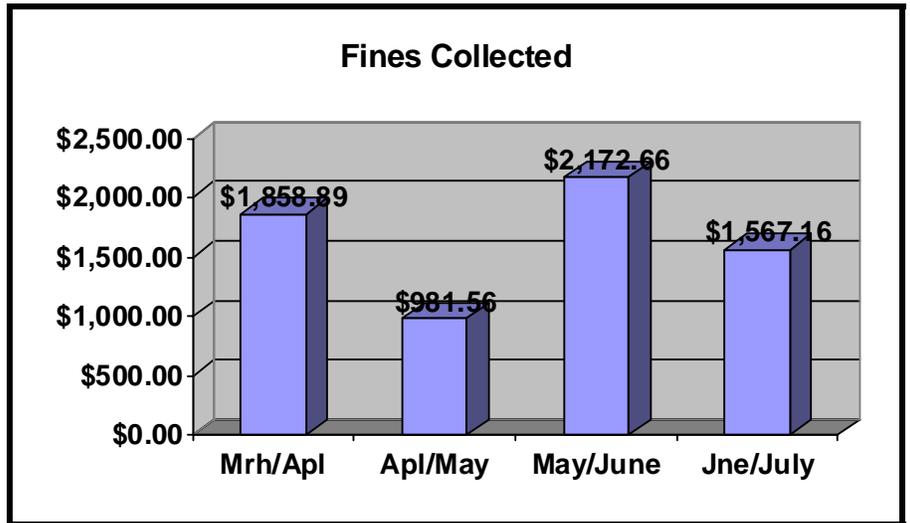
Parking Citations

The department issued 0 parking citations from **June 21 – July 20, 2008**.



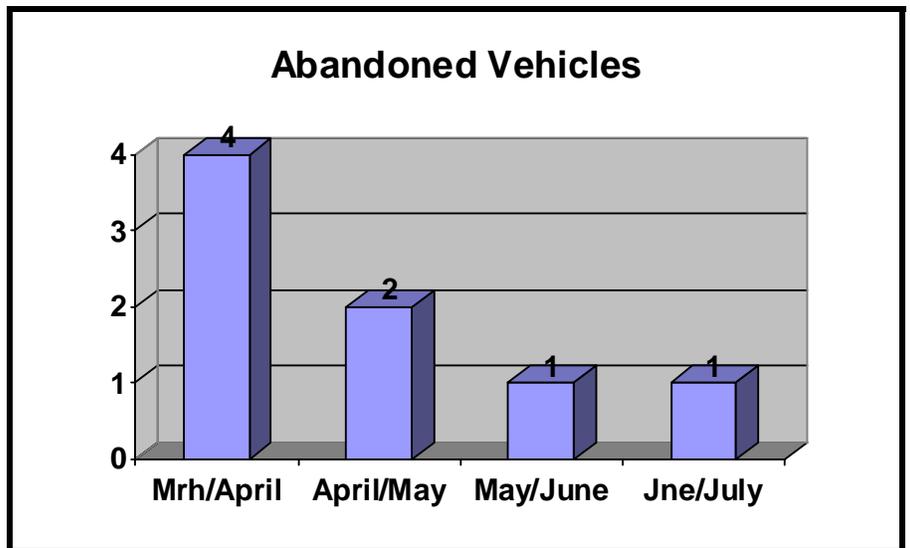
Fines Collected

From **June 21 – July 20, 2008** police have received \$1,567.16 in fines.



Abandoned Vehicles

From **June 21 – July 20, 2008** police have issued 1 abandoned vehicle notices.



The Milton Police Department is striving to better meet the needs of our community and would like to hear from its residents. Please take a moment and send us your questions, concerns, comments and ideas. Milton Police Department, 101 Federal Street, Milton, DE 19968 302-684-8547 or visit our new website www.ci.milton.de.us and click on the link to the police department and send an officer an email. Please check out the Town's website and click on the link to the Police Department and click on the link to view local sex offenders within the state of Delaware.

Office of Highway Safety



6 MINUTES EARLY? OR 6 FEET UNDER?

25% of all fatal crashes are speed-related in Delaware. Wouldn't you rather arrive safely instead of not at all? Officers state wide are on the lookout to make sure you do.

Stop Speeding Before It Stops You



Stop Aggressive Driving Campaign

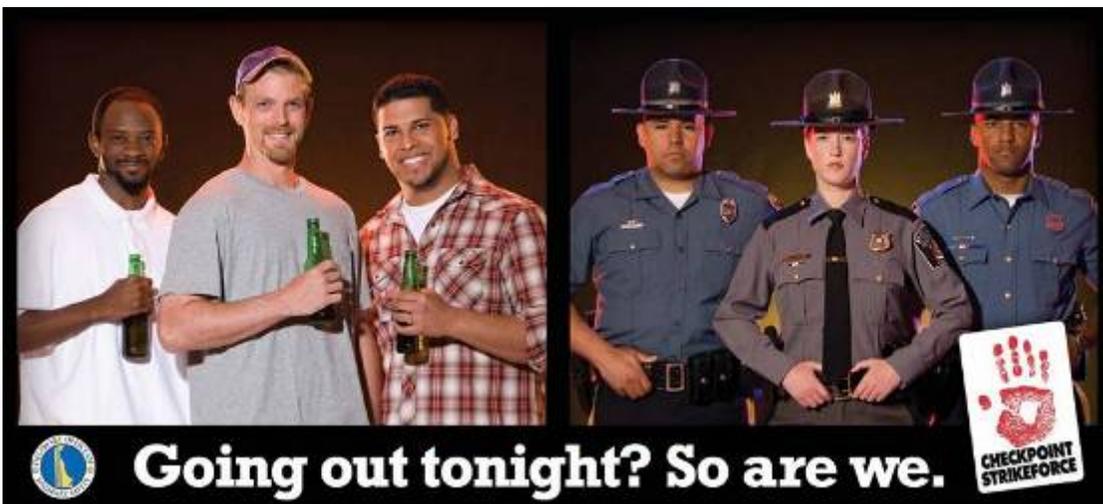
Office of Highway Safety launched the 2008 **“Stop Aggressive Driving” Campaign** in July. This year's campaign has a new focus...speed enforcement. In 2007, 62% of Delaware's fatal crashes were caused by aggressive driving behaviors, with speed being the most frequently cited violation. Nationally, nearly 13,500 people died in speed-related crashes in 2006.

With this in mind, Office of Highway Safety decided to change its strategy and focus on preventing speed related fatal crashes and injuries instead of those crashes attributed to aggressive driving in general. However, in addition to speeders, officers are still arresting other dangerous drivers such as those who run red lights, or are impaired by drugs and or alcohol.

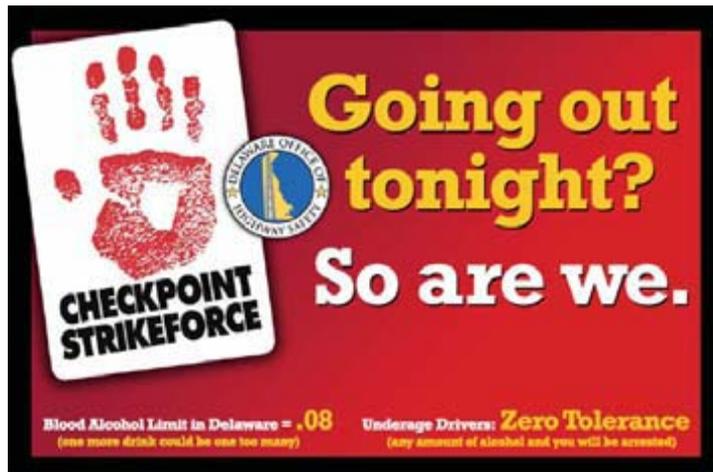
Our message: Stop Speeding Before it Stops You! - OHS is putting additional officers on the road in all three counties to crack down on speeding drivers. Enforcement will be conducted statewide by the Delaware State Police, as well as Dover Police in Kent County, and Wilmington and New Castle County Police in the northern part of the state. While there will be some enforcement on I - 95 and Route 1, drivers are more likely to see officers on secondary roads, where crash data shows that most of the speed related fatal and injury crashes occur.

To complement the enforcement initiative, a multi-faceted media campaign focusing on how much speeding can cost you will be implemented. In addition to the potential for loss of life, **speeding will cost you money from citations, higher insurance costs from points on your license, and more money for gas.** According to the Department of Energy, aggressive driving (speeding, rapid acceleration and braking) can lower gas mileage by 33 percent at highway speeds and 5 percent around town. The agency also estimates that, as a rule of thumb, drivers can assume that each 5 mph they drive above 60 mph is like paying an additional \$0.20 per gallon for gas.

Motorists are encouraged to report aggressive drivers: You can make a difference. Call 911 to report aggressive drivers. Please provide as much information to dispatchers as possible, while keeping personal safety in mind. Callers should try to provide a description of the vehicle (color, SUV vs sedan, make or model if possible), the direction of travel, and if they can safely read it...the license plate. The safest thing to do is to pull over to make the call on your cell phone if possible, or have another caller do it for you. If its not possible then dial cautiously to report the aggressive driver. Dispatchers will broadcast a Be On the Lookout message to officers in that area who will attempt to make contact with the aggressive driver.



Checkpoint Strikeforce is a year round, multi-state crackdown on impaired drivers. The goal of this regional sobriety checkpoint campaign is to deter people from driving while under the influence of alcohol, and arrest DUI offenders on Delaware roadways. Every week between July 4th and New Year's Eve there will be at least one DUI checkpoint somewhere in the state of Delaware. Then from January through June- DUI checkpoints are conducted monthly. The states of Delaware, Maryland, Virginia, West Virginia and the District of Columbia make up Region III of the National Highway Traffic Safety Administration (NHTSA) and are committed to preventing impaired driving no matter where motorists travel in our multi-state area.



2008 Delaware DUI Fact Sheet

- ★ In 2007, 53 of 118 traffic deaths (45%) were alcohol-related.
- ★ Nearly 6,000 people were arrested for DUI in Delaware in 2006
- ★ Most alcohol-related fatal crashes in Delaware occur between 8 p.m. and 4 a.m. on Friday and Saturday nights.
- ★ In Delaware, the average DUI offender is a white male, between the ages of 29 – 34. Males 25 – 29 are most likely to be involved in a DUI crash.
- ★ 52% of alcohol-related deaths in 2007 occurred in NcCo, 15% in Kent, and 32% in Sussex.
- ★ Nationally in 2004, approximately 15,000 people died in alcohol-related crashes.
- ★ First time offenders account for 70% of all Delaware's DUI arrests

Penalties:

- ★ 1st offense – revoked license between 3 months and 1 year, \$230-1150 in fines, up to 6 months in jail
- ★ 8 weeks of mandatory DUI treatment classes with drug testing (\$300 - \$700)
- ★ Ignition Interlock device if applicable – a minimum of \$480
- ★ Increased insurance rates
- ★ A criminal record
- ★ Attorney's fees (average \$2,000) plus time off work for court appearances

12 Arrested for DUI Over Weekend

First month of campaign nets 79 arrests overall

Dover – Delaware Law enforcement officers arrested 12 individuals for Driving Under the Influence (DUI) of alcohol over the weekend. This brings the total number of people arrested for DUI during the first month of the 2008 “Checkpoint Strikeforce” campaign to 79. The arrests are 17 fewer than were made during the first month of the 2007 campaign. Office of Highway Safety officials are hopeful that this indicates more people are choosing to use designated drivers when they go out.

“We are hopeful that more people are choosing to celebrate responsibly,” said Lisa Shaw, Impaired Driving Program Coordinator. “We believe that awareness of both our enforcement efforts and the dangers of drinking and driving are higher than ever before.”

Four sobriety checkpoints were conducted last weekend (July 18-19). Participating agencies included the Georgetown Police Department, the Millsboro Police Department, the New Castle County DUI Task Force and the Smyrna and Clayton Police Departments working jointly.

In addition to the 12 DUI arrests, officers issued one citation for an underage drinking violation, apprehended 6 wanted individuals, made 5 drug arrests, 5 felony arrests, and issued 13 seat belt citations for unbuckled drivers and / or passenger and 5 child restraint citations. Officers also issued 67 citations for various other traffic violations.

For the coming weekend (July 25-26) five sobriety checkpoints are scheduled:

Friday, July 25 – Wilmington (NcCo DUI Task Force)
New Castle (DSP Troop 2)
Seaford / Laurel (Seaford & Laurel Police joint checkpoint)
Saturday, July 26 – Dover (Dover Police)
Rehoboth Beach (DSP Troop 7)

For weekly and ongoing campaign statistical updates please visit our website at www.ohs.delaware.gov and click on the *Checkpoint Strikeforce* icon in the center of the page.

No in its seventh year, “Checkpoint Strikeforce” in a multi-state crackdown on impaired drivers coordinated locally by the Delaware Office of Highway Safety. Participating law enforcement agencies are conducting weekly DUI checkpoints through New Year’s Eve, and monthly checkpoints in the spring, all with the goal of at deterring impaired drivers and arresting DUI offenders.

“*Checkpoint Strikeforce*” is also one of the three major safety initiatives under the “120 Days of Summer HEAT” campaign targeting violators of Delaware’s traffic laws. Traffic deaths kill and injre Delawareans nearly twice as often as violent crimes.

Checkpoint Activity	Weekly Totals	Running Totals	2007 Totals
# of checkpoints conducted	4	17	114
DUI Arrests	12	79	665
Child Restraint Arrests	5	14	131
Other Traffic Arrests	67	324	3012
Wanted Person Apprehensions	6	28	170
Stolen Vehicles Recovered	0	0	10
Drug Arrests	5	34	241
Seat Belt Arrests	13	53	546
Underage Arrests	1	12	118
Felony Arrests	5	19	157

Press Release

Milton Police on June 24, 2008 arrested John D. Barto, 30, of Rehoboth Beach DE for Theft (F), Bad Check (F) and being a Local Fugitive.

Milton Police investigated a complaint on May 21, 2008 at an area business where Barto had written a check for \$1,335.70 for merchandise back in July of 2007. Barto failed to make the check good which had come back NSF. The business contacted Milton Police and a warrant was obtained for Barto.

Milton Police took Barto into custody without incident and he was processed then released to DSP Troop 3 for similar charges.

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Milton Police took Barto into custody without incident and he was processed then released to DSP Troop 3 for similar charges. Milton Police on June 24, 2008 arrested Robert S. Strong, 57, homeless, for Disorderly Conduct and Drunk on Roadway.

Milton Police responded to the fishing pier on the Broadkill River off of Mulberry St near the spillway for a disorderly person who was intoxicated. Milton Police located Strong on the roadway headed n/b on Mulberry St from the fishing pier. Strong was disorderly and taken into custody without incident.

Milton Police processed Strong and he was arraigned via video with Justice of the Peace Court 2 and committed to SCCI in default of \$500.00 secured bond pending later court date.

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Milton Police responded to the fishing pier on the Broadkill River off of Mulberry Street near the spillway for a disorderly person who was intoxicated.

Milton Police located Strong on the roadway headed northbound on Mulberry Street from the fishing pier. Strong was disorderly and was taken into custody without incident.

Milton Police Processed Strong and he was arraigned via video with Justice of the Peace Court 2 and committed to Sussex County Correctional Institute in default of \$500.00 secured bond pending a later court date.

Milton Police on June 26, 2008 arrested Angel Martinez, 64, of Georgetown, DE for Criminal Contempt of a Protection From Abuse order.

Milton Police responded to a violation of a PFA on June 21, 2008 when Martinez rode past the residence turned around and stopped and said hello to his estranged spouse. Martinez was ordered to stay away 100 yards from his spouse and have no direct or indirect contact with her according to the PFA.

Milton Police obtained a warrant for the arrest of Martinez and he turned himself into Milton Police Department on June 26, 2008. Martinez was processed and arraigned via video with Justice of the Peace Court 2. Martinez was released on \$500.00 unsecured bond pending a later court date and to have no further contact with the victim.

Milton Police on June 29, 2008 arrested a 13 year old male of Milton De for Theft (f) Victim over 62 yrs of age.

Milton Police responded to a reported theft involving a 13 year old stealing U.S. Currency and cigarettes from his grandmother. Milton Police learned that the 13 year old had stolen the U.S. Currency and cigarettes from his grandmother's purse. The U.S. Currency and cigarettes were recovered. The grandmother wanted to prosecute because of the 13 year olds history of stealing.

Milton Police processed and video arraigned the 13 year old and he was released to his mother pending Family Court.

Milton Police on July 2, 2008 arrested Lorenzo F. Kellam, 20, of Seaford, DE for Assault 3rd, Resisting Arrest, Criminal Impersonation, Underage Possession/Consumption of Alcohol, Inattentive Driving, Leaving Scene of an Accident, Failure to Report an Accident, Driving while Suspended, No Insurance in Possession, No Registration in Possession and local fugitive.

Milton Police responded to a black male assaulting a black female at the Food Lion Shopping Center. Kellam had left the scene on foot & was stopped by Milton Police. Kellam ran from Milton Police and was caught a short time later. Kellam gave a false name to Milton Police. Kellam had punched the female in the face several times causing a laceration to the mouth.

Milton Police had warrants on file for Kellam involving a vehicle crash that had happened on June 13, 2008 where he fled the scene of the accident.

Milton Police learned that Kellam was wanted by Delaware State Police Troop 4 on unrelated charges. Milton Police processed Kellam & he was video arraigned by Justice of the Peace Court 2 to be committed to SCCI pending later court date. Kellam was turned over to DSP Troop 4.

Milton Police on July 7, 2008 arrested Benjamin Holloway, 50, of Ellendale, DE for Forgery 2nd (F), Criminal Impersonation, Possession of Non-Controlled Prescription Drug, Traffic Violation, Local Fugitive.

Milton Police stopped Holloway for an equipment violation on SR 16 w/o Mulberry St. Holloway when contacted by Milton Police used a different name than his own. Holloway signed the summons with the name that he was portraying to be at the time.

The Officer was able to confirm that Holloway had given a false name and he was taken into custody without incident. Holloway had possession of non-controlled prescription drugs. Holloway was wanted by Milford PD.

Holloway was processed then video arraigned at Milton PD and released on unsecured bond pending a later court date. Milton PD turned Holloway over to Milford PD.

Milton Police on July 7, 2008 arrested Bobby G. Foreman, 43, of Milton DE for Home Improvement Fraud, Theft by False Pretense.

Milton Police on May 27, 2008 were contacted in regards to a possible Home Improvement Fraud. Milton Police learned that Foreman had taken money on a roofing job and did not show up to start the job.

Foreman had not started the job as of the dates for additional payments and completion according to the contract.

Milton Police contacted the Attorney Generals Office and then obtained a warrant for the arrest of Foreman.

Foreman turned himself into Milton Police on July 7, 2008 and he was processed then video arraigned with Justice of the Peace Court 2. Foreman was released on \$1,000.00 unsecured bond pending Preliminary Hearing at CCP.

Milton Police on July 10, 2008 arrested Virgil D. Heath, 27, of Greenwood, DE for Criminal Trespass 3rd, Local Fugitive.

Milton Police had responded to an apartment complex to serve a warrant and while doing so located Heath inside of the apartment of the wanted person.

Milton Police were present when Heath was served notice by the apartment complex management that he was no longer allowed on the property.

Milton Police took Heath into custody without incident. Milton Police processed and arraigned Heath. Heath was released on \$100.00 unsecured bond for the criminal trespass. Heath was committed to SCCI on a capias in default of \$123.00 cash bond pending later court date.

Milton Police on July 10, 2008 arrested Selena M. Hilliard, 27, of Milton, DE for Possession of Drug Paraphernalia, Possession of Marijuana, Hindering Prosecution.

Milton Police on May 29, 2008 had responded to Hilliard's apt looking for a wanted person. Hilliard advised that the person was not at her residence. Hilliard a short time later agreed to let Police look inside of the apartment. Milton Police located the person hiding in the shower. Milton Police had also located marijuana and drug paraphernalia. Milton Police obtained warrants for Hilliard to be arrested at a later date.

Hilliard was processed then video arraigned and released on \$1,250.00 unsecured bond pending later court date.

Milton Police on July 16, 2008 arrested Roger Harrison, 55, of Milton, DE for Harassment and Disorderly Conduct.

Milton Police were contacted by Harrison's ex-girlfriend on July 15, 2008 in regards to a domestic. Milton Police learned that the victim had told Harrison to leave her alone and left a message for Harrison to leave her alone.

Milton Police learned the Harrison observed the victim walking and followed the victim while yelling at the victim and would not leave the victim alone.

Milton Police obtained a warrant for the arrest of Harrison and on July 16th took Harrison into custody. Milton Police processed Harrison and he was processed then arraigned. Harrison was released pending a later court date with no contact with the victim.

Milton Police on July 17, 2008 arrested Wenceslao A. Fisher, 28, of Milton, De for Offensive Touching, Criminal Mischief, Endangering the Welfare of a Child.

Milton Police responded to a domestic involving Wenceslao and his girlfriend. Milton Police upon arrival contacted the victim. Milton Police learned that the victim and Wenceslao had been involved in a verbal domestic.

The victim was calling a family member when Wenceslao grabbed the victim by the arm and took the phone. Wenceslao then grabbed their 8 month old child and tried to leave the residence. Wenceslao then tried to lock himself and the child in a bathroom.

The victim was able to get her daughter and Wenceslao went outside. The victim locked the front door, locking Wenceslao outside. Wenceslao damaged the door front door making entry and then fled on foot.

Milton Police took Wenceslao to Milton Police Department and he was processed then video arraigned. Wenceslao was committed to SCCI in default of secured bond pending a later court date with no contact order with the victim and child.

Milton Police on July 17, 2008 arrested Lawrence Daley, 44, of Rehoboth Beach, DE for Theft by False Pretense.

Milton Police on June 23, 2008 were advised that Daley had a business power washing homes and had placed flyers out in the Cannery Village area. Milton Police learned that the victim called and set up date, and price for the power washing of her home. Milton Police learned that the victim placed a check for Daley at the residence for payment when the power washing was finished. The work was to be done on or about May 25th 2008.

Milton Police learned that Daley cashed the check on May 28th 2008 and the victim came to the house on May 31st and the house had not been power washed. Daley would not answer any calls from the victim. Daley did not repay the money to the victim and a warrant was obtained for Daley on June 23, 2008.

Daley was arrested on July 17, 2008 and processed then arraigned via video and released on \$500.00 unsecured bond pending a later court date.

Local Fugitive Arrest

Milton Police on June 23, 2008 arrested Alexis Marchiani, 26, of Milton, DE for being a Local Fugitive. Milton Police after running a computer check on a registration discovered that the owner of the vehicle was wanted on a capias from Justice of the Peace Court 2. Milton Police approached Marchiani the owner of the vehicle in the parking lot of a local business and confirmed her identity. Marchiani was taken to Justice of the Peace Court 2 where she took care of the charges through the court.

75-08-1104

Milton Police on July 13, 2008 arrested TAWAN MCEL RATH, 29, of Milton De for Local Fugitive. Milton Police stopped Mcelrath for a traffic violation and discovered that Mcelrath was wanted by Court of Common Pleas. Mcelrath had a friend pay the bond of \$83.00 and Mcelrath was released.

DUI Arrest

Milton Police on June 21, 2008 arrested Jose J. Citalan, 26 of Rehoboth Beach, DE for DUI, and Driving on the wrong side of the roadway.

Milton Police observed Citalan driving on Milton-Ellendale Hwy (SR16) at Mulberry Street and cross the double center line driving on the wrong side of the roadway.

Milton Police stopped Citalan and conducted field sobriety tests at the scene and then later tested Citalan at Milton Police Department on the intoxilyzer.

Citalan was released to a relative pending a later court date.

75-08-1090

Milton Police on June 27, 2008 arrested Carlos L. Sandoval-Ramirez, 25 of Georgetown, De for DUI, and Following Too Close.

Milton Police observed Sandoval-Ramirez following to close to a vehicle on Harbeson Road and stopped him. Milton Police tested Sandoval-Ramirez for possible DUI at the scene of the stop and then back at Milton Police Department. Sandoval-Ramirez was released pending a later court date.

75-08-1127

Milton Police on July 1, 2008 arrested John Fiorentino, 52 of Milton, DE for DUI, and expired registration and expired license.

Milton Police observed Fiorentino operating a vehicle with expired registration and stopped Fiorentino. Fiorentino was given tests then taken to Milton Police Department for further testing and then released pending later court date.

75-08-1157

Milton Police on July 1, 2008 arrested Cesar Enrique, 43 of Milton DE for DUI on a bike, and traveling wrong direction of roadway.

Milton Police observed Enrique operating a bicycle on Mulberry Street going the wrong direction in the travel lane. Milton Police stopped Enrique and discovered that he had been drinking alcoholic beverages. Enrique was given tests and issued a summons and released pending a later court date.

75-08-1158

Milton Police on July 4, 2008 arrested Robert Patrick 40, of Nottingham, PA for DUI, Fail to Use Headlights, and Fail to Yield Right of Way. Milton Police observed a red jeep southbound on Union Street Ext. at Rt. 16 without headlights activated. The jeep turned left in front of oncoming traffic almost causing a collision. Patrick was stopped and issued the Standardized Field Sobriety Tests. Patrick was taken into custody and after further testing issued summons to appear in Justice of the Peace Court 14 at a later date.

75-08-1184

Milton Police on July 5, 2008 arrested Angel M. Rodriguez, 42 of Milton, DE for DUI 4th Offense (F), Improper Lane Change, and Driving while Revoked.

Milton Police observed a white pick-up truck on Front Street cross the double center line into the opposing traffic lane three times and then again on Cave Neck Road. Milton Police stopped Rodriguez and was issued the Standardized Field Sobriety Tests and taken into custody. A check on Rodriguez's driving history revealed this to be his 4th DUI offense. Rodriguez was processed, arraigned, and committed to Sussex County Correctional Institute in default of \$11,000.00 secured bond pending a preliminary hearing at the Court of Common Pleas at a later date.

75-08-1186

Milton Police on July 10, 2008 arrested a 17 year old male juvenile of Milton DE for DUI Zero Tolerance, and Disregard a Stop Sign.

Milton Police observed a vehicle disregard a stop sign at Spinnaker Lane and Shipbuilder Blvd and stopped the vehicle. The operator a 17 yr old male was arrested for DUI Zero Tolerance and Disregard a Stop Sign then turned over to a parent pending a later date at Family Court.

75-08-1223

Milton Police on July 18, 2008 arrested Gregory Layton, 35, of Greenwood, DE for DUI and Speeding.

Milton Police observed a vehicle speeding on Milton-Ellendale Hwy then turned onto Mulberry Street and stopped Layton. Milton Police conducted tests at the stop and then brought Layton to Milton PD for further testing. Layton was given summons and then released pending a later court date.

The Milton Police Chief William E. Phillips has provided the information below to you for educational purposes.

§ 4401. Purpose; abandoned vehicles on private property or public highways; definition.

(a) The purpose of this chapter is to eliminate abandoned vehicles which tend to impede traffic in the streets or interfere with the enjoyment of, and reduce the value of, private property, to invite plundering, to create fire hazards and other safety and health hazards to children as well as to adults, to interfere with the comfort and well being of the public and to create, extend and aggravate urban blight.

(b) Any vehicle that is either (1) inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which major components have been removed, is in such a state of disrepair as to be incapable of being operated in the manner for which it is designed and is situated on private property appearing to have been abandoned; or (2) which is inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which the major components have been removed and which shall have been placed upon any State or public highway or property or the property or roads of any political subdivision or the State or public highways within a municipality or upon any express highway in the State for a period in excess of 12 hours without being removed, shall be considered to be abandoned for the purpose of this chapter, except:

(1) That vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this chapter;

(2) Those vehicles whose owners have properly parked and locked them and have notified the State Police, county police or municipal police, as the case may be, as designated in § 4402 of this title, that the owner desires to leave the vehicle so parked and secured for a period not to exceed 30 days, except that if during such period the vehicle is no longer secured, or, in the opinion of the State Police, county police or municipal police, has become a danger to the public, then the vehicle shall be subject to the provisions of this chapter.

(c) As used in this chapter, the term "express highway" or "state highway" or "public highway" shall include any portion of the highway located within the right-of-way lines or, in the case of limited access highway, the denial of access lines, including shoulders and median strip. (21 Del. C. 1953, § 4401; 55 Del. Laws, c. 173; 57 Del. Laws, c. 204; 57 Del. Laws, c. 713, § 1; 65 Del. Laws, c. 46, § 1; 74 Del. Laws, c. 60, §§ 1, 2, 3.)

§ 4402. Enforcement; removal of abandoned vehicles; transfer thereof.

(a) This chapter shall be enforced with respect to state or public highways or property within a municipality which maintains a police force by that police force. In all other instances, the State Police or the Department of Safety and Homeland Security (hereinafter "Department") shall enforce this chapter, except that, in New Castle County, the New Castle County Police shall have concurrent authority to enforce this chapter. New Castle County Code Enforcement Constables shall have concurrent authority to enforce the notice provisions of subsections (d) and (e) of this section. The

Department of Transportation shall have a limited role in causing vehicles to be removed from state or public highways, as stated herein.

(b) Upon the discovery of a vehicle on any state or public highway or property or the property or roads of any political subdivision or state or public highways within a municipality or upon any express highway in the State concerning which vehicle there are reasonable grounds to believe to be an abandoned vehicle, the State Police, county police or municipal police, as the case may be, shall post a notice at some conspicuous place on the vehicle, which shall direct that such vehicle be removed by a stated time and date (such time and date to be not less than 12 hours following the posting of such notice). If the vehicle is not removed within the time period designated by such notice, the abandoned vehicle shall be removed to a storage area designated by the Department or the State Police or its successor.

(c) In the event that a vehicle is abandoned on private property without the consent of the owner or occupant thereof, at the complaint of the property owner or occupant, such vehicle may be caused to be removed by the State Police, county police or municipal police, as the case may be, in the manner provided in this chapter, except that the posting required in subsection (b) of this section may be omitted.

(d) If an abandoned vehicle is on private property with the consent of the owner or occupant thereof, or if an abandoned vehicle is owned by the owner or occupant of the private property where the vehicle is located, representatives of the Department or State Police may enter upon the property where such vehicle is located to ascertain its ownership. The Department shall notify the owner of the abandoned vehicle by certified mail sent to the owner's last known address to remove such vehicle within 7 days from the date of the mailing. If the vehicle is not removed within 7 days or if the owner cannot be located for the purpose of sending the written notice, then representatives of the Department or State Police may enter upon the property where the vehicle is located and conspicuously affix thereto a sticker or tag showing the time and date of its affixing, advising the owner that if the vehicle is not removed within 24 hours from the time of the affixing of the sticker, the vehicle shall be removed to a storage area designated by the Department or the State Police. This subsection shall not apply to automobile graveyards as defined in § 1202(b)(2) of Title 17 nor to any vehicle on private property which is not visible from the street or road and is not otherwise a nuisance or a health or fire hazard.

(e) The notice required by subsections (b) and (d) of this section shall state that, if such vehicle is not so removed, it will be removed and stored at a storage area designated by the Department or the State Police at the owner's expense, and thereafter will be subject to disposal in accordance with law. Such notice shall also set forth verbatim § 4414 of this title. If the vehicle shall not have been removed by the time and date specified in the notice, the police officer or agents or employees of the Department or State Police shall take such vehicle into custody and shall cause it to be removed and stored for safekeeping in the storage area designated by the Department or the State Police. The officer shall promptly notify the Secretary of Safety and Homeland Security, upon a form to be supplied by the Secretary for that purpose, of the action which has been taken with respect to such vehicle.

(f) This chapter shall not apply to any removal of a vehicle unless the removal is directed by the appropriate police authority or the Department or State Police or its successor.

(g) Any person who possesses or on whose property any abandoned vehicle or motor vehicle is found or who owns a vehicle or motor vehicle for which the certificate of title is lost or destroyed and such vehicle or motor vehicle is more than 8 years old and has no engine or is otherwise totally inoperable, may transfer the vehicle or motor vehicle to a licensed automotive recycler without the certificate of title on forms furnished by the Department. In such cases, the licensed automotive recycler may take the vehicle or motor vehicle in that person's possession and shall immediately obtain

from the Division of Motor Vehicles the name and address of the last known owner of the vehicle or motor vehicle or secured party. The licensed automotive recycler shall give at least 10 days' notice to the owner or secured party by certified mail, return receipt requested. If the vehicle is not reclaimed within the 10-day period specified in the notice, the licensed automotive recycler assumes unencumbered title to the vehicle.

If the name and address of the owner or secured party cannot be obtained from the records of the Division of Motor Vehicles or by exercising reasonable diligence, the licensed automotive recycler assumes unencumbered title after the vehicle or motor vehicle has been in the recycler's possession for 30 days.

Notice of assumption of ownership shall be made to the Division of Motor Vehicles on forms devised by the Division.

(h) In the event that a vehicle is abandoned or parked within a private right-of-way, alleyway or easement in such a manner as to impede the flow of traffic, at the complaint of any property owner or occupant or other person with a right-of-passage across the private right-of-way, alleyway or easement, such vehicle may be caused to be removed by the State Police, county police or municipal police, as the case may be, in the manner provided in this chapter, except that the posting required in subsection (b) of this section may be omitted and that the provisions of this chapter shall be applied to said parked vehicle as if it were an abandoned vehicle. (21 Del. C. 1953, § 4402; 55 Del. Laws, c. 173; 56 Del. Laws, c. 153; 57 Del. Laws, c. 670, § 16A; 57 Del. Laws, c. 713, §§ 2-5; 58 Del. Laws, c. 119, §§ 1-4; 63 Del. Laws, c. 265, § 1; 63 Del. Laws, c. 421, § 1; 65 Del. Laws, c. 318, § 5; 66 Del. Laws, c. 236, §§ 1-3; 67 Del. Laws, c. 249, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 60, §§ 4, 5; 74 Del. Laws, c. 110, §§ 91, 92; 75 Del. Laws, c. 333, § 1.)

§ 4403. Notice of removal.

The police or the Department of Safety and Homeland Security causing the removal of an abandoned vehicle shall immediately ascertain the identity of any person or persons holding a lien against said vehicle. Within 5 days of the removal of the vehicle, the State Police, other police agencies, New Castle County Code Enforcement Constables or the Department shall cause a written notice to be mailed to the registered owner of the vehicle removed and lien holders stating (a) that the vehicle has been removed pursuant to law, (b) the place to which it has been removed and (c) that the vehicle may be sold to satisfy the costs of removal and storage of the vehicle as provided in § 4404 of this title unless those costs have been paid in full on or before 30 days from the date of the removal of the vehicle. If the address of the owner of the vehicle cannot be ascertained by the exercise of reasonable diligence, then the notice provided by this section shall not be required to be given. (21 Del. C. 1953, § 4403; 55 Del. Laws, c. 173; 58 Del. Laws, c. 119, § 5; 66 Del. Laws, c. 236, § 4; 74 Del. Laws, c. 110, § 93; 75 Del. Laws, c. 333, § 2.)

THE MILTON POLICE DEPARTMENT IS COMMITTED IN MAINTAINING A COMMUNITY ORIENTED POLICE DEPARTMENT DEDICATED TO IMPROVING THE QUALITY OF LIFE FOR RESIDENTS OF THE TOWN OF MILTON WHILE ENFORCING THE LAWS FOR THE STATE OF DELAWARE.