

Speedy Recovery Services

Standard Operating Procedures for Collateral Recovery Specialists

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The Golden Rule

A Vehicle Identification Number, commonly abbreviated to VIN, is a unique serial number used by the automotive industry to identify individual motor vehicles. VINs were first used in 1954. From 1954 to 1981, there was no accepted standard for these numbers. In 1981, the National Highway Traffic Safety Administration of the United States standardized the format. It required all over-the-road-vehicles sold to contain a 17-character VIN, which does not include the letters I (i), O (o), or Q (q).

 Always verify the collateral by the Vehicle Identification Number. Do not hook to, secure, or repossess a vehicle based solely on the description, color, or tag. Remember, all seventeen characters of the VIN must match the VIN described in the repossession order. Under no circumstances is a Speedy Recovery Collateral Recovery Specialist permitted to hook to, repossess, or move a vehicle that doesn’t have a matching VIN number.

Collateral Recovery Specialist Code of Conduct

In addition with complying with all applicable federal, state and local laws, the recovery agent identified below represents and agrees that he will conduct his recovery activities in a manner consistent with the following Code of Conduct.

 The repossession agent will not use and false, deceptive or misleading representations or practices, whether verbal or written, in connection with the repossession of any collateral. Without limiting this rule, examples include:

1. Claims that the agent is affiliated with, or acting on behalf of any federal, state or local government or law enforcement agency or use any communication that would imply such an affiliation.
2. Falsely stating or implying that any individual is an attorney or that any communication is from an attorney.
3. Falsely stating the character, amount or legal status of any debt.
4. Threats to take action which cannot legally be taken, that is not intended to be taken, or that has not been authorized by Speedy Recovery Services and our client.
5. Falsely stating or implying that the debtor committed any crime or other conduct.
6. Reporting or threatening to report false information to a credit reporting agency or any other person.
7. The use of any false statement or deceptive means to repossess or attempt to repossess any motor vehicle or to obtain information concerning a debtor.
8. The use of any business, company or organization name other than your own company name.
9. Falsely representing or implying that the repossession vendor is employed or affiliated with a consumer reporting agency.

The repossession agent will not engage in any conduct or practices which harass, oppress or abuse any person (not just the debtor) in connection with the repossession of a motor vehicle. Without limiting this general rule, examples include:

1. The use or threat to use violence or other criminal means to harm the physical person, reputation or property of any person.
2. The use of obscene, profane, or abusive language.
3. The advertisement for sale of any debt to coerce payment of the debt or turnover of collateral.
4. Making telephone calls without meaningful disclosure of the caller’s identity.
5. Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the call number. It is not permissible to tell a debtor that you will call him/her every day until collateral is surrendered. This action would constitute harassment.
6. If at any time you perceive a customer confrontation will escalate into violence you are to immediately leave the scene.
7. Physical contact is NEVER acceptable.

Section 1: Applicable Federal Law

**Fair Debt Collection Practices Act (FDCPA)**

On September 20, 1977 an amendment was added to the Consumer Credit Protection Act, titled Fair Debt Collection Practices Act (FDCPA). This act was created primarily for third party debt collectors. The basis for the Act, are stated as follows:

1. There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to material instability, to the loss of jobs, and to the invasions of individual privacy.
2. Existing laws and procedures for redressing these injuries are inadequate to protect consumers.
3. Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.
4. Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.
5. It is the purpose of this title to: eliminate abusive debt collection practices by debt collectors; insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged; and to promote consistent state action to protect consumers against debt collection abuses.

Those engaged in the enforcement of self-help repossession provisions of security agreements are defined as “security enforcers,” rather than “debt collectors,” and are therefore subject only to the requirements of Section 1692f(6)(a)(b)(c), which states that the following is a violation of this act:

Section 1692(6) Taking or threatening to take any non-judicial action to effect dispossession or disablement of property if:

1. There is no present right to possession of the property claimed as collateral through an enforceable security interest;
2. There is no present intention to take possession of the property; or
3. The property is exempt by law from such dispossession or disablement.

The Collateral Recovery Specialist of Speedy Recovery is subject only to this provision of the FDCPA. For more information regarding this legislation please refer to the C.A.R.S. manual.

**Gramm-Leach-Bliley Act (GLBA)**

This federal law provides the parameters for the protection and disclosure of Nonpublic Personal Information to nonaffiliated third parties by financial institutions.

As a collateral recovery specialist, you are direct representatives of the lending institutions that Speedy Recovery services and are therefore subject to the requirements of this federal law. Also, as a representative of our lender clients, you are not considered to be nonaffiliated third parties. The most important part of this act is that **you cannot divulge nonpublic personal information to a nonaffiliated third party during the repossession process.**

**Nonpublic personal information is information that cannot usually be accessed by the general public such as a social security number, taxpayer identification number, address, telephone number (unlisted), bank account number, debit, charge and credit card numbers and driver identification number.**

For the act in its entirety, please refer to the C.A.R.S. manual.

**Service Members Civil Relief Act (SCRA)**

The basis for this federal law is for the protection of those called into or volunteering for active military service. It has been determined that those persons, in exchange for military service, should be given special consideration for civilian obligation incurred **BEFORE** they were drafted or volunteered to serve their country in an active military capacity.

The act can be summarized as follows: if the purchase is **PRIOR** to being sworn in to active duty or reporting for military reserve active duty, the **ACT** will apply. If the collateral is purchased **AFTER** being sworn in to active duty, the **ACT** will **NOT** apply.

**Telephone Records & Privacy Protection Act (TRPPA)**

This Act, signed into law on January 12, 2007 makes it a federal crime to fraudulently obtain consumers’ **“confidential phone records information.”**

Although there is some ambiguity in the term “confidential phone records information,” it is clear that confidential phone records information includes a third party’s call history, including the numbers called, the time of the call, and the length of the call. The act also makes it clear that this doesn’t include the “**subscriber list information**” such as an individual’s name, telephone number, and address. The act also doesn’t prohibit the purchase of sale of this subscriber list information, but it does make this distinction for confidential phone records information.

Under U.S.C., Section 1039(a) the act makes it a federal crime to “knowingly and intentionally obtain, or attempt to obtain, confidential phone records information of a covered entity by:

1. Making false or fraudulent statements or representations to an employee of a covered entity.
2. Making such false or fraudulent statements or representations to a customer of a covered entity.
3. Providing a document to a covered entity knowing that such document is false or fraudulent.
4. Or, accessing customer accounts of a covered entity via the Internet, or by means of such conduct that violates Section 1030 of this act, without prior authorization from the customer to whom such confidential phone records information relates.

For the act in its entirety, please refer to the C.A.R.S. manual.

**Uniform Commercial Code (UCC)**

The UCC is a model of recommendations for state laws and, by itself, has no authority. The individual states are not required to adopt any part of the UCC, but all states have adopted parts of it. Whatever part of the UCC a state adopts into law, then that part of the UCC becomes law within that individual state. The Speedy Recovery CRS needs to be familiar with Sections 9-609 through 9-628.

The most important section of the UCC pertaining to repossessions, Section 9-609: **Secured Party’s Right To Take Posession After Default**

 Unless otherwise agreed, under this section a secured party has the right, upon default, to take possession of the collateral. In taking possession of the collateral, a secured party or its agents may proceed without judicial process (self-help repossession), if this process can be accomplished without a breach of the peace, or the secured party may take possession by judicial action (Replevin). Further, after default, a secured party may require the debtor to assemble the collateral and make it available to the secured party at place to be designated by the secured party. However, the location where the collateral is to be assembled must be reasonably convenient to both parties, and disposal must comply with Section 9-610.

Section 2: Elements of Crimes Against Persons

**Breach of Peace**

There is no clear definition of Breach of Peace in UCC Section 9-609. It is usually accepted that the language is intended to deter violence or the potential for violence in the physical act of the self-help repossession process. Here are what a few courts say on the subject:

1. A Breach of the Peace is any violation of law enacted to preserve peace and good order.
2. A Breach of the Peace is a disturbance of the public tranquility, by any act or conduct inciting to disturb the public order.
3. A Breach of the Peace is a public offense done by violence, or one likely to cause an immediate disturbance of public order. To constitute a Breach of the Peace it isn’t necessary that the peace be actually broken. If what is done is unjustifiable and unlawful, and tending to break the peace, no more is required, nor is actual personal violence necessary to constitute Breach of the Peace.
4. What the courts say about the “Color of Law” (involvement of law enforcement) in self-help repossessions: the introduction of law enforcement officers into the area of self-help repossessions, regardless of their degree of participation in the actual events, would constitute state action, therefore invalidating a self-help repossession.

In lieu of a clear and concise definition of when Breach of the Peace may have occurred, many courts apply a two part test:

1. Was the debtor’s premises “entered” by the creditor or creditor’s agent; and if so
2. Did the debtor, or another, acting on the debtor’s behalf refuse to consent to the entry and repossession?

As a CRS for Speedy Recovery, you must realize that, in the face of potential violence or physical confrontation, you have a clear duty to retreat and adhere to the adage, “another time, another place.” Also, under no circumstances are you permitted to recover collateral after the involvement of law enforcement.

**Assault**

An intentional, unlawful threat by word or act to do violence to the person of another, coupled with the apparent ability to do so, and in doing so creates a well founded fear in such person that violence is imminent.

The Georgia statute can be found at O.C.G.A. 16-5-20.

**Aggravated Assault**

This is a more serious violation than assault; it is generally defined as an assault with:

1. A deadly weapon, but without the intent to kill or;
2. The intent to commit a felony.

The Georgia statute can be found at O.C.G.A. 16-5-21.

Many states argue what constitutes a deadly weapon, but all agree that guns and knives both qualify. The Speedy Recovery CRS is under no circumstances permitted to carry a firearm while effecting repossessions.

**Battery**

The actual and intentional touching or striking another person against the will of the other person; or, intentionally causing bodily harm.

The Georgia statute can be found at O.C.G.A. 16-5-23 and 16-5-23.1.

**Aggravated Battery**

Generally defined as battery that:

1. Intentionally and knowingly causes great bodily harm, permanent disability, or permanent disfigurement;
2. Or battery with the use of a deadly weapon.

The Georgia statute can be found at O.C.G.A. 16-5-24.

**Culpable Negligence**

There are several violations that can be defined as culpable (criminal) negligence, but the CRS should be concerned with two:

1. Whoever, through culpable negligence, exposes another person to personal injury; and,
2. Whoever, through culpable negligence, inflicts personal injury on another.

Intent to commit the crime is not a consideration of culpable negligence. It considers the omission or commission of an action which results in the exposure of another to injury, or if the action inflicts injury to another.

**Harassment**

Generally defined, harassment means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. The CRS may be charged with harassment if he, in an attempt to convince the debtor to surrender the collateral:

1. Makes insulting or taunting telephone calls to the debtor; or
2. Makes repeated communications anonymously or at extremely inconvenient hours, or in an offensive language.

The Georgia statute can be found at O.C.G.A.16-11-39.1 (Harassing Phone Calls).

**Kidnapping**

The general held legal definition of the term kidnapping means: forcibly, secretly, or by threat confining, abducting, or impersonating another person against his will and without lawful authority, with the intent to:

1. Hold for ransom or reward or as a shield or hostage.
2. Commit or facilitate the commission of a felony.
3. Inflict bodily harm upon or to terrorize the victim or another person.
4. Interfere with the performance of any governmental or political function.

The Georgia statute can be found at O.C.G.A. 16-5-40.

**Stalking**

Generally defined as: any person who willfully, maliciously, and repeatedly follows or harasses another person, commits the offense of misdemeanor stalking.

Felony stalking is defined as: any person who willfully, maliciously and repeatedly follows or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury, commits the offense of aggravated stalking.

The Georgia statute can be found at O.C.G.A. 16-5-90 and 16-5-91.

For more information regarding crimes against persons, please refer to the C.A.R.S. manual.

Section 3: Elements of Property Crimes

**Trespass**

Generally defined: an unlawful interference with one’s property or rights, or any unauthorized intrusion or invasion of private premises or land of another. The present prevailing position of the courts finds liability only in the case of intentional intrusion, or negligence, or some abnormally dangerous activity.

A trespasser is defined as: one who intentionally, and without consent or privilege enters upon the property of another, or who enters upon the property of another without any right, lawful authority, or expressed or implied invitation, permission, or license.

In most security agreements, the debtor has given permission to the creditor or the creditor’s agent, in the event of default to enter upon any premises where the said property may be and remove the same without the process of law.

The Georgia statute can be found at O.C.G.A. 16-5-21.

**Trespass After Warning**

Trespass after warning pertains to the individual CRS who has been ordered from the property by a law enforcement officer and the property owner. Unless directed by law or the courts, this warning does not prohibit another CRS from Speedy Recovery to enter upon a debtor’s property for the purpose of repossession. Usually, a trespass warning will entail a police officer personally ordering the CRS not to return to the debtor’s property. In this situation, the officer will give the CRS an order in writing.

In Georgia, the trespass warning must be given from the property owner in the presence of a law enforcement officer for there to be any criminal charges in the future. If an officer issues a trespass warning, do not return to the property or you will be subject to any criminal charges issued.

The Georgia statute can be found at O.C.G.A. 16-5-21.

**Criminal Mischief**

A person is guilty of Criminal Mischief if he:

1. Damages tangible property of another purposely, recklessly, or by negligence, or other dangerous means;
2. Or purposely or recklessly tampers with tangible property of another so as to endanger person or property.

The Georgia statute can be found at O.C.G.A. 16-7-22 and 16-7-23 (more than $500). Both are felonies and are defined as criminal damage to property in the first and second degree. For damages less than $500, the charge of criminal trespass is applied, 16-7-21.

**Breaking or Injuring Fences**

Anyone who willfully and maliciously breaks down, damages, cuts or in any way creates or causes to be created an opening, gap interruption, or break in any fence can be held liable for the violation of breaking or injuring a fence.

There is no distinctive Georgia statue for damaging fences. It will be a violation of criminal trespass if the damage done to a fence is less than $500; more than $500 will constitute a charge of criminal damage to property.

The Speedy Recovery CRS isn’t permitted, under any circumstances, to break into or damage a fence to secure collateral.

**Burglary**

Burglary is defined as: the breaking and entering of the dwelling of another, with the intent to commit a theft or a felony therein. The CRS may be charges with burglary if he enters a building or occupied structure, or separate structure (curtilage), or occupied portion, with the intent to commit a crime therein.

-Curtilage: land immediately surrounding a house or dwelling, including any closely associated buildings and structures, but excluding any associated "open fields beyond".

The Georgia statute can be found at O.C.G.A. 16-7-1.

For more information regarding property crimes, please refer to the C.A.R.S. manual.

Section 4: The Recovery Process

**Truck Safety Inspections**

The CRS is to conduct a truck inspection prior to the beginning of their shift. A check list will be provided for the inspections, they are to be filled out daily and turned in at the end of the shift. It is imperative that the CRS be equipped with the tools necessary for repossessions. This includes equipment provided by Speedy Recovery, and the equipment that isn’t provided and every agent is required to have (lock out kit, flashlight, gloves, and a digital camera). For equipment that is provided, it is the duty of the CRS to report anything missing to the management staff.

At the end of every shift, the CRS will be required to fill out a service request form for their tow truck. They are turned in daily so that the mechanic staff can properly repair and maintenance Speedy Recovery’s fleet. The tow trucks are required to be properly cleaned, fueled, and ready for the next shift.

**Route Preparation and Formation**

Success of the CRS is directly related to the time taken to prepare each route. The Speedy Recovery CRS will be required to separate the accounts into three separate types: demands, long hauls, and locals.

1. Demands: these are accounts in which the office staff has determined verbal, face-to-face contact is necessary. This determination is made based on several factors. One is the amount of time an account has been in an open status and no contact has been made either with the debtor or someone who knows the debtor. Another is the necessity to rule out an address, this is generally due to a request from the financial institution. The last is due to recurrence of the same accounts. Whatever the reason, demands are to be conducted at the beginning of each route to ensure the CRS isn’t attempting contact at an inappropriate time.
2. Long Hauls: these are accounts that are outside of a seventy-five mile radius from each respective Speedy Recovery office. Due to the distance, and if time permits, the CRS needs to make or attempt contact at these addresses. If it is too late to speak with someone, LEAVE contact cards.
3. Locals: the local accounts include any address that is within the seventy-five mile radius from each respective office. The CRS can make determinations on when contact is needed based on judgment in the field, unless otherwise requested by the office staff. Always run these accounts after the demands and long hauls have been finished.

Demands and accounts where contact is necessary, the CRS is to adhere to the applicable door knock house (8:00am-9:00pm). Pay attention to details. The Speedy Recovery office staff will write important notes and guidelines for the CRS to follow. After reading through the accounts’ notes, the CRS will format the route based on the information expressed above, keeping in mind another golden rule in the recovery business: always work backwards from the furthest address, and never take collateral in a direction opposite from each respective Speedy Recovery storage facility.

**Field Operations (Involuntary Recovery)**

It is important to understand that while working as a field agent, the CRS not only represents Speedy Recovery, but also the clients that Speedy Recovery provides its services to. Knowing this, personal appearance of the CRS and his/her communication with debtors reflects directly on the professionalism of Speedy Recovery. Safety is priority. For this reason, all field agents are to conduct communication with debtors respectfully and with tact. Be courteous at all times, but be firm; be prepared to have an answer for every question, stumbling over words will almost always ensure an ineffective repossession. Under circumstances where the CRS is confronted with the threat of physical harm, an attempt should be made to defuse or retreat.

* Hostile Debtors: In the event a CRS encounters hostility during the physical repossession process, he should attempt to use his communication skills to defuse the confrontation. The CRS shall explain in a nonthreatening manner that if the debtor refuses to allow the repossession to take place the creditor has the right to have law enforcement take the collateral by court order. If the CRS cannot successfully obtain the debtor’s consent to the repossession, he/she shall immediately cease attempts to repossess the collateral and then provide a detailed report to management.

In the event of an incident, the CRS is required to fill out an Incident Report Form (some examples are, but not limited to: a breach of the peace, damaged property, involvement of law enforcement, physical contact by the debtor, the presence of firearms, etc...). Always take photographs, and be specific/details in the report.

Wrongful Repossessions-

* Always verify the collateral by the VIN (Vehicle Identification Number). **Do not** hook to, secure, or repossess a vehicle based solely on the description, color, or tag.
* **Never** attempt to repossess a vehicle after a Breach of the Peace has occurred.
* If an account has been closed or placed on “hold” status, remove the account from your route and do not attempt to recover the collateral.
* Impersonating a law enforcement officer not only constitutes as a wrongful repossession, it is also a Felony in the State of Georgia.
* If a law enforcement officer is present during the recovery, do not take possession of the collateral unless the officer has a court order.

The key in repossessing involuntary accounts depends on the field agent’s ability to act with speed, stealth, and accuracy. It I impossible to search for a vehicle without getting out of the tow truck; vehicles are often hidden in places that aren’t visible from the roadway. No circumstances should permit an agent to recover a unit during or after a Breach of the Peace. Remember when checking an address that slow moving vehicles attract attention. If it is necessary to take a closer look, park your vehicle out of sight and walk. Always identify the best entrance/exit. Certain conditions may require a hasty recovery, during such it is important not to get stuck on a dead end street. The collateral recovery specialist should maintain a professional attitude and demeanor in the field, while observing all potential risks.

Through proper route preparation, the CRS is able to verify an address before running it. There are other means of address verification other that a GPS system, make sure an address truly doesn’t exist before giving up on an account. Also, the CRS needs to be certain that the address ran is indeed the correct address described in the repossession order. It is also imperative that the CRS determine whether a residence is in fact occupied or not; and referring to a previous statement, that can only be done correctly when the CRS gets out of the tow truck. Always remember another golden rule in the repossessions business: ask yourself, “…if I lived here, where would I hide the vehicle?” If the CRS has identified the wanted collateral, either in a garage or behind a locked gate, it is acceptable for him/her to remain there for a reasonable amount of time until contact can be made with the debtor/resident (stakeouts).

After working an account and running all appropriate addresses, and without a successful repossession, the CRS is required write a detailed case update (more on updates will be covered in Section 5). If the CRS does recover the wanted collateral, the proper paper work is to be completed and submitted to the office staff; the appropriate law enforcement agency is also to be notified within 24 hours of the repossession. If a contact card is left **after** the collateral has been recovered, the CRS will remove the 24 hour notice from the card. If the CRS exchanges the keys to the collateral for the debtor’s personal property inside of the vehicle, the CRS must have the debtor sign a removal of personal property by customer form.

**Voluntary Assignments**

Voluntary repossession assignments are to be approached with the same degree of caution and awareness as an involuntary account. Liability is decreased in a voluntary recovery, only after the CRS has determined from the debtor, verbally, that the debtor is voluntarily surrendering the collateral.

1. The office staff will contact the debtor to determine if the debtor intends to surrender the collateral.
2. The staff will also verify if the debtor will be present or not, if the client requests that a voluntary release form be signed by the debtor, if the keys will be with the vehicle, and will determine the overall condition of the vehicle.
3. The CRS will then be given instructions on where to recover the collateral; if the collateral isn’t there, the CRS should attempt to contact the debtor immediately. If the debtor can’t be reached, the CRS should contact management for further instructions.
4. The CRS must still be sure to verify the VIN prior to securing possession of the collateral.
5. After successful repossession, the CRS is to complete the necessary paperwork and notify the appropriate law enforcement agency, as there is no distinction in law between a voluntary or involuntary recovery of defaulted collateral.

The Speedy Recovery FRS will follow the voluntary surrender checklist, and will also have the debtor sign a removal of personal property by customer form if the debtor removed all contents of the vehicle.

**Field Visits**

Field visits allow Speedy Recovery’s clients an opportunity to verify the condition of their collateral and the primary function is to prompt the debtor to contact them. The CRS will handle these assignments with the same diligence and attention to detail as involuntary accounts (keep in mind that field visits can often be changed to involuntary repossessions). While working the field visit assignments, the CRS will follow these guidelines:

1. Be familiar with the instructions from the client: pictures, condition report, or who to contact.
2. The CRS should run the address given during the legal “door knock hours” (8:00am-9:00pn).
3. If the collateral is located at the given address, make note of it and its condition.
4. The CRS is to door knock the provided address and attempt to make contact with the debtor. If the CRS is able to make contact with the debtor, the CRS should identify himself/herself as being there on behalf of the client for the appropriate collateral (year, make, and model).
5. While speaking to the debtor, the CRS is to verify and update the debtor’s current home address, contact phone numbers, and place of employment. If the debtor doesn’t cooperate or isn’t forthcoming with the information, document this in the update.
6. The CRS should then instruct the debtor to contact the client in reference to the collateral and when capable, in front of the CRS (it is okay to allow the debtor to use your cell phone, **DO NOT** enter the debtor’s house).
7. Always document the events that occur during the field visit. If it isn’t in the updates, then there is no way for Speedy Recovery or the client to be aware that it took place.
8. When the CRS is unable to make contact with the debtor, leave the Speedy Recovery contact card with instructions to call Speedy Recovery referencing the case number. **Do not leave the client contact information unless it is given directly to the debtor.**
9. If the debtor isn’t home, always ask when the best time to reach the debtor is. If the debtor doesn’t live at the provided address, this information needs to be documented. The CRS is **not** permitted to disclose to a third party any information regarding the debtor’s account.
10. When verifying with neighbors, remember the CRS is only allowed to ask two questions: do they know if the debtor lives at given address, or have they seen the collateral.

**Personal Property Inventory and Storage**

If personal effects or other property not covered by the security agreement are contained in or on recovered collateral, a complete and accurate inventory shall be made of such personal effects or property by the CRS who recovered the collateral, immediately upon securing the collateral at the respective Speedy Recovery storage facility. Aftermarket parts that have been permanently affixed to the collateral are not considered to be personal property and must not be removed. Permanently affixed means items that require a tool of some kind to be used for its removal.

Note: removal of any item that has been permanently affixed must be approved, in writing by the lien holder and the lien holder or debtor is required to pay any removal fee.

The personal property inventory is to be signed by the CRS who recovered the collateral; the contents inventoried are to be properly labeled with the debtor’s name/date recovered and are to be placed in Speedy Recovery’s secured property warehouse. The collateral will be locked by the CRS and the keys are to be stored in the secured warehouse.

**Condition Reports and Pictures**

The condition report must provide an accurate description and condition of the collateral; the CRS’s diligence in completing the condition report is necessary to protect both the CRS and the client from potential issues with the debtor. Each CRS is to complete a condition report upon returning to their respective storage facility. The CRS should note whether the collateral was locked and/or if any of the windows were down at the time of recovery. Pictures are to be taken of all four sides of the collateral, any major damage, and of the interior; the pictures are to be given to the office staff so that they may be uploaded to the case file.

Section 5: Updates

**The Update Form**

Updating the client is of extreme importance, second only to recovering the collateral. The CRS will be required to input a detailed update into RDN immediately after working an address. Updating the account with correct detail will increase the odds of finding collateral exponentially.

These are the guidelines for documenting an update, the CRS will:

1. The CRS must be stopped in a safe area and out of the way of impeding any traffic, before entering the update.
2. Be as **clear** and **concise** as possible. The updates do not need to be written in complete sentences, but make sure the statements would be understandable by someone else. It is imperative that the office staff knows what the update says so that they can make decisions on how to proceed with an account.
3. Make sure you are selecting the appropriate address from the drop down box in RDN before entering text in the update field. Always input the date, time and address checks in the update field, as some clients require this.
4. Input all vehicles observed at an address with its corresponding tag numbers if relevant.
5. You can choose to use RDN’s pre-listed check boxes to provide a detailed description of the address/property checked or you can choose to enter the detailed description on your own in the update field. If there is not a box for a description you need to enter, then it is also acceptable to use the comments section for this detail. Do not re-write what is already checked in the boxes.
6. If using RDN’s pre-listed check boxes, you may also use the comments section primarily for **information** obtained while at an address, including but not limited to: **who the CRS spoke to, what was observed, names, phone numbers, and addresses.**
7. Make **contact** during the appropriate hours (8:00am-9:00pm), and update the account with the information. If no contact can be made, a case card may be left, if it is left with a neighbor, make sure the letter **N** is placed before the reference number.
8. **Document clearly if an address is vacant**. The words possibly and maybe are not acceptable.

Section 6: CRS Guidelines and Policies

**Introduction**

This section is designed to provide the CRS with information regarding the operational policies, safety policies, and general practices of Speedy Recovery. A wide scope of information is provided herein. However, it is not the intent Speedy Recovery to list all of its programs, policies, and or procedures in this manual. It is also understood that the information contained herein is subject to change at the discretion of management. Additional policies and directives may be issued at any time.

It is the intent of Speedy Recovery to operate safely and in accordance with the regulations set forth by the Department of Transportation and all other applicable agencies. Nothing in this manual is designed to supersede these regulations. All drivers are expected to operate safely and courteously on the highways. Evidence that this requirement is not being honored will result in the immediate termination of the offending driver.

General Policies

1. The CRS is expected to operate within the limits set forth in the federal regulations, and local, municipal and state laws of all jurisdictions operated in. This is inclusive of logging regulations, weight limitations, speed limits, and physical requirements. Drivers who violate these laws will be subject to disciplinary action.
2. Drugs and alcohol are strictly prohibited in any vehicle operating on behalf of Speedy Recovery.
3. It is expressly forbidden for any CRS to come onto company property under the influence of any illegal drug or alcohol.
4. Firearms are strictly prohibited in all vehicles.
5. Pets/animals of any kind are expressly forbidden from being in any.
6. Unauthorized passengers are not allowed.
7. All customers, employees and members of the general public are to be treated with respect and courtesy.
8. Paperwork is to be turned in and the appropriate law enforcement agency is to be notified after each recovery.
9. Accidents must be reported as soon after the accident as possible. Failure to report accidents will result in immediate termination.
10. Fuel should be purchased only at authorized fuel stops. If such stops have not been designated, it is the responsibility of the CRS to help control fuel costs by buying fuel at the lowest prices available.
11. The tow trucks are equipped with chains, chock blocks, fire extinguishers, triangles, ect. It is the responsibility of the CRS to verify that these items are in the vehicle and in good condition. Loss of these items may result in the charge for their replacement.
12. The following items are not provided by Speedy Recovery but the CRS must have them for the recovery process: flashlight, gloves, complete lockout kit and digital camera.
13. Unless otherwise specified, equipment must be returned to Speedy Recovery at the end of each shift. No vehicles will be used for personal use.
14. No unauthorized tows (moonlighting) will be tolerated. Any CRS caught using the trucks or equipment for unauthorized purposes will be terminated.
15. The CRS is expected to keep the tow trucks neat and clean. Clean trucks are company policy and are also a safety factor. Cabs should not have any junk or garbage in them. Keep the assigned truck in good condition.
16. If uniforms are provided, you are expected to wear them and to keep them clean. This job often requires the CRS to get dirty; therefore, keep clean uniforms handy to change into as necessary.
17. Time off must be approved by management. Coordinate in advance to take time off. This allows management to schedule another CRS to cover a route.

Accidents

Although Speedy Recovery strives to operate accident free, accidents can occur at any time. If the CRS is involved in an accident, please follow these guidelines:

1. Secure the scene. This may consist of putting out triangles, activating the 4ways on all vehicles, setting out flares, (If there is no spill or volatile chemicals such as gas, diesel fuel, etc) and using other persons for traffic control. In the case of minor accidents it may be advisable to move the damaged vehicles from the roadway. However, if doing so, please photograph or otherwise verify the location of both vehicles prior to moving them.
2. Render first aid and/or comfort to injured parties, if necessary. If you do not feel capable of performing this function, try to find someone who can assist.
3. Notify the police as quickly as possible.
4. Notify the company as quickly as possible.
5. Get out your incident kit and begin obtaining all information that is asked for on the accident report.
6. Obtain the names, addresses and phone numbers of any witnesses. If people refuse to provide the above information, record their license plate number and provide that information to the insurance company representative.
7. Make no statements to anyone other than the police, and then only respond to questions that they ask.
8. Take photographs of all aspects of the accident scene.
	1. Photograph all four sides of all vehicles involved.
	2. Photograph skid marks, gouge marks, and debris that are in the road as a result of the accident. In these photographs, try to get some landmarks in the background to help identify the location of the items.
	3. Photograph any temporary situations such as illegally parked vehicles, obscured signs, etc that were contributory to the accident.
	4. Photograph the other parties involved. In particular, if they seem healthy and are leaning over, or otherwise showing back and leg mobility, photograph those actions to verify the limits of their injuries.
	5. Photograph the license plates of all vehicles stopped at the accident scene. These might very well be witnesses that could not otherwise be discovered.
9. Comply with the drug and alcohol testing requirements if necessary. Remember, you must submit to a drug and alcohol test if it is a fatal accident. If it is a personal injury accident and you got a ticket, you must drug and alcohol test. If it is a property damage accident that results in one or more of the vehicles being towed, you must alcohol test if you receive a citation as a result of the accident.

All accidents will be evaluated by the Speedy Recovery accident review board for preventability. Any driver who has 2 preventable accidents in a 3 year period will be terminated.

Controlled Substances, Alcohol Use, and Dishonesty

Any CRS who is found to be under the influence of an illegal drug or un-prescribed controlled substance shall be eliminated from consideration for employment. Any CRS who is found to be in possession of, or under the influence of any illegal drug or controlled substance shall, without recourse, be terminated. Any CRS who is found to be operating a Speedy Recovery vehicle while under the influence of alcohol or who is found to be in possession of alcohol while in a vehicle shall, without recourse, be terminated.

Any CRS who commits an act of dishonesty while in the scope of employment shall, without recourse, be immediately terminated, and shall not be eligible for rehire. Acts of dishonesty shall include, but not be limited to the following:

1. Theft of company equipment.
2. Criminal conversion of company property.
3. Illegal use or possession of drugs or controlled substances.
4. Operating a vehicle under the influence of alcohol.
5. Making false statements or statements that are materially incorrect with the intent of misleading the company regarding any action that might jeopardize the well being of the company.
6. Any act of violence against an employee, customer, or any member of the general public while acting as a representative of this company.
7. Any act of a malicious or destructive nature that affects the well-being of the company or its employees.
8. Conviction of a felony while in the scope of employment.

**Safety**

The CRS is expected to operate in a safe and defensive manner at all times. More than one at fault accident in a three-year period will result in termination.

**Speed**: It is expected that the CRS will operate within the posted speed limits for the states that they are operating in. Excessive tickets will result in the driver being terminated.

**Following distances:** The CRS is expected to use the National Safety Council’s following distance rule. This requires a minimum of 7 seconds of following distance at highway speeds and 6 seconds at speeds under 40mph. These following distances should be increased if the roads are wet or slick. When under a tow, the weight is increased, and stopping distances increase accordingly. It is especially important to use the following distance rules when towing or transporting a vehicle.

**Courtesy:** The CRS is expected to operate in a safe and courteous manner at all times. This is the key to defensive driving, and it doesn’t cost you anything to be courteous to other traffic.

**Inspections:** Don’t wait until the truck breaks down to find the problem. DOT and Speedy Recovery both require that a thorough pre-trip and post-trip inspection on the tow trucks. As you do your walk around, be sure to take a rag with you and wipe off your reflective striping, reflectors, lights, and mirrors.

**Interstate driving:** Use the right lane whenever possible. However, be aware of on-ramps and the potential traffic conflict that they represent. When approaching an on-ramp, check for merging traffic and move to the left or center lane if possible in order to avoid possible conflicts. If traffic does not permit moving over, adjust speed and allow the merging traffic to enter the highway safely. Remember, courtesy is the key to accident free driving.

**Towing Instructions**

**Safety Chains:** Always be sure that safety chains are connected before initiating a tow.

**Inspections:** Inspect the vehicle prior to operating. Be sure that beacons, back-up lights, work lights, flashers, and all other vehicle lights are operational. Check cables for frays and kinks. Be sure that the bed of the vehicle is free of trash or debris that could fall off into traffic. Check all hydraulics for leaks. Check to be sure that all emergency and work equipment is present and in good condition.

**Passengers: Passengers are not allowed!**

**Tows:** Determine whether the vehicle is front wheel driver or rear wheel drive. Always tow with the “dead” axle on the ground. Use a rollback or provided tow dollies to transport 4WD vehicles. When using a rollback, be sure that the car is not equipped with ground-effects items that can be damaged by being drug up the bed. If items such as spoilers, etc. are in danger of being damaged, use tire skates or blocks to raise the front of the car as it approaches the bed. This will prevent expensive and unnecessary damage claims.

**Security:** Before leaving the vehicle at the storage facility, lock it if possible and secure any valuables. Any valuables removed from the vehicle should be recorded, and secured in the storage warehouse.

**Professionalism:** Always be courteous. Remember, this is your job, but it is a stressful situation to the debtor. However, always keep in mind that you are the professional. Do not do anything that would violate a safety rule.

**General Information**

**Roadside Inspections:** All roadside inspections must be turned into management as soon as possible. If the CRS or the tow truck is placed out of service, contact management immediately. Remember, it is responsibility of the CRS to inspect equipment and notify the mechanic of any defects. If a citation is received for faulty equipment, the CRS is responsible for paying the fine.

**Overweight:** It is the policy of Speedy Recovery to operate in a legal manner. Towing or transporting items that exceed the GVWR of the vehicle is unsafe and illegal. Be sure to know the weight rating of the vehicle and do not exceed it.

**Fueling:** All fueling should be done at designated stops. If no stops are designated, we expect the driver to try finding the least expensive fuel in an area and using that stop.

**Paperwork:** All paperwork must be turned in as soon as possible after the repossession is completed.

**Damage claims:** It is the responsibility of the CRS to prevent damage to the vehicles that are being towed. Claims for damage to vehicles that a CRS towed will be evaluated and if found valid, may be charged back to the CRS. Document any existing damage before transporting the vehicle. This is best done by photographing the vehicle, but may also be done on a written report.

**Breakdowns:** In the event of a breakdown, contact management immediately. Do not attempt to repair the truck unless it is a minor problem that is easily repaired. Remember to put out safety triangles as necessary.

Section 7: Forms

The following forms are attached for reference:

* Voluntary Surrender Checklist
	+ - * Removal of Personal Property by Customer
			* Incident Report For
			* Update Form