

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 6, 2013

GENERAL ORDER V-5

SUBJECT: STOLEN VEHICLE INVESTIGATIONS (REVISED)

PURPOSE

- 1 - The purpose of this General Order is to explain procedures for completing stolen vehicle and related investigations.

POLICY

- 2- This Department will be governed in the acceptance and investigation of stolen vehicle reports by Sections 10500, 10851 and 10855 of the California Vehicle Code and applicable section of 487 of the California Penal Code.
- 3 - As defined by Section 670 of the California Vehicle Code, a "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

INITIAL PROCEDURES - COMMUNICATIONS CENTER

- 4 - It shall be the responsibility of personnel assigned to the Communications Center to insure that all information necessary to the investigation of stolen vehicle reports is appropriately entered into the Computer Aided Dispatching (CAD) data base. The Communications Center Tow Log shall be checked within the time period that the alleged offense occurred, to insure that a recently towed vehicle does not become reported as stolen.

STOLEN (10851 VC) VEHICLE - INVESTIGATIVE PROCEDURES

- 5 - In order to confirm the identity of the reporting party and/or victim, the investigative officer shall take stolen vehicle reports in-person. Any exceptions to an in-person report must be approved by the assigned officers' supervisor. **The reason(s) why the report was not taken in-person shall be documented in the report.**
 - (a) The assigned officer shall take steps to "verify" the identification of the reporting party, such as requesting driver's license information, in all cases taken by telephone and/or reported by an individual other than the registered owner.
 - (b) **Stolen auto investigation shall be completed using the Field Reporting System. A signature is no longer required in routine cases. A signed written statement is required when:**
 - (1) Any aspect of the investigation is suspicious;
 - (2) "Owner's Agent" is reporting the crime on behalf of victim;
 - (3) when an employee is reporting the crime on behalf of a business.

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(c) The Officer should explain what will happen in the event their car is found in the City of Berkeley. This explanation should include:

(1) The owner or the owner's agent will be contacted by Communications Center staff by telephone at the time the vehicle is located. They will have a short time frame in which they can retrieve their vehicle from the officer at the scene of the recovery.

(2) If the owner or the owner's agent do not respond to the scene of the recovery immediately, their car will be towed and stored for safekeeping. The owner or the owner's agent is responsible for all fees incurred by their car being towed and/or stored. The City of Berkeley will waive Vehicle Release Authorization fees for stolen vehicles.

(3) If the owner's vehicle is towed and stored, they will need to obtain a Vehicle Release Authorization from the department prior to going to the storage facility to obtain the release of their vehicle. All outstanding fees and fines owed to the City of Berkeley must be paid prior to the issuance of a Vehicle Release Authorization.

6 - The assigned officer shall insure the Auto Theft report form is completely filled out.

(a) Officers shall inquire of the victim and/or reporting party regarding the best means of contacting them upon recovering their stolen vehicle. Officers should request and document all cellphone, home, business and/or alternate telephone number and e-mail address, insuring this information is documented in the report. The department's goal is to provide the victim a reasonable opportunity to recover their vehicle prior to it being towed.

(b) Officers should also ascertain if the victim would like to pre-designate an "owner's agent" to pick up their car upon recovery if they are unavailable at the time of recovery prior to the car being towed. Officers should advise the owner that their agent must possess a valid driver's license or valid temporary driver's license. If the victim decides to designate an agent, the contact information shall be documented in the police report and in the "miscellaneous" field of the yellow Stolen Vehicle Entry (SVS) form.

(1) The Officer should inform the victim that if they designate an owner's agent, the agent will need the following items to obtain a Vehicle Release Authorization:

(A) Signed letter from the owner authorizing the release of the vehicle. The letter must be signed by the owner, and

(B) a clear photocopy of the owner's driver's license in which the owner's signature matches the signed letter.

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- (c) In those cases where the license number is unknown, the officer shall make reasonable efforts to determine the license number before forwarding the case to the Auto Theft Detail.
- 7 - The assigned officer shall, without delay, notify the Communications Center of the stolen vehicle and provide all information necessary for the completion of the Stolen Vehicle System (SVS) entry form as soon as it is reasonably certain that the vehicle has been stolen.
- 8 - Upon receipt of the stolen vehicle information set forth in paragraph 5, the Communications Center operator shall:
- (a) Check the vehicle through the Stolen Vehicle System (SVS) and, if no entry is found:
 - (b) Complete a vehicle or license entry/recovery form.
 - (c) Enter the vehicle in the Stolen Vehicle System. **If requested, Communications Center personnel shall add the owner's agent information in the miscellaneous field in SVS with the prefix "OA" (owner's agent) prior to inserting their contact information.**
 - (1) Whenever the SVS entry confirmation printout shows "does not meet manufacturer's specifications," the operator shall attempt to identify and correct the erroneous information.

For example, if in entering the VIN number into the SVS the operator drops one of the numbers, the SVS entry will state "VIN does not meet manufacturer's specifications."
 - (2) The SVS transaction shall be attached to the space provided on the original "Hard Copy."
 - (3) The original "Hard Copy" shall be filed in the SVS "Hot Box."
 - (d) Three copies of the SVS printout shall be made and routed as follows:
 - (1) One copy of the SVS printout to **Records Management** for filing with the original case;
 - (2) One copy to the Auto Theft Detail;
 - (3) One copy to the Communications Center supervisor(s) to be double checked for accuracy and completeness. The Communications Center supervisor(s) shall review the SVS entry forms and insure that errors are corrected.

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- 9 - If a local stolen auto is determined to have been misplaced and not stolen after having been entered in the SVS, it shall be the responsibility of the recovering officer to notify the Communications Center of the vehicle's "Misplaced" status. Upon such notification, Communications Center personnel shall cause the vehicle to be Canceled in the SVS rather than cleared. If the initial report does not explain the change of status from "stolen" to "misplaced," the officer shall prepare a supplemental report which explains the change.
- 10- If a stolen vehicle is recovered prior to being entered in the SVS, the assigned officer shall inform the Communications Center. Upon notification, Communications Center personnel shall enter the vehicle in the SVS and immediately clear the entry so as to comply with the requirement that all stolen vehicles be reported to the Department of Justice for statistical purposes.
- (a) If the vehicle is discovered to be "towed/stored" by another agency at the time the SVS entry is attempted, the assigned officer shall contact the agency, determine the circumstances leading to the recovery, and include that information in the initial report.
- (b) Attempt vehicle thefts shall also be entered into SVS and immediately canceled, in accordance with Department of Justice reporting requirements.
- 11 - It shall be the responsibility of the assigned officer to determine, either prior to or at the end of that officer's shift, that necessary SVS entries, cancellations, or clearances have been made. This shall include a verification of all information, including classification and accuracy of the license and VIN numbers. If an error is discovered, it shall be immediately corrected.
- (a) In addition to normal "Caution Codes" which may be used for SVS entries ("Hold for Prints," "Armed and Dangerous," etc.) forty-two (42) character spaces are available in the "Miscellaneous" entry field. Additional information is extremely useful and should be included whenever possible.

LOCAL RECOVERY OF LOCALLY STOLEN VEHICLES

- 12- It shall be the responsibility of the officer handling the recovery to request confirmation of the stolen status before taking any action and to insure that the vehicle is properly cleared from SVS. The assigned officer shall be informed of the recovery by routing a copy of the recovery report. The officer handling the recovery shall arrange for a latent fingerprint examination of the vehicle in accordance with General Order I-4.
- (a) Communications Center personnel shall immediately notify the owner of the recovery of the vehicle. **In the event Communications Center staff are unable to reach the victim prior to the recovered vehicle being towed, they shall also attempt to contact the designated owner's agent if one is listed in the "miscellaneous" section of the SVS entry.** This shall include

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the condition (if known), process for obtaining a Vehicle Release form, and the fact that towing and storage fees are the responsibility of the registered owner. In all cases, the method of notification and the name of the individual to whom notification was given shall be written on the "Hard Copy."

- (1) If no answer is received or no message is left, attempts to contact the owner shall be continued during the shift, and, if necessary, forwarded to oncoming shifts to continue the effort to contact the owner.
- 13- In the event Communications Center personnel are unable to reach the owner of a recovered vehicle to make the necessary notification, an officer shall be assigned to make the notification by contacting the owner or leaving a note at their address if they reside in the City of Berkeley.
- (a) In those cases where an owner cannot be contacted by telephone or written message, the Auto Theft Detail shall mail a form letter to the registered owner, informing the owner of the recovery.
- 14- The officer handling the recovery of the stolen vehicle shall notify the Communications Center of the condition of the vehicle, number of suspects in custody (if any), whether license plates are missing, and the location of the recovery.
- (a) Communications Center personnel shall clear the vehicle in the SVS, remove the related local Stolen Auto form from the "HOT BOX," stamp the form as "CLEARED," initial the form and route it to the Auto Theft Detail with a copy of the SVS printout. Owner notification information shall be noted at the bottom of the form.
 - (b) An additional copy of the SVS printout shall be routed to the Service Bureau for attachment to the original case.
 - (c) A copy of the SVS form indicating the "clear" status will be forwarded to the recovering officer.
 - (d) Communications Center personnel shall enter stolen/missing license plate information in SVS in cases where recovered vehicles are missing plates.

LOCAL RECOVERY OF OUTSIDE STOLEN VEHICLES

- 15- It shall be the responsibility of the officer handling the recovery of an outside stolen vehicle to request confirmation of the stolen status before taking any action, and to arrange for towing of the vehicle and a latent fingerprint examination as previously noted.
- 16- The assigned officer shall notify the Communications Center of the recovered vehicle, providing the vehicle condition, towing service name, number of license plates, whether a suspect has been arrested, and the location of the recovery.

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- 17- Communications Center responsibilities for local recoveries of outside stolen vehicles are as follows:
- (a) Complete the Vehicle Locate form.
 - (b) Send a locate notice to the outside agency.
 - (c) Attach the locate transaction and the vehicle registration print-out to the locate form in the spaces provided. Communications Center personnel shall date and initial the form, making four (4) copies to be routed as delineated in paragraph 17(e) of this Order.
 - (d) Copies of the locate transaction and form shall be routed as follows:
 - (1) The original form to the Auto Theft Detail.
 - (2) One copy to Report Review for attachment to the original report.
 - (3) One copy to the officer handling the recovery.
 - (4) One copy to the Communications Center supervisor(s) for review to insure that the vehicle has been cleared and the victim has been notified.

VICTIM RECOVERY OF STOLEN VEHICLES

- 18 - When the victim has recovered a vehicle, previously reported as stolen to an outside agency, and returns the vehicle to Berkeley without a recovery report having been made to the agency with jurisdiction for the recovery location, an officer shall be assigned to handle the recovery report.
- (a) The recovery investigation and SVS clearance shall be handled as a local recovery of an outside stolen vehicle.
 - (b) The narrative shall contain information supplied by the victim regarding the time, location, and circumstances of the recovery.
 - (c) If requested, a copy of the report shall be forwarded to the agency with jurisdiction for the recovery location by the Auto Theft Detail.
- 19 - When the victim has recovered a local stolen vehicle, in an outside jurisdiction, and returned the vehicle to Berkeley without a recovery report having been made to the agency with jurisdiction for the recovery location, an officer shall be assigned to handle the recovery.
- (a) The recovery investigation and SVS clearance shall be handled as a recovery of a local stolen vehicle.

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- (b) The narrative shall contain information supplied by the victim regarding the time, location, circumstances of the recovery, and vehicle condition.
- 20 - The victim shall be requested to make the recovered vehicle available to the handling officer and the handling officer must verify the vehicle is the one reported stolen prior to completing the recovery. **Such reports may not be taken over the phone.**

OUTSIDE RECOVERY OF LOCAL STOLEN VEHICLES

- 21 - Upon receipt of a teletype from another agency advising of that agency's recovery of a vehicle stolen in Berkeley, the Communications Center shall:
- (a) Ascertain that the vehicle has been properly cleared in the SVS. If this has not been done, the same procedures outlined for the recovery of local stolen vehicles shall be followed.
 - (b) Remove the local stolen auto form from the "HOT BOX" and make all cancellations and notifications called for in the form.
 - (1) Route the original copy to the Auto Theft Detail for attachment to the original report.
 - (2) Route the duplicate copy to Records Management.**
 - (3) Route the triplicate copy to the assigned officer.
 - (4) Route the fourth copy to the designated Communications Center supervisor(s) for final review.
 - (c) Notify the owner in the same manner as described in paragraphs 12 (a) of this Order.
- 22 - In the event Communications Center personnel are unable to reach the owner of a recovered vehicle to make the necessary notification, complete the procedures set forth in paragraph 13 of this order.
- 23 - Vehicles stolen locally and recovered in other jurisdictions, are generally not examined for latent fingerprints by the recovering agency. At the time the victim comes to the Public Counter for a release, the following shall be done:
- (a) The victim shall be requested to return the vehicle to the Public Safety Building for a latent fingerprint examination.**
 - (b) A notation shall be made on the Auto Theft Detail copy of the release form indicating the request was made of the victim.

RECOVERED VEHICLES-GENERALLY

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- 24 - When a stolen vehicle is found, the investigating officer shall request the SVS entry be confirmed and complete the Auto Theft form. The report shall provide details of the following aspects of the investigation:
- (a) A detailed description of the method of starting/operating the vehicle ("hot-wire," ignition punch, etc.).
 - (b) A detailed description of damage, stripping of parts, or other vehicle conditions.
 - (c) The vehicle shall be searched for items of evidentiary value, and any evidence seized handled and held in the manner set forth in General Order P-65.
- 25 - Officers shall not tow and/or impound vehicles for cases they initiate regarding "investigation" of possible stolen vehicles without the approval of a sworn supervisor.

EMBEZZLED AUTO REPORTS

- 26 - Section 10855 of the Vehicle Code governs those situations "whenever any person who has leased or rented a vehicle wilfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired, that person shall be presumed to have embezzled the vehicle."
- 27- The assigned officer, prior to taking a report of an embezzled auto, shall confirm the victim vehicle was leased or rented, not merely "loaned." They shall also confirm that the victim or victim business has taken the following steps:
- (a) Checked with the renter by phone to see why the vehicle has not been returned.
 - (b) Checked the lot and other company lots for the overdue vehicle.
 - (c) Sent a registered or certified letter to the residence of the renter demanding the return of the vehicle following the expiration of the lease or rental agreement.
 - (1) The assigned officers shall obtain copies of the registered/certified letter.
 - (d) Made contact at the address of the renter, if local, and ascertained if the vehicle or renter is present.
 - (e) Confirmed with other employees that an extension was not given via phone or other means.
- 28 - If the victim confirms that the steps described in paragraph 27, above, have been taken and the five (5) day time limit has passed, then a report shall be taken.

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- 29 - Whenever it has been determined that a person has rented the vehicle fraudulently (i.e., via stolen credit card), then the vehicle may be reported stolen IMMEDIATELY.
- (a) In this circumstance, the five (5) day waiting period does not apply.
- 30 - When the above steps have been taken, the vehicle should be entered into SVS as "STOLEN."
- (a) "Embezzled Vehicle" shall be entered into the "MIS" section of the form by designated Communications Center operator and the Auto Theft Detail shall be notified at (510) **981-4727**.
- (b) Provisions of this section do not apply to vehicles loaned between private parties that are not returned because these vehicles are not rented or leased (refer paragraphs 32-36 of this Order).
- 31 - As part of a completed preliminary investigation, the assigned officer shall be responsible to insure copies of the rental agreement/contract, registered/certified letter and service card, along with any other pertinent documentation and information, are routed to the Auto Theft Detail.

SUSPICIOUS CIRCUMSTANCES - NON-RETURN OF "LOANED" VEHICLES

- 32 - There has been a significant increase in the number of cases made to law enforcement agencies involving citizens attempting to report as "stolen" vehicles they have voluntarily released or "loaned" to another when that individual fails to return it by a specified date or time. Such "loaned" vehicles include those "rented" between individuals, oftentimes for money or drugs.
- (a) According to the Alameda County District Attorney's Office, incidents involving vehicles which are voluntarily released or "loaned" to another generally do not fall within the provisions of Section 10851 VC since this statute defines a mandatory element of this offense to be the actual taking without the consent of the owner.
- 33 - These cases are often difficult to classify. Depending upon the circumstances, they could fall within the provisions of a variety of criminal and/or civil statutes.
- 34 - To facilitate investigative follow up and review by the District Attorney, if warranted, incidents involving such cases shall be documented on the Department's Auto Theft Form.
- 35 - The assigned officer shall obtain all information needed to complete the report form, including the following:
- (a) Insure the vehicle has been checked by Communication Center staff as described by paragraph 4 of this Order.

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- (b) Obtain complete identifying information on the registered owner and/or victim as described in paragraph 6 of this Order.
 - (c) Obtain information and/or description of the person to whom the vehicle was loaned. Such information shall include name, aliases, date of birth if known, home/work addresses, telephone numbers, and a complete physical description.
 - (d) Full description of vehicle, using the format provided on the Auto Theft report form.
 - (e) Date, time and location where "loan" or "release" of vehicle took place.
 - (f) Summary of circumstances of the "loan" or "release," insuring the following information is documented in the initial investigative report:
 - (1) Did the victim/registered owner place a specific time limit on usage/loan of the vehicle? If so, has the time limit passed?
 - (2) Define relationship between victim and suspect (i.e., relative, acquaintance, stranger?)
 - (3) Can the identity of the suspect be positively established?
 - (4) Information regarding certification of ownership. Is the victim the legal owner? Location of the pink slip and/or proof of title.
- 36 - The assigned officer shall classify the investigation as a "suspicious circumstance." Initial investigations shall contain all of the information requested in paragraph 39 prior to being forwarded to the Auto Theft Detail.
- (a) NO SVS entry shall be made until a minimum of 14 calendar days has expired from the specific date the vehicle was due to be returned and the District Attorney has reviewed the case.
 - (1) The District Attorney, in reviewing the case, will determine the appropriate criminal classification, if any, warranted by the totality of the circumstances. This information will be documented on the investigative report closing or suspending the case. In those cases where the District Attorney's Office does not believe the matter to be criminal, no SVS entry shall be made.
- 37 - Primary priority by investigative personnel is given to those cases clearly established, during the initial investigation, as stolen or embezzled vehicles. As time provides, investigative personnel shall periodically confer with the District Attorney regarding cases which are unresolved regarding classification.
- 38 - The Auto Theft Detail shall maintain records of auto thefts and embezzled vehicles as

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required by the Department of Justice Information System (CJIS) Manual.