DAVIS POLICE DEPARTMENT
STOLEN & EMBEZZLED VEHICLES
Policy and Procedure 2.06-B

DEPARTMENT MANUAL

Index as:
Stolen Vehicles
Embezzled Vehicles
Apprehension, Stolen Vehicle

I. POLICY

The following procedures are used for the handling of stolen or embezzled vehicle reports and recoveries.

II. PROCEDURE

A. Stolen Vehicle Reports

1. Dispatcher Duties

   a. Event Priority and Dispatch

      1. Dispatchers will enter a 10851 using event Priority 1 if the theft is in-progress or just occurred or Priority 2 if the vehicle is no longer in the area and there is no known direction of travel.
      2. Dispatchers should obtain a full vehicle description, including color, year, make, model, body style, and license.
      3. Run the license plate in CLETS to confirm it was not towed, stored, or repossessed.
      4. A PSS or patrol officer will be dispatched, based on the event priority.

   b. CLETS Entry

      1. The dispatcher will confirm the CHP 180 has been signed or the theft has been verified by the responding unit.
      2. The Dispatcher will immediately enter the vehicle into the CLETS Stolen Vehicle System (SVS). If the dispatcher enters the vehicle prior to viewing the actual CHP 180, they may need to modify the entry if they receive further identifying information (such as bumper stickers, dents, etc.)

   c. Teletype BOL

      The dispatcher should send a teletype to the following agencies:

      YOH       YECA
      YOD       YECA Supervisor
      UCD       UCD Police Department
      PDS       Sacramento Police Department
      SSS       Sacramento County Sheriff
TFTA     SACCATS (Sacramento County Auto Theft Services)
SRMA     CHP Sacramento
GCCB     CHP Solano (Golden Gate)
FAV0     Solano County Sheriff’s Office

The teletype and the CHP 180 will be attached to the case in RIMS.

2. Patrol’s Response to Call and Required Report

   a. If known, the vehicle description will be provided to the responding unit(s). This gives
      the responding unit(s) an opportunity to look for the vehicle on their way to the location.

   b. When obtaining the information from the victim, the officer should make sure to obtain
      all the facts that the CHP 180 requires, keeping the following in mind:

      1. Has the victim failed to make payments on the vehicle? Could it have been
         repossessed?

      2. If the victim knows who took the vehicle, be sure that the vehicle was actually stolen
         and not loaned to someone the victim knows and wants to embarrass or taken by a co-
         owner.

   c. The officer/PSS will fill out the CHP 180 form. All stolen automobile, VC § 10851,
      reports and recoveries require a fully completed CHP 180 form. After the form is
      completed, it is the responsibility of the reporting officer/PSS to give the CHP 180 to
      dispatch. Dispatch will enter the vehicle in the SVS and attach the entry to the case in
      RIMS.

B. Stolen Vehicle Recoveries

1. Dispatcher Duties

   When a dispatcher receives information on a stolen vehicle recovery they should
   immediately: confirm the vehicle is an outstanding stolen vehicle; confirm that the license
   plate, vehicle description, and vehicle identification number (VIN) match; check the report to
   determine whether Davis PD is the originating agency; or, call the original reporting agency
   if Davis PD is not the originating agency.

2. Vehicles Stolen and Recovered in Davis (Davis PD is the originating and recovering agency)

   a. Dispatch should enter an event using the event type “R10851” and assign Priority 2.

   b. Dispatch a patrol officer or PSS to the scene to contact the Reporting Party, complete
      the CHP 180 form for the recovery, and handle the release of the vehicle to the tow-
      company or victim.

   c. Dispatch should immediately attempt to contact the victim or the person who reported the
      vehicle as stolen for notification of the vehicle’s recovered status.

      1. If the reporting party/victim is available, they may be able to respond to the scene and
         have the vehicle released to them. This is the preferred method for vehicle release
         because it will save them towing and storage charges. This will also comply with VC
         §10500, which states the original reporting agency is responsible for immediate
         notification to the reporting party of the vehicles located status.

      2. Verbal or written notice must be given or sent within 24 hours of the recovery.
         Leaving a message on an answering machine is not acceptable notice.
d. Once notification has been made, the dispatcher should indicate the date/time of the notification on the recovery teletype.

e. The dispatcher shall clear the vehicle from the stolen vehicle system in CLETS.

1. Always confirm whether or not the license plates are on the vehicle. If the license plates are not located, the dispatcher must “CLEAR” the stolen vehicle entry in CLETS and enter the license plates as stolen.

2. If the vehicle is released to the victim at the scene the vehicle must be immediately removed from CLETS to prevent the victim from driving a vehicle listed in CLETS as stolen. The dispatcher should ascertain from the officer/PSS on scene, the status of the vehicle (i.e. damage, missing license plates, suspect arrested). This information is necessary to complete the CLETS portion of the recovery.

f. If the vehicle is towed, the dispatcher should use the tow rotation log to contact a tow company. Indicate the name and phone number of the tow company in the reference field of the CLETS recovery.

g. The dispatcher should mail the CHP 180 half sheet to the registered owner.

h. If the vehicle was recovered within a few hours of being reported stolen, the dispatcher shall cancel the Teletype BOL previously sent to surrounding agencies.

i. The CHP180 and CLETS paperwork must be scanned and attached to the RIMS case by dispatch. The recovering officer must update the RIMS report vehicle section to reflect the vehicle is recovered.

3. Vehicles Stolen in Davis and Recovered by another Agency

When an outside agency recovers a vehicle stolen in Davis, the recovering agency will notify the Davis Police Department by sending a “LOCATE” Teletype through CLETS. The Teletype will give the status of the vehicle as well as where the vehicle is stored. Upon receiving a CLETS “LOCATE”, dispatch will:

a. Write a supplement to the report indicating the locating agency name, the date and time of the recovery and the location of the recovery.

b. Update the RIMS vehicle section to reflect recovered status.

c. Clear the “LOCATE” from CLETS and enter plates if applicable.

d. Attempt to contact the reporting party/victim for notification of the vehicle’s recovered status and provide the reporting party/victim with the phone number for the tow company (if available in the Teletype) and the phone number for the recovering agency. Dispatch will also indicate the notification date/time on the supplement.

e. If no contact is made, the dispatcher shall mail a written notice to the reporting person within 24 hours of the vehicle recovery. Leaving a message on an answering machine is not proper notification.

f. Dispatch will scan all related recovery paperwork to the RIMS report.

4. Vehicles Reported Stolen to Other Agency and Recovered in Davis

The dispatcher will:

a. Enter an event type “R10851”.

b. Dispatch an officer or PSS to the scene to complete the CHP 180 form and release the vehicle to the tow-company or victim.
c. Enter a “LOCATE” into CLETS, after ascertaining the status of the vehicle. The dispatcher should indicate the name/phone number of the Tow Company if the vehicle is towed.
d. Contact the reporting party/victim to notify them of the recovery status of the vehicle and to indicate the date/time of the notification on the locate Teletype.
e. Mail the CHP 180 half sheet to the vehicle owner and scan all related paperwork to the RIMS report.

C. Embezzled Vehicles

1. Embezzled Vehicle Procedure / Failure to Return a Borrowed Car

a. Officers taking an embezzled vehicle report will articulate the conditions of the vehicle’s removal. The report will minimally include:

1. The reason the vehicle was taken.
2. The location to which it was to have been driven.
3. The time it was to be returned.
4. The suspect’s name.
5. The suspect’s past performance relating to similar situations.

b. If consent to drive the vehicle has not been revoked, the vehicle owner should be directed to send a letter to the possessor via Registered Mail-Return Receipt. The language of the letter should include: “Your permission to operate this vehicle is rescinded. You are to stop operating the vehicle immediately. Park the vehicle legally and notify me of the location, so I may recover it. If you fail to comply with these instructions, I will report to the police the vehicle as stolen.” The letter should also include a description of the vehicle including the year, make, model, color, license plate number and VIN. The vehicle owner should be directed to retain a copy of the letter.

c. After consent has been revoked, and when it is reasonable for the investigating officer to assume the suspect does not intend to return the vehicle, a vehicle theft (VC §10851) report can be taken, if all the elements of the crime exist. Supervisory permission is needed in order to change the classification from embezzlement (PC §503) to vehicle to vehicle theft (VC §10851). A stolen vehicle report requires entry into the SVS.

2. Rental Car Thefts and Embezzlement

VC §10855 specifically covers embezzlement of rented or leased vehicles. Whenever any person who has leased or rented a vehicle willfully 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. However, the same evidence may be used to also classify the report as an auto theft (VC §10851), which would require the vehicle be entered into the SVS.

Supervisory permission must be sought in order to classify the vehicle as a stolen vehicle rather than an embezzled vehicle. And, the following information and documents are needed in order to make the stolen vehicle report:

- A legible copy of the original SIGNED rental or other contract that includes the renter’s/lease’s full name, address, telephone number, driver’s license number and state,
rental and scheduled return dates, total amount paid at the time of rental and form of payment.

- A legible copy of the demand letter requiring the exact location of the vehicle be disclosed.
- A copy of the returned, sealed, certified envelope or signed receipt of delivery.
- Renting/Leaser agent’s name, home address, driver’s license and state, date of birth, home and work phone numbers.
- Written documentation indicating what steps the person/company has taken to recover the vehicle. Include each involved person/employee’s name, home address, driver’s license and state, date of birth, home and work phone numbers.
- Any and all extensions to the original contract, whether made verbally or in writing. All documentation must include the date the extension was requested and/or granted along with the date the vehicle was to be returned, the person requesting the extension, the person granting the extension and the reason given for the extension (if any), and documentation of all conversations with the suspect.
- All payments applied to the contract and whether the payment was in cash, credit or debit card, electronic transfer or check.

D. Vehicle Releases

Vehicles recovered in our city will require a vehicle release form, filled out by records, in order to pick up their vehicle from a local tow-company. **No fees shall be collected for the release.**

E. Surveillance of Unoccupied Stolen Vehicles

An officer who locates an unoccupied stolen vehicle may conduct a surveillance of the vehicle in order to conduct further investigation or apprehend any person returning to the vehicle. Inherent with this type of operation is the potential for a person to flee from the officer in the stolen vehicle itself, which should, if possible, be entirely avoided. Therefore, before an officer may engage in this type of operation the following provisions apply.

1. An officer wanting to conduct surveillance of an unoccupied stolen vehicle must receive prior authorization from their immediate supervisor and the Watch Commander.

2. The decision to conduct the surveillance, with all its inherent dangers, must be weighed against the societal necessity to apprehend a suspected violator or let them escape. In recognizing the potential risk to public safety created by any resulting vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in surveillance because of the risk involved in not just recovering the vehicle. Additionally, the officer and supervisor must consider the likelihood of any resulting damage to the vehicle if it is not immediately recovered. In most cases, the risk for conducting surveillance exceeds the risk of simply recovering the vehicle.

3. In evaluating whether or not to grant authorization for surveillance, the supervisor will ensure that a minimum of three officers are assigned to the operation and that the requesting officer has met the following requirements:
   a. The officer will have developed a plan requiring reasonable effort to apprehend the person before they are able to start the vehicle.
b. Tire deflation devices must be deployed on the tires of the stolen vehicle. These deflation devices shall be deployed in a manner so that the tires of the stolen vehicle will become deflated should the person attempt to flee in the vehicle.

c. The mere fact that a stolen vehicle under surveillance becomes mobile does not in and of itself authorize a vehicle pursuit if the person flees.

d. If the person does flee, PP 2.00-A, Vehicle Pursuits, shall be strictly followed.

e. Once the officer who received authorization to conduct the surveillance prepares to go off-duty, or otherwise discontinues the surveillance, the stolen vehicle shall be immediately recovered, unless extenuating circumstances exist. Under those circumstances, the officer shall receive permission from their supervisor to pass on the surveillance information to the next shift.

3. An officer who locates an unoccupied stolen vehicle and does not choose to conduct surveillance shall recover the stolen vehicle as otherwise required by this policy.

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