

Embezzled and Stolen Vehicles

431.1 PURPOSE AND SCOPE

The purpose of this policy is to define and delineate the investigative process regarding stolen vehicles. The Redding Police Department considers the theft of motor vehicles a serious offense and shall thoroughly investigate each incident.

431.1.1 DEFINITION

For the purpose of this policy, a vehicle is defined as "a device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved exclusively upon stationary rails or tracks." (670 CVC)

431.2 EMBEZZLED VEHICLES

- (a) Each embezzled vehicle case in which there is a written contract must be reviewed on its individual merits. The rental-theft prevention and/or prosecution must begin with the agency leasing the vehicle.
- (b) Vehicle rental theft is thefts by embezzlement. To prove the commission of theft by embezzlement, each of the following elements must be proved:
 - 1. A written contract existed between two persons;
 - 2. Pursuant to such a contract, one of those persons accepted property entrusted to him by the other person; and
 - 3. With the specific intent to deprive the other person of his property, the person fraudulently appropriated or converted it for his own use.
- (c) The rental agency must follow the established District Attorney's procedure. The leasing agency shall obtain the following information prior to the signing of a contract:
 - 1. Proper identification, preferably a driver's license with a photograph.
 - 2. At a minimum, the following information:
 - i. First, middle, and last name.
 - ii. Both addresses if the lessee is moving.
 - iii. Date of birth.
 - iv. Driver's license number.
 - v. Complete description of the vehicle.
 - vi. Social security number.
 - vii. Place of employment.
 - 3. If the lessee appears to be suspicious, the residence or place of employment should be verified prior to the consummation of the contract.
 - 4. Leasing agencies shall establish a documenting procedure on the extension of leases.

Redding Police Department

RPD Policy Manual

Embezzled and Stolen Vehicles

- (d) The District Attorney requires upon the expiration of the rental contract, the rental agency shall make a written demand by certified or registered mail to the last known address of the lessee requesting the immediate return of the vehicle. This request must be mailed within 30 days after the expiration of the contract.
 - 1. Officers may initiate a stolen vehicle report, on the sixth day after the contract expires, as provided in 10855 CVC.
 - 2. If the stolen vehicle is recovered by the rental agency, recovery procedures should be followed as outlined in this policy (Recovery Procedures).
- (e) Vehicles embezzled after the expiration of a loan period.
 - 1. The theory of prosecution for vehicle loan thefts is theft by embezzlement, each of the following elements must be proved:
 - i. A relationship of trust and confidence existed between two persons.
 - ii. Pursuant to such relationship, one of those persons accepted property entrusted to him by the other person; and
 - iii. With the specific intent to deprive the other person of his property, the person fraudulently appropriated or converted it for his own use.
 - 2. Each theft after loan case must be reviewed on its individual merits to determine if the borrowing party has converted the vehicle to his/her own use. This determination must be made on a case by case basis, based on the specific facts of each case. Consultation with the District Attorney's office may be made if necessary. An officer should have probable cause to believe the borrowing party has fraudulently appropriated or converted the vehicle to their own use before entering the vehicle into the Stolen Vehicle System (SVS).
- (f) 10502 CVC requires that in embezzlement cases a warrant is issued for the suspect's arrest prior to entering the vehicle into SVS. 10855 CVC presumes a leased/rented vehicle is embezzled on the sixth day after the rental agreement has expired. A report may be taken at that time and the vehicle entered into SVS.
- (g) If one or more of the below-listed elements are present and have been substantiated, and the officer shall make a stolen vehicle report:
 - 1. Evidence of fraud on the face of the contract, i.e., verified false information on the contract.
 - 2. Use of NSF/Account Closed checks or stolen credit cards.
 - 3. A vehicle is not returned but found. The officer shall list where the vehicle is recovered and the condition of the vehicle, e.g., stripped or altered in appearance or license plate(s).

431.3 STOLEN VEHICLES

- (a) A stolen vehicle is one which has been taken without the consent of the owner, with all the elements of CVC Section 10851 present. Examples of vehicles include passenger automobiles, pick-up trucks, trucks and trailers, motorcycles and off-road vehicles.

Redding Police Department

RPD Policy Manual

Embezzled and Stolen Vehicles

- (b) An officer receiving a vehicle theft report shall determine the validity of the report. When there is a reason to believe it is not an authentic report, the individual shall be cautioned as to the criminal consequences of making a false report (Penal Code Section 148.5). A report must be accepted, however, and the investigating officer and/or the follow-up officer shall investigate the validity prior to making an entry into the Stolen Vehicle System (SVS).
- (c) Factors which may help to determine the validity of the report are:
 - 1. Registered owner's name as it appears on the registration.
 - 2. Legal owner's name as it appears on the registration.
 - 3. Whether payments are current (repossession notice on file with the Redding Police Department).
 - 4. Marital status.
 - 5. How many sets of keys exist and who has possession of the keys.
 - 6. The sobriety of the reporting party.
 - 7. Amount of gas in the vehicle and the mechanical condition of the vehicle.
- (d) In all investigations, officers should ensure that the victim signs the Citizen's Arrest Statement located on the RPD signature page. If the victim is out of the area and unable to sign the Citizen's Arrest Statement, the officer can still take the report and after taking steps to confirm the identity of the victim and legal owner of the stolen vehicle.
- (e) The theft of devices normally associated with motorized toys such as pocket bikes, motorized ride-on toys, motorized scooters, motorized skateboards, and surfboards shall be reported stolen using a regular offense report. The theft shall be classified as either a grand or petty theft depending upon the value of the item stolen.
- (f) Any identifiable property in the vehicle at the time of the theft shall be recorded and entered into the Department of Justice Automated Property File, or Automated Firearms Systems.
- (g) The officer shall ensure care is exercised when entering VIN numbers and out of state license plates.
- (h) Upon completion of the initial investigation, officers shall ensure the vehicle is entered into the SVS system and broadcasts are made to allied agencies.

431.4 RECOVERED VEHICLES

A recovered vehicle is one which has been located and identified as a vehicle previously reported stolen or embezzled and which had been stored or returned to the owner. All pertinent information shall be placed in a supplemental report by the employee who causes the action to be initiated.

- (a) Upon the recovery of an out of area reported stolen vehicle, the employee shall complete the following:
 - 1. Enter a "Locate" message into SVS; and
 - 2. Notify the reporting authority.

Redding Police Department

RPD Policy Manual

Embezzled and Stolen Vehicles

- (c) Legal owner (if different) via certified mail, return receipt requested
 - (d) Storing agency (tow company)
3. Vehicle Inventory:
- i. Officers ordering vehicles impounded or stored shall complete the vehicle inventory section of the CHP-180.
 - ii. Members of this Department shall inventory the contents of all vehicles which they store or impound.
 - iii. Upon completion of any additional vehicle inventory forms, the officer shall sign the inventory listing and, before releasing the vehicle to the garage keeper, shall require the garage keeper or his agent to sign any additional inventory form.
- (d) Follow-Up Investigation
- 1. Copies of all stolen/embezzled vehicle cases, supplementals, and teletypes shall be routed to the officer who took the initial report if there is suspect information and/or investigative leads. If there is no suspect information or investigative leads the case status will be listed as INACTIVE.
- (e) Suspects Arrested for 10851 CVC
- 1. Arrests made by the Redding Police Department for vehicles stolen out of Shasta County require the arresting officer to notify the original reporting agency.
 - i. The officer shall advise the original reporting agency that the Shasta County District Attorney's Office will not normally file charges on out of county reported stolen vehicles which result in an arrest in Shasta County. The original agency must file a complaint within 48 hours or the suspect will be released.
 - ii. The arresting officer's report shall include the date, time, and person contacted at the original reporting agency.
 - 2. When an "out of county" agency arrests a suspect in a Redding Police Department reported stolen vehicle, the same 48 hour time frame applies.
 - i. When arrest information is received, Records shall notify the shift supervisor or watch commander immediately.
 - ii. The shift supervisor shall assign an officer to the case.
 - iii. The assigned recovering officer shall contact the arresting agency and request a copy of the arrest report. If the report is not available, obtain a statement from the arresting officer. The statement or report should contain the necessary information for an arrest warrant, including date and time of arrest, the suspect's full name, date of birth, description, details of the arrest, and statements made by the suspect.
 - 3. It shall be the responsibility of the assigned recovering officer to contact the registered owner of the 10851 CVC vehicle and advise him/her of the recovery and the location of the vehicle. This notification or attempted notification shall

Redding Police Department

RPD Policy Manual

Embezzled and Stolen Vehicles

be documented in the recovery report. The vehicle shall then be removed from SVS system by records.

4. The assigned officer shall complete the report immediately and place a "priority one" on the report package. The report shall be given to the Records Supervisor to be transcribed by 0800 hours the next morning.
 - i. The Records supervisor shall give the transcribed report to the shift supervisor for approval and routing. A copy shall be routed to the Investigations Division.
 - ii. The shift supervisor shall notify the Investigations Supervisor or Auto Theft Coordinator of the "out of county" arrest.