

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1125.5, REPORTED AND RECOVERED STOLEN VEHICLES**

EFFECTIVE:	9/24/15
RESCINDS:	1125.4
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POLICY:

Reported and suspected cases involving theft of motor vehicles, including automobiles, trucks, motorcycles, motor homes, semi-tractor trailers, boats, airplanes, and any vehicles defined as self-propelled on public streets and highways, as well as mopeds, trailers, boat engines, and engines shall be documented and investigated by the Department. Reported and suspected cases involving thefts of license plates and/or decals shall also be documented and investigated.

PROCEDURES:

1. REPORT PROCEDURES

1.1 INITIAL INCIDENT REPORT

The initial Incident Report concerning theft of a motor vehicle must include the following:

- a. All circumstances surrounding the theft of the vehicle, especially any circumstances which prove intent to permanently or temporarily deprive or defraud the true owner of his or her property.
- b. The reporting officer's verification of ownership by seeing a Certificate of Title, Bill of Sale, Registration, etc. the narrative of the report must include how the registration information was obtained (i.e., via Teletype, physically viewed registration, etc.). Any discrepancies in ownership should be noted in the report. If the lawful possessor is the reporter, the officer shall make a reasonable effort to contact the registered owner of the vehicle to ensure that they are not in possession of the vehicle. The steps taken to do so shall be noted in the narrative of the report.
- c. A complete description of the stolen vehicle. This description should include the license plate number, plate type (passenger car, homemade trailer, rental vehicle), Vehicle Identification Number (VIN), make, model, number of doors (2-dr, 4-dr, hatchback, etc.), and any identifying marks or features of the stolen vehicle.
- d. The fact that the Stolen Vehicle Affidavit has been signed by the victim, owner, or legal possessor.
- e. The fact that a written Statement has been completed by the victim, owner, or legal possessor.
- f. The fact that the vehicle has been entered into Teletype or, if not entered, the reasons why the vehicle/vessel was not, e.g., discrepancies in ownership, Teletype down, loaned vehicle.

- g. If the tag comes back "Not on File," the officer should request that Teletype access the Driver and Vehicle Information Database (DAVID) system to verify that the license plate was originally assigned to the registered owner (if this cannot be verified with DAVID, the license plate shall be noted in the narrative of the report, but may not be entered into Teletype). The vehicle may still be entered by VIN only.
- h. The name of the insurance company and the lien holder.
- i. Whether the owner is delinquent on payments.
- j. Whether the vehicle is equipped with any standard/after-market theft-deterrent equipment.
- k. Whether the vehicle is equipped with a vehicle recovery system, such as LoJack, GPS, or OnStar.

The incident report MUST be completed prior to the employee going back in service.

1.2 PROCEDURE WHEN VEHICLE INFORMATION UNAVAILABLE

When the victim is unable to provide the investigating employee with the vehicle license plate number and/or Vehicle Identification Number, the employee will complete the required initial report. The victim/reporter will complete and sign a Stolen Vehicle or Vessel Affidavit. The investigating employee should request a DHSMV offline search check through Teletype or search the DAVID database. The information needed by Teletype is the victim's full name, race/sex, and date of birth. DHSMV will provide a listing of all vehicles registered to the victim that will include the VIN and license plate information. This information is usually returned in approximately 10 minutes.

The reporting officer must carefully review all information obtained through the DAVID database or a DHSMV offline search request. It is highly recommended that the reporting officer review the information with the victim/complainant for any inconsistencies. Should there be any question as to the actual ownership or VIN/tag of the vehicle, the vehicle should not be entered into Teletype but be forwarded via Report Review to the Property Crimes Section. The investigating employee shall advise the victim/reporter **to call the Information Desk with this information as soon as possible**. It is critical to enter accurate information to protect innocent citizens and to avoid liability for OPD.

With the information provided from the DAVID database or a DHSMV offline search request, the stolen vehicle can then be entered into Teletype. A notation should also be placed in the narrative of the report indicating that the information was obtained through the offline search.

If the victim provides the Information Desk with the license plate and VIN, the Information Desk employee will do a supplement report and provide the information to Teletype for entry into NCIC/FCIC.

2. RECOVERY PROCEDURES

2.1 RECOVERY OF VEHICLES STOLEN WITHIN ORLANDO CITY LIMITS

Upon recovery of a vehicle stolen within Orlando City limits, the recovering officer shall accomplish the following:

- a. Notify Teletype to confirm and clear the vehicle from NCIC/FCIC.
- b. If the owner can respond to the scene within 30 minutes, the vehicle shall be processed and released at the scene. If the owner cannot respond to the scene, the officer shall process the vehicle and contact the City's contracted wrecker service for towing. Except when located at a wrecker company lot, never leave a recovered stolen vehicle at the recovery scene.
- c. If the vehicle cannot be processed at the scene, the officer shall follow the procedures for impounding and towing the vehicle in the current issue of P&P 1130, Vehicle Towing, Storage, and Inventory.

- d. A watch commander or the Property Section lieutenant may authorize not to have the vehicle processed.
- e. Complete an investigative supplement report outlining the details of the recovery by the end of the employee's tour of duty. Recovery reports must be completed using the original theft report number. The supplement report will include the approximate value of the recovered vehicle. The value of the recovered vehicle will be that value listed in the stolen vehicle report, or a lesser value that reflects any new damage or theft.
- f. Contact or attempt to contact the owner. The officer shall note in the report whether the owner was contacted and the method of successful contact (in person or by telephone). Messages left on answering machines are not acceptable notification. If the owner or legal possessor of the vehicle has not been contacted before the end of the reporting officer's tour of duty, this shall be noted in the report and the assigned Property Crimes detective shall continue to attempt to contact the owner for 72 hours following the recovery of the vehicle. If the owner of the vehicle has not been contacted by the end of the 72-hour period, the detective shall send a written notice in the form of a certified letter, return receipt requested, to the owner.

2.2 RECOVERY OF STOLEN VEHICLES (OUTSIDE CITY LIMITS), OPD AUTHORITY

Depending on staffing availability and vehicle location, a patrol unit will generally not be dispatched to the recovery scene to process the vehicle unless unusual circumstances exist. This decision shall be made by the on-duty watch commander. Refer to the current issue of P&P 1130, Vehicle Towing, Storage, and Inventory, for additional instructions on vehicles recovered by the Orange County Sheriff's Office.

A unit will not be sent to a recovery scene outside of Orange County unless there is a specific need for this action. Authority must be obtained from an on-duty watch commander before a unit is dispatched to a recovery scene outside of Orange County. Prior to leaving Orange County, the individual will adhere to the current issue of P&P 1802, Use of City Vehicles, concerning such travel.

In cases when a unit is dispatched to the recovery scene as stated above, the Teletype removal paperwork shall be forwarded to the Property Crimes Section.

If a patrol officer is not dispatched, then the Property Crimes detective shall be responsible for the following:

- a. Verify location and condition of the vehicle.
- b. Determine if the vehicle has been processed by the recovering agency.
- c. If the vehicle has not been processed, determine if the recovering agency will do so or if OPD personnel can process.
- d. Complete the vehicle processing request.
- e. Notify victim.
- f. Conduct the proper follow-up.
- g. Release any holds on the vehicle.

2.3 OUT-OF-STATE RECOVERIES

If an auto theft suspect is arrested in another state as a result of an OPD auto theft entry, the assigned detective shall accomplish the following:

- a. Ascertain if the recovering agency has or will file charges.
- b. Obtain an arrest warrant if necessary.
- c. Contact the State Attorney's Office to see if we will extradite and, if so, facilitate the return of the arrestee to this jurisdiction.

- d. Obtain an affidavit from the out-of-state police officer who captured the defendant and can put him or her behind the wheel of the stolen vehicle. The detective should stress to the out-of-state police officer that he or she should provide as detailed an affidavit as possible, including any statements he or she can attribute to the suspect.

2.4 RECOVERY OF STOLEN VEHICLES (FROM OTHER JURISDICTIONS)

Upon recovery of a vehicle stolen from another jurisdiction, the recovering officer will:

- a. Secure the vehicle for processing.
 1. If the vehicle is to be turned over to a local agency, Teletype shall contact the agency for instructions before towing the vehicle (unless the vehicle must be towed to prevent a traffic hazard or similar situation from arising.) The vehicle may be released to the reporting department on the scene if Teletype indicates that the reporting agency wishes to recover the vehicle at the scene. The vehicle may be released to the victim unless there are specific instructions in Teletype requiring other action. Refer to the current issue of P&P 1130, Vehicle Towing, Storage, and Inventory, for additional instructions on recovery of vehicles stolen in Orange County and recovered in the City.
 2. If the agency is not local or cannot respond to the scene, Teletype will contact the department originating the entry, inform them that the vehicle has been recovered, and request instructions for handling the vehicle. By law (§812.062, Fla. Stat.), this notification must occur within 72 hours of the time the vehicle is recovered. If notification cannot be made by Teletype, the Property Crimes Section will send a certified letter, return receipt requested. The vehicle shall be towed, processed, and secured at the City's contracted wrecker service unless the teletype message specifically states "do not process."
- b. The recovering officer shall complete an Incident Report. This Incident Report will contain:
 1. All details of the recovery including any information concerning suspects and/or arrestees.
 2. The originating agency's case number.
 3. Whether the agency that originated the entry was contacted.
 4. Any follow-up that needs to be done by the Property Crimes Section.
 5. Whether the vehicle has been processed and whether prints or other evidence were recovered.
 6. A note indicating that a teletype entry was sent to the originating Florida law enforcement agency concerning the status of the case and requesting the required documents.

The arresting officer must request a teletype administrative message be sent to the originating law enforcement agency requesting information on whether the originating law enforcement agency has already filed theft charges on the same arrestee charged by OPD. If the originating agency has not already filed theft charges, the arresting officer will request a copy of their initial reports and originals of all statements obtained from victims and witnesses. The Orlando Police Department requests that these reports be mailed or faxed within five days. If copies are faxed, the original statements from victims/witnesses are also required. The case file should be directed to the OPD Criminal Intake Unit, 1250 W South Street, Orlando, Florida 32805.

The Property Crimes detective assigned will ensure that all follow-up is properly completed. The Property Crimes Section will be responsible for assisting other agencies with cases resulting from recovery of their stolen vehicles by OPD. Orange County Warrants coordinates extradition with outside agencies. Local auto theft charges will be notified by the State Attorney's Office and the arrestee will be released to the appropriate agency.

The local State Attorney's Office will continue to prosecute these people for any local charges that may be filed as a result of any other criminal activity.

3. HANDLING INVESTIGATIONS ON UNAUTHORIZED USE (PERMISSION GRANTED FOR USE)

Technically, there is no Florida Statute violated when a vehicle loaned to an individual is not returned within a specified time period, even if this period was agreed upon at the time of loan. The individual who borrowed the vehicle may or may not have the intent of stealing it. Therefore, this situation is not initially considered a violation under current Florida Statutes. The lawful possessor or registered owner may meet with an officer 24 hours after the individual fails to return the vehicle to file the report. After taking the stolen vehicle report, the officer will forward it to the Property Crimes Section.

The person making this report shall be informed that the individual in possession of the vehicle has legal possession granted by the victim/complainant. The reporting person will be informed that, under current policy, the vehicle will not be entered into Teletype as a stolen vehicle, and that he or she should contact the Property Crimes detective if the vehicle has not been recovered after ten days.

The responding officer will complete an Incident Report. The narrative should include the circumstances surrounding the taking of the vehicle.

The Incident Report will not be initially coded as a motor vehicle theft under the offense/UCR code. The report shall include all of the circumstances and individuals involved in the incident. A Stolen Vehicle Affidavit and sworn written Statement shall be completed and signed by the reporting person. Any specified time period under which the vehicle was loaned must be documented in the Statement.

If, at a later time, the Property Crimes detective determines that the circumstances meet the elements of an auto theft, the vehicle will be entered into Teletype by means of an investigative supplement and the offense/UCR code changed to reflect the criminal offense.

4. FAILURE TO REDELIVER A HIRED (RENTAL) VEHICLE

The responding employee will complete a vehicle theft report obtaining all relevant information pertaining to the vehicle and individual who rented the vehicle.

The rental car company shall complete a Police Action Request Form (Attachment A) and a Rental Car Company Checklist (Attachment B). These documents, along with copies of the signed lease or rental agreement, copy of the vehicle registration, copy of the demand letter, copy of proof of delivery or non-delivery of demand letter, stolen vehicle affidavit, and sworn Statement, will be forwarded to the Property Crimes Section.

The rental company must show proof of actual attempts or contact with the renter, demanding return of the vehicle. The preferred method is by certified letter with a return receipt request.

No teletype entry shall be made on vehicles reported stolen by any rental agency in those cases in which the initial investigation discloses them to be the result of a failure to return a rental vehicle. An entry will be made subsequent to a follow-up investigation by the appropriate detective.

An entry will be completed, whenever possible, in those cases of obvious theft or in those cases in which the rental vehicle was rented under fraudulent pretenses, i.e., suspect used counterfeit identification, credit cards, and stolen credit cards.

5. LOJACK PROGRAM

LoJack is a multi-component system used to assist law enforcement personnel with identifying, tracking, locating, and recovering stolen vehicles equipped with the tracking device.

The Property Crimes Section Commander or the designated Property Crimes detective will serve as is the Department Coordinator and liaison with the LoJack Corporation. The supervisor or the designated Detective will be responsible for oversight of Department LoJack equipment, personnel, and training. It is the intent of the Department to have at least one officer on each sector squad trained as LoJack operators. Efforts will be made to assign the LoJack equipped vehicles throughout each Sector, Platoon and Shift to LoJack Certified Officers.

The LoJack Corporation provides the Department, at no charge, with equipment installation and maintenance, and training in exchange for citywide, around-the-clock coverage by LoJack-equipped police vehicles.

5.1 TRAINING

LoJack-equipped vehicles shall, as a general rule, be operated only by those officers trained in their use. Officers interested in training will submit a letter of interest via their supervisor to the Property Crimes Section Commander, who will make the final selection. Officers selected to operate a LoJack-equipped vehicle must successfully complete the required training and any recertification. Training will be provided by the LoJack Corporation and arranged by the Property Crimes Section Commander.

5.2 EQUIPMENT

The LoJack system is comprised of three major components:

- a. The LoJack unit (vehicle transmitter), purchased by the vehicle owner, broadcasts a unique activation code when activated.
- b. The Police Tracking Computer (PTC) consists of three elements:
 1. Antenna array on roof of police vehicle.
 2. Microprocessor, which is mounted in the trunk of the police vehicle.
 3. The display head, which is mounted on the dashboard of the police vehicle and provides the operator with audible and visual signals.
- c. The Florida Activation System (FAS) is centrally located at the Department of Highway Safety and Motor Vehicles (DHSMV) in Tallahassee with transmitters strategically located throughout the state. This system is interfaced with FCIC through DHSMV and activates the transmitting LoJack signal of stolen vehicles when entered into Teletype.

The LoJack Corporation is responsible for the installation, maintenance, and removal of their equipment. Department employees are not permitted to install, remove, transfer, or perform maintenance on any LoJack equipment.

The Property Crimes Section Commander will be notified immediately of any service problem with a LoJack unit by the LoJack operator noting such problem.

The Property Crimes Section Commander will be notified by the Quartermaster Unit supervisor of any LoJack-equipped vehicle that is out of service for a period of five days or more. If the use of a LoJack-equipped vehicle is to be terminated due to damage or normal attrition, the Quartermaster Unit supervisor will notify the Property Crimes Section Commander who will arrange for the transfer of the equipment.

6. STOLEN/RECOVERED LICENSE PLATES

6.1 INITIAL REPORT PROCEDURES

The initial incident report concerning theft of a license plate must include:

- a. Any circumstances surrounding the theft of the license plate, especially any circumstance that proves intent to permanently or temporarily deprive or defraud the true owner of his or her property.
- b. The reporting officer's verification of ownership by seeing a certificate of title, bill of sale, registration, etc. The narrative of the report must include how the registration information was obtained (e.g., via Teletype, physically viewed registration, etc.). Any discrepancies in ownership should be noted in the report.
- c. The complete description of the stolen license plate. This description should include the license plate number, state, decal number, type of vehicle (passenger vehicle, truck, rented vehicle, etc.), and the year of expiration. The report must identify how the license plate information was obtained (e.g., DAVID, Teletype, saw registration, etc.).
- d. A Statement of Prosecution signed or verbally attested by the victim, owner, or legal possessor.
- e. A statement signed by the victim, owner, or legal possessor, stating that the victim is willing to press charges.
- f. That the vehicle has been entered into Teletype or, if not entered, the reasons why the plate was not (e.g., discrepancies in ownership, Teletype down, owner does not want to press charges, license plate was lost and not stolen, etc.).
- g. If the license plate comes back "Not on File," the officer should request that Teletype check in the DAVID system to verify the license plate and send an administrative message to DHSMV.

6.2 PROCEDURE WHEN VEHICLE INFORMATION IS UNAVAILABLE

When the victim is unable to provide the investigating employee with the vehicle license plate number, the employee will complete the required initial report. The victim/reporter will complete and sign a statement. The investigating employee should request a DHSMV offline search check through Teletype or search the DAVID database. The information needed by Teletype is the victim's full name, race/sex, and date of birth. DHSMV will provide a listing of all vehicles registered to the victim and the license plate and decal information.

The reporting officer must carefully review all information obtained through the DAVID database or a DHSMV offline search request. It is highly recommended that the reporting officer review the information with the victim/complainant for any inconsistencies. Should there be any question as to the actual ownership or license plate of the vehicle, the license plate should not be entered into Teletype, but be forwarded to the Property Crimes Section. The investigating employee shall advise the victim/reporter to call the Information Desk with this information as soon as possible. It is critical to enter accurate information to protect innocent citizens and to avoid liability for OPD.

With the information provided from the DAVID database or a DHSMV offline search request, the stolen license plate can then be entered into Teletype. A notation should also be placed in the narrative of the report, indicating that the information was obtained through the offline search.

If the victim provides the Information Desk with the license plate information, the Information Desk employee will do a supplement report and provide the information to Teletype for entry into NCIC/FCIC.

6.3 RECOVERY OF LICENSE PLATES STOLEN WITHIN ORLANDO CITY LIMITS

Upon recovery of a license plate listed as stolen within Orlando City limits, the recovering officer shall complete the following:

- a. Notify Teletype to confirm and remove the license plate from NCIC/FCIC.
- b. Complete an investigative supplement report outlining the details of the recovery by the end of the employee's tour of duty. Recovery reports must be completed using the original theft report number. The supplement report will include the approximate value of the stolen license plate, any suspect information, whether the decal was still affixed to the license plate, the disposition of the license plate (i.e., placed into Property and Evidence), whether the owner was successfully contacted and the method of contact (in person or by phone). Messages left on answering machines are not acceptable notification. If the owner or legal possessor of the license plate has not been contacted before the end of the reporting officer's tour of duty, then this must be noted in the report, and the assigned Property Crimes detective shall continue to attempt to contact the owner for 72 hours following the recovery of the license plate due to the Validations process required by FDLE.

6.4 RECOVERY OF LICENSE PLATES STOLEN OUTSIDE ORLANDO CITY LIMITS

Upon recovery of a license plate listed as stolen outside Orlando City limits, the Teletype operator shall clear the license plate from NCIC/FCIC and obtain from the recovering agency the following information:

- a. Recovering agency case number.
- b. Any suspect and/or arrests.
- c. Whether the owner was notified of the recovery and the method of contact (in person or by telephone).
- d. Disposition of the license plate (i.e., placed into Property and Evidence, released to owner, etc.).
- e. Whether the decal was still affixed to the license plate.

The Teletype operator will then attach all the information together in the following order and forward the paperwork to the Property Crimes Section:

- a. Clear Message, removing the license plate from NCIC/FCIC
- b. Any Administrative Message with recovery information.
- c. Query confirming that the license plate has been removed from NCIC/FCIC.
- d. Original query showing that the license plate was in NCIC/FCIC as stolen.
- e. Original stolen license plate report.

ATTACHMENT A

ORLANDO POLICE DEPARTMENT
POLICE ACTION REQUEST FORM

DATE: _____

COMPANY NAME: _____

CONTACT PERSON/REPORTER: _____

ADDRESS: _____

PHONE: _____ EXT. _____ FAX: _____

RENTAL AGENT: _____

DATE OF RENTAL AGREEMENT: _____ DUE DATE: _____

VEHICLE INFORMATION: VIN: _____

YEAR: _____ MAKE: _____ MODEL: _____

2-DOOR 4-DOOR CONVERTIBLE

TAG #: _____ STATE: _____ COLOR: _____

REGISTERED LETTER SENT ON: _____ CLAIMED BY: _____

REGISTERED LETTER RETURNED, REASON: _____

ADDITIONAL DRIVER: _____ D/L # _____

REGISTERED LETTER SENT ON: _____ CLAIMED BY: _____

REGISTERED LETTER RETURNED, REASON: _____

FORM OF PAYMENT: CASH \$ _____ CREDIT CARD #: _____

DEBIT CARD #: _____ CREDIT CO.: AMEX MC VISA DISCOVER

DISPOSITION OF CREDIT CARD: OVER LIMIT CANCELLED PICK UP

COUNTERFEIT FRAUD STOLEN DATE AUTHORIZATION DENIED: _____

ID PRESENTED AT TIME OF RENTAL AGREEMENT: _____

DID ID HAVE PICTURE? YES NO

DRIVER LICENSE # _____ STATE _____ PASSPORT # _____

RENTER'S NAME: _____ DOB: _____ RACE: _____ SEX: _____

ADDRESS: _____

HOME PHONE: _____ BUSINESS PHONE: _____

COMMENTS: _____

REPORTER'S SIGNATURE _____

ATTACHMENT B



CITY OF ORLANDO

POLICE DEPARTMENT



(DATE)

Rental Car Company Agents:

Please complete the enclosed forms when requesting a vehicle to be reported stolen.

The checklist provided below is to ensure that you have submitted the required documents. All documents, including this checklist, must be provided. Failure to provide the completed information will result in delays on your request.

Checklist:

FAIL TO REDELIVER REQUIRED FORMS

- Police Action Request Form
- Copy of Signed Contract
- Copy of Vehicle Registration
- Copy of Demand Letter
- Copy of Proof of Delivery or Non-Delivery
- Copy of Witness Affidavit
Signed by the Rental Agent who verified the renter's picture identification at the time the rental agreement was signed.
(THIS DOCUMENT MUST BE NOTARIZED)
- Stolen Vehicle Affidavit
(THIS DOCUMENT MUST BE NOTARIZED)

FRAUD REQUIRED FORMS

- Police Action Request Form
- Copy of Signed Contract
- Copy of Vehicle Registration