OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 27 October 20, 2020

SUBJECT: **VEHICLE AND/OR VESSEL INVESTIGATION COMPLETED IN THE FIELD – REVISED; AND VARIOUS RELATED MANUAL SECTIONS – REVISED, ESTABLISHED AND DELETED; COMMERCIAL CRIMES DIVISION – ORGANIZATION AND FUNCTIONS – REVISED; AND, STOLEN VEHICLE AND/OR VESSEL INVESTIGATIONS – FIELD NOTEBOOK DIVIDER, FORM 18.36.02 – ESTABLISHED**

PURPOSE: The methods utilized by criminals to steal motor vehicles continues to evolve in the digital information age. The reporting and investigative processing of such thefts can often impact several entities within the Department, given the complexity of the underlying crime(s) involved. The purpose of this Order is to revise, delete and establish various Department Manual sections related to stolen vehicle investigations and the protocols required for them.

PROCEDURE:

I. **VEHICLE AND/OR VESSEL INVESTIGATION COMPLETED IN THE FIELD – REVISED.** Department Manual Section 4/220.40, *Vehicle and/or Vessel Investigation Completed in the Field*, has been revised and is attached with the revisions indicated in italics.

II. **VEHICLE INVESTIGATION – NOTIFICATION REQUIRED – REVISED.** Department Manual Section 4/220.43, *Vehicle Investigation – Notification Required*, has been revised and is attached with the revisions indicated in italics.

III. **REPORTING A STOLEN VEHICLE AND/OR VESSEL – REVISED.** Department Manual Section 4/220.45, *Reporting a Stolen Vehicle and/or Vessel*, has been revised and is attached with the revisions indicated in italics.

IV. **REPORTING PROPERTY MISSING FROM RECOVERED VEHICLES – REVISED.** Department Manual Section 4/220.47, *Reporting Property Missing from Recovered Vehicles*, has been revised and is attached with the revisions indicated in italics.

V. **VEHICLE AND/OR VESSEL TAKEN IN A CRIME – REVISED.** Department Manual Section 4/220.50, *Vehicle and/or Vessel Taken in a Crime*, has been revised and is attached with the revisions indicated in italics.

VI. **VEHICLE AND/OR VESSEL STOLEN BY MEANS OF IDENTITY THEFT, FORGERY, AND NON-SUFFICIENT FUNDS (NSF) – ESTABLISHED.** Department Manual Section 4/220.51, *Vehicle and/or Vessel Stolen by Means of Identity Theft, Forgery, and Non-Sufficient Funds (NSF)*, has been established and is attached.

VII. VEHICLE AND/OR VESSEL STOLEN BY MEANS OF A FRAUDULENT CREDIT APPLICATION – DELETED. Department Manual Section 4/220.52, *Vehicle and/or Vessel Stolen by Means of a Fraudulent Credit Application*, has been deleted.

VIII. VEHICLE AND/OR VESSEL STOLEN BY MEANS OF EMBEZZLEMENT – ESTABLISHED. Department Manual Section 4/220.53, *Vehicle and/or Vessel Stolen by Means of Embezzlement*, has been established and is attached.

IX. COMMERCIAL CRIMES DIVISION – ORGANIZATION AND FUNCTIONS – REVISED. The organization and functions of Commercial Crimes Division have been revised and are attached.

X. STOLEN VEHICLE AND/OR VESSEL INVESTIGATIONS – FIELD NOTEBOOK DIVIDER, FORM 18.36.02 – ESTABLISHED. The *Stolen Vehicle and/or Vessel Investigations* Field Notebook Divider, Form 18.36.02, has been established. The new form is attached.

AMENDMENTS: This Order amends Sections 4/220.40, 4/220.43, 4/220.45, 4/220.47 and 4/220.50; deletes Section 4/220.52; and adds Sections 4/220.51 and 4/220.53 to the Department Manual. In addition, the Organization and Functions of the Los Angeles Police Department link on the Department's Local Area Network (LAN) has been updated for Commercial Crimes Division.

FORM AVAILABILITY: This Order establishes the Stolen Vehicle and/or Vessel Investigations – Field Notebook Divider, Form 18.36.02. The field notebook divider is accessible in E-Forms on the Department's LAN.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

220.40 VEHICLE AND/OR VESSEL INVESTIGATION COMPLETED IN THE FIELD. When a Vehicle and/or Vessel Investigation is completed in the field, a *Division of Records* (DR) number shall be obtained *from Vehicle Warrant Section (VWS), Records and Identification Division (R&I)*, immediately upon completion of the report. The report shall be retained and submitted for approval *before the reporting officer's* end of watch or on the next routine trip to the station.

220.43 VEHICLE INVESTIGATION – NOTIFICATION REQUIRED. An officer conducting a preliminary investigation of a stolen or recovered truck of five-ton capacity or larger, a commercial trailer, a tractor cab, or a bulldozer, shall immediately telephone all available information to *the Task Force for Regional Auto Theft Prevention (TRAP)*, Commercial Crimes Division *(CCD)*. When *TRAP* personnel are not available, such notification shall be given to Detective Support and Vice Division.

220.45 REPORTING A STOLEN VEHICLE AND/OR VESSEL. When a person wishes to report a vehicle or vessel stolen or lost, the interviewing officer shall conduct a preliminary interview to determine whether circumstances warrant a report.

Stolen Vehicle and/or Vessel Reports. Upon determining that a "Stolen" Vehicle Report, CHP Form 180 and/or "Stolen" Vessel Report, *Form 12.08.00*, should be made, *and no other crime such as embezzlement, identity theft or forgery has occurred relative to the vehicle, victim or incident*, the interviewing officer shall:

- *Query the vehicle license plate and Vehicle Identification Number (VIN) through* the Stolen Vehicle System (SVS) *via the radio* or Mobile Data *Computer* (MDC) to determine if *it* has been repossessed or impounded;
- Telephonically determine if the vehicle is at the Official Police Garage serving the *address* where the vehicle was parked;
- *Determine if* the vehicle has been impounded, *and if so,* the reporting person shall be advised about obtaining the release of the vehicle (*Department* Manual Section 4/780.85);
- *Determine if the vehicle is a moped, and if so,* check the Automated Property System (APS) to determine if *it* has been reported stolen;
- *Determine if* the reporting person can present a *valid* registration certificate; *and if he or she cannot*, verify the license *plate*, and motor or *vehicle* identification number *(VIN)* via the Network Communications System (NECS), or by *telephonic verification with an entity such as an Area records unit*;
- Complete the report and obtain the reporting person's signature thereon; *and,*
- Obtain a DR number *from the Vehicle Warrant Section (VWS).*

Note: In addition to any required Vehicle Report, CHP Form 180, a*n* Investigative Report, Form 03.01.00, shall be completed during the initial investigation of a commercial vehicle theft or hijack when the cargo is the probable object of the theft or hijack.

220.47 REPORTING PROPERTY MISSING FROM RECOVERED VEHICLES. Upon being informed of property missing from a recovered vehicle, employees shall complete a*n* Investigative Report (IR), Form 03.01.00, entitled "PROPERTY MISSING FROM RECOVERED VEHICLE." The Stolen Vehicle *Division of Records* (DR) *number* shall *also* be used *for* the IR. *A Follow-Up Investigation, Form 03.14.00, shall be used to make any corrections, additions or changes to information in the IR or other associated reports.*

220.50 VEHICLE AND/OR VESSEL TAKEN IN A CRIME. Whenever a vehicle and/or vessel is taken in the commission of a crime, a "Stolen" Vehicle Report, CHP Form 180, and/or "Stolen" Vessel Report, Form 12.08.00, shall be completed in addition to the appropriate crime report, *when necessary.*

220.51 VEHICLE AND/OR VESSEL STOLEN BY MEANS OF IDENTITY THEFT, FORGERY, AND NON-SUFFICIENT FUNDS (NSF). *When a vehicle has been purchased, rented, or leased from a dealership, rental car company, online peer-to-peer rental, business, or private party via any of the following, it* ***shall*** *be documented and investigated:*

- *Fraudulent credit application;*
- *Forged documents;*
- *Fraudulent credit cards;*
- *By way of the identity of another true person, [e.g., checks, documents, credit cards or any personal information (as listed in 530.55 (a) PC) not belonging to the suspect]; or,*
- *Non-sufficient funds (NSF) (i.e., check or credit card of the suspect himself or herself).*

Preliminary Investigating Officer's Responsibilities. *The preliminary investigating officer shall:*

- *Review the contract to verify that the agreement or bill of sale has been completed and the suspect has taken custody of the vehicle;*
- *Ask the victim of the forgery (i.e., company or person who sold or rented the vehicle) if he or she has contacted the true person (i.e., Identity Theft victim, whose information was used by the suspect);*
- *Attempt to contact the true person and verify that he or she did not give the suspect permission to have or use his or her personal information;*
- *Ask for the bank receipt showing that there were no funds available at time of sale, for Non-Sufficient Funds (NSF) cases;*
- *Ask for a copy of the original rental customer's driver's license and any Closed-Circuit Television (CCTV) footage from the rental transaction, where applicable;*
- *Complete an Investigative Report (IR), Form 03.01.00, for the person reporting and title it as follows:*
    - *"Forgery" for the company or person who received the false information; or,*
    - *"Identity Theft" for the victim whose information was used by the suspect to buy, lease or rent the vehicle; or,*

- *"Theft via Non-Sufficient Funds" for the victim who received the check or credit card with non-sufficient funds.*

- *Complete a Forgery/Identity Theft Supplemental, Form 03.07.00, as appropriate;*
- *Enter the suspect description without a name on the front of the IR. The name will be included in the narrative. The date, time, and location of the crime shall be entered for the day the suspect took custody of vehicle;*
- *Provide the victim with a Victim's Supplemental Financial Loss Report, Form 03.05.00, and a copy of the IR face sheet;*
- *Obtain a Division of Records (DR) number for the IR from the Area records unit; and,*
- *Submit the report(s) to the Area records unit for distribution.*

Note: *The reporting officer shall complete the shaded area at the top of the Victim's Supplemental Financial Loss Report, briefly explain the purpose of the report and leave the report with the victim for documenting any additional loss associated with the vehicle incident.* ***The reporting officer shall not complete a Vehicle Report, Form CHP 180, nor notify the Vehicle Warrant Section (VWS) regarding the vehicle theft.***

Area auto detectives shall contact the Task Force for Regional Auto Theft Prevention, Commercial Crimes Division (the investigating entity for such incidents) and forward them a copy of the Identity Theft or Forgery IR with supporting documents.

Note: *Vehicles stolen via NSF are the responsibility of the Area auto detectives.*

Recovery of the Vehicle. *Officers shall make every effort to determine the following when investigating special circumstances (i.e., Identity Theft, Forgery and NSF) in relation to stolen vehicles:*

- *If a vehicle is stolen by means of identity theft or forgery and is recovered without a suspect, the officer shall complete a Vehicle Report, Form CHP 180, title it "RECOVERED" and submit the report to the Area records unit so that it may be forwarded to CCD detectives;*
- *If a vehicle is recovered with the named suspect in custody, the arresting officer shall make an attempt to contact CCD detectives for booking advice. If CCD detectives are not available, Area detectives may provide booking advice;*
- *Commercial Crimes Division detectives are to be advised of the arrest, as soon as practicable, and the arrest reports shall be forwarded to CCD by the Area records unit, for filing responsibility; and,*
- *If the vehicle is recovered with a suspect involved other than the named suspect, the officer shall attempt to notify CCD detectives of the detention. If a suspect other than the named suspect is arrested for driving the vehicle without the owner's consent [i.e., California Vehicle Code Section 10851(a)] or California Penal Code Section 487 (a)(d)(1) (GTA), booking advice should also be sought from CCD. However, if the suspect is booked for either charge above without the approval of CCD detectives, then Area auto detectives shall be the investigating entity for prosecution.*

Commercial Crimes Division's Responsibilities. *Upon receiving a Forgery Identity Theft Supplemental, IR, Stolen Vessel Report and/or Stolen Vehicle Report, the detectives assigned to the Task Force for Regional Auto Theft Prevention, CCD, shall assume primary follow-up investigative responsibility. Commercial Crimes Division detectives shall verify all of the information within the report. If any documents are missing or not provided by the victim at the time of the report, CCD detectives shall contact the victim and obtain the missing information. Commercial Crimes Division detectives shall then complete a Stolen Vehicle Report and enter the vehicle into the Stolen Vehicle System (SVS) via VWS. The DR number used on the IR will stand on its own and a new DR number for the stolen vehicle will be issued on the Vehicle Report.*

The detective receiving the Victim's Supplemental Financial Loss Report from a reporting victim shall ensure that the information is legible, complete and accurate before signing the report.

> ***Note:*** *When the Victim's Supplemental Financial Loss Report is used to report additional financial loss, a separate Follow-up Investigation, Form 03.14.00, is not required. However, a Follow-up Investigation report shall be used for any subsequent changes or updates to the Victim's Supplemental Financial Loss Report, or other involved reports.*

220.53 VEHICLE AND/OR VESSEL STOLEN BY MEANS OF EMBEZZLEMENT.
Vehicles that are not returned in accordance with a lease or rental agreement from a rental car company, online peer-to-peer rentals, dealership, business, or private party within five (5) calendar days of the agreement expiration may be reported as embezzled. Per California Vehicle Code Section 10855, "...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."*

California Penal Code Section 504 (a) also states: "...any person in possession of such goods, chattels, or effects knowing them to be subject to such lease or contract of purchase who shall so remove, conceal or dispose of the same with intent to injure or defraud the lessor or owner," shall also be "guilty of embezzlement."

To report an embezzled vehicle, the victim (generally a rental car company) must provide a copy of the rental or lease agreement.

Preliminary Investigating Officer's Responsibilities. *Preliminary Investigating officers shall conduct the following:*

- *Query the license plate and vehicle identification number (VIN) of the vehicle in the Stolen Vehicle System (SVS) to verify that the vehicle has not been impounded, reported stolen, repossessed, or otherwise indicated in the warrant system;*
- *Review the contract to verify that the agreement period has concluded and the minimum five (5) calendar days has passed. The officer shall ask the victim if the contract has been extended by either a new contract or collection of additional funds from the renter/leasee after the termination of the contract agreement;*

- *Request from the victim a due diligence letter or note, such as a Demand Letter or certified account, indicating that an attempt to locate the vehicle and request for its return has been conducted by the victim;*

Note: *This is not required to make a report.*

- *Verify the renter/leasee information provided on the rental contract;*
- *Determine if the documentary/contracted suspect is indeed a true person* ***and*** *the same person who took possession of the vehicle from the rental agency (i.e., not a victim of identity theft himself or herself);*
- *Complete an Investigative Report (IR), Form 03.01.00, and title it "Embezzlement";*
- *Denote the following on the IR:*
    - *The rental car company, online peer-to-peer rental, dealership, business, or private party is the victim;*
    - *The property taken is the vehicle;*
    - *The amount taken is the current market value of the vehicle;*
    - *The renter or leasee of the vehicle is the suspect;*
    - *The date and time of the crime shall be entered as the fifth day of non-return of the vehicle, following the agreement expiration;*
    - *The crime location shall be the same as the location the suspect took custody of the vehicle; and,*
    - *The agent reporting the embezzled vehicle shall be listed as the reporting person.*

- *Obtain a Division of Records (DR) number for the crime of embezzlement from the Area records unit; and,*
- *Submit the approved IR to the Area records unit for distribution. The Area auto detectives shall be the investigating entity.*

Note: *The preliminary investigating officer shall* ***not*** *complete a Vehicle Report, Form CHP 180, for the vehicle,* ***nor*** *shall the officer notify the VWS of the vehicle theft.*

Investigating Officer's Responsibilities. *Area auto detectives shall ensure the following has been completed:*

- *Verify all the information within the report. If any documents are missing or not provided by the victim at time of the report, detectives shall contact the victim and obtain the missing information;*
- *Complete an "Embezzled" Vehicle Report, CHP 180. The Embezzled Vehicle box shall be checked and the same information from the IR shall be used. The DR number used on the CHP 180 shall match the DR used on the IR. Area auto detectives shall contact the VWS, and request that the Crime Class Code* ***(668)*** *be entered;*
- *The VWS has entered the vehicle into the Stolen Vehicle System (SVS). When all information has been successfully entered, detectives shall indicate the File Control*

Number (FCN) on the vehicle report and note the VWS operator's serial number, date and time in the "Notification" field; and,

- *The IR and Vehicle Report have been returned to the Area records unit for distribution.*

Recovery of the Vehicle. *The recovery of an embezzled stolen vehicle shall be processed in the following manner:*

- *If a vehicle stolen by means of embezzlement is recovered without the named suspect, the officer shall complete a Vehicle Report, title it "RECOVERED," notify VWS, and submit the report to the Area records unit for distribution to the Area auto detectives;*
- *If a vehicle is recovered with the named suspect in custody, the suspect may be arrested under California Penal Code Section 504 (a) – Embezzlement. The arresting officer shall attempt to contact Area detectives for booking advice. If Area detectives are not available, then Burglary and Auto Theft Section detectives may provide booking advice;*
- *Area auto detectives are to be advised of the arrest and shall have the arrest reports forwarded to them for filing responsibility by the Area records unit; and,*
- *If a vehicle is recovered with a suspect other than the named suspect, officers shall attempt to notify the Area detectives where the crime occurred to inquire into the suspect's documented involvement in the case. If a suspect other than the one named on the rental agreement is arrested and booked for driving the vehicle without owner's consent [California Vehicle Code Section 10851 (a)], or GTA [California Penal Code Section 487 (a)(d)(1)], <u>without</u> the approval of Area detectives from where the crime occurred, then the arrest shall be investigated by the Auto detectives from the Area of arrest.*

Note: *When reviewing and approving these reports, the Area watch shall ensure the Uniform Crime Reporting (UCR) hierarchy rule is applied to correctly reflect reporting priority.*

DEPARTMENT MANUAL
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COMMERCIAL CRIMES DIVISION.

COMMERCIAL CRIMES DIVISIONS – FUNCTIONS. Commercial Crimes Division *(CCD)* is responsible for investigating the following on a Citywide basis:

- Any crime committed through the use of computer-stored information or sabotage to computer-stored information;
- Fraudulently printed checks;
- Counterfeit currency;
- Frauds by means of worthless checks, credit cards, or forgery;
- Forged prescriptions;
- Identity theft;
- Thefts or hijacks of commercial vehicles engaged in the transportation of merchandise;
- Assisting Area detective divisions by coordinating information involving stolen merchandise sold or pawned to businesses that are listed in the Department *Commission Investigation Division (CID) databases*;
- Certain crimes committed by organized theft groups; and,
- Complex elder/dependent fiduciary crimes resulting in a substantial monetary loss of the victim's entire estate (*Department* Manual Section 4/209.05) *and/or real estate involved.*

Note: All non-sufficient funds and account-closed check cases *with a loss of $50,000.00 or greater will be investigated by CCD.*

COMMERCIAL CRIMES DIVISION – ORGANIZATION. Commercial Crimes Division is comprised of:

- *Cyber Crimes Section;*
- *Complex Financial Crimes Section;*
- Metropolitan Financial Section;
- Valley Financial Section;
- Task Force for Regional Auto Theft Prevention (TRAP)*; and,*
- Burglary Section.

CYBER CRIMES SECTION – FUNCTIONS. The *Cyber Crimes Section (CCS) is responsible for* conducting investigations of *crimes related to 502(c) of the California Penal Code. These include unlawful computer access, hacking, theft of data, network intrusion and denial of service attacks. Additionally, CCS handles the more complex and/or high dollar value Internet fraud cases (over $10,000). Cyber Crimes Section conducts investigations of any crime committed using* computer stored information, or sabotage to computer stored information. The CCS serves two major functions:

- Forensics – The Forensic *Unit* is responsible for conducting forensic analysis of computer media for Department Personnel; *and,*

- Investigations – The Investigation *Unit* conducts investigations, city, state, and nationwide wherein computers are the target of illicit activity, including the handling of complex internet related or high technology crimes.

COMMERCIAL CRIMES DIVISION, FINANCIAL *CRIMES* SECTIONS.

FINANCIAL *CRIMES* SECTIONS – FUNCTIONS. The *Financial Crimes* Sections are *tasked with the* responsib*ility* for investigating *all forgery and identity theft crimes* on a Citywide basis.

COMPLEX FINANCIAL CRIMES SECTION. *The Complex Financial Crimes Section is responsible for the following two units.*

Real Estate Fraud Unit (REFU). *The REFU conducts complex real estate fraud investigations wherein the title was forged and complex fraudulent loan modification cases involving multiple victims. The REFU also investigates rent scam incidents on a case-by-case basis.*

White-Collar Crime Unit (WCCU). *The WCCU conducts specialized major fraud investigations of notoriety involving a series where two or more divisions emerge, losses over $300,000 have incurred, and, at the direction of the Commanding Officer, CCD or the Chief of Detectives.*

The types of crimes investigated are:

- *Offers or bribes or theft cases involving City employees or public officials;*
- *Crimes involving high profile victim and/or suspect;*
- Corporate Security Act Violations;
- Complex Grand Thefts (including Ponzi *and Pyramid* schemes on a case-by-case basis); *and,*
- *Elder Persons fiduciary abuse.*

METROPOLITAN FINANCIAL SECTION. *Metropolitan Financial Section is responsible for all Operations South Bureau, Central Bureau and West Bureau Areas.*

Major Theft Task Force (MTTF). *The mission of the MTTF is to disrupt and dismantle organized theft groups operating in the Los Angeles area, within the United States as well as abroad, who are responsible for a variety of criminal violations including but not limited to organized retail theft, cargo theft, gem and jewelry theft, and acts of violence jeopardizing the safety of the community; and to apprehend, indict and convict individuals involved in those activities.*

VALLEY FINANCIAL SECTION. *Valley Financial Section is responsible for all Operations Valley Bureau divisions.*

Southern California Hi-Tech Crimes Task Force (SCHTCTF). *The SCHTCTF was created to combat organized criminal elements that devote high technology means to commit a variety of*

criminal acts including identity theft and bank fraud to perpetrate fraud schemes. The crimes include but are not limited to synthetic identities, social engineering, dark web, and cryptocurrency schemes utilized to carry out criminal acts against the public as well as the financial industry.

COMMERCIAL CRIMES DIVISION, TASK FORCE FOR REGIONAL AUTO THEFT PREVENTION (TRAP). The Task Force for Regional Auto Theft Prevention (TRAP) is *Los Angeles County's regional*, multi-jurisdictional, multi-agency taskforce *that investigates, prosecutes* and deters vehicle theft and vehicle fraud on a coordinated and cooperative basis.

Trap provides logistical, technical, and investigative support to Area detectives on a Citywide basis. In addition, Department detective personnel assigned to Trap are responsible for enforcing state law and Commission rules and regulations as they relate to Official Police Garage (long liens, crush orders, VIN verifications, etc.) business activity.

The TRAP is *authorized by the Los Angeles County Board of Supervisors, and administered through the Countywide Criminal Justice Coordinating Committee with cooperation from the Los Angeles County Chiefs of Police. The TRAP has been highly successful in* combating vehicle theft and vehicle fraud by focusing on organized rings and illegal business operations.

COMMERCIAL CRIMES DIVISION, BURGLARY SECTION.

BURGLARY SECTION – FUNCTIONS. *Conducts select burglary investigations of notoriety, involving a series where two or more geographic Areas are involved, and at the direction of the Commanding Officer, CCD or the Chief of Detectives.*

Investigates and monitors the following businesses and dealers to ensure compliance with state law and the Police Commission's permit rules and regulations: pawnbrokers; secondhand general property dealers; secondhand jewelry stores; swap meets; and, metal/wire reclamation centers. The section also investigates pawnshop applicants and coordinates Property "Hold" Releases at pawnshops by notifying the assigned investigator.

Note: If any of these crimes involve other crimes of greater severity (e.g., murder, rape, or robbery), the investigative unit responsible for the most serious offense will assume responsibility for the entire investigation and will notify *CCD.*

STOLEN VEHICLE AND/OR VESSEL INVESTIGATIONS – FIELD NOTEBOOK DIVIDER

The purpose of this Field Notebook Divider is to summarize guidelines when completing vehicle theft investigations. Whenever a vehicle and/or vessel is taken in the commission of a crime, a "Stolen" Vehicle Report, CHP Form 180, and/or "Stolen" Vessel Report, Form 12.08.00, shall be completed, in addition to the appropriate crime report (Department Manual Section 4/220.50).

Definitions

Penal Code Section 470 (a): *"Every person who, with the intent to defraud, knowing that he or she has no authority to do so, signs the name of another person or of a fictitious person to any of the items listed in subdivision (d) is guilty of forgery."*

Penal Code Section 487: *"Grand theft is theft committed in any of the following cases: (a) When the money, labor, or real or personal property taken is of a value exceeding nine hundred fifty dollars ($950), except as provided in subdivision (b)."*

Penal Code Section 487 (b): *"Notwithstanding subdivision (a), grand theft is committed in any of the following cases: (d) When the property taken is any of the following: (1) An automobile."*

Penal Code Section 530.5 (a): *"Every person who willfully obtains personal identifying information, as defined in subdivision (b) of Section 530.55, of another person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, real property, or medical information without the consent of that person, is guilty of a public offense, and upon conviction therefor, shall be punished by a fine, by imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170."*

Reporting a Stolen Vehicle and/or Vessel

When a person wishes to report a vehicle or vessel stolen or lost, the interviewing officer shall conduct a preliminary investigation to determine whether circumstances warrant a report. Upon determining that a "Stolen" Vehicle Report, Form CHP 180, and/or "Stolen" Vessel Report, Form 12.08.00 should be made, and that no other crime such as forgery, identity theft, non-sufficient funds or embezzlement has occurred relative to the vehicle, victim or incident, the interviewing officer shall:

- *Query the vehicle license plate and Vehicle Identification Number (VIN) through the Stolen Vehicle System (SVS), via radio or by Mobile Data Computer (MDC) to determine if it has been repossessed or impounded;*
- *Telephonically determine if the vehicle is at the Official Police Garage serving the address where the vehicle was parked;*
- *Determine if the vehicle has been impounded. If so, the reporting person shall be advised about obtaining the release of the vehicle (Department Manual Section 4/780.85);*
- *Determine if the vehicle is a moped. If so, check the Automated Property System (APS) to determine if it has been reported stolen;*
- *Determine if the reporting person can present a valid registration certificate, and verify the license plate and VIN or motor number via the Network Communications System (NECS) or via telephonic verification by an entity such as an Area records unit;*
- *Complete the report and obtain the reporting person's signature thereon; and,*

STOLEN VEHICLE AND/OR VESSEL INVESTIGATIONS – FIELD NOTEBOOK DIVIDER

- *Obtain a DR number from the Vehicle Warrant Section (VWS), Records and Identification Division.*

Note: *In addition to any required Vehicle Report, Form CHP 180, an Investigative Report, Form 03.01.00, shall be completed during the initial investigation of a commercial vehicle theft or hijack when the cargo is the probable object of the theft or hijack.*

Notification Required for Commercial Vehicle Thefts

An officer conducting a preliminary investigation of a stolen or recovered truck of five-ton capacity or larger, a commercial trailer, a tractor cab, or a bulldozer, shall immediately telephone all available information to Task Force for Regional Auto Theft Prevention (TRAP), Commercial Crimes Division (CCD). When TRAP personnel are not available, such notification shall be given to Detective Support and Vice Division (Department Manual Section 4/220.43).

Vehicles Stolen By Means Of Identity Theft, Forgery, And Non-Sufficient Funds (NSF) Checks

When an officer conducting a preliminary investigation determines that a vehicle has been purchased, rented, or leased from a dealership, rental car company, online peer-to-peer rental, business, or private party via any of the following:

- *Fraudulent credit application;*
- *Forged documents;*
- *Fraudulent credit cards;*
- *By way of the identity of another true person [e.g., checks, documents, credit cards or any personal information (as listed in 530.55 (a) PC) not belonging to the suspect]; or,*
- *Non-sufficient funds (i.e., check or credit card of the suspect himself or herself);*

It ***shall*** *be documented and investigated. As such, the officer shall:*

- *Review the contract to verify that the agreement or bill of sale has been completed and the suspect has taken custody of the vehicle;*
- *Ask the victim of the forgery (i.e., company or person who sold or rented the vehicle), if he or she has contacted the true person (i.e., Identity Theft victim whose information was used by the suspect);*
- *Attempt to contact the true person and verify that he or she did not give anyone (i.e., the suspect), permission to have or use his or her personal information;*
- *Ask for the bank receipt showing that there were no funds available at time of sale, for Non-Sufficient Funds (NSF) cases;*
- *Ask for a copy of the original rental customer's driver's license and any CCTV footage from the rental transaction, where applicable;*
- *Complete an Investigative Report (IR) for the person reporting and title it as follows:*
    - *"Forgery" for the company or person who received the false information; or,*
    - *"Identity Theft" for the victim whose information was used by the suspect to buy, lease or rent the vehicle; or,*
    - *"NSF" for the victim who received the check or credit card with non-sufficient funds.*

- *Complete a Forgery/Identity Theft Supplemental, Form 03.07.00, as appropriate;*
- *Enter the suspect description without a name on the front of the IR. The name will be included in the narrative. The date, time, and location of the crime shall be entered for the day the suspect took custody of vehicle;*
- *Provide the victim with a Victim's Supplemental Financial Loss Report, Form 03.05.00, and a copy of the IR face sheet; and,*
- *Obtain a DR number for the IR from the Area Records Unit; and,*
- *Submit the reports(s) to the Area Records Unit for distribution.*

Note: *The reporting officer shall complete the shaded area at the top of the Victim's Supplemental Financial Loss Report, Form 03.05.00, and briefly explain its use and leave it with the victim for reporting any additional accounts determined to be affected in conjunction with the incident. The reporting officer shall* ***not*** *complete a Vehicle Report, Form CHP 180, nor shall he or she notify the VWS regarding the vehicle theft.*

Area auto detectives shall contact TRAP, CCD (the investigating entity for such incidents) and forward them a copy of the Identity Theft or Forgery IR with supporting documents.

Note: *Vehicles stolen via Non-Sufficient Funds (NSF) are the responsibility of the Area auto detectives.*

Recovery of the Vehicle. *Officers shall make every effort to determine the following when investigating a special circumstance stolen vehicle (i.e., not a "straight stolen"):*

- *If a vehicle stolen by means of identity theft or forgery is recovered without a suspect, the officer shall complete a Vehicle Report, Form CHP 180, title it "RECOVERED" and forward it to CCD detectives;*
- *If such a vehicle is recovered with the named suspect in custody, the arresting officer shall make an attempt to contact CCD detectives for booking advice. If CCD detectives are not available, then Area detectives may provide booking advice;*
- *The TRAP detectives shall be advised of the arrest as soon as practicable and the arrest reports shall be forwarded to them for filing responsibility; and,*
- *If the vehicle is recovered with a suspect involved other than the named suspect, the officer shall attempt to notify TRAP detectives of the detention. If a suspect other than the named suspect is arrested for Driving the Vehicle Without the Owner's Consent [(i.e., California Vehicle Code Section 10851(a)) or California Penal Code Section 487 (a)(d)(1) (Grand Theft Auto)], booking advice should also be sought from the Task Force for Regional Auto Theft Prevention. However, if the suspect is booked for either charge above without the approval of CCD detectives, then Area auto detectives shall be the investigative entity for prosecution.*

Vehicle And/Or Vessel Stolen By Means Of Embezzlement

Vehicles that are not returned in accordance with a lease or rental agreement from a rental car company, online peer-to-peer rentals, dealership, business, or private party within five calendar (5) days of the agreement expiration may be reported as embezzled. Per California Vehicle Code Section 10855, "...any person who has lease 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."*

California Penal Code Section 504 (a) also states: "...any person in possession of such goods, chattels, or effects knowing them to be subject to lease or contract of purchase who shall so remove, conceal or dispose of the same with intent to injure or defraud the lessor or owner," shall also be, "guilty of embezzlement" (Department Manual Section 4/220.53).

Reporting Procedures:

To report an embezzled vehicle, the victim (generally a rental car company) shall provide a copy of the rental or lease agreement. Department employees shall complete the following procedures:

- *Query the license plate and VIN in the Stolen Vehicle System (SVS) to verify that the vehicle has not been impounded, reported stolen, repossessed or otherwise indicated in the warrant system;*
- *Review the contract to verify that the agreement period has concluded and the minimum five (5) calendar days has passed. The officer shall ask the victim if the contract has been extended by either a new contract or collection of additional funds from the renter/leasee after the termination of the contract agreement;*
- *Request a due diligence letter or note, such as a Demand Letter or certified account from the victim, indicating that an attempt to locate the vehicle and request for its return has been conducted by the victim;*

Note: *A Due Diligence Letter or Demand Letter are not required to make a report.*

- *Verify the renter/lease information provided on the rental contract;*
- *Determine if the contracted suspect is indeed a true person* ***and*** *the same person who took possession of the vehicle from the rental agency (i.e., not a victim of identity theft himself or herself);*
- *Take an Investigative Report (IR) and title it "Embezzlement";*
- *Denote the following on the IR:*
    - *The rental car company, online peer-to-peer rental, dealership, business, or private party is the victim;*
    - *The property taken is the vehicle;*
    - *The amount taken is the current market value of the vehicle;*
    - *The renter or leasee of the vehicle is the suspect;*
    - *The date and time of the crime shall be entered as the fifth day of non-return of the vehicle, following the agreement expiration;*
    - *The crime location shall be the same as the location the suspect took custody of the vehicle; and;*
    - *The agent reporting the embezzled vehicle shall be listed as the reporting person.*

- *Obtain a DR number for the crime of embezzlement from Area records; and,*
- *Submit the approved IR to Area records for distribution.*

The reporting officer shall not complete a Vehicle Report, Form CHP 180 for the vehicle, nor shall the officer notify VWS of the vehicle theft. The Area auto detectives shall be the investigating entity.

Recovery of the vehicle. *The recovery of an embezzled stolen vehicle shall be processed in the following manner:*

- *If a vehicle stolen by means of embezzlement is recovered without the named suspect, the officer shall complete a Vehicle Report, title it "RECOVERED" and forward it to Area auto detectives;*
- *If a vehicle is recovered with the named suspect in custody, the suspect shall be arrested under 504(a) PC – Embezzlement. The arresting officer shall attempt to contact Area detectives for booking advice. If Area detectives are not available, then CCD detectives can give booking advice;*
- *Area auto detectives are to be advised of the arrest and shall have the arrest reports forwarded to them for filing responsibility; and,*
- *If a vehicle is recovered with a suspect other than the named suspect, officers shall attempt to notify the Area of the crime occurrence detectives of the detention. If a suspect other than the one named on the rental agreement is arrested and booked for Driving the Vehicle Without Owner's Consent [(i.e., California Vehicle Code Section 10851(a)], or California Penal Code Section 487 (a)(d)(1) (Grand Theft Auto), without the approval of the Area of crime occurrence detectives, then the case shall be investigated by Auto detectives from the Area of arrest.*

Note: *When reviewing and approving these reports, the Area watch commander must remember that no other crime can be associated with the failure to return the vehicle. If so, then the open charge or crime report for the additional crime shall take reporting priority.*

Notifications and Support

Commercial Crimes Division: (213) 486-5920
Detective Support and Vice Division: (213) 486-0910
Department Operations Center: (213) 484-6700