

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.12 MISSING AND STOLEN VEHICLES

SUBJECT: Missing and Stolen Vehicles		
4.12	EFFECTIVE: 5/6/2024	<i>Bryan Wheelles</i> Bryan Wheelles, Chief of Police
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4.12.1 PURPOSE

To ensure uniform and consistent guidelines for reporting missing and stolen vehicles.

4.12.2 POLICY

All Department employees shall follow the rules and regulations outlined in this order relating to missing and stolen vehicles.

4.12.3 PROCEDURE

A. Special Considerations

1. Consider the circumstances very carefully before taking a theft report when the suspect and victim are members of the same family.

Although married persons can actually steal property from one another, long-standing implicit agreements that other family members may use each other's car make it very difficult to prove intent to permanently or temporarily deprive the owner of the possession, use or benefit of the vehicle. Therefore, the elements of the relevant crime must be present before taking a stolen vehicle or criminal deprivation report.

2. Check the following prior to taking the report:
 - a. Personnel shall determine if the Police Department towed the vehicle by checking the LERMS Impound Module and the non-preference tow log in SCECC;
 - b. Check with SCECC to determine if there is more information on the vehicle;
 - c. Determine if the vehicle is actually a stolen vehicle, repossessed, or misplaced;
 - d. Determine if the reporting party has checked with any and all persons that may have legal access to the vehicle; and
 - e. Vehicle theft reports are sometimes filed to evade responsibility for other offenses. The most common is when the driver leaves the scene of an accident on foot abandoning the vehicle or the vehicle is loaned to a co-conspirator.

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B. Reporting Requirements

1. All missing vehicles cases are filed on an Incident and Supplement Report that details the elements of the crime and probable cause for the violation.
2. Criminal deprivation of property and theft will be placed on an Offense and Supplement Report.
3. Notify Records of missing vehicles. Only stolen vehicles are entered into National Crime Information Center (NCIC). Criminal deprivation and missing vehicles are not entered into NCIC. (Third shift may notify SCECC when Records is unavailable).

C. Lease/Rental Agency Stolen Vehicles

1. A criminal report shall be taken for any rental property when the following criteria has been met.
 - a. Renter\borrower gives false identification, fictitious name, address or place of employment.
 - b. Renter\borrower fails to return any property within 10 days after the date set forth in the agreement for the return of that property. If notice is given to the renter\borrower to return any property within seven days after receipt of the notice, the subsequent return of that property within that seven-day period shall exempt charges being filed.
 - c. Renter\borrower destroys, breaks, opens a lock, chain, key switch, enclosure or other device used to secure any property to obtain or control the property or damages or alters any property to make it unusable or unrecognizable.
 - d. Renter\borrower removes or disables any theft detection device.
2. A criminal report shall be taken for any commercial vehicle when the following criteria has been met.
 - a. Renter\borrower of a commercial vehicle under a written agreement that includes a time and place to return said vehicle, fails to return the vehicle within 3 days of official notice given or immediately upon refusal of the demand.
 - b. If the vehicle is not returned after proof of demand has been received by the renter\borrower, the vehicle shall be entered into NCIC as stolen.
3. A criminal report shall only be taken for privately owned vehicles when the following criteria has been met.
 - a. Renter\borrower fails to return a privately owned vehicle pursuant to a written instruction specifying:
 - i The time and place to return the vehicle; and
 - ii That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle.

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- b. If the above criteria for privately owned vehicles is not met, a criminal report shall not be taken and the privately owned vehicle shall not be placed into NCIC.

D. Recovery of Missing Vehicle

1. Officers shall confirm with dispatch that the vehicle has been reported missing, stolen, etc.
2. Officers shall request that the ATL be cancelled.
3. If officers determine that the vehicle has been involved in another criminal act they should refer to Department policy on vehicle impounds and towing.
4. If the vehicle owner can be contacted the officer should contact the owner and ask if they would like to pick up the vehicle or have it towed by contracting provider. All fees will be responsibility of the owner if the vehicle must be towed.
5. If the owner is unable to be contacted or requests that the vehicle be towed, owner must report to LEC with proof of ownership to obtain a vehicle release form from the property/evidence room prior to retrieving the vehicle from the contracting tow provider and will be required to pay all fees prior to vehicle release.
6. Any vehicle seized shall be inventoried according to General Order 5.4 Vehicle Seizure, Towing and Inventory.
7. A Standard Offense Supplement Report will be completed using the case number assigned to the original Stolen Vehicle Report.
 - a. Owner notification will be noted in the Offense/Supplement Report.
 - b. If the recovered vehicle was reported stolen in another jurisdiction, our Department will issue a case number for the reports and complete an Offense Report, Supplement Report, and Vehicle Seizure Report.

E. Evidence Verification Upon Release of Vehicle

1. The owner of the stolen vehicle will be asked to check for any property that does not belong to him or her, before the stolen vehicle is released.
2. Recovering officer will:
 - a. Bag any items identified by the owner as not belonging to him or her;
 - b. Notify detectives that items were removed from the vehicle; and
 - c. Submit any recovered property to the property room as lost and found, or return to owner if owner is identified
3. At the process stalls the property personnel will:
 - a. Bag any items identified by the owner as not belonging to him or her;
 - b. Notify detectives that items were removed from the vehicle; and
 - c. In a reasonable period of time the detectives will take custody of items from the property personnel and evaluate the evidentiary value.

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F. Detective Responsibility

1. Verify that the victim has been notified and record the notification on the Offense/Supplement Report.
2. Also verify that NCIC has been cancelled, recovering information has been logged, follow up investigation has been conducted and necessary reports have been written.

G. Outside Agency Jurisdiction

1. Shawnee County Sheriff's deputies will be called when a vehicle reported as stolen to Shawnee County has been recovered in the city.
2. Shawnee County Sheriff should call TPD into the county to process a recovered vehicle reported stolen to the Police Department.
3. In any case a Kansas Standard Offense Supplement Report will be completed, if necessary.
4. On an NCIC hit for an out of jurisdiction vehicle the agency of jurisdiction shall be notified of pertinent information.
5. TPD shall contact the recovering agency to advise them of case status, required reports for the case, and any vehicle processing needs.
6. Officers should verify that the vehicle owner has been contacted regarding the recovery of the vehicle.