

0630.61 Stolen Vehicles

630.61, Stolen Vehicles

Refer:

- ORS § 164.138 Criminal Possession of a Rented or Leased Motor Vehicle
- DIR 630.60, Vehicle Disposition
- DIR 660.10, Property and Evidence Procedures
- PPB Stolen Vehicle Election of Tow Options/Acknowledgment of Risk, Release From Liability and Hold Harmless Agreement Form

Policy:

1. It is the policy of the Portland Police Bureau to recover stolen vehicles taken through criminal activity and to refrain from exercising authority in situations involving vehicles taken in civil disputes.

Procedure:

1. Responding Member Responsibilities.

1.1. Upon sufficient proof of ownership and indications that the vehicle has been stolen, members shall complete a General Offense report.

1.1.1. In addition to completing the General Offense report, members shall also provide the PPB Stolen Vehicle Election of Tow Options/Acknowledgment of Risk, Release From Liability and Hold Harmless Agreement Form to the vehicle owner. The owner must indicate whether they wish to have the recovered vehicle towed at their own expense or wish to have the vehicle left at the recovery location if they are unable to retrieve it in a timely manner.

1.1.1.1. Members shall explain to the owner that a failure to sign the form will result in the recovered vehicle being towed at the owner's expense.

1.2. Reporting.

1.2.1. Upon taking a stolen vehicle report, members shall immediately call the Auto Records Desk to insure the stolen vehicle is immediately entered into the Law Enforcement Data Systems (LEDS) and the National Crime Information Center (NCIC).

1.3. Proof of Ownership.

1.3.1. In order to accept a report on a stolen car, members shall conduct a preliminary investigation. As part of that investigation, ownership must be established. One or more of the following may establish proof of ownership:

1.3.1.1. The complainant is the registered owner (per any Department of Motor Vehicles [DMV]), which is substantiated by personal identification. Telephone reports may be accepted if the complainant can satisfactorily assure the reporting officer that they are the registered owner via corroborating sources (i.e., familiarity with vehicle, type, make, names of other registered owners, and unique features of the vehicle [e.g., bumper stickers, pre-existing damage]).

1.3.1.2. The complainant provides documents from DMV indicating process of transfer of title.

1.3.1.3. The complainant has possession of a title signed for transfer.

1.3.1.4. The complainant has possession of a bill of sale from a licensed car dealer on letterhead, dated within the last 60 days.

1.3.1.5. The complainant has possession of a notarized bill of sale, for a private sale, dated within the last 60 days.

1.3.1.6. If the person reporting the vehicle as stolen had possession under a rental/ lease agreement, the reporting person must present the valid rental/lease agreement or telephone verification by the rental company.

1.3.1.7. The complainant is the owner of rented or leased vehicle and has completed the requirements set forth in ORS 164.138 (demand letter, 3-day waiting period, etc.).

1.3.1.8. In situations that do not meet the previous criteria, officers must contact a supervisor for authorization to accept a report of a stolen vehicle. The person authorizing the report shall be documented in the report.

1.4. Denial of Report.

1.4.1. A stolen report will not be accepted under the following circumstances, which shall be deemed non-criminal and instead a civil disagreement:

1.4.1.1. A spouse is the complainant.

1.4.1.2. Divorce in progress.

1.4.1.3. Divorce completed with court ordered division of property.

1.4.1.4. Unmarried partner, domestic partner, roommate, family member or juvenile children of complainant, or those in a dating relationship. Under these circumstances, a sergeant may authorize that a report be taken after at least 48 hours from the time of the initial notification to law enforcement.

1.4.1.5. Business partners or associates.

1.4.1.6. Vehicle is held by person(s) performing work on the vehicle (e.g., mechanic's lien).

1.4.1.7. Vehicle in possession of co-signer on contract of purchase.

1.4.1.8. Vehicle taken from a tow company or mechanic's garage, unless the owner is complainant.

1.4.1.9. Vehicle purchased with a non-sufficient fund (NSF) check.

1.4.1.10. The vehicle is rented or leased, without fraud, and requirements set forth in ORS 164.138 have not been completed.

1.4.1.11. New or used car test drive unless 24 hours have elapsed from the time the vehicle should have been returned.

1.4.1.12. Stored vehicles, private property or storage facility, for which both parties cannot confirm theft.

1.4.1.13. The complainant is unwilling to prosecute.

1.4.1.14. The theft is a result of illegal activities such as drug transaction without mitigating circumstances (i.e., carjacking, armed robbery, etc.).

1.4.1.15. Commercial or private sale of vehicle, for which partial payment has been made.

1.4.2. A sergeant may authorize a report in cases falling into the categories above, in extraordinary circumstances to be documented in the report. The report must include notation of the authorizing member.

1.5. Fraud.

1.5.1. Members may investigate:

1.5.1.1. Fraud involving a title that has changed parties.

1.5.1.2. DMV requests to investigate a title to a vehicle that is being registered and is listed as stolen.

1.5.1.3. Fraudulently purchased vehicles.

1.5.2. Officers shall complete a General Offense report if:

1.5.2.1. The vehicle was obtained fraudulently, using a NSF, account closed, forged, altered, counterfeit check, security, money order or instrument.

1.5.2.2. The vehicle was obtained through identity theft. The vehicle will be recorded as evidence with a full description including Vehicle Identification Number (VIN).

1.5.3. Under these circumstances, members shall only enter a vehicle as stolen in LEDS/NCIC with their immediate supervisor's permission. Members shall annotate their supervisor's name in the report.

1.5.3.1. Members shall not input vehicles as "Felony Vehicle" in LEDS/NCIC unless there are other special circumstances (e.g., vehicle involved in a robbery or serious person crime).

2. Recovering Stolen Vehicles.

2.1. All recovered vehicles must be confirmed by VIN and the LEDS/NCIC entry.

2.2. Unless the recovered vehicle is a hazard, the member shall attempt to contact the vehicle owner via all methods listed prior to ordering a tow.

2.3. If the owner indicated at the time of the initial report they wished to have the recovered vehicle towed at their own expense, the member shall have the vehicle towed if they are unable to contact the vehicle owner or if the vehicle owner is unable to respond in a timely fashion (a minimum of 60 minutes).

2.4. If the owner indicated at the time of the initial report they wished to have the recovered vehicle left at the recovery location, the member shall attempt to contact the owner via all methods listed. The member shall check the vehicle for apparent fresh damage or items of value, document the condition of the vehicle in their police report, and immediately clear the stolen vehicle entry out of LEDS/NCIC via Records Division.

2.5. If the original stolen vehicle report was taken by another law enforcement agency, the member shall attempt to contact the vehicle owner and have the vehicle towed if they are unable to contact the vehicle owner or if the vehicle owner is unable to respond in a timely fashion (a minimum of 60 minutes).

2.6. The vehicle may be released to the registered owner or a designee following member verification of the owner's information in the reporting system. The releasing officer shall immediately notify the Records Division/Auto Records when a vehicle is towed or released in order to remove the vehicle from LEDS/NCIC stolen file.

History:

- Originating Directive Date: 01/07/09
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