

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

SUBJECT: Missing and Stolen Vehicles		
4.12	EFFECTIVE: 11-01-18	<i>William Cochran</i> William Cochran, Chief of Police
	REVISED: 10-18-18	
	TOTAL PAGES: 4	
CALEA:		

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. Determine if the Police Department towed the vehicle;
 - b. Check with SCECC to determine if there is more information on the vehicle;
 - c. Determine if the vehicle is actually a stolen vehicle, a breach of trust, 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

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

accident on foot abandoning the vehicle or the vehicle is loaned to a co-conspirator.

B. Reporting Requirements

1. All missing vehicles and breach of trust 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 or breach of trust vehicles. Only stolen vehicles are entered into National Crime Information Center (NCIC), criminal deprivation, missing or breach of trust vehicles are not entered into NCIC. (Third shift may notify SCECC when Records is unavailable)

C. Lease/Rental Agency Stolen or Breach of Trust Vehicles

1. The lease/rental agency must mail a certified letter to the subject that rented the vehicle demanding the return of the vehicle within fourteen (14) days.
2. After mailing the certified letter, and receiving the receipt that it was mailed, the lease/rental agency should contact the Topeka Police Department and a breach of trust report will be taken. The officer will have an attempt to locate issued for breach of trust. The lease/rental agency must supply the officer with a copy of the letter and the receipt. Officers will place the case number on the letter and receipt and attach it to the report.
3. The officer shall advise the lease/rental agency to contact the Topeka Police Department immediately if the vehicle is returned, located, or recovered. If the vehicle is not returned within fourteen (14) days they should contact the Topeka Police Department auto theft detective.
4. When the leasing/rental agency contacts the auto theft detective, a copy of the return receipt for the letter mailed to the renter of the vehicle must be provided. The auto theft detective shall modify the breach of trust report to a Stolen Vehicle Report. He or she shall notify dispatch to change the Attempt to Locate to a Stolen Vehicle. They will also request that the vehicle be entered into NCIC with a note that the vehicle was a leased or rented vehicle and request that the vehicle be seized, driver and occupants identified (not arrested), and our Department notified of the recovery.
5. The assigned detective shall forward the completed report to the Shawnee County District Attorney's office for review. If the Shawnee County District Attorney files criminal charges the NCIC entry will be modified authorizing the arrest of the original lessee/renter.
6. Officers shall still take stolen auto reports from the lease/rental agency if the person renting the vehicle provided a false name/personal information or payment was made with a forged check/stolen credit card.
7. Refer any questions about this procedure to the supervisor or the assigned detective.

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

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 easily be contacted the officer should contact the owner and ask if they would like to pick up the vehicle or have it towed.
5. Any vehicle seized shall be inventoried according to General Order 5.4 Vehicle Seizure, Towing and Inventory.
6. 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 Kansas Supplemental Property 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. At the impound lot the impound clerk 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 impound clerk and evaluate the evidentiary value.
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.

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.

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

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.