

MOTOR VEHICLE THEFT

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 2.12	EFFECTIVE DATE: 11/17/2021
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I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to stolen motor vehicles as well as stolen vehicle registration plates.

Auto theft has become one of the most aggravating and, without doubt, one of the costliest crimes now confronting both the police and the public. The loss from auto thefts has traditionally been far greater than all other crimes against property combined. The related crime of using an automobile without the authority of the owner is also the cause of great public frustration and inconvenience.

For police purposes, auto theft and unauthorized use of motor vehicles can be divided into five categories: joy riding; use in the commission of a crime; stripping and "chop shops"; professional car theft; and defrauding the insurance company.

All citizens of the community should be constantly reminded to lock their vehicles, take their keys, and avoid leaving any valuables in open view in parked automobiles.

II. POLICY

It is the policy of this department to:

- A. Reduce the opportunity for the crime of motor vehicle thefts by being alert and patrolling areas where thefts are likely to occur;

- B. Ensure the speedy apprehension and conviction of criminals; and
- C. Educate citizens in crime prevention, especially ways to prevent motor vehicle theft.

III. PROCEDURES

A. *Motor Vehicle Theft Related Crimes*

A.1. Officers shall be familiar with the following common offenses related to auto theft and unauthorized use of motor vehicles:

A.1.a. Using motor vehicle without authority; Larceny of a motor vehicle or trailer;¹

A.1.b. Knowingly receiving, buying, maliciously damaging, possessing, concealing or obtaining control of a stolen motor vehicle or trailer;²

A.1.c. Stealing any parts or accessories from a motor vehicle taken without authority;³

A.1.d. False, altered, forged or counterfeit certificate of title and related offenses;⁴

A.1.e. Defacing identifying numbers of motor vehicle or trailer or any part thereof; selling or transferring motor vehicle or trailer or part thereof where identifying number is defaced; buying or receiving motor vehicle or trailer or part thereof with defaced identifying numbers;⁵

A.1.f. Making false written statement on form alleging theft or conversion of a motor vehicle, which form bears a notice of penalty of perjury;⁶

A.1.g. Making or causing to be made a false report of crime to police officers;⁷

A.1.h. Removal or concealment of a motor vehicle to defraud insurer;⁸

A.1.i. Sale of master keys;⁹

A.1.j. Failing to display valid plates;¹⁰

1 M.G.L. c. 266, §28.

2 M.G.L. c. 266, §28.

3 M.G.L. c. 266, §28.

4 M.G.L. c. 90D, §§32(a) and 32(b).

5 M.G.L. c. 266, §139.

6 M.G.L. c. 268, §39.

7 M.G.L. c. 269, §13A.

8 M.G.L. c. 266, §27A.

9 M.G.L. c. 266, §14.

10 M.G.L. c. 90, §6.

A.1.k. Operating an uninsured vehicle¹¹; and

A.1.l. Refusal to stop and give information to a police officer.¹²

B. Theft Reporting Requirements

B.1. REPORTING PARTIES

B.1.a. Vehicles may be reported stolen by the owner, operator, or person in whose custody the vehicle was at the time of theft. The stolen vehicle report must be filed in the municipality in which the vehicle was stolen.

B.1.b. Leased or rented vehicles shall be reported stolen by the owner (or owner's agent), or lessee. The stolen vehicle report may be filed in the municipality from which the vehicle was stolen or in the municipality from which the vehicle was rented or leased.

B.1.c. If the party who stole the vehicle is known to the reporting party, the officer should:

B.1.c.1) Advise the reporting party that the officer will seek criminal charges for larceny of a motor vehicle or using without authority, based upon the filing of the report;

B.1.c.2) Advise the reporting party that [s]he should be available as a witness in the case; and

B.1.c.3) Seek a show cause hearing or criminal complaint against the suspect based upon the report of the reporting party.

B.2. STOLEN VEHICLE REPORT

B.2.a. In taking a stolen vehicle report or a report of a stolen registration plate, officers shall use the standard Stolen/Recovered Motor Vehicle/Boat Report form.

B.2.a.1) The officer shall require the reporting party to review and sign the stolen vehicle form under the pains and penalties of perjury. Any false statement made therein is a crime.¹³

B.2.a.2) If the person refuses to sign the report, the officer will submit an incident report only.

¹¹ M.G.L. c. 90, §34J.

¹²M.G.L. c. 90, §25.

¹³ M.G.L. c. 268, §39.

B.2.a.3) The reporting party shall be advised that the vehicle will NOT be entered into CJIS as stolen, and no other police action, apart from the incident report, will be taken.

B.2.b. In addition to the information on the Stolen/Recovered Motor Vehicle/Boat Report form, the officer should obtain other identifying characteristics that could lead to the recognition and recovery of the vehicle, which may include:

B.2.b.1) Any unusual or unique markings or stickers;

B.2.b.2) Any previous damage that would distinguish vehicle;

B.2.b.3) Any special accessories that have been installed; and

B.2.b.4) Descriptions of any items of personal property left in the automobile.

B.2.c. The vehicle identification number (VIN) and the registration number must be very carefully noted as any transposition or substitution of numbers or letters can create much confusion. If the vehicle reported stolen is or has recently been registered, the accuracy of such numbers can be checked against the RMV's vehicle registration database.

B.3. ENTERING STOLEN VEHICLES/REGISTRATIONS IN CJIS

B.3.a. Stolen vehicles may be entered into the CJIS and NCIC Vehicle File when:

B.3.a.1) The vehicle is reported stolen and an up-to-date theft report is on file; and

B.3.a.2) A signed theft report has been filed.

B.3.b. A CJIS and NCIC vehicle entry must be entered as soon as possible once the minimum data required for entry and the record documentation is obtained.

B.3.c. Mandatory Fields for a Stolen Vehicle Entry

B.3.c.1) VYR = Vehicle Year;

B.3.c.2) VMA = Vehicle Make;

B.3.c.3) VST = Vehicle Style;

B.3.c.4) VCT = Vehicle Category;

B.3.c.5) DOT = Date of Theft; and

B.3.c.6) One of either of the following:

B.3.c.6.a) VIN = Vehicle Identification Number (When a VIN is not available at the time of entry, the VIN must be entered within 90 days or the stolen record will be automatically purged.); or

B.3.c.6.b) LIC = License Plate Number, in which case all of the following information must be provided:

B.3.c.6.b.i. LIS = License State;

B.3.c.6.b.ii. LIY = License Year; and

B.3.c.6.b.iii. LIT = License Type.

B.3.d. Optional Fields

B.3.d.1) Caution: Insert an "X" to indicate that the operator or occupant(s) are dangerous. The reason for caution must appear in the "Remarks" field.

B.3.d.2) Remarks: Reason for caution or other free text information. Maximum 44 characters.

B.3.d.3) Wanted: If the vehicle category is "3" (wanted) – the number "2" must be entered for a felony, or left blank.

C. Theft Prevention

C.1. Officers should be observant for suspicious activity in areas where large numbers of vehicles are parked and left unattended, such as malls, employee parking lots and apartment complexes, particularly during hours of darkness.

C.2. Traffic enforcement and the stepping up of traffic citations are a deterrent to car thefts. Such enforcement can serve to discourage young people from becoming involved, as it increases the chances that they will be stopped by the police.

C.3. Because active car thieves can steal scores of vehicles in a period of just a few weeks, the successful prosecution of just a few car thieves can contribute to a substantial drop in the rate of vehicle thefts.

D. Vehicle Recovery

D.1. RECOGNIZING STOLEN VEHICLES IN TRAFFIC

D.1.a. The recognition of stolen cars is a skill which should be acquired by every alert officer. Attention should be directed to the actions of the driver and the type of vehicles being sought, rather than just the observation of license numbers.

D.1.a.1) Be alert for the reckless driver or the traffic violators.

D.1.a.2) Note the overly cautious driver who appears to be avoiding undue attention.

D.1.a.3) Observe the driver who does not seem familiar with the car. For example, [s]he may drive off without lights because [s]he cannot immediately find the light switch.

D.1.a.4) Any extremes of driver behavior or unusual reaction of passengers should arouse suspicion of police.

D.1.a.5) Note any damage to vehicles (e.g., broken vent windows, wired- on license plates).

D.1.a.6) Watch for operation of vehicles by known thieves.

D.1.b. Officers using police vehicles equipped with MDTs should query all suspicious vehicles.

D.2. RECOGNIZING UNATTENDED STOLEN VEHICLES

D.2.a. Vehicles parked in unusual locations or at unusual times.

D.2.b. Vehicles suffering damage to door locks or windows.

D.2.c. Vehicle ignition “punched” or steering column cover damaged or removed.

D.2.d. Vehicle registration not matching the registration number’s vehicle description.

D.2.e. Registration plate loosely attached or held on by only one screw.

D.2.f. Major vehicle parts (fenders, doors, tires, etc.) missing.

E. Handling Recovered Vehicles

E.1. RECOVERY: When a stolen vehicle is recovered, the following procedure shall be followed:

E.1.a. Consider processing the vehicle for latent fingerprints or other evidence that may identify the perpetrator.

E.1.a.1) In some cases, vehicles may be processed at the scene of recovery.

E.1.a.2) If the vehicle must be towed, tow the vehicle, if possible, without entering it. This is particularly important if the vehicle is to be processed for DNA, hairs, or fibers.

E.1.a.3) If the vehicle must be entered, the tow operator should, at a minimum, wear gloves. In cases of serious crimes, consider providing the tow operator with Tyvek clothing, boot covers and hood as well, to avoid contaminating the crime scene.

E.1.a.4) Avoid handling anything not absolutely necessary to effect the tow.

E.1.b. Impound the vehicle if it was used in the commission of a crime.

E.1.c. Methodically search the vehicle for evidence that may identify the perpetrator and evidence of other crimes.

E.1.d. Tow the vehicle in accordance with department procedures.

E.1.e. Complete the recovered motor vehicle portion of the Stolen/Recovered Motor Vehicle/Boat Report form. Be sure to include the recovery conditions.

E.2. NOTIFICATIONS

E.2.a. Vehicles Stolen from This Department’s Jurisdiction

E.2.a.1) If the recovered vehicle was stolen from this department's jurisdiction, the dispatcher shall notify the reporting party.

E.2.a.2) The stolen entry shall immediately be cancelled in LEAPS/NCIC.

E.2.a.3) The notification shall be noted on the recovery form and in the recovery log entry.

E.2.b. Vehicles Stolen from Other Jurisdictions

E.2.b.1) If the recovered vehicle was stolen from another jurisdiction, the dispatcher shall notify the entering agency.

E.2.b.2) The dispatcher shall place a "Locate" on the stolen vehicle record.

E.2.b.3) The notification shall be noted on the recovery form and in the recovery log entry.

E.3. RELEASING THE VEHICLE TO THE OWNER

E.3.a. The vehicle owner shall not be allowed to take possession of the vehicle until all appropriate searches and examinations of the vehicle have been conducted, and only if the vehicle is not to be held as evidence.

E.3.b. The owner must provide identification and sign the vehicle recovery portion or the report form.

E.3.c. In the event of an arrest or anticipated prosecution, the investigating officer shall advise the owner of the recovered vehicle that [s]he may be needed to testify at court.