

 Lexington Police Department	Subject: Motor Vehicle Theft					Policy Number:	
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By Order of: Mark J. Corr, Chief of Police							

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chiefs of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 2.12, "Motor Vehicle Theft."

GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to stolen motor vehicles and stolen vehicle registration plates.

Auto theft is one of the most aggravating and, without doubt, one of the costliest crimes confronting both the police and the public. The related crime of using an automobile without the authority of the owner has also increased 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 valuables in open view in parked automobiles.

It is the policy of the Lexington Police Department to:

- Reduce the opportunity for the crime of motor vehicle thefts by being alert and patrolling areas where thefts are likely to occur;
- Continue its dedication to the speedy apprehension and conviction of criminals; and
- Educate citizens in crime prevention measures that can reduce motor vehicle theft.

PROCEDURES

A. Motor Vehicle Theft Related Crimes:

Officers should familiarize themselves with the following common offenses related to auto theft and unauthorized use of motor vehicles:

1. Using motor vehicle without authority;ⁱ
2. Larceny of a motor vehicle or trailer;ⁱⁱ
3. Knowingly receiving, buying, maliciously damaging, possessing, concealing or obtaining control of a stolen motor vehicle or trailer;ⁱⁱⁱ
4. Stealing any parts or accessories from a motor vehicle taken without authority;^{iv}
5. False, altered, forged or counterfeit certificate of title and related offenses;^v
6. 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;^{vi}
7. Making false written statement on form alleging theft or conversion of a motor vehicle, which form bears a notice of penalty of perjury;^{vii}
8. Making or causing to be made a false report of crime to police officers;^{viii}
9. Removal or concealment of a motor vehicle to defraud insurer;^{ix}
10. Sale of master keys;^x
11. Failing to display valid plates;^{xi}
12. Operating an uninsured vehicle^{xii}; and
13. Refusal to stop and give information to a police officer.^{xiii}
14. Willful and Malicious Burning of Motor Boats and Motor Vehicles (M.G.L. 266 §5)
15. Perjury Statements Alleging MV Theft (M.G.L. 268 §39)

B. Theft Reporting Requirements:

1. Reporting Parties
 - 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. Officers should be aware of the requirement that lessees of leased or rented motor vehicles, which have been stolen or placed beyond the control of the owner or lessee shall report such loss to the local police department where the vehicle was leased or rented. (M.G.L. Chapter 266 § 87A)
 - c. If the subject who stole the vehicle is known to the reporting party, the officer should:
 - i. 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;

- ii. Advise the reporting party that [s]he should be available as a witness in the case; and
- iii. Complete a report and seek a criminal complaint against the defendant if one can be identified.

2. Stolen Vehicle Report

- a. In taking a stolen vehicle report or a report of a stolen registration plate, officers shall use the Massachusetts Registry of Motor Vehicles Stolen/Recovered Motor Vehicle Report form in addition to an incident report.
 - i. 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.^{xiv}
 - ii. If the person refuses to sign the report, the officer will submit an incident report only.
 - iii. The reporting party shall be advised that the vehicle will NOT be entered into Criminal Justice Information System (CJIS) as stolen, and no other police action, apart from the incident report, will be taken.
- b. In addition to the information on the Stolen/Recovered Motor Vehicle Report form, the officer should obtain other identifying characteristics that could lead to the recognition and recovery of the vehicle, which may include:
 - i. Any unusual or unique markings or stickers;
 - ii. Any previous damage that would distinguish the vehicle;
 - iii. Any special accessories that have been installed; and
 - iv. Descriptions of any items of personal property left in the automobile.
- 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 Registry of Motor Vehicles (RMV) vehicle registration database.

3. Entering Stolen Vehicles/Registrations in CJIS

- a. Stolen vehicles may be entered into the CJIS and National Crime Information Center (NCIC) Vehicle File when:
 - i. The vehicle is reported stolen and an up-to-date theft report is on file; and
 - ii. A signed theft report has been filed.

- 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.
- c. Mandatory Fields for a Stolen Vehicle Entry
 - i. VYR = Vehicle Year;
 - ii. VMA = Vehicle Make;
 - iii. VST = Vehicle Style;
 - iv. VCT = Vehicle Category;
 - v. DOT = Date of Theft; and
 - vi. One of either of the following:
 - (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) LIC – License Plate Number, in which case all of the following information must be provided:
 - LIS = License State;
 - LIY = License Year; and
 - LIT = License Type.
- d. Optional Fields
 - i. Caution: Insert an “X” to indicate that the operator or occupant(s) are dangerous. The reason for caution must appear in the “Remarks” field.
 - ii. Remarks: Reason for caution or other free text information. Maximum is 44 characters.
 - iii. Wanted: If the vehicle category is “3” (wanted) – the number “2” must be entered for a felony, or left blank.

C. Theft Prevention:

- 1. Officers should be observant for suspicious activity in areas where large numbers of vehicles are parked and left unattended, such as hotels, restaurants, business and apartment complexes, particularly during hours of darkness.
- 2. Traffic enforcement is a critical tool in the deterrence of car thefts. Such enforcement can serve to discourage people from becoming involved, as it increases the chances that the police will stop them.
- 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. Patrol Officer Observations:

- 1. Recognizing Stolen Vehicles in Traffic

- 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.
 - i. Be alert for reckless operation or other traffic violators.
 - ii. Note the overly cautious operator who appears to be avoiding undue attention.
 - iii. Observe the operator 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.
 - iv. Extreme operator behavior or unusual reaction of passengers should arouse suspicion of police.
 - v. Note damage to vehicles (e.g., broken vent windows, wired- on license plates).
 - vi. Watch for operation of vehicles by known thieves.
- b. Officers using police vehicles equipped with laptops should query all suspicious vehicles.

2. Recognizing Unattended Stolen Vehicles

- a. Vehicles parked in unusual locations or at unusual times.
- b. A vehicle that has excessive weathering or covered with snow for an extended period of time are good indicators.
- c. Vehicles suffering damage to door locks or windows.
- d. Vehicle ignition “punched” or steering column cover damaged or removed.
- e. Vehicle registration not matching the registration number’s vehicle description.
- f. Registration plate loosely attached or held on by only one screw.
- g. Major vehicle parts (fenders, doors, tires, etc.) missing.

E. Handling Recovered Vehicles:

- 1. RECOVERY: When a stolen vehicle is recovered, the following procedure shall be followed:
 - a. Consider having detectives process the vehicle for latent fingerprints or other evidence that may identify the perpetrator.
 - i. In some cases, vehicles may be processed at the scene of recovery.
 - ii. 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.
 - iii. If the vehicle must be entered by the tow operator, at a minimum he or she should 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.

iv. Avoid handling anything not absolutely necessary to effect the tow.

- b. Impound a vehicle used in the commission of a crime.
- c. Methodically search the vehicle for evidence that may identify the perpetrator and evidence of other crimes.
- d. Tow the vehicle in accordance with department procedures. (See policy #61C – Towing Motor Vehicles and Inventory Procedures)
- e. Complete the recovered motor vehicle portion of the Stolen/Recovered Motor Vehicle Report form. Be sure to include the recovery conditions. (See policy #61C – Towing Motor Vehicles and Inventory Procedures)
- f. Complete a motor vehicle inventory.

2. Notifications

- a. If the vehicle was reported stolen in Lexington and found within Lexington the following procedures should be followed:
 - i. The stolen entry shall be immediately cancelled from the LEAPS/NCIC stolen file.
 - ii. The investigating officer shall notify the lawful owner of the motor vehicle that his/her vehicle has been recovered.
 - iii. However, [s]he 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.
 - iv. Officers should be aware that car thieves (and persons charged with the lesser offense of unauthorized use) sometimes conceal contraband, controlled substances, stolen property or weapons in the vehicle. A thorough search of every recovered vehicle shall be made to determine if those items exist and for the protection of the vehicle owner.
 - v. Only after such search has been made shall the vehicle be released to its owner.
 - vi. The recovery form, including the condition of recovery shall be completed and signed prior to release.

- b. If the vehicle was recovered in Lexington after stolen from another community, the Police Department in that jurisdiction may want the vehicle towed to their station. At a minimum the following procedures should occur:
 - i. A Stolen Vehicle Locate will be placed on the vehicle. The purpose of a Stolen Vehicle Locate is to indicate that

an agency, other than the entering agency, has recovered the vehicle.

- ii. The Police Department in that jurisdiction should be notified by telephone.
- iii. The owner of the vehicle shall be notified.
- iv. The recovered stolen motor vehicle report shall be completed.
- v. Prior to release of the vehicle, the condition of the vehicle shall be documented as complete as possible on the recovery form and the condition will also be noted in the report.

3. Releasing the Vehicle to the Owner

- 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.
- b. The owner must provide identification and sign the vehicle recovery portion or the report form.
- 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.
- d. All stolen MV and stolen/missing plate reports will be kept at the front desk in a location easily accessible to the Desk Officer and Dispatchers.
- e. Designated LEAPS/NCIC supervisors will insure that these records are kept up-to-date and match outstanding stolen MV reports.
- f. Upon recovery, the stolen MV or stolen/missing plate report will be removed from the front desk file

ⁱM.G.L. c. 90, §24(2) (a).

ⁱⁱM.G.L. c. 266, §28.

ⁱⁱⁱM.G.L. c. 266, §28.

^{iv}M.G.L. c. 266, §28.

^vM.G.L. c. 90D, §§32(a) and 32(b).

^{vi}M.G.L. c. 266, §139.

^{vii}M.G.L. c. 268, §39.

^{viii}M.G.L. c. 269, §13A.

^{ix}M.G.L. c. 266, §27A.

^xM.G.L. c. 266, §14.

^{xi}M.G.L. c. 90, §6.

^{xii}M.G.L. c. 90, §34J.

^{xiii}M.G.L. c. 90, §25.

^{xiv} M.G.L. c. 268, §39.