



# Policy Revision Request

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This revision applies to Existing Policy 02-01-24

If new, recommended section \_\_\_\_\_

This revision is necessary to comply with Best Practices

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

**Brief reason for the revision:**

The purpose of the revision is to update policy in regards to current practices and procedures regarding Auto Theft reporting.

Document the changes or additions to the policy below. Please include the specific policy number. **Red strikethroughs** are used for deletions and **blue underlined** for text insertions. Please email completed forms to [APDPolicy@austintexas.gov](mailto:APDPolicy@austintexas.gov). Use this email for any related questions or issues for policy.

## 435.3 STOLEN VEHICLES

### 435.3.1 STOLEN VEHICLE REPORT

- ~~(a) Prior to determining if a vehicle is stolen, officers shall:~~
  - ~~1. Determine if the alleged stolen vehicle is actually an Unauthorized Use of a Motor Vehicle (UUMV); and~~
  - ~~2. Find out if the vehicle has been impounded or repossessed by running the license plate.~~
- ~~(b) Stolen Vehicles~~
  - ~~1. Officers should inform a subject reporting a stolen vehicle of the reporting and recovery process.~~
  - ~~2. Officers shall require the subject to complete and sign an Auto Theft Affidavit.~~
    - ~~(a) If the subject refuses to sign the affidavit, the officer will inform them that the vehicle information will not be entered into TCIC/NCIC.~~
    - ~~(b) Auto Theft affidavits shall be scanned into the Xerox Workflow Scanning "Auto Theft Affidavit" folder by the end of an officer's tour of duty.~~
    - ~~(c) The original auto theft affidavit shall be sent via interoffice mail to the Auto Theft Unit.~~
  - ~~3. Officers shall inform the subject that the assigned investigator will notify them if the vehicle is recovered.~~

- ~~4. Officers shall provide the complainant/victim with the incident number and the phone number to the Auto Theft Interdiction Unit.~~
- ~~5. Officers should inform the complainant/victim to notify 3-1-1, 9-1-1 or the Auto Theft Interdiction Unit if they recover the vehicle so an officer can be dispatched to the scene.~~
- ~~6. Request Communications to enter the vehicle into TCIC/NCIC and the BOLO file.~~

(a) All stolen vehicle investigations conducted by patrol shall be conducted in person.

(b) Prior to classifying a vehicle as stolen the officer shall determine:

1. Whether the alleged stolen vehicle meets the incident classification outlined in policy 435.4 UNAUTHORIZED USE OF A MOTOR VEHICLE (UUMV) by ensuring the complainant did not give anyone effective or implied consent to take, drive, control, operate, or otherwise care for and/or use the vehicle.
2. If the complainant is the last person to have care, custody, and control of the vehicle (i.e. This is not always the registered owner.).
3. If the vehicle has been impounded by running both the license plate and VIN through AutoReturn (Vehicles impounded without license plates will typically only be entered by VIN in AutoReturn).
4. If a financial lien exists on the vehicle by checking the vehicle registration return.
  - (a) If a lien is listed, confirm with complainant whether they are current on their payments to determine whether a repossession has occurred (repossessions are considered consensual tows and will not show up in AutoReturn).
  - (b) Should the officer not be able to confirm with the complainant/victim that the vehicle has been repossessed the vehicle should be reported as stolen.

(c) The interview with the complainant/victim shall include the following information if the victim/complainant wishes to list the vehicle as stolen, advising the victim/complainant of the following:

1. They are filing an official complaint/report of a crime that it is being recorded.
2. Their report is an official statement and under Section 37.08 of the Texas Penal Code, it is an offense if, with intent to deceive, they knowingly make a false statement that is material to a criminal investigation to a police officer.
3. In the event the vehicle is recovered, APD will make a reasonable attempt to contact the complainant and/or registered owner at the phone number provided by the complainant.
4. In addition to a possible notification by APD, the tow company will also send a notification through certified mail to the registered owner and address.
5. Though the vehicle is reported stolen, they understand and acknowledge that the owner of the vehicle has the full responsibility to pay all impound fees which include tow charges, daily storage fees, and other related fees necessary for vehicle recovery per Texas Code of Criminal Procedure 18.23.
  - (a) Reimbursement of such fees or vehicle damage is a civil matter.

6. Ask the complainant/victim if they wish to pursue charges against the person(s) who took their vehicle.
  - (a) If the complainant/victim does not wish to pursue charges:
    1. ~~1.~~ Advise that the vehicle cannot be entered into TCIC/NCIC at that time and utilize the Auto Theft Information title code.
  - (b) If the complainant/victim wants to pursue charges:
    1. If there is credible information the vehicle was stolen, enter the vehicle as stolen into TCIC/NCIC.
    2. If the reporting lacks credibility, document the incident as an "Auto Theft Information" and articulate the reason(s) for the vehicle not being entered as stolen.
7. In the event APD locates their vehicle, would they consent to a tracking device being placed on the vehicle for the sole purpose of locating and potentially arresting the person(s) operating the vehicle (not consenting to a tracking device has no bearing on the vehicle being reported as stolen). APD will have complete discretion in determining when the use of a tracking device is appropriate and will remove the tracking device in the event the vehicle is recovered.
8. In the event APD locates their vehicle would they consent to forensic processing of the exterior and interior of the vehicle.
9. Officers should provide the complainant/victim with the incident number, the ATIP phone number (512-974-5265) and email address (ATIP@austintexas.gov).
10. Officers should instruct the complainant/victim to notify 9-1-1 if they locate their stolen vehicle so an officer can be dispatched to the scene.

(d) Stolen Vehicle Incident Report Guidelines

1. Officers shall complete an incident report titled "Auto Theft." ~~Indicate whether the subject signed an Auto Theft Affidavit.~~
  - (a) If there is one victim involving multiple stolen vehicles (e.g. Auto Dealership) then only one report incident number is required.
  - (b) If there is more than one victim involving multiple stolen vehicles at one location (e.g. Apartment Complex) then separate incident numbers are required for each victim.
2. Officers shall complete a Stolen Vehicle BOLO with the victim's contact information (name and phone number) in the VEHICLE COMMENTS/SUSP INFO field of the BOLO template ". Request Communications enter the vehicle as stolen in TCIC/NCIC and local BOLO file.

### 435.3.2 RECOVERING STOLEN VEHICLES

- (a) When a call for service indicates a stolen vehicle has been found, or a stolen vehicle hit is returned through TCIC/NCIC, confirmation shall be obtained by an officer prior to recovering the vehicle. The recovery shall be documented in a supplement to the original Auto Theft report, found in the "OCA" text line of the TCIC/NCIC return.
  1. Officers shall be dispatched to all recovered stolen vehicle incidents.

2. Officers shall request Communications to have the vehicle removed from TCIC/NCIC.
3. All confirmed and recovered stolen vehicles ~~shall~~ should be processed for latent prints.
  - (a) Vehicles should be processed by a Property Crime Technician if one is on-duty and available within a reasonable amount of time. A Property Crime technician shall not be left alone while processing a recovered stolen vehicle.
  - (b) If a Property Crime Technician is not available, the responding officer ~~shall~~ should process the recovered vehicle for prints.
  - (c) If a stolen vehicle is not processed at the time it is confirmed and recovered, the reason must be explained in the narrative of the incident report/supplement.
- ~~4. Confirmed stolen vehicles may be returned to the registered owner if they are present at the scene, however, they shall still be processed for latent prints.~~
- ~~5. If the registered owner is not present, confirmed stolen vehicles shall be impounded by the City contracted impound wrecker, regardless of its involvement in other incidents, collisions, or its condition.~~
4. Officers should make a reasonable effort to notify the victim/complainant of the recovery of the confirmed stolen vehicle prior to an impound. If the victim/complainant can respond within a reasonable amount of time the vehicle may be released to the victim/complainant. Any notification or attempts to notify the victim should be documented in the incident report
5. If the victim/complainant cannot be contacted the vehicle shall be impounded by a City contracted impound wrecker, regardless of its involvement in other incidents, collisions, or its condition. A reasonable effort should be made to notify the victim/complainant of the impound.
6. Recovered stolen vehicle incidents at a wrecker company other than the City contracted impound wrecker shall be handled as follows:
  - (a) The vehicle should remain at the storage lot except under unusual circumstances (e.g., investigative purposes).
    1. Supervisor or Investigative Unit approval is required to move the vehicle.
    2. If there is no need to move the vehicle:
      - (a) The vehicle shall be confirmed and processed at its current storage location.
      - (b) A hold can be placed on the vehicle for the Investigative Unit involved, if needed. The Auto Theft Unit shall be contacted for authorization prior to placing an auto theft hold on the vehicle.
  - (b) When a recovered stolen vehicle has been processed and no hold is placed, the wrecker company may release the vehicle to the owner, lien holder or insurance company and collect accumulated fees.

#### **435.4 UNAUTHORIZED USE OF A MOTOR VEHICLE**

An Unauthorized Use of a Motor Vehicle (UUMV) occurs when a complainant has allowed another person to use their vehicle and the person has not returned it. Officers responding to a possible stolen vehicle incident need to determine if the complainant is aware of who is in possession of the vehicle and if the person had been given permission to use the vehicle at

one point. This is a matter of current or prior permission to use the vehicle, not a matter of familiarity with the suspect.

(a) Officers responding to a UUMV incident shall take the following steps:

1. Determine if the vehicle has been impounded or repossessed by running the license plate and/or VIN.
2. Provide the complainant with the UUMV form letter and incident number.
3. Inform the complainant it is their responsibility to send the UUMV form letter by certified mail with return receipt requested to the last known address of the person who had possession or control of the vehicle. This will serve as an official notice demanding return of the vehicle within 10 days of receipt of the letter.
4. Inform the complainant the incident will remain a civil matter until the return receipt has been received and the 10 days have passed.
5. Inform the complainant that once the 10 days have passed they should ~~contact~~ [email](#) the Auto Theft Interdiction Unit at [ATIP@austintexas.gov](mailto:ATIP@austintexas.gov) ~~512-974-5265~~ to [contact a detective](#) ~~schedule an appointment~~. Advise the complainant that only after they have met with a detective and provided a sworn statement will the vehicle be entered as stolen.