

# SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

## TRAINING BULLETIN

*"Education promotes professional and responsive law enforcement"*

### Auto Theft and Altered VIN Investigations

#### Purpose

The purpose of this Training Bulletin is to instruct officers on the proper handling of auto theft and altered VIN investigations.

#### Introduction

According to the National Insurance Crime Bureau (NICB), auto theft is the costliest property crime in the United States, costing consumers over \$8 billion dollars a year in damages and losses. The successful investigation, completion of relevant forms and prosecution of auto theft cases are crucial in the effort to maximize our response and discourage future incidents of auto theft in the City of Santa Ana.

#### I. Stolen Vehicle Reports

##### A. Stolen Vehicles Reports Should Be Completed to Document

1. **CVC 10851(a)**-Vehicle theft
2. **CPC 215**-Carjacking (in addition to a crime report)
3. **CVC 10855**-Embezzlement of a rental vehicle
4. Theft of a license plate

\*For purposes of this Training Bulletin, the term "CLETS form" refers to the SAPD form (S-79) entitled "CLETS COMPUTER ENTRY FORM FOR VEHICLES AND MOPEDS."

##### B. Stolen Vehicles (CVC 10851)

The location of occurrence is the place the vehicle was stolen from. If the vehicle was stolen in another city, refer the reporting party to the appropriate jurisdictional agency. When it is not practical to have another agency complete a stolen vehicle report, you may complete a courtesy report on behalf of that agency. Clearly write the words "courtesy report" at the top of the form and mention the agency that has proper jurisdiction and the reason why you took the report in the in the narrative section. Ask records to fax a copy of your courtesy report to the affected agency.

If a vehicle was stolen in Mexico, refer the reporting party to the California Highway Patrol.

If an officer stops or locates a stolen vehicle that has not yet been reported as such, both a stolen vehicle report and a recovered vehicle report (CHP 180) shall be completed and submitted to records. Records will enter the vehicle as stolen and recovered when the forms are turned in. If the vehicle was stolen in another jurisdiction, a stolen vehicle report should be taken in the jurisdiction where it was taken and SAPD will do the recovery report. Again, if it is not practical for another agency to take the report, a courtesy report may be completed on their behalf.

### C. Trailers/Vessels and Construction Equipment

The theft of trailers, boats, and construction equipment shall also be documented on a stolen vehicle report. If a boat or construction equipment is on a trailer, separate reports shall be completed for the trailer and the boat or construction equipment. Request a case number for each report and cross-reference the case numbers of related reports in the narrative of each of your reports.

Like automobiles, trailers have VINs and license plates. Boats have hull identification numbers (HINs) and registration numbers. Construction equipment has product identification numbers (PINs). HINs and PINs should be listed in the VIN section of a stolen vehicle or recovery report. Boat registration numbers should be listed in the space provided for license plates.

### D. Required Information

Every effort should be made to fill out the stolen vehicle report in its entirety. The narrative portion of the report should clearly state that the owner did not give anyone permission to drive the vehicle and include any pertinent information the owner might offer regarding the theft. Ask the owner if all keys to the vehicle are accounted for and where the vehicle was parked. Inform the reporting party that by signing the stolen vehicle report he or she is agreeing to cooperate in all aspects of the investigation and prosecution of any suspects and/or arrestees.

If the owner of a vehicle loans his or her vehicle to a friend or family member who fails to return it, the case may be civil. Ascertain what terms the borrower agreed to when he or she took possession of the vehicle before determining whether or not a stolen vehicle report is warranted. If you determine that a stolen vehicle report is appropriate, tell the owner of the vehicle that by signing the report he or she is agreeing to cooperate in all aspects of the investigation and subsequent prosecution of the offender. If he or she is unwilling to prosecute, do not take a stolen vehicle report. You may choose to complete an information report to document why you did not take a stolen vehicle report.

Dealerships often contact the police department to report a vehicle stolen. Determine all of the facts involved in the theft before you take a report. For example, if a vehicle is stolen via identity theft, a stolen vehicle report may be appropriate if **all** of the identifying information the suspect provided belongs to another person. On the other hand, if a suspect provides his true name and date of birth but gives a Social Security number that belongs to someone else, a stolen vehicle report should **not** be taken because there is no intent to actually steal the

vehicle. When in doubt, contact the Auto Theft Detail or the Economic Crimes Unit for further instructions. If neither of these units is available, document your investigation in an Information Report and immediately forward a copy to the Auto Theft Detail for review.

## E. Carjacking (PC 215)

A carjacking is essentially investigated as a robbery. Upon confirming that a carjacking has occurred, a general broadcast via radio and/or MDT is usually appropriate. Because a vehicle is stolen in the robbery, a stolen vehicle report must also be generated in addition to a crime report. Both reports should be completed under the **same** case number. In the remarks field of the stolen vehicle report, clearly indicate that the vehicle was stolen in a carjacking. This will assure that proper *officer safety warnings* are included when the vehicle is entered into the stolen vehicle system (SVS).

## F. Embezzled Vehicles

**CVC 10855**—"Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired, that person shall be presumed to have embezzled the vehicle."

**CVC 10500 (a)** requires a leaser or rental agency to send the renter or lessee a letter demanding a vehicle's return, by certified or registered mail, before the vehicle can be entered into the stolen vehicle system. Furthermore, the DA's office will not file a CVC 10855 case unless a certified or registered letter was sent to the renter/lessee and he or she made no effort to return the vehicle after having received said letter. A copy of the certified/registered mail receipt should accompany the stolen vehicle report. In most cases, the DA's office also requires positive identification of the suspect, via a photographic lineup, prior to filing charges.

In short, before you take a report, make sure that the leaser or rental agency sent a letter demanding the vehicle's return to the renter/lessee and that the renter/lessee failed to return the vehicle within five days after having received the demand letter. If a demand letter was returned unclaimed, you may take a stolen vehicle provided that five days have passed since the expiration of the contract and all of the leaser or rental agency's attempts to contact the renter/lessee have been exhausted.

Most embezzled vehicle reports will be documented on a stolen vehicle report by checking the "stolen vehicle" check box on the top of the report rather than the "embezzled vehicle" box and clearly writing, "Embezzled rental vehicle," in the box reserved for identifying marks and remarks. This is because an embezzled vehicle cannot technically be entered into the stolen vehicle system as an "embezzled vehicle" unless an arrest warrant has been issued for the suspected embezzler; however, the law permits an embezzled rental or leased vehicle to be entered into SVS as "stolen" without an arrest warrant provided the vehicle meets the criteria outlined in the previous paragraphs of this section.

Ask the reporting party for a copy of the lease or rental contract and attach it to the stolen vehicle report. Indicate how the renter paid for the rental and what form of identification he or she used in the narrative. If the suspect paid by credit card, ask the reporting party if the

suspect's credit card has been charged any fees since the expiration of the rental agreement. If fees have been charged and payment received within the last five days, a stolen vehicle report should not be taken until 5 days after the last charge.

\*If the victim vehicle is rented or acquired through fraudulent means, such as identity theft or by providing false information, a CVC 10851 report may be appropriate. There is no need to wait 5 days in these types of cases and there is no requirement that the rental agency send a certified or registered letter to the suspect before the vehicle can be entered into SVS.

## G. Theft of a License Plate

The theft of a license plate is reported on a stolen vehicle report. Mark the box "Plate(s) Report" at the top of the form. Fill out the rest of the boxes on the form that are applicable. It is not necessary to fill out the Condition and Inventory section of the report.

## H. Lost Vehicles

A lost vehicle should **not** be documented on a stolen vehicle report. In order to report a vehicle as "lost," complete an information report and attach a CLETS form with the vehicle information listed in the "ENTRY VEHICLE" field of the form. The "LOST" box at the top of the form should be marked.

The California Department of Justice's Criminal Justice Information System (CJIS) manual emphasizes that, "the Lost Vehicle File is **not** to be used for the entry of potentially embezzled vehicles or for the recovery of vehicles in civil cases." A good example of a lost vehicle is one that an injured or ill person has clearly misplaced. When in doubt, the handling officer should contact SAPD records to determine whether or not a vehicle is suitable for entry into the Lost Vehicle File.

## I. Theft of a VIN Plate/Missing VIN Plate

The theft of a VIN plate or a missing VIN plate should **not** be documented in a stolen vehicle report. The theft of a VIN plate should be documented in a regular crime report and a missing VIN should be documented in an information report. A CLETS form should be attached to either the crime report or the information report with the stolen/missing VIN listed in the "ENTRY VEHICLE PARTS" section of the form.

Advise the person reporting his or her VIN as stolen or missing that his or her vehicle may be subject to seizure/impound per CVC 10751 and suggest that he or she park the vehicle in a garage or enclosed area until a replacement VIN ("blue tag") can be procured. Tell the reporting party to contact the CHP for instructions on obtaining a replacement VIN.

## J. Theft of Vehicle Parts

The theft of vehicle parts, such as an engine, transmission, or other serialized parts should be documented in a crime report. A CLETS form should be attached to the crime report with the stolen parts listed in the “ENTRY VEHICLE PARTS” section of the form.

## II. Unfounding a Stolen Vehicle Report

When a stolen vehicle report is taken and later deemed unfounded, the officer should **NOT** complete a recovery report (CHP 180). Instead, the officer should clearly indicate why the report is unfounded in a supplemental report and attach a CLETS form to cancel the vehicle. The officer need only complete the “CANCEL VEHICLE” section of the form. The officer should list the reason as “Unfounded.”

If the victim provided the wrong plate and/or VIN number or the reporting officer mistakenly wrote the wrong plate and/or VIN on a stolen vehicle report, the report is not “unfounded.” In these types of cases, the officer should complete a supplemental report explaining the mistake and complete a CLETS form to cancel the incorrect plate/VIN and enter the correct plate/VIN. In other words, both the “CANCEL VEHICLE” and “ENTRY VEHICLE” sections should be completed. In the “CANCEL VEHICLE” section, list “mistake” as the reason. To avoid errors, the officer should take the completed CLETS form to Records to confirm that it has been completed correctly.

## III. False Report of Theft

CVC 10501 makes it a crime to file a false or fraudulent stolen vehicle report with any law enforcement agency with the intent to deceive.

A frequent scenario in which a vehicle owner files a false stolen vehicle reports is when he or she was involved in a traffic collision and/or hit and run. Another reason for filing a false police report may involve insurance fraud. For example, a vehicle owner or lessee who is no longer able to make payments on a vehicle and arranges for the vehicle to be stolen and subsequently burned and/or disposed of in some other way. After filing a false stolen vehicle report, the owner/lessee reports the theft of his or her vehicle to his or her insurance carrier in order to pay off the vehicle.

If someone files a false stolen vehicle report and then reports the theft to his or her insurance carrier, that person is guilty of insurance fraud, a violation of CPC 550 (a)(4).

If you suspect someone is filing a false or fraudulent stolen vehicle report, advise him or her that filing a false stolen vehicle report is a crime. This will facilitate any efforts to prosecute him or her if it is later discovered that the report was false.

## IV. Recovery Reports

Recovery reports (CHP 180) should be completed to document the recovery of stolen vehicles and license plates.

## V. Vehicle Recoveries

If the recovery is a Santa Ana stolen, mark the Recovery box at the top of the form and write the **same** case number assigned to the stolen vehicle report in the case number box. If the recovery is an outside agency stolen, mark the Outside Agency Recovery and request a new case number.

Do not request a hold on any recovery unless extenuating circumstances exist (i.e. the vehicle was used in another serious crime) or an outside agency requests a hold.

Prior to releasing the vehicle to the owner or a tow company, dust it for latent prints. You may also wish to swab certain areas of the vehicle for DNA. CSI is especially important in carjacking-related recoveries. Thoroughly search the vehicle. If possible, go over the contents of the vehicle with the owner and book any items that do not belong to the owner into evidence.

When a vehicle is recovered and the VIN plate and/or major vehicle parts are missing, such as an engine or transmission, these parts should be entered into CLETS, provided they have serial numbers and these numbers are actually known. To enter a missing VIN or part, use a CLETS form and fill out the "ENTRY VEHICLE PARTS" section. Attach the CLETS form to the recovery report.

### A. Recovered Stolen License Plates

Besides marking the Recovery or Outside Agency Recovery boxes, clearly write "Plates Only" at the top of the report. This is especially important if plates to a stolen vehicle are recovered and the stolen vehicle is still outstanding.

### B. Recovered Vehicle Parts

Recovered vehicle parts, such as an engine, transmission, or other serialized parts, should **not** be documented in a recovery report. Instead, the recovery should be documented in a supplemental report if the theft of the part was originally documented in a SAPD crime report or in an information report if the part was documented stolen in another jurisdiction. If an arrest is made pursuant to the recovery of the part, the recovery should be documented in a supplemental arrest report if the theft occurred in Santa Ana or in an arrest report if the theft occurred elsewhere. A CLETS form should be attached to the applicable SAPD report with the FCN of the recovered part listed in the "CLEAR - OUR STOLEN AND RECOVERED" or "LOCATE - OUTSIDE STOLEN OUR RECOVERY" section of the form.

## VI. Arrest Reports

In those cases where an arrest is made on a Santa Ana stolen, do **not** request a new case number. In addition to the recovery report, complete a supplemental report under the original stolen vehicle report case number. If an arrest is made on an outside agency stolen, request

an SAPD case number and complete an outside agency recovery report and a Crime/Arrest Report under the same case number.

Both the driver and his passengers of a stolen vehicle should be arrested for CVC 10851(a) and questioned at the station. If possible, try to establish that the passengers knew the vehicle was stolen, if they helped the driver steal the vehicle, when they found out it was stolen and, if applicable, why they chose to get into or remain in the vehicle after they found out it was stolen. If you have reason to believe that a passenger was unaware that the vehicle was stolen, photograph and fingerprint them prior to their release per CPC 849b.

In all cases, contact the victim and ask them, at the very least, the following questions:

1. Do you know \_\_\_\_\_?
  - a. Name of the Arrestee(s)
2. Did you give \_\_\_\_\_ permission to take or drive your vehicle?
3. Did you give anyone permission to drive your car?
4. Does anyone else have a key to your vehicle? Are all keys accounted for?
5. When and where was your vehicle taken?

Always attach a copy of the stolen vehicle report, especially if the arrest involves an outside agency stolen.

Consider asking the arrestee(s) the following questions:

1. Is this your car? Whose car is it? Who gave you the car?
2. How long have you known this person? Where does he or she live?
3. When did you get the car? Were you alone? How long have you had the car?
4. Did you give anyone else a ride in the car? Did they know the vehicle was stolen?
5. Who else saw you get the car?
6. Why do you have the car?
7. Where is the ignition key? Where did you get the key?
8. Did you know/think the car was stolen? How/Why?

If the arrestee(s) admits to stealing the vehicle, ask the following:

1. How did you gain entry into the car? How did you start the car?
2. Why did you pick this particular car?
3. Have you stolen any vehicles in the past?
4. Did you remove or steal anything from the vehicle before or after you stole it?

If the arrestee invokes Miranda, clearly explain how and what he or she said to invoke in your report.

## VII. CVC 10751 Investigations

**CVC 10751: (a)**-No person shall knowingly buy, sell, offer for sale, receive, or have in his or her possession, any vehicle, or component part thereof, from which any serial or identification number, including, but not limited to, any number used for registration purposes, that is affixed by the manufacturer to the vehicle or component part, in whatever manner deemed proper by the manufacturer, has been removed, defaced, altered, or destroyed, unless the vehicle or component part has attached thereto an identification number assigned or approved by the department in lieu of the manufacturer's number.

*Removal, alteration or destruction of the public VIN* constitutes a violation of this section. Whenever a vehicle is in violation of this section, it is subject to impound for further investigation. Impound authorities include CVC 10751 and/or CVC 22651(j) (if there is no evidence of registration.) Once a vehicle has been impounded for a CVC 10751 investigation, auto theft detectives will attempt to inspect the vehicle within 5 days.

In addition to completing an impound report (CHP 180), the officer impounding a vehicle in violation of CVC 10751 should complete a separate CLETS form to enter the missing VIN plate and attach the form to the impound report. The missing VIN should be listed in the 'ENTRY VEHICLE PARTS' section of the form.

If you identify a vehicle via a secondary or confidential VIN location, **do not** reveal the location of the secondary/confidential VIN in your report(s). Simply state that you "identified the vehicle by confidential means." The location of a secondary/confidential VIN is protected under 1040 of the Evidence Code.

Beginning in 1955, vehicles have been registered by VIN, separate from the engine number. Initially, no requirement was established for use of or location of a public VIN plate.

The Federal Motor Vehicle Safety Standards Act mandated that all **passenger vehicles** manufactured after **1968** display a public VIN in a conspicuous place, visible through the windshield. The mandate went into effect on 1/1/69. The standard for this location applies to all domestic or imports sold in the United States.

**Light duty trucks**, including pickups, vans and Jeeps, were under no obligation to place the public VIN in a conspicuous place, visible through the windshield. This being the case, vehicle manufacturers continued to attach the VIN plates in other locations, usually on metal plates attached to the driver's side door/doorpost or in the engine compartment (most likely on the firewall). By **1980**, all light duty trucks had public VIN plates displayed in a conspicuous place, visible through the windshield.

The following general guidelines will assist you in locating the public VIN:

1. **1981 and newer vehicles**-Public VIN should be visible through the driver side of the windshield, normally on the dashboard, with the exception of Mercedes, Porsche, and Corvette, which are located on the driver's side windshield pillar post. Any vehicle manufactured after 1981 should have 17 VIN characters
2. **1968-1980 passenger vehicles**-On domestic vehicles, the public VIN should be visible through the windshield on the driver's side, with the exception of 1968 Ford products, which have the VIN plate on the passenger side. The 1969 Ford Mustang also has the VIN on the passenger side. Imports will have a public VIN visible through the front windshield; specific locations may vary. All passenger

vehicles sold in the US were required to have a public VIN visible through the windshield starting 1/1/69.

3. **Pre-1968 passenger vehicles**—Locations of the VIN may vary; consult with NICB (Nation Insurance Crime Bureau).
4. **Pre-1980 light duty trucks** (pickups, vans, Jeeps)—VIN is usually on metal plates attached to the driver's side door/doorpost or in the engine compartment (most likely on the firewall).
5. **Commercial vehicles**—Unlike automobiles and light duty trucks and vans, the public VIN can be located nearly any place in the cab. A good place to look is the driver's side doorpost or door frame.

## VIII. Blue Tags / Replacement VINS

The CHP issues blue tags or replacement VINs to vehicles with lost or missing public VIN plates and to homemade vehicles (kit cars, etc.). These tags are attached to the driver's side doorpost with rivets and are used in lieu of a standard public VIN. Blue-tagged vehicles **should not** be impounded for CVC 10751. Check all suspected 10751 vehicles for a blue tag prior to impounding them. If the vehicle is locked, ask the tow truck driver to open the vehicle with lockout tools.

When in doubt, do not impound the vehicle unless you can legally do so under another impound or storage authority (with the approval of supervisor). If a vehicle is impounded per CVC 10751 and it does not constitute a violation, the city and/or the SAPD is/are liable for towing and storage fees. During normal business hours, you can contact an auto theft detective to answer any questions or concerns you might have with a particular vehicle.

## IX. Chop Shops

**CVC 250-A** "chop shop" is any building, lot, or other premises where any person has been engaged in altering, destroying, disassembling, dismantling, reassembling, or storing any motor vehicle or motor vehicle part known to be illegally obtained by theft, fraud, or conspiracy to defraud, in order to do either of the following:

- (a) Alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number, of a motor vehicle or motor vehicle part, in order to misrepresent the identity of the motor vehicle or motor vehicle part, or to prevent the identification of the motor vehicle or a motor vehicle part.
- (b) Sell or dispose of the motor vehicle or motor vehicle part.

**CVC 10801** makes it a crime to intentionally own or operate a chop shop. **CVC 10802** makes it a crime to engage in chop shop activities. **CVC 10803** makes it a crime to buy, sell, or possess "more than one motor vehicle or parts from more than one motor vehicle with the knowledge that the vehicle identification numbers of the motor vehicles or the motor vehicle parts have been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed for the purpose of misrepresenting the identity or preventing the identification of the motor vehicles or motor vehicle parts."

Vehicle parts include engine parts, vehicle frames, interior parts, and exterior parts of the vehicle. Beginning in 1984, in response to congressional mandates, vehicle manufacturers began to affix anti-theft labels to certain parts of passenger vehicles to assist law enforcement in identifying stolen vehicle parts. These labels feature the complete VIN of the vehicle they come from. Although these labels can be removed with some amount of effort, the adhesive leaves a “footprint” or trace on whatever part a label is removed from. The presence of footprint assists investigating officers in showing that the vehicle identification number affixed to a certain part was removed “for the purpose of misrepresenting the identity or preventing the identification” of the part in question.

Auto theft detectives receive specialized training in the identification of vehicles, vehicle parts, and chop shops. For this reason, auto theft detectives should usually take the lead on any chop shop investigation. If you encounter what you believe is a chop shop, take note of your observations and contact an auto theft detective for further instructions. If an auto theft detective is not currently on duty, contact your immediate supervisor and relay your observations. Your supervisor will contact the watch commander regarding the chop shop or chop shop activities and the watch commander will determine whether an auto theft detective should respond to handle the investigation.

## Summary

The successful investigation and prosecution of vehicle related crimes depend on complete and accurate reports. Stolen vehicles, including trailers, boats, construction equipment, carjacked vehicles and embezzled rental vehicles, and stolen license plates should be documented on a stolen vehicle report. The recovery of stolen vehicles and plates should be documented on a recovery report (CHP 180). Proper entry and completion of appropriate vehicle-related reports and forms will assure that vehicles are entered into and taken out of the Stolen Vehicle System in a timely manner and that potential officer safety related issues are communicated to officers in the field.

### **Acknowledgment:**

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