

General Order

Houston Police Department



ISSUE DATE:

January 4, 2019

NO.

800-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-08, dated November 7, 2005

SUBJECT: AUTO THEFT REPORTS

POLICY

This General Order establishes criteria and procedures to be followed by Houston Police Department personnel when taking auto theft reports.

This General Order applies to all employees.

1 EMERGENCY COMMUNICATIONS PERSONNEL

Call takers at the Houston Emergency Center take initial calls from complainants. Personnel assigned to the Emergency Communications Division, Teleserve Unit shall take incident reports regarding stolen vehicles by contacting the complainant and receiving report information via the telephone unless there is a need to collect physical evidence at the scene, any suspect information is provided, or the complainant requests a unit. If a unit responds, the responding officer shall generate the incident report.

When the complainant does not want to report the theft to Teleserve or a field unit, they shall be directed to a police station, storefront, or the Auto Theft Division.

A *General Broadcast/Lookout* (see General Order 600-03, **General Broadcasts**) shall be made to alert officers in the area of a possible stolen vehicle. In such cases, the vehicle status shall be given as "Possible Stolen" because the report is incomplete until the vehicle is entered into TCIC/NCIC. The *General Broadcast* shall not be considered as probable cause for an arrest.

Teleserve personnel and field officers are encouraged to contact the Auto Theft Division for guidance in cases involving unusual circumstances.

The procedures for recovery and towing of stolen or possibly stolen vehicles are outlined in General Order 600-10, **Towing**.

2 TELESERVE UNIT

Personnel assigned to the Emergency Communications Division, Teleserve Unit shall follow procedures established in the unit for processing auto theft calls. Such procedures shall be formulated in conjunction with those established by the commander of the Auto Theft Division. When an auto theft report is taken, a stolen status shall be entered on the vehicle as soon as possible. In handling calls regarding auto thefts, Teleserve personnel shall adhere to the following guidelines.

- a. When the incident is clearly an auto theft, the vehicle shall be considered stolen and an Auto Theft incident report shall be completed.

b. When the complainant knows the person who took the vehicle and the incident is not clearly an auto theft, an Investigation Auto Theft incident report shall be completed and the vehicle shall be listed as General. Such cases may include, but are not limited to:

1. An acquaintance or a family member has the vehicle.
2. A vehicle that has been leased or rented but not returned.
3. A mechanic who will not return the vehicle because of nonpayment.
4. The complainant has loaned the vehicle to another person.

In such cases, employees shall advise the complainant that the circumstances may be civil in nature and that the report will be listed as Investigation Auto Theft. Employees shall also advise the complainant that the vehicle will not be listed as stolen in TCIC or NCIC until further investigation by the Auto Theft Division. In these investigation auto theft cases, the complainant shall be given the procedures for sending a demand letter (see section 4 below).

If an employee accepting the report has questions as to the status, the employee shall consult an investigator in the Auto Theft Division or send a patrol unit to the scene prior to completing the interview.

3 PROCEDURES

When officers are dispatched or flagged down by a complainant regarding a possible auto theft, officers shall complete an incident report. Officers shall not refer the complainant to Teleserve. This includes incidents that may be civil in nature or situations when a complainant does not have a vehicle license plate number or a vehicle identification number (VIN).

When a complainant does not immediately have the required vehicle identification information available, an Investigation Auto Theft report shall be made. The complainant shall be given the incident number and instructed to call the Auto Theft Data Entry Section of the Records Division and provide the VIN or license plate number. The complainant shall be advised that failure to provide this information to the Records Division will prevent the vehicle from being entered into the system as stolen.

Once the Records Division receives either the VIN or license plate number from the complainant, Records Division personnel shall:

- a. Supplement the incident report.
- b. Validate the VIN and license plate number and enter the VIN and license plate number into HCIC, TCIC, and NCIC.

Once the required information is received, the Auto Theft Division shall initiate a supplemental report to the original report and title the supplemental report Auto Theft. In the body of the supplement the facts that led to the modification shall be detailed and notification shall be made

to the Records Division in the supplement to reclassify the report from Investigation Auto Theft to Auto Theft for crime reporting purposes in the incident module only.

Upon the Records Division receipt and review of the supplement created by the Auto Theft Division, the Records Division shall reclassify the report from Investigation Auto Theft to Auto Theft for crime reporting purposes in the incident module only.

In all circumstances when an auto theft report is taken, a stolen status shall be entered on the vehicle as soon as possible.

Incident Report Entry

Officers shall use the department's records management system (RMS) to document auto theft and/or auto recovery incidents as soon as possible. Officers shall be responsible for entering their own vehicle recoveries. Officers without computer access (e.g., during extra employment) shall contact the Teleserve Unit to make such incident or supplemental reports.

4 DEMAND LETTER PROCEDURES FOR INVESTIGATION AUTO THEFT CASES

Complainants shall not be referred to the District Attorney's Office when an investigation auto theft report has been entered.

When investigation auto theft reports meet the criteria outlined in section 2, item (b) of this General Order, the complainant shall be informed that:

- a. If the complainant has the complete name and address of the suspect in the case, the complainant must send a letter to the suspect demanding return of or compensation for the vehicle. The letter shall be sent via certified mail with a return receipt requested and must contain:
 1. An accurate and complete description of the circumstances under which the vehicle was obtained from the complainant.
 2. An accurate and complete description of the vehicle that the complainant owns and wishes returned.
 3. An affirmative demand that the complainant be allowed to take possession of the vehicle at the place where it is presently located, or that the vehicle be returned, or that the complainant be compensated for the full present market value of the property.
 4. A statement indicating that if one of the above demands is not satisfied within ten business days following receipt of this letter, the matter shall be turned over to the District Attorney's Office for appropriate action.
- b. If the demand letter is not satisfied within the specified ten-business-day period, the complainant shall go to the Auto Theft Division and take:
 1. A copy of the demand letter.

2. The certified mail, return receipt from the Post Office.
3. The unopened letter, if it was returned to the complainant for any reason.
- c. If the complainant does not have a complete name and address for the suspect, the complainant must attempt to obtain this information. If the complainant is unable to obtain a complete name and address to send the demand letter, the complainant shall be told to contact the Auto Theft Division after the incident report has been made.

5 ADDITIONAL CONSIDERATIONS


Employees shall be aware of the following regarding auto theft cases:

- a. A vehicle taken in the course of repossession by the lienholder is not a theft.
- b. If the complainant had care, custody, and control of the vehicle but is not the owner, a report shall be accepted. The employee accepting the report shall attempt to determine the current owner of the vehicle in question. Upon ownership determination, the employee shall generate an Auto Theft incident report and include a notation regarding determination of ownership of the vehicle in the narrative section of the incident report. If there is a doubt as to ownership, the employee shall make an Investigation Auto Theft report and include an explanation in the narrative section of the incident report.
- c. If the employee is doubtful about significant elements of the offense, the employee shall call the Auto Theft Division for guidance.
- d. Auto rental agencies are permitted to call the Auto Theft Division and email copies of the demand letter paperwork to the Auto Theft Division for investigative follow-up.

Personnel accepting auto theft related reports are encouraged to call the Auto Theft Division when circumstances not specifically addressed in this General Order are encountered or they have inconclusive evidence that would not support listing a vehicle as stolen and they need clarification on whether to list a vehicle as stolen.

6 RELATED GENERAL ORDERS

300-14, Extra Employment
400-19, Microcomputer Regulations
600-03, General Broadcasts
600-10, Towing
800-07, Criteria for Submitting Incident Reports


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