

	MEDFIELD POLICE DEPARTMENT	POLICY NO. 2.12
MOTOR VEHICLE THEFT		
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I. GENERAL CONSIDERATIONS AND GUIDELINES

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 as follows: joy riding; for use in the commission of a crime; stripping and "chop shops"; professional car thieves; and defrauding the insurance company.

All citizens of the community should be constantly reminded of their obligation, as a matter of crime prevention, to lock their vehicles and take their keys, to avoid leaving any valuables in open view in parked automobiles and to select with care the areas where they park their cars unattended for long periods of time. Most car thefts are committed by juveniles and many adult criminals can point to a youthful car theft as their initiation into a life of crime.

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

- 1. Officers shall be familiar with the following common offenses related to auto theft and unauthorized use of motor vehicles:
 - a. Stealing (larceny of) a motor vehicle or trailer;¹
 - b. Knowingly receiving, buying, maliciously damaging, possessing, concealing or obtaining control of a stolen motor vehicle or trailer;²
 - c. Stealing any parts or accessories from a motor vehicle taken without authority;³
 - d. Using motor vehicle without authority;⁴
 - e. False, altered, forged or counterfeit certificate of title and related offenses;⁵
 - f. 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;⁶

¹M.G.L. c. 266, s. 28

²M.G.L. c. 266, s. 28

³M.G.L. c. 266, s. 28

⁴M.G.L. c. 90, s. 24(2)(a)

⁵M.G.L. c. 90D, ss. 32(a) and 32(b)

⁶M.G.L. c. 266, s. 139

- g. Making false written statement on form alleging theft or conversion of a motor vehicle which form bears a notice of penalty of perjury;⁷
- h. Making or causing to be made a false report of crime to police officers;⁸
- i. Removal or concealment of a motor vehicle to defraud insurer;⁹
- j. Sale of master keys;¹⁰
- k. Failing to display valid plates;¹¹
- l. Operating an uninsured vehicle¹²; and
- m. Refusal to stop and give information to a police officer.¹³

B. Theft Reporting Requirements

1. In making a stolen car report, every effort shall be made to determine initially if a crime has been committed. The department's Stolen/Recovered Motor Vehicle Report form shall be completed and filed in accordance with departmental procedures.
2. Every stolen motor vehicle report should contain all identifying characteristics that could lead to the recognition and recovery of the vehicle. Obtain the following information as accurately as possible:
 - a. Owner's name, home and business address, home and business telephone number;
 - b. Registration number of vehicle;

⁷M.G.L. c. 268, s. 39

⁸M.G.L. c. 269, s. 13A

⁹M.G.L. c. 266, s. 27A

¹⁰M.G.L. c. 266, s. 140

¹¹M.G.L. c. 90, s. 6

¹²M.G.L. c. 90, s. 34J

¹³M.G.L. c. 90, s. 25

- c. Vehicle identification number;
 - d. Make, model, color and year of manufacture;
 - e. Any unusual or unique markings or stickers;
 - f. Any previous damage that would distinguish vehicle;
 - g. Any special accessories that have been installed;
 - h. Descriptions of any items of personal property left in the automobile; and
 - i. Name of the company insuring the vehicle.
3. Inaccuracies in taking a stolen motor vehicle report can hamper any subsequent investigation. The vehicle identification number and the registration number must be very carefully noted as any transposition or substitution of numbers or letters can create much confusion and considerably delay recovery.
4. Provide the person making the report of a stolen vehicle with a stolen motor vehicle report form which states that making a false written statement alleging the theft or conversion of a motor vehicle, where the form bears a notice that any false statement made therein is punishable as perjury, is a crime.¹⁴.
- a. The officer shall read the perjury warning on the stolen motor vehicle form to the party reporting the vehicle stolen and initial next to the warning indicating that [s]he has read the warning to the reporting party.
 - b. The officer shall have the reporting party fill in the appropriate information and sign the report properly. If the person refuses to sign the report, a note shall be made of that fact.
5. It is in the interest of the owner of any vehicle to make a report to the police if the vehicle is stolen or missing. However, persons who rent or lease vehicles may be lax in so doing. 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). This statute requires that either the owner (rental

¹⁴M.G.L. c. 268, s. 39

agency) or the lessee (person renting the car) must report the theft or loss of the car.¹⁵

C. Patrol Officer Responsibilities

1. Officers should engage in the surveillance of retail areas, as they have become a focal point in neighboring communities for the operation of car thieves and require greater surveillance. Traffic enforcement and the stepping up of traffic citations are a deterrent to car thefts. This can serve to discourage young people from becoming involved, as it increases the chances that they will be stopped by the police.
2. 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. Unfortunately, it is difficult to detect car thieves even as they drive down public streets in recently stolen vehicles. Successful detection of car thieves, stolen car networks and chop shop operators often comes about by use of police undercover operations. If such an operation is authorized by the Chief, undercover police may pose as persons seeking to dispose of a car or as a person looking for a particular make and model of car that is cheap because it is "hot" or they may set up an undercover chop shop and wait for "customers" to solicit their services. (See departmental policy on Vice, Drugs and Organized Crime.)
3. 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 observing license numbers.
 - a. Be alert for the reckless driver or the traffic violators.
 - b. Note the overly cautious driver who appears to be avoiding undue attention.
 - c. 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. Any extremes of driver behavior or unusual reaction of passengers should arouse suspicion of police.

¹⁵M.G.L. c. 266, s. 87A

- e. Note any damage to vehicles (e.g., broken vent windows, wired on license plates).
 - f. Watch for operation of vehicles by known thieves.
4. The felony stop approach should be used when stopping a motor vehicle which the officer reasonably believes to be stolen. Many officers have been injured seriously, and even fatally, in making a stop of a stolen vehicle. Every precaution that is taken in stopping a felony suspect must be used in checking out a suspected stolen car.
- a. Notify the dispatcher of your intent, the location of contact, a description of the car and, if possible, its occupants.
 - b. Select a suitable location for making the stop (at night a well-lighted area would be preferred).
 - c. In overtaking the suspected vehicle, guard against any evasive action by its operator.
 - d. Leave the emergency lights on the police vehicle flashing to warn on-coming traffic and to assist any backup officers to locate your position.
 - e. Without approaching the vehicle, order the occupants to get out of the vehicle and lay on the ground.
 - f. If an arrest is necessary, the prisoner or prisoners shall be carefully searched and handcuffed before being transported to the police station. (See departmental policy on Transportation of Prisoners.)

D. Handling Recovered Vehicles

1. When a stolen vehicle is recovered, the following procedure shall be followed:
 - a. Impound the vehicle if it was used in the commission of a crime; or
 - b. Tow the vehicle in accordance with departmental procedures; and
 - c. Notify the Registry of Motor Vehicles.
2. The investigating officer shall notify the lawful owner of the motor vehicle that his/her vehicle has been recovered. 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. 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 in accordance with the departmental policies on Searches and Seizures and Motor Vehicle Inventories. Only after such search has been made shall the vehicle be released to its owner.

3. The investigating officer shall make sure the owner of the recovered vehicle can be contacted and will be available to testify at any court hearings.