

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.47
		Issue Date: March 21, 2005
		Revision Date: July 21, 2014
CHAPTER: Patrol		Related Policy:
SUBJECT: Stolen and Located Vehicle Reports		Related Laws: ORS 164.135, ORS 164.140

POLICY: The Patrol Section is charged with the responsibility of the protection of life and property, the prevention of crime, and the promotion of public peace and dignity. Employees must act reasonably and within the limits of their authority as defined by statute and judicial interpretation, insuring that the rights of both the individual and society are protected.

RULE: None

PROCEDURE:

I. Reporting

A. Located Vehicle Report

1. As a general rule, Located Vehicle Reports are not to be taken. If there is not sufficient justification to warrant a Stolen Report, no Located Vehicle Report should be prepared. However, this does not preclude preparing a special report or other appropriate report.
2. Exception:

A verifiable vehicle theft has occurred, the reporting party is other than the registered owner (legal owner), and the owner will be available for a Stolen Report in the immediate future (i.e. home burglarized with vehicle stolen while owners out of town with the neighbor as the complainant).
3. In any other situation, Deputies must contact a Sergeant for authorization prior to taking a Located Vehicle Report.

B. Stolen Vehicle Report

1. Deputies accepting Stolen Vehicle Reports will complete the appropriate incident report and immediately notify the communications center of the necessary information to allow for EIS/LEDS/NCIC data entry. However, one of the following criteria for proof of ownership must be met prior to accepting a Stolen Report:

- a. The complainant is the registered owner (as per Department of Motor Vehicles records), which is substantiated by identification. Telephone reports may be accepted if the complainant can satisfactorily assure the reporting Deputy that he/she is the registered owner (i.e. familiarity with vehicle type, make, license number, names of other listed registered owners, addresses, etc.)
- b. A complainant signature is not required in this case, however, the complainant shall be advised of their financial liability for the recovery of the vehicle and the advisory shall be documented in the report. In any case other than noted above, the complainant shall be required to sign the Stolen Vehicle Report.
- c. The complainant has possession of a title signed for transfer.
- d. The complainant has possession of a notarized bill of sale. The bill of sale should not be older than 60 days. Otherwise a title or registration is required. A bill of sale from a licensed car dealer (on letterhead forms) need not be notarized. However, it should not be accepted as proof of ownership if older than 60 days.
- e. In all other situations, Deputies must contact a Sergeant for authorization to take a report.

C. Recovered Stolen Vehicle Report

1. Recovered stolen vehicles will be towed for safekeeping, pending owner notification, unless the owner is present at the time of the recovery.
2. If present, the vehicle may be released to the registered owner following receipt of the owner's signature, address, and phone number on the Incident Report.
3. The releasing Deputy will immediately notify the communications center of the release so that they may remove the vehicle from the computer files and alleviate the possibility of liability in the event the vehicle is later stopped as a reported stolen vehicle.

II. Stolen Vehicle Report Criteria/Guidelines

The following guidelines are to be considered prior to accepting Stolen Vehicle Reports.

A. Husband/Wife.

1. Divorce in progress - No report.
2. Divorce completed with court ordered division of property wherein a spouse is refusing to relinquish control - No report. Complainant's attorney should seek contempt of court hearing.

- B. Boyfriend/girlfriend, roommates, any family member (including juvenile children) with common use of the vehicle - No report.
- C. Business associates/partners - No report. Either can claim vested interest in the vehicle.
- D. Vehicle being held by person performing service or labor - No report.
- E. Vehicle in possession of co-signer on contract of purchase - No report. Co-signer has vested interest.
- F. Vehicle taken from a tow company or mechanic garage - No report, unless the owner did not take it. If the owner did take the vehicle, then an Incident Report may be taken for theft of services. A vehicle repair shop may hold a vehicle on a mechanic's lien for unpaid services. If a vehicle owner takes the car without paying, then the mechanic cannot retake the vehicle under the lien. In these situations, Deputies should contact a Sergeant prior to accepting a Stolen Report.
- G. Vehicle purchased and taken with a bad check or money order - No Stolen Vehicle Report. The vehicle was taken with permission. The vehicle may be seized as evidence of a fraud.
- H. Rented vehicles (ORS 164.140) - Prior to accepting a Stolen Report, the renting company must send a letter of demand by certified mail. The letter may be sent immediately after the date/time the vehicle was to be returned. It is not required that the demand letter be received. If the vehicle has not been returned within 10 business days from the date of mailing, a Stolen Report may be taken. Deputies should contact a Sergeant prior to taking a Stolen Report.
- I. Leased vehicles (ORS 164.140) - Prior to accepting a Stolen Report the lessee must be behind in lease payments by 45 days and a letter of demand must have been sent by certified mail. If the vehicle has not been returned within 10 business days from the date of mailing, a Stolen Report may be taken. Deputies should contact a Sergeant prior to taking a Stolen Report.
- J. New or used car test drives:
 - 1. From a dealer - No report for 24 hours. The delay in return of the vehicle may be due to a misunderstanding as to the length of time granted to try out the vehicle.
 - 2. From a private person - No report for 24 hours. Note: bad checks used on any sale do not warrant accepting a Stolen Report. A theft has occurred on the dollar value of the transaction, not the vehicle itself.
- K. Loaned the vehicle to any person for any reason - No report for 7 days.

- L. Stored vehicle, missing from private property, or storage facility - Explanations/testimony from registered owner and the person responsible for the storage facility/company are required for the incident report. Deputies should contact a Sergeant prior to taking a Stolen Report.

- M. Commercial or private sales, for which partial payment has been made - No report. The situation is a civil matter.