February 22, 2007

DEPARTMENT MEMORANDUM NO. 07-3

SUBJECT: Attempt to Locate Motor Vehicle

RESCINDS: DEPARTMENT MEMORANDUM NO. 01-22

I. PURPOSE

To provide procedures for receiving information and recovering motor vehicles which have not been returned to the owner, after consent to operate and/or possess the vehicle has been given to another party.

II. POLICY

When an owner of a motor vehicle reports his/her vehicle has not been returned by a party who had permission to possess or operate the motor vehicle, the owner will be instructed that there is a 72-hour waiting period from the time the vehicle was to be returned, after which they should report to Police Headquarters or a Patrol Division Station, with proof of ownership, for completion of a walk-in report classified as an "Attempt to Locate."

III. PROCEDURE

A. Reporting Procedures

1. The owner of the motor vehicle must have in his/her possession the proof of ownership, i.e., a title signed by the owner or a title application. If the owner does not possess any proof of ownership, the vehicle must be on file with the Department of Revenue. If ownership of the vehicle is in question, an Attempt to Locate Motor Vehicle, Form 281 P.D., **will not** be taken.

2. The reporting member will complete an Attempt to Locate Motor Vehicle, Form 281 P.D.

   a. Members will have the owner read, date and sign the waiver at the bottom of the Attempt to Locate Motor Vehicle, Form 281 P.D. **A report will not be filed for owners who refuse to sign the waiver.**

   b. An original case report number will be obtained, and a Report Reproduction, Form 19 P.D., will be completed and given to the owner.

3. Members will advise the owner to report his/her vehicle as recovered if it is returned after an attempt to locate vehicle report is made. The owner must respond to Police Headquarters or a Patrol Division Station, at which time members will complete the recovery sections (gray area) of the Attempt to Locate Motor Vehicle, Form 281 P.D.

B. Law Enforcement Officer Responsibilities

1. A Law Enforcement Officer may stop a vehicle that responds in the computer as an **"Attempt to Locate Motor Vehicle."** If the vehicle attempts to elude, the officer **will not pursue** the vehicle unless it meets the criteria outlined in the Procedural Instruction entitled, "Pursuits and Emergency Police Vehicle Operations."

2. Upon stopping the vehicle, officers will advise the occupant(s) that the owner of the vehicle reported the vehicle as missing and will attempt to obtain the identities of all occupants.

   a. If the occupant is the owner, officers will complete the recovery sections (gray area) of the Attempt to Locate Motor Vehicle, Form 281 P.D., and obtain the owner's signature in the recovery section.

   b. **If the occupant(s) is not the owner, officers may take custody of the vehicle, unless there are exigent circumstances.**

   c. "Attempt to Locate" is a civil matter and the occupants **will not be arrested**, for that incident. If the occupants are involved in a criminal offense, they will be handled in accordance with the Procedural Instruction entitled, "Detaining and Questioning Persons; Arrest; Search and Seizure."

      NOTE: Good judgement will be used before releasing the occupants of vehicles, i.e., area crime rate, time of day, age of occupants, etc.

   d. Personal information on the occupants in the vehicle (name, date of birth, address, etc.) will be included in the appropriate section of the Attempt to Locate Motor Vehicle, Form 281 P.D.

3. Disposition of the vehicle

a. If the **owner** cannot be immediately contacted or is contacted and cannot respond to the recovery scene within forty-five (45) minutes, the vehicle will be towed. If the owner responds and takes custody of the vehicle, the owner's signature will be obtained in the recovery section of the Attempt to Locate Motor Vehicle, Form 281 P.D.

b. The vehicle **will not** be processed unless it is involved in an offense which requires evidence collection.

c. When towing the vehicle, officers will follow the procedures outlined in the Procedural Instruction entitled, "Towing and Protective Custody of Vehicles and Contents."

C. Parking Control Officer Responsibilities

1. When a Parking Control Officer (PCO) comes into contact with an **unoccupied**, abandoned or illegally parked Attempt to Locate Vehicle, the PCO will:

a. Attempt to contact the owner of the vehicle. If the **owner** cannot be immediately contacted or is contacted and cannot respond to the recovery scene within forty-five (45) minutes, the vehicle will be towed. If the owner responds and takes custody of the vehicle, the owner's signature will be obtained in the recovery section of the Attempt to Locate Motor Vehicle, Form 281 P.D.

b. When towing the vehicle, officers will follow the procedures outlined in the Procedural Instruction entitled, "Towing and Protective Custody of Vehicles and Contents."

2. PCO's will ask for a Law Enforcement district car in the following circumstance(s):

a. The vehicle occupant(s) return to the vehicle.

b. The vehicle is involved in another offense or requires processing / evidence collection.

c. The PCO feels that their safety may be compromised or that a Law Enforcement Officer is necessary for any other reason.

Instructions to complete Form 281 P.D. entitled, “Attempt to Locate Motor Vehicle” are included in the following pages.

James D. Corwin
Chief of Police

DISTRIBUTION: Law Enforcement Personnel
Civilian Supervisory Positions
Department Element Manuals
Post on all bulletin boards for two weeks.

INSTRUCTIONS

Attempt to locate Motor Vehicle, Form 281 P.D.

The information on the Form 281 P.D. must be legible, complete, and accurate. Members will enter the appropriate information indicated in the boxes, if known. Since some information is self-explanatory and required in other frequently used reports, instructions for each section are not provided.

When a Form 281 P.D. is used to record recovery information, the member will complete only the shaded areas of the report which are in sections 2 through 10, 17, 18, 21, 24, and 25.

1. After the supervisor has thoroughly checked the report and found it to be complete and accurate, he will sign his name with serial number.

2. Enter the Case Report Number (CRN). When a vehicle is recovered the CRN will be supplementary to the original report.

3. Make no entry on these lines if the report does not exceed two pages.

4-8. Enter the appropriate information in the sections.

9-10. Enter an "X" in the appropriate box.

11-14. Enter the appropriate information in the sections.

15-16. Enter the date, time, and person notified at the Stolen Auto Desk. Note: When a notification is made incident to a recovery that information will be entered in the appropriate spaces in section 21 and not in 15 or 16.

17. Complete all spaces in this section to ensure proper identification of the vehicle. Members will obtain the manufacturer's vehicle identification number (VIN) and license number prior to contacting the Stolen Auto Desk. If the license number cannot be obtained the reporting party will be advised to obtain the information and call the Stolen Auto Desk.

18. Complete all information in this section.

19. Complete all information in this section which is known by the owner.

20. Enter the appropriate information in the boxes and spaces provided.

21. Complete all spaces in this section when recovering a vehicle. Ensure that a tow-in number is entered when a vehicle is towed, or the owner's signature is obtained in the appropriate space when a recovered vehicle is released to the owner.

22-23. Have owner read and verify front of report and date and sign appropriate boxes.

24. List recovered property, when recovering the vehicle.

25. This space will contain the narrative of the report.

26. Enter the appropriate information in the boxes and spaces provided.