



Fitchburg State University Police Department

Subject: AUTO THEFT

Rescinds: Sections 69

Effective Date:

February 2, 2021

Review Date:

By Order of: Michael J. Cloutier, Chief of Police

General Order

13.3.6

PURPOSE:

This general order provides guidelines for responding to and recovering stolen motor vehicles. It provides guidance for documentation and Clery consideration.

POLICY:

It is the policy of the Fitchburg State University Police Department to prevent the theft of motor vehicles from campus; as well as assist other law enforcement agencies in recovering stolen vehicles reported in their jurisdiction when found on campus.

PROCEDURE:

A. General Information

1. For police purposes, auto theft and unauthorized use of motor vehicles can be divided into the following categories: joyriding; for use in the commission of a crime; stripping for parts; and defrauding the insurance company.
2. Officers shall conduct patrols of all university lots on each shift, keeping alert to suspicious activities, and potential theft of vehicles.
3. Officers should 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 (Ch. 266, §28);

- b. Knowingly receiving, buying, maliciously damaging, possessing, concealing, or obtaining control of a stolen motor vehicle or trailer (Ch. 266,§28);
- c. Stealing any of its parts or accessories from a motor vehicle taken without authority (Ch. 266,§28);
- d. Using a motor vehicle without authority (Ch. 90,§24);
- e. Defacing identifying numbers of a motor vehicle or trailer or any part thereof; selling or transferring a 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 (Ch. 266,§28);
- f. Making or causing to be made a false report of a crime to police officers (Ch. 269,§139);
- g. Removal or concealment of a motor vehicle to defraud insurer (Ch. 266,§111B);
- h. Attaching plates (Ch. 90, §23);
- i. Operating an uninsured vehicle (Ch. 90 §34j).

B. Reports

1. Accurate and complete reports are fundamental for the success of any auto theft investigation.
2. When investigating a report of a stolen vehicle, every effort shall be made to determine (initially) if a crime has been committed.
3. Every stolen 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 the vehicle;
 - 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;
 - i. Name of the company insuring the vehicle.
4. Inaccuracies in a report can hamper any subsequent investigation. The vehicle identification number and the registration number must be carefully noted, as any transposition or substitution of numbers or letters can create much confusion and considerably delay recovery.
 5. A Massachusetts Registry of Motor Vehicle Stolen/Recovered Motor Vehicle Report Form (MVTR-C175-3167-100M) shall be completed and the information entered into NCIC. (Copy of the form shall be included with the original case folder)
 6. Provide the person making the report of a stolen vehicle with a stolen vehicle report form, (preferably one that notifies the maker of the report that he or she must sign it under penalty of perjury).
 - a. Have the person making the report fill in the appropriate information and sign the report properly.
 - b. If the person refuses to sign the report, make a note of that fact. 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.
 7. 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. Officers should be aware of the requirement that lessees of leased or rented motor vehicles that 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 agency), or the lessee, (person renting the car), must report the theft or loss of the car.

C. Signs of possible Stolen Vehicles

The recognition of stolen cars is a skill that 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.

1. Parked on Campus
 - a. Broken glass on the pavement around the vehicle or where a vehicle was parked
 - b. Interior lights on and vehicle unoccupied
 - c. External damage to handle or lock

- d. Door(s) and trunk ajar
- 2. Traveling through Campus
 - a. Be alert for the reckless driver or 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, he may drive off without lights because he cannot immediately find the light switch.
 - d. Any extremes of driver behavior or unusual reaction of passengers should arouse suspicion of the police.
 - e. Note any damage to vehicles, (e.g., broken vent windows, wired on license plates).
 - f. Watch for the operation of vehicles by known thieves.

D. Stopping a Stolen Vehicle

- 1. If a determination is made to stop a suspected stolen motor vehicle, great care must be exercised. 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.
- 2. Notify the dispatcher of your intent, the location of the contact, a description of the car, and, if possible, its occupants.
- 3. Call for back up and wait for assistance.
- 4. Select a suitable location for making the stop, (at night a well-lighted area would be preferred).
- 5. In overtaking the suspected vehicle, guard against any evasive action by its operator.
- 6. Approach vehicle with extreme caution after signaling driver to stop.
- 7. Leave emergency lights on police vehicles flashing to warn on-coming traffic and to assist any backup officers to locate your position.
- 8. In appropriate circumstances, the officer may: order the occupants of the vehicle out of the car; conduct a pat-frisk where weapons are suspected; make an extensive plain view examination of the interior of the car, (aided by a flashlight at nighttime); conduct such other searches and seizures as are advisable and lawful under the circumstances. (See **G.O. 2.2.4 SEARCH AND SEIZURES.**)

9. If an arrest is determined, the prisoner (or prisoners) shall be carefully searched and handcuffed before being transported to the police station.

E. Recovered Stolen Vehicle

When a stolen vehicle is recovered, the following procedure should be followed:

1. Impound the vehicle if it was used in the commission of a crime; or
2. Tow the vehicle in accordance with departmental procedures See **G.O. 10.3.3 TOWING AND ABANDONED VEHICLES**); and
3. Notify the department that entered the same as stolen in NCIC. The lawful owner of the motor vehicle shall be notified that his vehicle has been recovered by the originating police department (Department that initially entered vehicle into NCIC).
4. The owner shall not be allowed to take immediate 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.
5. 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 **G.O. 2.2.4 SEARCH AND SEIZURES**. Only after such search has been made shall the vehicle be released to its owner with appropriate the RMV form signed.
6. Make sure the owner of the recovered vehicle can be contacted and will be available to testify at any court hearings.

F. Clery Considerations

1. Motor Vehicle theft are also a Clery reportable offense. Clery defines Motor vehicle theft as the theft or attempted theft of a motor vehicle. This includes theft of any self-propelled vehicle that runs on land surface and not on rails, such as sport-utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.
2. When a crime of motor vehicle theft is committed where the vehicle was taken from any Fitchburg State University Property, the Sergeant, or Officer in Charge, shall:
 - a. Notify the On-call Lieutenant as soon as possible and provide all known information about the stolen vehicle.
 - b. The On -call Lieutenant shall complete or have the On-duty Sergeant complete a Timely Warning Determination Matrix Form, which will be submitted to the Chief of Police.

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- c. The On-call Lieutenant shall call the Chief of Police or designee, to make a determination if, in accordance with G.O. 16.3.2 TIMELY WARNING NOTIFICATION, a notification should be made to the university community.

Approval:

M. J. Cleary
Chief of Police

02/03/21
Date