

*“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”*

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE**

**1125.7, REPORTED AND RECOVERED STOLEN VEHICLES, VESSELS, AND AIRCRAFT**

EFFECTIVE DATE:	4/24/2024
RESCINDS:	P&P 1125.6
DISTRIBUTION GROUP:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	PROPERTY SECTION COMMANDER
ACCREDITATION STANDARDS:	N/A
RELATED LAWS:	Fla. Stat. <a href="#">316.003</a> , <a href="#">320.01</a> , <a href="#">327.02</a> , <a href="#">330.27</a> , <a href="#">812.155</a>
RELATED POLICIES:	P&P 1130
CHIEF OF POLICE:	ERIC D. SMITH

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**1. PURPOSE**

The purpose of this policy is to establish guidelines for the investigation of reported stolen vehicles, vessels, and aircraft.

**2. POLICY**

Reported and suspected cases involving theft of motor vehicles, vessels, and/or aircraft shall be documented and investigated by the Department. Reported and suspected cases involving thefts of license plates and/or decals shall also be documented and investigated.

**3. DEFINITIONS**

Florida Statute [320.01](#) defines a “motor vehicle” as:

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- a. an automobile, motorcycle, truck, trailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property and propelled by power other than muscular power.
- b. A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- c. Motor vehicles do NOT include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices, and mobile carriers as defined in Florida Statute [316.003](#).

“Vessel” includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water (Florida Statute [327.02](#)). It is synonymous with “boat.”

“Aircraft” means a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment (Florida Statute [330.27](#)).

## 4. PROCEDURES

### 4.1 REPORT PROCEDURES

#### 4.1.1 INITIAL INCIDENT REPORT

The initial Incident Report concerning the theft of a motor vehicle, vessel, or aircraft must include:

- a. All circumstances surrounding the theft, especially any circumstances which prove intent to permanently or temporarily deprive or defraud the true owner of his or her property.
- b. The reporting officer's verification of ownership by seeing a Certificate of Title, Bill of Sale, Registration, etc. The narrative of the report must include how the registration information was obtained (i.e., via Teletype, physically viewed registration, etc.). Any discrepancies in ownership should be noted in the report. If the lawful possessor is the reporter, the officer shall make a reasonable effort to contact the registered owner to ensure they do not have the vehicle/vessel/aircraft. The steps taken to do so shall be noted in the report narrative.
- c. A complete description of the stolen vehicle/vessel/aircraft. This description should include the license plate number, plate type (passenger car, homemade trailer, rental vehicle), Vehicle Identification Number (VIN), make, model, number of doors (2-dr, 4-dr, hatchback, etc.), Hull Identification Number (HIN), aircraft registration number (tail or n-number), serial number, and any identifying marks or features of the stolen vehicle/vessel/aircraft.
- d. The fact the Stolen Vehicle/Vessel/Aircraft Affidavit has been signed by the victim, owner, or legal possessor.
- e. The fact a written Statement has been completed by the victim, owner, or legal possessor.
- f. The fact the vehicle/vessel/aircraft has been entered into Teletype or, if not entered, the reasons why it was not entered (e.g., discrepancies in ownership, Teletype down, loaned vehicle).

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- g. If the tag number for a motor vehicle comes back "Not on File," the officer should request Teletype to access the Driver and Vehicle Information Database (DAVID) system to verify the license plate was originally assigned to the registered owner. (If this cannot be verified with DAVID, the license plate shall be noted in the narrative of the report, but may not be entered into Teletype.) The vehicle may still be entered by VIN only.
- h. The name of the insurance company and the lien holder.
- i. Whether the owner is delinquent on payments.
- j. Whether the vehicle/vessel/aircraft is equipped with any standard/after-market theft-deterrent equipment.
- k. Whether the vehicle/vessel/aircraft is equipped with a vehicle recovery system (i.e., LoJack, GPS, or OnStar).

The incident report MUST be completed before the employee goes back into service.

### 4.1.2 PROCEDURE WHEN VEHICLE INFORMATION IS UNAVAILABLE

When the victim is unable to provide the investigating employee with the vehicle license plate number and/or Vehicle Identification Number, the employee will complete the required initial report. The victim/reporter will complete and sign a Stolen Vehicle/Vessel/Aircraft Affidavit. The investigating employee should request a DHSMV offline search check through Teletype or search the DAVID database. The information needed by Teletype is the victim's full name, race/sex, and date of birth. DHSMV will provide a listing of all vehicles registered to the victim that will include the VIN and license plate information. This information is usually returned in approximately 10 minutes.

The reporting officer must carefully review all information obtained through the DAVID database or a DHSMV offline search request. It is highly recommended the reporting officer review the information with the victim/complainant for any inconsistencies. Should there be any question as to the actual ownership or VIN/tag of the vehicle, the vehicle should not be entered into Teletype. The report will be forwarded via Report Review to the Property Crimes Section. The investigating employee shall advise the victim/reporter **to call the Information Desk with this information as soon as possible**. It is critical to enter accurate information to protect innocent citizens and to avoid liability for OPD.

With the information provided from the DAVID database or a DHSMV offline search request, the stolen vehicle can then be entered into Teletype. A notation should also be placed in the narrative of the report indicating that the information was obtained through the offline search.

### 4.1.3 PROCEDURE WHEN VESSEL/AIRCRAFT INFORMATION IS UNAVAILABLE

When the victim is unable to provide unique identifiers (e.g., HIN, aircraft registration number) for a stolen vessel or aircraft, the employee will complete the required initial police report. The victim/reporter will complete and sign a Stolen Vehicle/Vessel/Aircraft Affidavit with all available information. Without identifying information, the vessel or aircraft should not be entered into Teletype. The report will be forwarded via Report Review to the Property Crimes Section for follow-up. The investigation employee shall advise the victim/reporter **to call the Information Desk with this information as soon as possible**.

## 4.2 RECOVERY PROCEDURE

### 4.2.1 RECOVERY OF VEHICLES STOLEN WITHIN ORLANDO CITY LIMITS

Upon recovery of a vehicle stolen within Orlando City limits, the recovering officer shall:

- a. Notify Teletype to confirm and clear the vehicle from NCIC/FCIC.

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- b. If the owner can respond to the scene within 30 minutes, the vehicle shall be processed and released at the scene. If the owner cannot respond to the scene, the officer shall process the vehicle and contact the City's contracted wrecker service for towing. Except when located at a wrecker company lot, never leave a recovered stolen vehicle at the recovery scene.
- c. If the vehicle cannot be processed at the scene, the officer shall follow the procedures for impounding and towing the vehicle in the current version of P&P 1130, Vehicle Towing, Storage, and Inventory.
- d. A watch commander or the Property Section Lieutenant may authorize not to have the vehicle processed.
- e. Complete an investigative supplement report outlining the details of the recovery by the end of the employee's tour of duty. **Recovery reports must be completed using the original theft report number.** The supplement report will include the approximate value of the recovered vehicle. The value of the recovered vehicle will be that value listed in the stolen vehicle report or a lesser value that reflects any new damage or theft.
- f. Contact or attempt to contact the owner. The officer shall note in the report whether the owner was contacted and the method of successful contact (in person or by telephone). Messages left on voice mail are not acceptable notifications. If the owner or legal possessor of the vehicle has not been contacted before the end of the reporting officer's tour of duty, this shall be noted in the report and the assigned Property Crimes detective shall continue to attempt to contact the owner for 72 hours following the recovery of the vehicle. If the owner of the vehicle has not been contacted by the end of the 72 hour period, the detective shall send a written notice in the form of a certified letter, return receipt requested, to the owner.

### 4.2.2 RECOVERY OF STOLEN VEHICLES (OUTSIDE CITY LIMITS), OPD AUTHORITY

Patrol officers will respond to recover and process stolen vehicles outside the city limits depending on staffing availability, vehicle location, and the existence of unusual circumstances. This decision shall be made by the on-duty watch commander. Refer to the current version of P&P 1130, Vehicle Towing, Storage, and Inventory, for additional instructions on vehicles recovered by the Orange County Sheriff's Office.

A unit will not be sent to a recovery scene outside of Orange County unless there is a specific need for this action. Authority must be obtained from an on-duty watch commander before a unit is dispatched to a recovery scene outside of Orange County.

In cases when a unit is dispatched to the recovery scene as stated above, the Teletype removal paperwork shall be forwarded to the Property Crimes Section.

If a patrol officer is not dispatched, then the Property Crimes detective shall be responsible for the following:

- a. Verify the location and condition of the vehicle.
- b. Determine if the vehicle has been processed by the recovering agency.
- c. If the vehicle has not been processed, determine if the recovering agency will do so or if OPD personnel can process it.
- d. Complete the vehicle processing request.
- e. Notify victim.
- f. Conduct the proper follow-up.
- g. Release any holds on the vehicle.

### 4.2.3 OUT-OF-STATE RECOVERIES

If an auto theft suspect is arrested in another state as a result of an OPD auto theft entry, the assigned detective shall accomplish the following:

- a. Ascertain if the recovering agency has or will file charges.
- b. Obtain an arrest warrant if necessary.
- c. Contact the State Attorney's Office to see if we will extradite and if so, facilitate the return of the arrestee to this jurisdiction.
- d. Obtain an affidavit from the out-of-state police officer who captured the defendant and can put him or her behind the wheel of the stolen vehicle. The detective should stress to the out-of-state police officer they should provide as detailed an affidavit as possible, including any statements he or she can attribute to the suspect.

### 4.2.4 RECOVERY OF STOLEN VEHICLES (FROM OTHER JURISDICTIONS)

Upon recovery of a vehicle stolen from another jurisdiction, the recovering officer will:

- a. Secure the vehicle for processing.
  1. If the vehicle is to be turned over to a local agency, Teletype shall contact the agency for instructions before towing the vehicle (unless the vehicle must be towed to prevent a traffic hazard or similar situation from arising.) The vehicle may be released to the reporting department on the scene if Teletype indicates that the reporting agency wishes to recover the vehicle at the scene. The vehicle may be released to the victim unless there are specific instructions in Teletype requiring other action. Refer to the current version of P&P 1130, Vehicle Towing, Storage, and Inventory, for additional instructions on the recovery of vehicles stolen in Orange County and recovered in the City.
  2. If the agency is not local or cannot respond to the scene, Teletype will contact the department originating the entry, inform them that the vehicle has been recovered, and request instructions for handling the vehicle. By law ([Florida Statute 812.062](#)), this notification must occur within 72 hours of the time the vehicle is recovered. If notification cannot be made by Teletype, the Property Crimes Section will send a certified letter, return receipt requested. The vehicle shall be towed, processed, and secured at the City's contracted wrecker service unless the teletype message specifically states "do not process."
- b. The recovering officer shall complete an Incident Report. This Incident Report will contain:
  1. All details of the recovery including any information concerning suspects and/or arrestees.
  2. The originating agency's case number.
  3. Whether the agency that originated the entry was contacted.
  4. Any follow up that needs to be done by the Property Crimes Section.
  5. Whether the vehicle has been processed and whether prints or other evidence were recovered.
  6. A note indicating that a teletype entry was sent to the originating Florida law enforcement agency concerning the status of the case and requesting the required documents.

The arresting officer must request a teletype administrative message be sent to the originating law enforcement agency requesting information on whether the originating law enforcement agency has already filed theft charges on the same arrestee charged by OPD. If the originating agency has not already filed theft charges, the arresting officer will request a copy of their initial reports and originals of all statements obtained from victims and witnesses. The Orlando Police Department requests that these reports be mailed or faxed within five days. If copies are faxed, the original statements from victims/witnesses are also required. The case file should be directed to the OPD Criminal Intake Unit, 1250 W South Street, Orlando, Florida 32805.

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The Property Crimes detective assigned will ensure all follow-up is properly completed. The Property Crimes Section will be responsible for assisting other agencies with cases resulting from the recovery of their stolen vehicles by OPD. Orange County Warrants coordinates extradition with outside agencies. Local auto theft charges will be no-billed by the State Attorney's Office and the arrestee will be released to the appropriate agency.

The local State Attorney's Office may continue to prosecute these arrestees for any local charges filed as a result of any other criminal activity.

### **4.2.5 RECOVERY OF STOLEN VESSELS/AIRCRAFT**

When recovering stolen vessels or aircraft, members shall follow the recovery procedures in sections 4.2.1 to 4.2.4 above, to the extent possible. However, recovering officers must recognize that towing and storing a recovered vessel or aircraft may not be practical. Officers should make every effort to return custody of the recovered property to the owner or their designee. If this is not possible, officers should contact the on-call Property Crimes supervisor for guidance.

### **4.3 HANDLING INVESTIGATIONS ON UNAUTHORIZED USE (PERMISSION GRANTED FOR USE)**

Technically, there is no Florida Statute violated when a vehicle loaned to an individual is not returned within a specified time, even if this period was agreed upon at the time of the loan. The individual who borrowed the vehicle may or may not have the intent of stealing it. Therefore, this situation is not initially considered a violation under current Florida Statutes. The lawful possessor or registered owner may meet with an officer 24 hours after the individual fails to return the vehicle to file the report. After taking the stolen vehicle report, the officer will forward it to the Property Crimes Section.

The person making this report shall be informed the individual in possession of the vehicle has legal possession granted by the victim/complainant. The reporting person will be informed under current policy, the vehicle will not be entered into Teletype as a stolen vehicle, and they should contact the Property Crimes detective if the vehicle has not been recovered after ten days.

The responding officer will complete an Incident Report. The narrative should include the circumstances surrounding the taking of the vehicle.

The Incident Report will be titled "Motor Vehicle Theft," but it will not be initially coded as a motor vehicle theft under the offense code. The report shall include all of the circumstances and individuals involved in the incident. A Stolen Vehicle/Vessel/Aircraft Affidavit and sworn written Statement shall be completed and signed by the reporting person. Any specified time under which the vehicle was loaned must be documented in the Statement.

If at a later time, the Property Crimes detective determines the circumstances meet the elements of an auto theft, the vehicle will be entered into Teletype through an investigative supplement and the offense code changed to reflect the criminal offense.

### **4.4 FAILURE TO REDELIVER A HIRED (RENTAL VEHICLE)**

The responding employee will complete a vehicle theft report obtaining all relevant information about the vehicle and the individual who rented the vehicle.

The rental car company shall complete a Police Action Request Form (Attachment A) and a Rental Car Company Checklist (Attachment B). These documents, along with copies of the signed lease or rental agreement, copy of the vehicle registration, copy of the demand letter, copy of proof of delivery or non-delivery of the demand letter, Stolen Vehicle/Vessel/Aircraft Affidavit, and sworn Statement, will be forwarded to the Property Crimes Section. The rental agreement **must** contain the following language from Florida Statute [812.155](#):

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Failure to return rental property or equipment upon expiration of the rental period and failure to pay all amounts due (including costs for damage to the property or equipment) are evidence of abandonment or refusal to redeliver the property, punishable in accordance with section [812.155](#), Florida Statutes.

The rental company must show proof of actual attempts or contact with the renter, demanding the return of the vehicle. The preferred method is by certified letter with a return receipt request.

No teletype entry shall be made on vehicles reported stolen by any rental agency in those cases in which the initial investigation discloses them to be the result of a failure to return a rental vehicle. An entry will be made after a follow-up investigation by the appropriate detective.

An entry will be completed, whenever possible, in those cases of obvious theft or in those cases in which the rental vehicle was rented under fraudulent pretenses, i.e., the suspect used counterfeit identification, credit cards, and stolen credit cards.

### 4.5 STOLEN/RECOVERED LICENSE PLATES

#### 4.5.1 INITIAL REPORT PROCEDURES

The initial incident report concerning the theft of a license plate must include:

- a. Any circumstances surrounding the theft of the license plate, especially any circumstance that proves intent to permanently or temporarily deprive or defraud the true owner of their property.
- b. The reporting officer's verification of ownership by seeing a certificate of title, bill of sale, registration, etc. The narrative of the report must include how the registration information was obtained (e.g., via Teletype, physically viewed registration, etc.). Any discrepancies in ownership should be noted in the report.
- c. The complete description of the stolen license plate. This description should include the license plate number, state, decal number, type of vehicle (passenger vehicle, truck, rented vehicle, etc.), and the year of expiration. The report must identify how the license plate information was obtained (e.g., DAVID, Teletype, saw registration, etc.).
- d. A statement signed by the victim, owner, or legal possessor, stating the victim is willing to press charges.
- e. The vehicle has been entered into Teletype or, if not entered, the reasons why the plate was not (e.g., discrepancies in ownership, Teletype down, the owner does not want to press charges, the license plate was lost and not stolen, etc.).
- f. If the license plate comes back "Not on File," the officer should request that Teletype check in the DAVID system to verify the license plate and send an administrative message to DHSMV.

#### 4.5.2 PROCEDURE WHEN LICENSE PLATE INFORMATION IS UNAVAILABLE

When the victim is unable to provide the investigating employee with the vehicle license plate number, the employee will complete the required initial report. The victim/reporter will complete and sign a statement. The investigating employee should request a DHSMV offline search check through Teletype or search the DAVID database. The information needed by Teletype is the victim's full name, race/sex, and date of birth. DHSMV will provide a listing of all vehicles registered to the victim and the license plate and decal information.

The reporting officer must carefully review all information obtained through the DAVID database or a DHSMV offline search request. It is highly recommended the reporting officer review the information with the

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victim/complainant for any inconsistencies. Should there be any question as to the actual ownership or license plate of the vehicle, the license plate should not be entered into Teletype. The report should be forwarded to the Property Crimes Section. The investigating employee shall advise the victim/reporter to call the Information Desk with this information as soon as possible. It is critical to enter accurate information to protect innocent citizens and avoid liability for OPD.

With the information provided from the DAVID database or a DHSMV offline search request, the stolen license plate can then be entered into Teletype. A notation should also be placed in the narrative of the report, indicating the information was obtained through the offline search.

If the victim provides the Information Desk with the license plate information, the Information Desk employee will do a supplement report and provide the information to Teletype for entry into NCIC/FCIC.

### 4.5.3 RECOVERY OF LICENSE PLATES STOLEN WITHIN ORLANDO CITY LIMITS

Upon recovery of a license plate listed as stolen within Orlando City limits, the recovering officer shall complete the following:

- a. Notify Teletype to confirm and remove the license plate from NCIC/FCIC.
- b. Complete an investigative supplement report outlining the details of the recovery by the end of the employee's tour of duty. **Recovery reports must be completed using the original theft report number.** The supplement report will include the approximate value of the stolen license plate, any suspect information, whether the decal was still affixed to the license plate, the disposition of the license plate (i.e., placed into Property and Evidence), whether the owner was successfully contacted and the method of contact (in person or by phone). Messages left on voice mail are not acceptable notifications. If the owner or legal possessor of the license plate has not been contacted before the end of the reporting officer's tour of duty, then this must be noted in the report, and the assigned Property Crimes detective shall continue to attempt to contact the owner for 72 hours following the recovery of the license plate due to the validation process required by FDLE.

### 4.5.4 RECOVERY OF LICENSE PLATES STOLEN OUTSIDE ORLANDO CITY LIMITS

Upon recovery of a license plate listed as stolen outside Orlando City limits, the Teletype operator shall clear the license plate from NCIC/FCIC and obtain from the recovering agency the following information:

- a. Recovering agency case number.
- b. Any suspect and/or arrests.
- c. Whether the owner was notified of the recovery and the method of contact (in person or by telephone).
- d. Disposition of the license plate (i.e., placed into Property and Evidence, released to owner, etc.).
- e. Whether the decal was still affixed to the license plate.

The Teletype operator will then attach all the information in the following order and forward the paperwork to the Property Crimes Section:

- a. Clear Message, removing the license plate from NCIC/FCIC
- b. Any Administrative Message with recovery information.
- c. Query confirming that the license plate has been removed from NCIC/FCIC.
- d. An original query showed the license plate was in NCIC/FCIC as stolen.
- e. Original stolen license plate report.



**5. FORMS AND APPENDICES**

**ATTACHMENT A-Police Action Request Form**

**ATTACHMENT B-Rental Car Company Form**

**Stolen Vehicle/Vessel/Aircraft Affidavit**