



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

630 – VEHICLE THEFTS, PRIOR AUTHORITY VEHICLE USE AND THEFT BY FRAUD

GENERAL ORDER: 2022-XX
ISSUED: July 18, 2022

EFFECTIVE: July 18, 2022

REVIEWED/APPROVED BY:
Assistant Chief Paul Formolo
DATE: June 20, 2022

ACTION: Amends General Order 2021-11 (May 21, 2021)

WILEAG STANDARD(S): NONE

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

630.10 VEHICLE THEFT INVESTIGATION

- E. Department members shall file a *Vehicle Supplement* (form PT-37) where investigation reveals Motor Vehicle Theft and Theft by Fraud. The investigating member shall as soon as practicable, ~~broadcast a description and other pertinent information regarding the stolen vehicle via department radio~~ and cause a teletype to be completed with vehicle and suspect information. The PT-37 shall be sent to the Stolen Vehicle Desk (extension [REDACTED]). The Stolen Vehicle Desk shall then send the PT-37 to the Records Management Division for imaging. If a victim refuses to sign the PT-37, the complaint will be deemed baseless and no reports shall be filed.
- M. The investigating member shall first query the license plate and Vehicle Identification Number (VIN) through the Department of Transportation (DOT) to verify vehicle ownership. The member shall then contact the Department of Public Works (DPW) ~~Tow Desk~~ Parking Information Desk and provide the VIN and license plate number to ensure the vehicle has not been towed or repossessed.

630.15 RECOVERED STOLEN AND THEFT BY FRAUD

A. CITIZEN RECOVERIES

3. The investigating member shall then follow the procedures established in subsection B below.

B. RECOVERY PROCEDURES

1. Police members locating a reported stolen vehicle or verifying a vehicle recovered by the owner/operator as described in subsection A above shall:
 - b. The vehicle shall be processed for evidence if:
 1. The vehicle was taken during the commission of a felony, other than the vehicle theft itself or ~~operating auto without owner's consent~~ Operating Vehicle without

Owner's Consent.

Note: The vehicle shall only be processed for DNA if there is probable cause to believe the vehicle was used in the commission of a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense).

- d. If the owner is unavailable or unable to come to the scene to claim their vehicle within a reasonable amount of time, the investigating member shall contact the DPW ~~Tow Desk~~ Parking Information Desk and obtain a tow reference number. Members shall refer to SOP 610 Towing of Vehicles if the vehicle needs to be towed.
 - e. If a vehicle will be towed, all relevant information shall be documented on the tow slip including all damage to the vehicle and property located inside of the vehicle. The member requesting the tow shall conduct an inventory search of the vehicle in accordance with SOP 610.05 Towing of Vehicles.
2. If a latent print identification lead is generated from the exterior or interior of a recovered vehicle with no suspects in custody:
- a. A member assigned to the Forensics Division shall send the district or division latent print coordinator, or designee, an email correspondence alerting them to the latent print identification lead results. The district or division latent print coordinator, or designee, shall send the latent print identification lead result to the responsible member to conduct a follow up investigation.
 - b. The responsible member receiving the latent print identification lead result shall show elimination photograph(s) to the victim within 72 hours of the email notification. If the responsible member is unable to complete this task within 72 hours (e.g., vacation, FMLA leave, training), the responsible member's district or division latent print coordinator, or designee, shall assign another member to complete this task.

Note: If the victim of the motor vehicle theft witnessed the incident, a photo array shall be presented to the victim in accordance with SOP 240 Eyewitness Identification Procedures. If the victim is unable to make an identification, the investigating member shall clarify with the victim that no consent was provided to any person depicted in the photo array to take, operate, or ride as a passenger in the victim's vehicle.

- c. If the suspect(s) are not known to the victim, the responsible member shall enter a *Suspect Alert* into RMS in accordance with SOP 150.60(E) Court Procedures for all exterior and interior prints.
- d. The probable cause statement for the *Suspect Alert* shall include, but not be limited to, the following aggravating factors:

1. The suspect is on probation or parole for Operating Vehicle without Owner's Consent or a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense).
 2. The suspect is on bail for an OVWOC offense or other violent felony offense.
 3. The suspect has a history of arrests for Operating Vehicle without Owner's Consent. The member shall include the specific number of arrests and the number of convictions for OVWOC in the probable cause statement.
 4. The suspect is wanted for an unrelated violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense).
- e. An *Investigative Alert* shall only be entered into RMS in accordance with SOP 150.60(E) Court Procedures under the following circumstances:
1. When the victim of the motor vehicle theft is unable to be located to view an elimination photograph or photo array.
 2. The person identified by a recovered latent print from the stolen vehicle has no prior arrest history for OVWOC, is not on bail for a violent felony, or is not on probation or parole.
 3. When otherwise approved by the member's shift commander. The member shall include the approving shift commander's name and a brief explanation of the reason for not entering a *Suspect Alert* in the *Investigative Alert* narrative.
- Note: If an Investigative Alert is entered into RMS for a juvenile because the juvenile does not have a criminal record, the officer entering the Investigative Alert shall email the Office of Community Outreach and Education to have the juvenile referred to the Credible Messenger Program.**
- f. The responsible member shall file a supplemental report in RMS regarding the latent print identification lead and the results of the elimination photograph or photo array shown to the victim.

D. LOCAL STEAL/ LOCAL RECOVERY - ARREST FOR VEHICLE THEFT AND/OR THEFT BY FRAUD

Upon making an arrest for Operating Vehicle without Owner's Consent, the investigating member shall: ~~obtain a case report number for Operating Vehicle without Owner's Consent (OAWOOC).~~

- ~~2. The investigating member shall notify their shift commander who will in turn notify the respective Criminal Investigation Bureau (CIB) division shift commander of the arrest.~~

- ~~3. If the respective CIB division is not responding to the scene, members shall follow the vehicle recovery procedures in 630.15(B).~~
- ~~4. The investigating member shall enter the OAWOOC, to include the arrest, as an initial report in RMS as follows:~~
 - ~~• Description of incident: shall be Motor Vehicle Theft Offense.~~
 - ~~• Address field: is the location where the OAWOOC was observed.~~
 - ~~• Offense sub tab: offense is 943.23(3) (Drive or Operate Vehicle w/o Consent).~~
 - ~~• Associated Cases: enter related case number (this is the motor vehicle theft case number).~~
 - ~~• Victim tab: Enter the victim information that is listed in the motor vehicle theft report.~~
 - ~~• Vehicle tab: involvement field — involvement shall be object of a crime.~~
 - ~~• Recovery sub tab: Enter nothing. This information should already be in the "recovered vehicle" RMS report.~~

1. Notify their shift commander of the incident or when coming into contact with anyone wanted for an OVWOC offense (including OVWOC warrants, *Suspect Alerts* or *Investigative Alerts*). The shift commander shall then notify a supervisor assigned to the Criminal Investigation Bureau (CIB) at extension [REDACTED]
2. The supervisor assigned to the CIB shall make a determination if a CIB response is required. The CIB supervisor shall consider available CIB resources, if the suspect is a violent felony offender, if the suspect is wanted, if the suspect has a history of arrests for Operating Vehicle without Owner's Consent, and/or if the vehicle was utilized in a felony while reported stolen.
3. The investigating member shall request for the vehicle to be processed by a forensic investigator (if available). If a forensic investigator is not available, the investigating member shall then request a crime scene technician (CST) officer or community service officer to process the vehicle.
4. The investigating member shall show an elimination photograph of the suspect to the victim.

Note: If the victim of the motor vehicle theft witnessed the incident, a photo array shall be presented to the victim in accordance with SOP 240 Eyewitness Identification Procedures. If the victim is unable to make an identification, the investigating member shall clarify with the victim that no consent was provided to any person depicted in the photo array to take, operate, or ride as a passenger in the victim's vehicle.

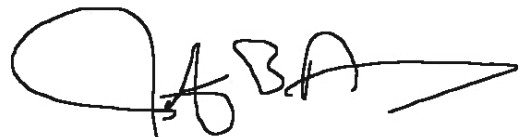
5. The investigating member shall file an *Adult* or *Juvenile Arrest Clearance Report* in RMS with the charge of Operating Vehicle without Owner's Consent ([Wis. Stat. § 943.23\(3\)](#)) under the initial *Stolen Auto Report* in RMS. The investigating member shall not obtain a separate case number for the Operating Vehicle without Owner's Consent arrest.

Note: Recognize that some offenders are involved in multiple offenses of motor vehicle theft and other crimes. When probable cause exists and additional charges are listed on the PA-45 and CR-215, each case number will require a separate *Adult or Juvenile Arrest Clearance Report* in RMS.

6. Individuals arrested for OVWOC pursuant to a *Suspect Alert* for only exterior prints recovered shall not be referred for criminal charges if there is no other evidence linking them to the offense (e.g., confession, eyewitness identification, co-actor statement, video identification). The individual shall be administratively released from police custody in accordance with SOP 090.165(B) citing "Insufficient Evidence" on the PA-45.
7. Unless approved by the member's shift commander, all felony OVWOC offenders shall be conveyed to the Vel Phillips Juvenile Justice Center. Members shall notify their shift commander if a juvenile is not accepted by the intake worker, which shall be documented in a supplemental RMS report.

E. OUTSIDE JURISDICTION STEAL RECOVERED LOCALLY

1. No Arrests
 - b. The investigating member shall obtain a case report number and then contact the DPW ~~Tow Desk~~ Parking Information Desk to have the vehicle towed if the owner is unable to retrieve their vehicle within a reasonable amount of time.
2. Arrests
 - d. The investigating member shall obtain a case report number and contact the DPW ~~Tow Desk~~ Parking Information Desk to have the vehicle towed if the owner is unable to retrieve their vehicle within a reasonable amount of time.
 - e. The investigating member shall enter the outside jurisdiction's recovery report into an *Outside Jurisdiction Stolen Auto* RMS report.



JEFFREY B. NORMAN
CHIEF OF POLICE