



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

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

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

REVIEWED/APPROVED BY:
Assistant Chief Paul Formolo
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ACTION: Amends General Order 2021-11 (May 21, 2021)

WILEAG STANDARD(S): NONE

630.00 PURPOSE

The purpose of this standard operating procedure is to establish procedures for investigating and reporting vehicle thefts, prior authority use vehicles and theft by fraud when applied to vehicles.

630.05 DEFINITIONS

A. MOTOR VEHICLE THEFT

Vehicles taken by persons not having lawful access to the vehicle.

B. PRIOR AUTHORITY

1. Is not a crime and is defined as temporarily taking a vehicle for use when prior authority has been granted or can be assumed, such as in family situations; or others having lawful access to the vehicle. Examples of prior authority include members of the same household, boyfriends/girlfriends, family members, friends, etc. that have been granted lawful access to operate the vehicle by the vehicle owner at the time the vehicle was taken or in the recent past on a continuous and/or assumed basis.
2. The person operating the vehicle must be known to the owner by full name, sex, and date of birth. If the owner of the vehicle does not know the full name, sex, and date of birth of the person operating the vehicle, the incident shall be filed as a motor vehicle theft.
3. Prior authority becomes a motor vehicle theft at the point a vehicle owner rescinds his/her authority to use the vehicle and the person who took the vehicle refuses to return the vehicle.

Note: The owner of the vehicle must communicate verbally or electronically (e.g., text message) to the person that he/she has rescinded his/her authority to use the vehicle, and the person who took the vehicle must communicate verbally or electronically to the owner of the vehicle that he/she is refusing to return the vehicle in order for a prior authority incident to become a motor vehicle theft. If both of these elements cannot be established, the incident shall remain a prior authority incident.

C. THEFT BY FRAUD

In this standard operating procedure, theft by fraud is defined as the taking of a vehicle by an individual who had lawful possession of the vehicle, which was either rented, loaned, or entrusted to them and through deceit, promised to return it, but kept the vehicle. An example is where a person intentionally fails to return a rental vehicle upon the expiration of a written lease/rental agreement. Theft by Fraud also includes the exchange of a vehicle during an illegal transaction (e.g., drugs and/or prostitution).

630.10 VEHICLE THEFT INVESTIGATION

- A. Department members shall file a Motor Vehicle Theft [943.23\(2\)](#) incident report where the member's investigation reveals an unknown or known person has taken a vehicle without having lawful access to the vehicle or without having assumed authority or been granted authority.
- B. Department members shall file a Theft by Fraud [943.20\(1\)\(d\)](#) incident report where the member's investigation reveals a person has been granted authority or has assumed authority through an illegal completed transaction (e.g., drugs or prostitution).
- C. Department members shall file a Theft by Fraud [943.20\(1\)\(e\)](#) incident report where the member's investigation reveals a person who rented/leased a vehicle fails to return a rental vehicle upon the expiration of a written lease or rental agreement.
- D. Department members shall file a Prior Authority Vehicle Use incident report where the member's investigation reveals prior authority was granted and/or can be assumed. Department members shall articulate within the body of the narrative the "assumed/granted" circumstances (e.g., known actor, owner's boyfriend with assumed and granted authority and having lawful access to the vehicle took vehicle).
 - 1. Department members shall file a Motor Vehicle Theft incident report if the owner of a vehicle rescinds his/her authority to use the vehicle to a person who has previously been granted authority and the person who took the vehicle refuses to return the vehicle.
 - 2. If a member's investigation of a previously reported prior authority reveals the owner has rescinded his/her authority to use the vehicle and the person who took the vehicle refuses to return the vehicle, the member shall follow the procedures in 630.20(B).
- 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 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.
- F. Department members shall file a *Prior Authority Report* incident report and an automatic email will be sent to the Stolen Vehicle Desk upon the member submitting the report.

Members shall leave the report number box blank as the system will auto generate a Prior Authority number. The Stolen Vehicle Desk shall complete the *Prior Authority Vehicle Alert* upon receiving the *Prior Authority Report*.

- G. Department members shall file Theft by Fraud incident reports and are required to have an ALL DABS teletype entered within 24 hours of the reported theft, which shall include the verbiage, "Theft by Fraud," the case number, the vehicle description (color, make, model, VIN, license plate, etc.) and the filing officer's name and PeopleSoft number. The original teletype shall be entered by the district. The Stolen Vehicle Desk shall then enter the vehicle into NCIC as a stolen vehicle, noting the theft by fraud circumstances (e.g., vehicle is a rental vehicle, vehicle was exchanged during a drug transaction).
- H. Once it is determined that a vehicle theft occurred and the complainant has signed the *Vehicle Supplement* (form PT-37), the investigating member shall obtain a case report number. The member shall then file a *Stolen Auto Report* in the Record Management System (RMS). An automatic email will be sent to the Stolen Vehicle Desk upon the member submitting the report.
- I. All reports shall be entered into RMS and the description of incident for Vehicle Theft shall be "Motor Vehicle Theft;" or for Theft by Fraud "Forgery/Fraud/Counterfeiting." Prior Authority Vehicle incidents shall be filed with a *Prior Authority Report*.
- J. The investigating member shall enter a supplement in RMS, when applicable.
- K. Upon receiving the email that a *Stolen Auto Report* was submitted in RMS, the Stolen Vehicle Desk personnel shall immediately enter the stolen vehicle information into the NCIC/CIB system and file a supplemental report regarding this entry.
- L. Persons reporting a motor vehicle theft, prior authority vehicle or theft by fraud by phone should be normally directed to respond in person to a district station in order to have their theft investigated. A squad may be dispatched to the complainant's location if the complainant is unable to report in person, if exigent circumstances exist that prevent the complainant from reporting the theft in person, or at the discretion of the district commanding officer.
- 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) Parking Information Desk and provide the VIN and license plate number to ensure the vehicle has not been towed or repossessed.
- N. If a vehicle is taken in or used in a major crime (e.g., robbery, burglary) that information shall be entered into the incident report by the investigating member under the 'vehicle' tab. The vehicle information shall also be included on the ALL DABS teletype. The Stolen Vehicle Desk shall immediately enter the stolen vehicle information into the NCIC/CIB System.
- O. Shift commanders are responsible for the supervisory approval of all reports entered into RMS by their investigating members. The respective shift supervisors of the Stolen

Vehicle Desk are responsible for the supervisory approval of supplemental reports that are submitted by the Stolen Vehicle Desk. The Stolen Vehicle Desk is responsible for the validation of stolen vehicle information and vehicles entered into the NCIC/CIB system.

- P. Once it is determined that a Theft by Fraud occurred and the complainant has signed the *Vehicle Supplement* (form PT-37), the investigating member shall obtain a case report number and follow the procedures outlined in 630.10(F) and 630.10(G).

630.15 RECOVERED STOLEN AND THEFT BY FRAUD

A. CITIZEN RECOVERIES

1. Citizens locating their reported stolen vehicle shall not be allowed to cancel their vehicle incident report by telephone. A squad shall be dispatched to their location to verify the return of the vehicle.
2. If a citizen reports in person with the vehicle to a district station, an officer shall verify the recovery of the stolen vehicle.
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:
 - a. Confirm ownership, license, VIN, and registration of the recovered vehicle.
 - 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 Vehicle without Owner's Consent.
 2. The vehicle was used in a felony after the vehicle was stolen.
 3. The investigating member has a compelling reason to believe that physical evidence exists (e.g., screwdriver, latent prints, DNA) that will directly link the vehicle theft to the person(s) responsible for the theft or the person(s) that operated the vehicle after it was stolen.

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).

- c. Reasonable effort shall be made by the investigating member to contact the vehicle owner. This may be done in person, by phone, or by leaving a *Referral*

Memo (form PR-3) at the owner's residence.

- 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 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.
 - f. The investigating member shall file a *Stolen Auto Report – Recovery* in RMS. An automatic email will be sent to the Stolen Vehicle Desk upon the member submitting the report.
 - g. Upon receiving the email that a *Stolen Auto Report – Recovery* was submitted in RMS, Stolen Vehicle Desk personnel shall immediately remove the stolen vehicle from the NCIC/CIB system and file a supplemental report regarding this entry. They shall enter the license plates into the NCIC/CIB system if not recovered with the vehicle.
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.

C. VEHICLES RECOVERED BEFORE BEING REPORTED STOLEN

1. Police members locating a vehicle, which may be stolen, but has not yet been reported, shall make every effort to contact the owner.
2. If the owner confirms that the vehicle is stolen, the investigating member shall contact the Stolen Vehicle Desk at extension [REDACTED] to verify that the vehicle is not

reported stolen. Vehicles recovered before being reported stolen do not require that information be entered into the NCIC/CIB system. Therefore, the investigating officers shall file a *Vehicle Stolen and Recovered Report* in RMS, which shall include the vehicle owner's statement and recovery details.

3. If the investigating member is unable to make contact with the owner within a reasonable amount of time, the vehicle shall be towed for safekeeping.

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:

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

Vehicles reported stolen by outside agencies and recovered in the city of Milwaukee, whether there is a related arrest or not, require teletype notification to the outside agency by the investigating member's work location or Stolen Vehicle Desk advising of the recovery and requesting the following:

- Confirmation of the vehicle theft.
- A copy of the outside agencies reports related to the theft.
- If a member of the outside jurisdiction will be responding to the scene of the recovery.
- If the vehicle owner will be responding to claim their auto or if it should be towed.

1. No Arrests

- a. The outside jurisdiction shall be notified of the recovery via teletype.
- b. The investigating member shall obtain a case report number and then contact the DPW Parking Information Desk to have the vehicle towed if the owner is unable to retrieve their vehicle within a reasonable amount of time.
- c. If the outside jurisdiction will not be responding to the scene to process the recovery, members shall follow the vehicle recovery process noted in 630.15(B).
- d. The investigating member shall obtain a case report number and enter the outside jurisdiction's recovery report into an Outside Jurisdiction Stolen Auto RMS report.

2. Arrests

- a. The outside jurisdiction shall be notified via teletype.
- b. The investigating member shall notify their shift commander to determine if the respective CIB division will be assisting in the investigation.

- c. If the respective CIB division or the outside jurisdiction will not be responding to the scene to process the recovery, members shall follow the vehicle recovery process noted in 630.10(B).
- d. The investigating member shall obtain a case report number and contact the DPW 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.
- f. The investigating member shall enter the Operating Vehicle without Owner's Consent, to include the arrest, as an initial report in RMS as follows:
 - The description of incident shall be Motor Vehicle Theft Offense.
 - The address field shall indicate the location where the vehicle was stopped and/or located.
 - Offense sub tab: offense is [943.23\(3\)](#) (Drive or Operate Vehicle w/o Consent).
 - Enter the victim information for the owner of the vehicle in the "Victim" tab.
 - Vehicle tab: "involvement" field, officers shall select "OUT" (outside recovery – other agency).
- g. All of the outside agency's reports and teletype correspondence shall be forwarded to the Records Management Division for imaging.

F. RECOVERIES MADE BY OUTSIDE AGENCIES

1. When an outside agency recovers a stolen vehicle that was entered into the NCIC/CIB system by the Milwaukee Police Department, that agency shall notify our department via teletype (MWDC or WIMPD0063).
2. Upon receipt of the teletype, the Stolen Vehicle Desk personnel shall immediately confirm the stolen vehicle by sending the HIT response via teletype; request all of the vehicle recovery information required to file a clearance report in RMS; notify the owner of the recovery; and provide the outside agency with the complainant information available from RMS or Intellinetics. The Stolen Vehicle Desk shall then remove the stolen vehicle information from the NCIC/CIB system and enter the recovery information into RMS.

630.20 PRIOR AUTHORITY LOCAL RECOVERIES – WITH OR WITHOUT ARREST

A. ARREST AUTHORITY

1. Prior authority is not a reportable crime as defined by FBI Uniform Crime Report (UCR) standards. Members do not have probable cause to arrest on prior authority and only have arrest authority if there is a warrant for a previous incident report or outstanding state warrant.
2. Department members recovering prior authority vehicles shall confirm ownership,

license, VIN and registration of the recovered vehicle. A wanted check on the driver of the recovered prior authority vehicle will reveal the *Prior Authority Vehicle Alert* and require the member to access the incident report to locate the owner's contact information. After confirmation, the member shall contact the owner and request they come to the scene to claim their vehicle within a reasonable amount of time or the vehicle will be towed at the owner's expense. Members shall then complete a *Prior Authority Report – Return* in RMS. An automatic email will be sent to the Stolen Vehicle Desk upon the member submitting the report. The Stolen Vehicle Desk shall clear the *Prior Authority Vehicle Alert* from the system upon receiving the *Prior Authority Report – Return*.

3. If a member's investigation during a prior authority vehicle traffic stop reveals the operator of the prior authority vehicle has an outstanding warrant from a previous reportable crime, the member shall file a supplement report to clear the incident and the warrant according to current protocol.
4. If a member's investigation during a prior authority vehicle traffic stop reveals the operator of the prior authority vehicle has an outstanding outside jurisdiction or state warrant (e.g., probation/parole violation, bail jumping, child support) the member shall file a supplement report with the offense of PRIOR AUTHORITY VEHICLE UPAV OUTSTANDING WARRANT ARREST and indicate the charge of 968.07(1)(B).

B. PRIOR AUTHORITY LOCAL RECOVERY AND MOTOR VEHICLE THEFT

If the member's investigation of a previously reported prior authority reveals the owner has rescinded his/her authority to use the vehicle and the person who took the vehicle refuses to return the vehicle, the member shall:

1. File a supplement to the prior authority report articulating the vehicle will be reported as a Motor Vehicle Theft, citing the related case number.
2. File a *Prior Authority Report – Return* in RMS. An automatic email will be sent to the Stolen Vehicle Desk upon the member submitting the report. The Stolen Vehicle Desk shall clear the *Prior Authority Vehicle Alert* from the system upon receiving the *Prior Authority Report – Return*.
3. Obtain an additional case number and file a Motor Vehicle Theft incident report.



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