

Atascadero Police Department  
Standard Operating Procedure  
Failure to return "Loaned Vehicle"  
SOP # 3

<b>Date Issued</b> <b>04/01/13</b>	<b>Date Effective</b> <b>04/01/13</b>	<b>Date Last Revised</b> <b>November 1, 2014</b>	<b>Due for Review</b> <b>November 1,</b> <b>2015</b>	<b>Revision</b> <b>No. 2</b>	<b>Page 1</b> <b>of 4</b>
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Statement of Purpose:

This procedure outlines the protocol for reporting/documenting the failure to return a vehicle "loaned" by one subject to another subject, other than a contractual relationship with a rental company, or the unauthorized use of a vehicle by a subject to a previous authorization to use the vehicle, in dating or friendship relationships. This procedure should clarify whether or not a situation such as described above should be considered a civil matter. This procedure has been used by the California Highway Patrol and accepted by the San Luis Obispo County District Attorney's Office.

INITIAL PROCEDURE

- Determine if the reporting party is the sole registered owner of the vehicle.
  - If the subject who is operating the "loaned" vehicle or the vehicle being operated without authorization is a registered owner the vehicle, advise reporting party that the issue is a civil matter.
  - If the subject who is operating the "loaned" vehicle or the vehicle being operated without authorization has a legal relationship with the reporting party, married couple advise the reporting party that the issue is a civil matter.
- Determine the date upon which the vehicle is loaned to the subject or when the last use the vehicle was authorized by the reporting party. Five days must have elapsed since the agreed upon date of the return the vehicle before the reporting party may file a police report.

- If reasonably possible, determine the type and frequency of the methods by which the reporting party is already attempted to have vehicles returned, telephone calls, letters, or personal contacts and how many times.
- Advise the reporting party of the potential consequences of filing a 503 PC report, felony charges against the subject. However, do not discourage the reporting party from filing the report by stating that the situation is a civil matter.
- Obtain a case number and complete the 503 PC-embezzlement report. Indicate on the CHP 180 noting the vehicle as being embezzled.
  - Include all the relevant information regarding the circumstances of the incident and complete a description of the subject to whom the vehicle was loaned to, or who was operating a vehicle without current authorization. The description should include a minimum of the name date of birth, physical description and residence address.
  - Do not enter the vehicle into CLETS as a 503 PC vehicle
- Enter the vehicle into CLETS as a missing/lost vehicle which may facilitate the vehicle possibly being located and returned to the owner before the required 503 PC reporting and documentation purposes are complete.
- Do not issue an 836 PC for the subject or enter the subject into wanted persons.
- Advise the reporting party to send a letter to the subject demanding a return of the vehicle by a specific date, if such a letter has not yet been sent.
  - The letter should be sent by certified mail to the last known address of the subject. It's the reporting party's responsibility to determine the last known address of the subject.
  - The reporting party should retain a copy of the demand letter.

- The reporting party will return to the police station with a copy of the demand letter and any response he/she receives from the certified mail delivery attempt.
- If the reporting party already has sent a demand letter and received a response or proof of certified mail delivery attempts, include the information in the report and submit those documents in accordance with the procedures outlined below.
- Advise the reporting party that the case will not be submitted to the District Attorney's Office for review for filing without a copy of the demand letter and proof of a certified mail delivery attempt.
- Submit the reports for approval. Once approved, the reports will be received, reviewed, and retained in records, pending receipt of a copy of the demand letter and proof of a certified mail delivery attempt.

#### FOLLOW UP PROCEDURE:

- If the reporting party returns to the police department with a copy of the demand letter and a proof of certified mail delivery attempt, a supplemental report will be completed noting a receipt of those documents. Request filing of charges of 503 PC against the subject. The supplemental report will be submitted for approval. Once a supplemental report is approved, records will submit the 503 PC crime report, the CHP 180 form, and a copy of the demand letter and any proof of certified mail delivery to the District Attorney's Office.
  - The officer completing a supplemental report shall book the copy of the demand letter and any proof of certified mail.
- Delivery attempt documentation received from the reporting party property is evidence. Advise reporting party to immediately inform the department if the vehicle returns so the investigation may be closed.
- The support service supervisor will maintain a photocopy of the report package for follow-up, if necessary.

- If the District Attorney's Office determines that a filing of 503 PC, or any other charges, as appropriate, the support service supervisor will advise the original reporting officer of the decision.
  - The reporting officer, or designated follow-up investigation officer, will verify that the vehicle has not been returned. If such is the case, the officer will request that dispatch remove the vehicle from CLETS as a missing/lost vehicle and enter the vehicle into CLETS as in embezzled vehicle. The reporting officer or the designated follow-up investigation officer should document and report to the reporting party. If the vehicle is located by the Reporting Party, advise them they should not drive into law enforcement agency until a law enforcement agency is notified.
- The report will be routed through the normal channels of investigations unit for any appropriate follow-up investigation. The standard operating procedure was approved in distributed by training by:



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Joe Allen  
Commander



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Jerel Haley,  
Chief of Police