

*Please Note: This is a working draft of Directive 0631.61, Stolen Vehicles. The PPB has not implemented any portion of this draft. Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

0630.61, Stolen Vehicles

Second Universal Review: 12/15/23 – 1/14/24

Refer:

- ORS § 164.138 Criminal Possession of a Rented or Leased Motor Vehicle
- DIR 630.60, Vehicle Disposition
- DIR 660.10, Property and Evidence Procedures
- PPB Stolen Vehicle Election of Tow Options/Acknowledgment of Risk, Release From Liability and Hold Harmless Agreement Form

Policy:

1. It is the policy of the Portland Police Bureau to recover stolen vehicles taken through criminal activity and to refrain from exercising authority in situations involving vehicles taken in civil disputes. This directive lays out the specific circumstances in which PPB members will take stolen vehicle reports, and the procedures for vehicle recovery.

Procedure:

1. Responding Member Responsibilities.
 - 1.1. Upon sufficient proof of ownership and indications that the vehicle has been stolen, members shall complete a General Offense report.
 - 1.1.1. In addition to completing the General Offense report, members shall also provide the PPB Stolen Vehicle Election of Tow Options/Acknowledgment of Risk, Release From Liability and Hold Harmless Agreement Form to the vehicle owner. The owner must indicate whether they wish to have the recovered vehicle towed at their own expense or wish to have the vehicle left at the recovery location if they are unable to retrieve it in a timely manner.
 - 1.1.1.1. Members shall explain to the owner that a failure to sign the form will result in the recovered vehicle being towed at the owner’s expense.
 - 1.2. Reporting.
 - 1.2.1. Upon taking a stolen vehicle report, members shall immediately call the Auto Records Desk to insure the stolen vehicle is immediately entered into the Law Enforcement Data Systems (LEDS) and the National Crime Information Center (NCIC).
 - 1.3. Proof of Ownership.
 - 1.3.1. In order to accept a report on a stolen car, members shall conduct a preliminary investigation. As part of that investigation, ownership must be established. One or more of the following may establish proof of ownership:
 - 1.3.1.1. The complainant is the registered owner (per any Department of Motor Vehicles [DMV]), which is substantiated by personal identification. Telephone reports may be accepted if the complainant can satisfactorily

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assure the reporting officer that they are the registered owner via corroborating sources (i.e., familiarity with vehicle, type, make, names of other registered owners, and unique features of the vehicle [e.g., bumper stickers, pre-existing damage]).

- 1.3.1.2. The complainant provides documents from DMV indicating process of transfer of title.
- 1.3.1.3. The complainant has possession of a title signed for transfer.
- 1.3.1.4. The complainant has possession of a bill of sale from a licensed car dealer on letterhead, dated within the last 60 days.
- 1.3.1.5. The complainant has possession of a notarized bill of sale, for a private sale, dated within the last 60 days.
- 1.3.1.6. If the person reporting the vehicle as stolen had possession under a rental/lease agreement, the reporting person must present the valid rental/lease agreement or telephone verification by the rental company.
- 1.3.1.7. The complainant is the owner of rented or leased vehicle and has completed the requirements set forth in ORS 164.138 (demand letter, 3-day waiting period, etc.).
- 1.3.1.8. In situations that do not meet the previous criteria, officers must contact a supervisor for authorization to accept a report of a stolen vehicle. The person authorizing the report shall be documented in the report.

1.4. Denial of Report.

1.4.1. A stolen report will not be accepted under the following circumstances, which shall be deemed non-criminal and instead a civil disagreement:

- 1.4.1.1. A spouse is the complainant.
- 1.4.1.2. Divorce in progress.
- 1.4.1.3. Divorce completed with court ordered division of property.
- 1.4.1.4. Unmarried partner, domestic partner, roommate, family member or juvenile children of complainant, or those in a dating relationship. Under these circumstances, a sergeant may authorize that a report be taken after at least 48 hours from the time of the initial notification to law enforcement.
- 1.4.1.5. Business partners or associates.
- 1.4.1.6. Vehicle is held by person(s) performing work on the vehicle (e.g., mechanic’s lien).
- 1.4.1.7. Vehicle in possession of co-signer on contract of purchase.
- 1.4.1.8. Vehicle taken from a tow company or mechanic’s garage, unless the owner is complainant.
- 1.4.1.9. Vehicle purchased with a non-sufficient fund (NSF) check.
- 1.4.1.10. The vehicle is rented or leased, without fraud, and requirements set forth in ORS 164.138 have not been completed.
- 1.4.1.11. New or used car test drive unless 24 hours have elapsed from the time the vehicle should have been returned.

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- 1.4.1.12. Stored vehicles, private property or storage facility, for which both parties cannot confirm theft.
- 1.4.1.13. The complainant is unwilling to prosecute.
- 1.4.1.14. The theft is a result of illegal activities such as drug transaction without mitigating circumstances (i.e., carjacking, armed robbery, etc.).
- 1.4.1.15. Commercial or private sale of vehicle, for which partial payment has been made.
- 1.4.2. A sergeant may authorize a report in cases falling into the categories above, in extraordinary circumstances to be documented in the report. The report must include notation of the authorizing member.
- 1.4.3. Members who decline to take a stolen vehicle report because of lack of proof, may take an informational report documenting the circumstances and the claim of ownership.
- 1.5. Fraud.
 - 1.5.1. Members may investigate:
 - 1.5.1.1. Fraud involving a title that has changed parties.
 - 1.5.1.2. DMV requests to investigate a title to a vehicle that is being registered and is listed as stolen.
 - 1.5.1.3. Fraudulently purchased vehicles.
 - 1.5.2. Officers shall complete a General Offense report if:
 - 1.5.2.1. The vehicle was obtained fraudulently, using a NSF, account closed, forged, altered, counterfeit check, security, money order or instrument.
 - 1.5.2.2. The vehicle was obtained through identity theft. The vehicle will be recorded as evidence with a full description including Vehicle Identification Number (VIN).
 - 1.5.3. Under these circumstances, members shall only enter a vehicle as stolen in LEADS/NCIC with their immediate supervisor’s permission. Members shall annotate their supervisor’s name in the report.
 - 1.5.3.1. Members shall not input vehicles as “Felony Vehicle” in LEADS/NCIC unless there are other special circumstances (e.g., vehicle involved in a robbery or serious person crime).
- 2. Recovering Stolen Vehicles.
 - 2.1. All recovered vehicles must be confirmed by the complete VIN and the LEADS/NCIC entry.
 - 2.2. Unless the recovered vehicle is a hazard, the member shall attempt to contact the vehicle owner via all methods listed prior to ordering a tow.
 - 2.3. If the owner indicated at the time of the initial report they wished to have the recovered vehicle towed at their own expense, the member shall have the vehicle towed if they are

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unable to contact the vehicle owner or if the vehicle owner is unable to respond in a timely fashion (a minimum of 60 minutes).

- 2.3.1. Members will document attempts, including method and time, to contact the owner in their recovery report.
 - 2.3.2. If it is not feasible to wait for the owner to arrive, due to staffing or safety issues, members may tow the vehicle immediately. Members will document this, and the reason for it in their report.
- 2.4. If the owner indicated at the time of the initial report they wished to have the recovered vehicle left at the recovery location, the member shall attempt to contact the owner via all methods listed. The member shall check the vehicle for apparent fresh damage or items of value, document the condition of the vehicle in their police report, and immediately clear the stolen vehicle entry out of LEDS/NCIC via Records Division.
- 2.4.1. If a dangerous condition or other legal tow criteria exist members may tow a vehicle even if the owner requested that it be left in place. Members shall document the basis for this decision in their recovery report, as well as their attempts to contact the owner.
- 2.5. If the original stolen vehicle report was taken by another law enforcement agency, the member shall attempt to contact the vehicle owner and have the vehicle towed if they are unable to contact the vehicle owner or if the vehicle owner is unable to respond in a timely fashion (a minimum of 60 minutes), unless not feasible.
- 2.5.1. Members will document attempts, including method and time, to contact the owner in their recovery report.
 - 2.5.2. If it is not feasible to wait for the owner to arrive, due to staffing or safety issues, members may tow the vehicle immediately. Members will document this, and the reason for it in their report.
- 2.6. The vehicle may be released to the registered owner or a designee following member verification of the owner’s information in the reporting system. The releasing officer shall immediately notify the Records Division/Auto Records when a vehicle is towed or released in order to remove the vehicle from LEDS/NCIC stolen file.

[Provide Feedback Here.](#)

0630.61, Stolen Vehicles

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- 1.3.1.2. The complainant provides documents from DMV indicating process of transfer of title.
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- 1.3.1.4. The complainant has possession of a bill of sale from a licensed car dealer on letterhead, dated within the last 60 days.
- 1.3.1.5. The complainant has possession of a notarized bill of sale, for a private sale, dated within the last 60 days.
- 1.3.1.6. If the person reporting the vehicle as stolen had possession under a rental/ lease agreement, the reporting person must present the valid rental/lease agreement or telephone verification by the rental company.
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2.3.1. Members will document attempts, including method and time, to contact the owner in their recovery report.

2.2.1-2.3.2. If it is not feasible to wait for the owner to arrive, due to staffing or safety issues, members may tow the vehicle immediately. Members will document this, and the reason for it in their report.

2.4. If the owner indicated at the time of the initial report they wished to have the recovered vehicle left at the recovery location, the member shall attempt to contact the owner via

all methods listed. The member shall check the vehicle for apparent fresh damage or items of value, document the condition of the vehicle in their police report, and immediately clear the stolen vehicle entry out of LEADS/NCIC via Records Division.

2.2.2.2.4.1. If a dangerous condition or other legal tow criteria exist members may tow a vehicle even if the owner requested that it be left in place. Members shall document the basis for this decision in their recovery report, as well as their attempts to contact the owner.

2.5. If the original stolen vehicle report was taken by another law enforcement agency, the member shall attempt to contact the vehicle owner and have the vehicle towed if they are unable to contact the vehicle owner or if the vehicle owner is unable to respond in a timely fashion (a minimum of 60 minutes):-

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#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 31, 2023 7:38:30 AM
Last Modified: Tuesday, October 31, 2023 7:38:49 AM
Time Spent: 00:00:19

Page 1

Q1

Please provide feedback for this directive

test

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, November 01, 2023 11:20:35 AM
Last Modified: Wednesday, November 01, 2023 11:26:31 AM
Time Spent: 00:05:55

Page 1

Q1

Please provide feedback for this directive

It would be helpful to modify section 2.1 to specify that the ENTIRE VIN must be confirmed at recovery. Recently some officers have recovered vehicles with the last 6 of the VIN, and when the tow was completed it was found to be a different vehicle.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Kelly Anderson**

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, November 01, 2023 9:56:58 PM
Last Modified: Wednesday, November 01, 2023 10:00:34 PM
Time Spent: 00:03:35

Page 1

Q1

Please provide feedback for this directive

With regard to 2.4, If the officer is unable to contact the owner, will they still leave the car at scene? We have had a few tow hearings findings where PPB has had to pay for towing and storage because the person requested the car left at scene. Since the officer was unable to contact owner, they ordered a tow for the car. I can provide the tow hearings findings if needed.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Helen LaFong 39269**

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 13, 2023 3:15:53 PM
Last Modified: Monday, November 13, 2023 3:25:42 PM
Time Spent: 00:09:49

Page 1

Q1

Please provide feedback for this directive

630.61, Stolen Vehicles

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Scott Foster #23591**

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 13, 2023 3:25:49 PM
Last Modified: Monday, November 13, 2023 3:34:22 PM
Time Spent: 00:08:33

Page 1

Q1

Please provide feedback for this directive

630.61, Stolen Vehicles. Since most of the vehicles we recover are at/or in the vicinity of campsites there is a danger of them being stolen again when left at the location for the owner to pick up. This has happened quite frequently. There should be a provision in the directive that says the vehicle will be towed if it is in danger of being stolen again due to location or circumstances. These conditions need to be documented in the recovery report. It is redundant to have to retake a stolen vehicle report because the owner wanted it left at the location, then decides to not pick it up in a timely manner. Also, with the vehicle removed from LEDS/NCIC, and if it is re-stolen, it presents a danger to any officer who comes in contact with it not knowing that it is an actual stolen.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Scott Foster #23591**

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 30, 2023 2:09:14 PM
Last Modified: Thursday, November 30, 2023 2:09:45 PM
Time Spent: 00:00:31

Page 1

Q1

Please provide feedback for this directive

COMMENTS ON JOINT TERRORISM TASK FORCE, BYSTANDER AND STOLEN VEHICLE DIRECTIVES, NOVEMBER 2023

To Chief Day, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, Mayor/Police Commissioner Wheeler, US Dept. of Justice, Citizen Review Committee, Training Advisory Council and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on the Joint Terrorism Task Force, Bystander and Stolen Vehicle Directives posted in November for comment (<https://www.portland.gov/police/directives-overview>). Because the JTTF Directive contains no proposed changes, we are repeating our previous comments from April, 2021.

We continue to wonder whether the Detectives and officers in the Enhanced Community Safety Team are under the same limitations as those working with the JTTF, since the ECST works with the FBI, the ATF and other federal agencies whose guidelines for conducting investigations are broader than Oregon law allows.

As we have noted many times, the Directives would be easier to read and refer to if the Bureau would assign letters and numbers to all sections, including the "Refer" and "Definitions" sections. The references below are to Procedure Section unless otherwise noted.

630.61 STOLEN VEHICLES

Trust, but Verify: PCW did not comment on this Directive when it was posted in 2018. In the interim, City Council heard the appeal of a woman whose car had been stolen and towed to a lot in Salem rather than returned to her because the responding officer did not think the paperwork she had was sufficient to prove ownership. While the outcome of that case is unclear (there has never been a Police Review Board Report including the discipline handed to the officer after the unanimous 4-0 Council vote finding misconduct), we strongly urge that the criteria be rewritten to require that officers do sufficient legwork to determine whether the person has a legitimate claim to the vehicle. During the appeals process through the Citizen Review Committee, it became clear that the Bureau has become cynical about stolen car reports because many are falsified. We hate to quote Ronald Reagan, however we advise "Trust, but verify."

CONCLUSION

The Bureau's process for requesting public input on its policies has slowly improved over the years, with lengthened comment periods, capsule statements about why policies are being put up for review, red-line versions of the proposed changes, and all comments included in "Second Universal Reviews." Notably, these were all ideas put forward by Portland Copwatch in one form or another. We ask the Bureau to understand that our comments on the review process and our comments on the Directives themselves are of equal importance, and to take action on the items we've suggested above.

We also continue to encourage the PPB to find ways to have public discussions on these policies, particularly with Use of Force and Deadly Force being on the list for comments by December 15. Many community groups including Bureau Advisory Groups probably would like to weigh in on these, but will not be aware of their availability nor have time to review the text, draft comments and approve sending them to the PPB in such a short time frame.

Thank you

dan handelman and other members of
Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch
