

Procedure
4.8

EFFECTIVE
DATE
4-3-00

Eugene
Police Department



Unauthorized Use of a Vehicle

4.8.1 PURPOSE AND SCOPE

PART I - Responsibilities and Procedures for All Personnel

- A. Generally
- B. Communications
- C. Responding officer
- D. Records
- E. Auto Theft Detail
- F. Recovered Vehicles

4.8.2 RESPONSIBILITIES AND PROCEDURES ALL PERSONNEL

a. **Generally**

1. The charge of Unauthorized Use of a Vehicle (*ORS 164.135*) will normally be used when a vehicle (i.e., vehicle, boat, aircraft) is stolen or used in "gross deviation" of an agreement for use of the vehicle. The charge of UUV does not require proof of specific intent to deprive the owner of the vehicle, as the theft statutes do.
2. UUV requires that the vehicle either be taken without permission or that there is a "gross deviation" from an original agreement granting temporary possession of the vehicle. Examples of a gross deviation are:
 - a. A mechanic who uses a customer's car for an extended personal trip without authorization.
 - b. A person who borrows another's car for a few hours and drives it to another state for over a week.
3. The District Attorney's Office will consider case-by-case prosecution where there is some question of any "gross deviation."
4. In taking a report of a UUV or stolen vehicle, we must ensure that the person making the report is legally entitled to do so. Generally, in order for a person to report a UUV or stolen vehicle:
 - the reporting person must be the registered owner; or

- we must have documentation from the registered owner authorizing the person to make the report (e.g., fax from registered owner including his or her photo identification and signature); or
- the reporting party must have other documentation which establishes that he or she owns the vehicle (e.g., insurance papers.)

b. Communications

1. Upon receiving a report of a UUV, Communications will air an “attempt to locate.”
2. The call will normally be dispatched to a CSO, if available. If a CSO is not available to respond, a police officer should be dispatched. (Note: If there is a known suspect, a police officer must be dispatched.) Because of officer safety issues, the report should be taken as soon as reasonably possible.
 - a. In certain cases, the victim may prefer to come to City Hall, in which case the report will be handled as a counter report.
 - b. If the victim is at a location that is significantly outside the city limits, the victim will be asked whether s/he can respond to City Hall or meet the reporting officer at some location inside the city limits. Supervisory authorization is needed to dispatch an officer to a location outside the city limits to take the report.
 - c. If the reporting party is outside the Eugene/Springfield area, encourage him/her to file the report with a local police agency. If this is not a reasonable option, we can take a telephone report provided that the reporting party is able to fax any necessary information (including the front and back of his/her driver’s license or other photo identification bearing his/her signature, and a signed statement of the circumstances of the theft or UUV.)
3. If the victim is not available for immediate contact, advise him/her that the contact should be made as soon as possible because we cannot take any formal action until we take the report. Attempt to ascertain a number or location where he or she can be reached in case the vehicle is located before the report is taken.

c. Responding officer

1. Complete the report, using the UUV report form. Document any verbal or written agreements which exist concerning the use of the vehicle, as well as the lawful authority of the complainant to file the report.
2. Title the report “UUV.” However, if there is doubt as to whether the circumstances constitute a violation of the UUV statute or whether the report is legitimate, the report should be entitled “Missing Vehicle.” Records will enter it into LEDS as such. Either Auto Theft or a command officer can re-classify the entry and your report.

3. If aspects of the documents used by the victim to support his/her identity and/or the UUV allegation appear questionable, attach copies of those documents to the report.
 4. Respond to City Hall and deliver the report to Records immediately after completing it so that data entry can be completed. Do not "clear" from the call until the report has been delivered to City Hall.
- d. Records
1. Enter the vehicle into LEDS, AIRS, and NCIC.
 2. Send the report to a patrol supervisor for approval, if this has not already been done.
 3. Forward a copy of all messages, entry teletypes, and TWX messages to the Auto Theft Detail.
- e. Auto Theft Detail
1. Review each reported incident of UUV and present appropriate cases to the District Attorney.
 2. Review each case to ensure the appropriate data entry message has been transmitted and inappropriate messages are canceled by:
 - a. Ensuring each vehicle is properly listed: either stolen or missing.
 - b. Clearing the case as "Unfounded" if it is civil.
 - c. Reporting any status change to Records for updating.
- f. Recovered vehicles
1. A recovered stolen vehicle should be processed for fingerprints and other evidence.
 2. If a vehicle stolen from Eugene is recovered within a reasonable distance outside the city, and the recovering agency will not process the vehicle, an officer or CSO may be dispatched to do so, call load permitting.