

CHAPTER 13
MOTOR VEHICLE THEFT PREVENTION ACT
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CHAPTER 13

MOTOR VEHICLE THEFT PREVENTION ACT

1. BACKGROUND.

a. Senate Bill 1743 (SB 1743), the Motor Vehicle Theft Prevention Act (MVTPA), was signed into law by Governor Pete Wilson on September 30, 1994. The purpose of this legislation was to provide funding for enhanced investigation and prosecution of automobile theft and fraud crimes.

b. To efficiently accomplish the mission of SB 1743, the California Highway Patrol (CHP) implemented the following:

(1) An investigative team consisting of one sergeant and four vehicle theft investigators in the San Francisco Bay area. This team is known as the Northern Foreign Export and Recovery (FEAR) team.

(2) An investigative team consisting of one sergeant and six vehicle theft investigators in Southern California. This team is known as the Southern FEAR team.

(3) The Californians Help Eliminate Auto Theft, a vehicle theft activity telephone reporting hotline (1-800 TELL CHP), at the appropriate CHP communications center.

(4) A statewide vehicle theft public awareness campaign to promote the 1-800 TELL CHP hotline.

2. HEADQUARTERS RESPONSIBILITIES.

a. As the Office of Primary Interest (OPI), Enforcement and Planning Division, Field Support Section (FSS) is responsible for the administration and coordination of the program. Field Support Section will procure any OPI related equipment, maintain expenditure records, maintain a database of tips received on the 1-800 TELL CHP hotline, and produce the annual legislative report as required by Section 10901(b) of the California Vehicle Code (CVC). Specifically, FSS is responsible for the following:

(1) Fiscal Accountability Project Report.

(2) Special Project Code (SPC) Overtime Report.

- (3) Monthly Overtime Report.
- (4) 1-800 TELL CHP Vehicle Theft Reporting Hotline Tip Log.
- (5) Fiscal Year Expenditure Log.
- (6) Out-of-State Travel Requests related to program operations.
- (7) Automated License Plate Recognition Program Report.
- (8) Out-service training requests.
- (9) Annual Legislative Report.
- (10) Office of Primary Interest purchase requisitions and credit memorandums.

3. FIELD DIVISION RESPONSIBILITIES. Border and Golden Gate Divisions each have a sergeant position funded by the MVTPA to supervise the Northern FEAR and Southern FEAR teams at Division level. Border and Southern Divisions shall maintain a Memorandum of Understanding for the operational aspects of the FEAR team, with the daily administration of the teams coordinated by Border Division. Each FEAR team shall develop a Standard Operating Procedure (SOP) for their foreign export interdiction efforts and are encouraged to provide additional resources if available. These additional resources will be funded with program funds, if available.

4. FEDERAL, STATE, AND LOCAL AGENCY ASSISTANCE/LIAISON. Support should be given to federal, state, and local law enforcement agencies through the sharing of intelligence information and assistance provided to investigative efforts.

5. CHP A415, AUTOMATED DAILY FIELD RECORD, REPORTING.

- a. Special Project Code 194 is reserved for use by the Northern FEAR team.
- b. Special Project Code 195 is reserved for use by the Southern FEAR team.
The following procedures apply:

(1) Personnel assigned permanently to either the Northern FEAR or Southern FEAR teams shall utilize the appropriate SPCs for all program related activity reporting, including overtime. Additionally, any overtime utilized by communications center personnel assigned to 1-800 TELL CHP duties, shall utilize SPC 194.

(2) Personnel assisting Northern FEAR or Southern FEAR operations that are not permanently assigned to the program shall use the appropriate SPC (194 or 195). These SPCs shall not be used for regular time spent. If overtime is authorized by a Northern FEAR or Southern FEAR supervisor, the assisting employee must fill out a separate CHP A415, Automated Daily Field Record, for the overtime only, using the appropriate SPC.

6. REPORTING PROCEDURES - INVESTIGATOR. All personnel assigned to Northern FEAR or Southern FEAR teams shall submit a monthly activity report. This report shall be completed using the CHP 136, Vehicle Theft Personnel Activity/Commercial Vehicle Theft Personnel Activity, using the guidelines set forth in this manual, Chapter 3, Vehicle Theft Reporting Procedures.

7. REPORTING PROCEDURES - TEAM COORDINATORS.

a. The Northern FEAR and Southern FEAR coordinators shall submit a semiannual report of activity completed by their respective investigative team to FSS. The first report is due by January 15 and the second report is due by July 5 each year. The report should include the following data:

(1) Number of Investigations. Indicate the number of investigations that were initiated during the reporting month and year-to-date.

(2) Number of Assists. Indicate the number of investigation assists provided during the reporting period and year-to-date.

(3) Number of Arrests. Indicate the number of arrests made for cargo theft for the reporting month and year-to-date.

(4) Number of Complaints Filed or Indictments Obtained. Indicate the number of complaints filed or indictments obtained by a district attorney or United States attorney for the reporting period and year-to-date.

(5) Number of Convictions. Indicate the number of convictions obtained for cases investigated (convictions include a plea of guilty in which no court trial occurred) for the reporting period and year-to-date.

(6) Number of Prosecutions Pending. Indicate the number of prosecutions pending after an arrest or indictment has been made or a complaint has been filed for the reporting month and year-to-date.

(7) Number of Vehicles Recovered. Indicate the number of vehicles recovered for the reporting month and year-to-date.

(8) Number of Economical Automobile Theft Vehicles Recovered. Indicate the number of vehicles recovered which fall under the definition of economical automobile theft, as defined in Section 10901 CVC, for the reporting month and year-to-date.

(9) Number of Nonvehicle Recoveries. Indicate the number of properties and/or cargoes recovered (whether partial or complete recovery) for the reporting month and year-to-date.

(10) Value of Recovered Vehicles. Indicate the value of all recovered vehicles for the reporting month and year-to-date.

(11) Value of Economical Automobile Theft Recovered Vehicles. Indicate the value of all vehicles recovered which fall under the definition of economical automobile theft, as defined in Section 10901 CVC, for the reporting month and year-to-date.

(12) Value of Nonvehicle Recoveries. Indicate the value of recovered properties and/or cargoes for the reporting month and year-to-date.

(13) Amount of Property Losses Saved. Indicate the dollar amount of losses saved by insurance companies for the reporting period and year-to-date. This amount includes the values of property and cargoes recovered as well as the recovery of vehicles which fall under the definition of economical automobile theft, as defined in Section 10901 CVC.

8. REPORTING PROCEDURES - ANNUAL LEGISLATIVE REPORT.

a. The MVTPA coordinator assigned to FSS will complete the required annual report to the Legislature. This report shall be due to Enforcement and Planning Division by August 10th each year. This report should include, but is not limited to the following headings.

- (1) Program Background.
- (2) Exportation of Stolen Vehicles and Component Parts.
- (3) Investigative Team Focus.
- (4) 1-800 TELL CHP Vehicle Theft Reporting Hotline.

(5) Activities and Accomplishments.

(a) Investigative Teams.

- 1 Northern FEAR team.
- 2 Southern FEAR team.
- 3 1-800 TELL CHP Vehicle Theft Reporting Hotline statistics.
- 4 Program oversight and reporting.
- 5 News articles relating to significant case investigations.
- 6 Public awareness campaign.
- 7 Conclusion.

b. This report shall also contain the statistical information as outlined in Section 7 of this chapter, statistics related to the telephone tips received by the 1-800 TELL CHP vehicle theft reporting hotline, as described in Section 10901 CVC.

c. Additionally, this report is required, per Section 2413(e) CVC, to contain the practices and usage of the Automated License Plate Recognition (ALPR) program. This information shall include the number of ALPR data disclosures, a record of the agencies to which data was disclosed, for what purpose, and any changes in CHP policy that affect privacy concerns.

9. TRAINING REQUEST. Program personnel desiring to attend out-service training shall prepare a CHP 50, Request for Out-Service Training. Upon receiving approval from the appropriate team supervisor and Division coordinator, the CHP 50 shall be forwarded to FSS for OPI approval and processing. When Fiscal Management Section, Travel Unit issues an expense check for the training, FSS will forward the check to the requesting team supervisor.

10. TRAVEL RELATED TO PROGRAM RESPONSIBILITIES. When any employee, either permanently or temporarily assigned to the program, completes a travel claim for travel associated with program activities, a copy of the approved CHP 262, Travel Expense Claim, or California Automated Travel Expense Reimbursement System Global documents, shall be forwarded to FSS by the 15th of the month following the dates of travel.

11. OUT-OF-STATE TRAVEL REQUEST. If the need arises for travel outside of the state for purposes of investigative follow-up, court appearances, and/or meetings or conferences relating to program activities, Divisions shall make the request for travel through FSS. Divisions will be required to detail the purpose for travel, the travel destination, and the number and names of personnel who will be traveling. Field Support Section is responsible for completing the required CHP 51, Memorandum, requesting the out-of-state travel, and forwarding the request through the appropriate channels. Field Support Section will notify Divisions if the travel is approved or disapproved. If the travel is approved, the appropriate Division will coordinate the travel accommodations with assistance from FSS.

12. REQUEST FOR AND ORDERING OF EQUIPMENT. When Northern FEAR or Southern FEAR supervisors and/or coordinators identify equipment to be purchased for use by program personnel, requests shall be made to FSS by telephone or electronic mail. This request should identify the equipment desired, a possible vendor to be used, and a justification describing the need for the specified equipment.