



KANSAS CITY MISSOURI POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

2-07-12

EFFECTIVE DATE

2-07-12

NO.

12-1

SUBJECT

Failure to Return Leased/Rented Personal Property

AMENDS

REFERENCE

RSMo 578.150

RESCINDS

PI 06-3

***I. INTRODUCTION**

This written directive provides procedures for incidents involving the failure to return leased/rented property, including motor vehicles, in accordance with RSMo 578.150. Offense reports regarding the failure to return leased/rented personal property may be filed by rental agents (or their representatives) on a walk-in basis only at any patrol division station or police headquarters. Follow-up investigations will be the responsibility of the Fraud Section.

II. TABLE OF ANNEXS

This directive has been arranged in annexes to address the failure to return leased/rented motor vehicles

Annex A - Failure to Return Leased/Rented Motor Vehicles

Annex B - Failure to Return Leased/Rented Property Other Than Motor Vehicles

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this ____ day of _____ 2012.

Patrick A. McInerney
Board President

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FAILURE TO RETURN LEASED/RENTED MOTOR VEHICLES

It shall be prima facie evidence of the intent of the crime of failing to return a leased/rented motor vehicle if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement. (RSMo 578.150)

- *A. The lease/rental agency must produce the original signed lease/rental agreement before a report is taken. The reporting member will scan the document into the Tiburon System and attach to the original report.

- *B. Complete the appropriate report in the Tiburon System.
 - 1. The reporting member will notify the Stolen Auto Desk and advise that the offense is a "Failure to Return Leased/Rented Property" classification and provide the lessee's name and identifiers for inclusion in the remarks section of the computer entry.
 - 2. The Stolen Auto Desk will ensure that the vehicle information is properly entered into the computer system, i.e., the entry must denote the "Failure to Return Leased/Rented Property" classification and the lessee's name and identifiers.

- C. When a vehicle responds with a pick-up order for "Failure to Return Leased/Rented Property" members will:
 - *1. Identify any occupants. If the lessee named on the original **report is present, probable cause exists for the arrest of that subject only.**
 - 2. Recover the vehicle in accordance with the current written directive entitled "Towing/Protective Custody of Vehicles and Contents" unless evidence is presented which indicates the vehicle is under lawful possession of the driver.
 - *3. Complete the appropriate supplemental report in the Tiburon System listing the identity of any occupants. Members should consider the age and physical condition of the passengers, familiarity of the area, time of day, etc., and use good judgment concerning the disposition of occupants.

4. Notify the Stolen Auto Desk to cancel the pick-up on the vehicle.
 5. Notify the Fraud Section. A recorded message may be left during non-business hours.
- D. When a vehicle, listed in the computer with a pick-up order for failure to return leased/rented property, is recovered by an outside agency, the Stolen Auto Desk will ensure that pick-up order is cancelled and the Fraud Section is notified.

**FAILURE TO RETURN LEASED/RENTED PROPERTY OTHER THAN
MOTOR VEHICLES**

It shall be prima facie evidence of the intent of the crime of failing to return leased/rented property if the property has not been returned within ten (10) days after proper notice following the expiration of the lease or rental agreement. (RSMo 578.150)

- *A. The reporting party must produce the following documents, which will be recovered on a Physical Evidence/Property Inventory Report, Form 236 P.D., and scanned into the Tiburon System, attached to the original offense report:
 - 1. A copy of the original signed lease/rental agreement.
 - 2. A copy of the notice, containing a statement that failure to return the property may subject the lessee to criminal prosecution, addressed and sent by certified or registered mail to the lessee at the address listed in the lease/rental agreement.
 - 3. The certified/registered mail return receipt (or original envelope with attempt to deliver notice stamped on it by the Post Office) indicating that at least ten (10) days have elapsed since the letter was delivered (or since the last attempt was made to deliver).

- B. The report classification will be determined by the results of the preliminary investigation.
 - *1. When the lessee fails to return leased/rented property to the place of rental within the time specified in the rental agreement and no other offense has occurred, the appropriate report will be completed in the Tiburon System.
 - 2. If the leased/rented property was stolen in connection with another offense (e.g., theft by deceit, fraudulent use of a credit card, etc.):
 - *a. The report classification, completed in the Tiburon System, will be based upon the primary offense.
 - *b. If a motor vehicle was taken in conjunction with another crime, the stolen vehicle information will be included in the primary offense report completed in the Tiburon System.

- C. When coming into contact with persons or property associated with a failure to return leased/rented property offense, members will:
1. Identify the person(s) found in possession of the property and release them unless a pick-up order or warrant has been issued.
 - *2. Complete the appropriate supplemental report in the Tiburon System. The leased/rented property may be recovered in accordance with the current written directive entitled "Recovered Property Procedure," provided that the property is not located in or about a private premise. Absent written consent, a search warrant is required if the leased/rented property is located on or about a private premises.
 3. Notify the Fraud Section. A recorded message may be left during non-business hours.