



KANSAS CITY, MO. POLICE DEPARTMENT

DATE OF ISSUE

07-11-06

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06-3

PROCEDURAL INSTRUCTION

SUBJECT

Failure to Return Leased/Rented Personal Property

AMENDS

REFERENCE

RSMo 578.150
P.I./ D.M. Offense Reporting
Report Writing Guide

RESCINDS

Procedural Instruction 02-7

I. INTRODUCTION

Missouri Revised Statute 578.150 states: A person commits the crime of failing to return leased or rented personal property if, with the intent to deprive the owner thereof, he purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property.

II. PURPOSE

To provide policies and procedures for incidents involving failure to return leased/rented property, including motor vehicles, in accordance with RSMo 578.150.

III. POLICY

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.

IV. PROCEDURE

This directive has been arranged in annexes to address the failure to return leased/rented motor vehicles (Annex A) and the failure to return leased/rented property other than motor vehicles (Annex B).

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2006.

James B. Wilson
President

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Department Element Manuals
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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 rented/leased 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 attach a photocopy of the agreement to the original offense report.
- B. The report will be filed on a Field Incident Report, Form 189 P.D., and Investigation Report with the designation "Failure to Return Leased/Rented Property" marked in the offense section box, in accordance with current report writing guidelines.
 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 listed in the computer with a pick-up order for "Failure to Return Leased/Rented Property" is located, officers will:
 1. Identify any occupants. If the lessee named on the original **Form 189 P.D., is present, probable cause exists for the arrest of that subject only.**
 2. Recover the vehicle in accordance with the 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 a **supplemental** Field Incident Report, Form 189 P.D., and Investigation Report (using the original CRN) entitled, "Failure to Return Leased/Rented Property" listing the identity of any occupants. Officers should consider the age and physical condition of the passengers, familiarity of 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 rented/leased 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., with photocopies 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, a Field Incident Report, Form 189 P.D., and Investigation Report, classified as "Failure to Return Leased or Rented Property" will be completed.
 - 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 Form 189 P.D. classification will be based upon the primary offense.
 - b. If a motor vehicle was taken in conjunction with the offense, the section for stolen/recovered vehicles on the Field Incident Report, Form 189 P.D., and Investigation Report must be completed, with the primary offense classification being the title of the report.

- 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 a supplementary Progressive Investigation Report, Form 100 P.D./Form 107 P.D. The leased/rented property may be recovered in accordance with the 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.