

The Current Problems and Solutions with Examinations on reported stolen Vehicles

I recently received a phone call from a carrier in the Chicago area. He requested services of a locksmith to determine if reported stolen vehicles were stolen. This in itself raised concern for many reasons. The general locksmith without proper training should not be involved with these vehicles especially when recovered burned. I have been to seminars where locksmiths speak about theft. The problem is that they focus in on how they would make a key to take the vehicle. It has been my experience to hear such speakers never address how a thief would commonly defeat the column. The examiner needs to think like a thief and not a general locksmith.

Somewhere this all got distorted. The common thinking was Ignition-Lock-Key-Theft. All areas that rarely correlate to common methods of theft without keys. Thieves rarely successfully pick locks due to the factor of time. The ignition lock must still be checked accordingly because that will probably one of the opposing attorney's defenses.

It has been addressed that maybe a thief would buy a \$2,000 scanner to code a transponder ignition key. No, they would steal it, but the time factor leaves far too much to risk and this is not an amicable way to take a transponder equipped vehicle from the street.

The days of "hot wiring" are coming back on dash mounted ignitions. The examiner must know what to look for especially when the vehicle is recovered burned. In this case, there may be no damage to the ignition lock cylinder caused by the thief.

I have addressed layering in burned vehicles in other articles, but I will demonstrate the problems if the wrong examiner is in a totally burned vehicle. For an example I will use the old Chrysler Accustar (common 1991-1997) in Chrysler vehicle. A 1996 Dodge Ram is found with the passenger compartment totally burned. The driver's floor is filled with burn debris. The locksmith goes through this debris not noting the location of the steering column components. He finds the ignition lock cylinder and takes it apart. He finds no damage to the keyway that would indicate that there were any signs of force picking or tampering to the lock. He writes a report accordingly. The claim is denied. Now comes Joe Shmoe the plaintiff attorney with and expert in vehicle fire debris analysis. The expert inspects the ignition lock cylinder body and finds the remains of what appears to be burned floor carpeting. It is later proven that the ignition lock had been forcibly removed from its plastic housing in the column before the fire. The lock cylinder was on the floor and melting debris had fallen on it. There was no damage to the keyway as the locksmith had stated, but the locksmith was not aware it was very common to pry this lock from the plastic housing.

There are many such scenarios. I have written articles about VATS as well as MRD (PASS LOCK) as to their intended operation and what really happens to these systems on the street.

Who is capable of doing these examinations? People with proper training, not only in locks, but burn debris analysis, security system analysis, steering column locking mechanism understanding and in general how and why vehicles are stolen.

Yes, some believe it takes years of hands on experience.

I believe it is the strong will to learn with the goal of being one of the best. I let students learn a part of my life which has been devoted to stolen and burned vehicles. I have been directly involved in the repair of more than 10,000 theft recovered vehicles.

What the insurance carriers need to understand is that the examiner has no way to determine if or if not the reported stolen vehicle was stolen. The best he/ she can do is determine how the vehicle was last operated. Anything other than that is up to the investigators at the insurance company. They are the ones that ask the insureds questions either in a EUO or the attorney does it in depositions or recorded statements. There has been many times over the years that investigators asked me if I thought the insured committed fraud. In this case it does not matter what I think and that determination I am not qualified to do. I also cannot determine if a vehicle is stolen and neither can anyone else unless they were a party to the crime. All the examiner should be concerned about is how that vehicle last operated under its own power last.

I recently was consulted on a case from out east where the examiner said the 2002 Nissan Altima could not be stolen because it had a transponder. This examiner is nuts to say that. This vehicle was a total strip and was towed. The transponder will not stop towing! In another case I was consulted on in Michigan, the "expert" actually put in his report that the car was not towed! How did it get from the recovery site to where he examined it?

There are some very good people out there with investigative minds that love "the thrill of the chase." (That's finding the answer to the puzzle). All they need is the proper tools and education. I am very impressed with a locksmith from southern Illinois as well as the one in Washington that is retired law enforcement with a law degree. There are many sharp people in our organization which is growing at an overwhelming rate. We are setting the standards with accepted procedures. We are taking the guess work and ambiguity out of the statements made by "experts" in this field.

Our organization is called the "International Association of Forensic Auto Theft Examiners." We offer training and certification in 5 different areas currently. We are changing the way business is done here. If the examiner makes a statement, he is expected to be able to back it up. If he states "the VATS" was not defeated, he better to go down the list as to all the hypotheses he tried and eliminated before he reaches his conclusion. No more of this "it's that way because I said so."

There are plenty of claims on reported stolen vehicles that have been misrepresented. There are lots of "owner give ups" out there. To know it is not good enough. It has to be proven! Our goal is to actively assist our clients to the best of our ability. If we don't know the answer we will do our best to find the answer. This organization is multi state and has members from other countries. Auto theft methods are commonly regionally specific. There are times that the examiner may have never seen a particular style of theft and he can contact examiners in different locations to see if these methods correlate with some other region.

Upon successful completion of the training modules an active member can take a rigorous certification test for each module to become a Certified Forensic Auto Theft Examiner. If you see this title at a level 5 you will know that examiner is one of the best in his field.

The down side is that you won't have reports commonly contested because the examiner can back up his findings and conclusions.

If you see a report from one of these examiners that have completed all these training modules, you don't even have to understand anything about vehicles, locks or columns because it's all spelled out.

No matter how good the examiner is there is always going to be times that "undetermined"s will come up especially in those vehicles that have suffered a passenger compartment fire, but you will see less of those.

For more information on membership, the training modules and certification contact Rob Painter at 414-698-9696 or rpainter@wi.rr.com

This organization along with its training is going to change the way these examinations are done!

One side note: Things can always change, but in 11 years of doing these examinations, I have never had to support my conclusions in court for an insurance client. In fact, I was given a deposition by a plaintiff attorney once in 1994 and that only lasted 45 minutes!

If anyone wants to see my extensive training, background and experience, my CV is on my website <http://www.autothefexpert.com> and for more description on the training modules go to <http://www.autothefexpert.com/CD.htm>