



October 1, 2014

Attention Roseville Fuel Retailer:

The Roseville Police Department has implemented a new FUEL DRIVE-OFF policy.

The change in police policy/response comes as a direct result of increased calls for service to local fuel retailers reporting fuel no-pays and input from our city prosecutor's office. With the majority of the city's fifteen licensed fuel retailers having "pump before you pay" policies, the department has opted to update our response to minimize the burden these types of calls place on our agency and to optimize investigative results.

The department understands this type of call for service is both civil as well as criminal.

The department would encourage fuel retailers to report their fuel no-pay losses to their local trade association services such as the Minnesota Petroleum Marketers Association for civil recovery OR demand their customers to pay before they fuel.

If a fuel retailer opts to criminally prosecute the customer who fails to pay for their fuel, the following criteria must be met before an agency officer will respond and investigate:

1. The station must provide an accurate description of the suspect auto and license plate number.
2. The station must provide video/digital imaging of sufficient quality capturing the suspect vehicle's license plate registration and the suspect dispensing fuel.
3. The retailer will be required to complete a ROSEVILLE POLICE DEPARTMENT GAS DRIVE-OFF REPORT form which is available on-line at the department's web site <http://www.cityofroseville.com/index.aspx?NID=1381> under the title "forms".
4. Complete copy of a Notice and Demand of Payment for Motor Fuel along with a copy of the certified mail receipt showing the 30-day waiting period has passed without payment.
5. The total fuel loss must exceed \$50.00.

If the fuel retailer is able to meet all criteria 1-5, to include the 30-day demand for payment waiting period has passed without payment, the responding officer will accept the retailer's documentation and imaging for criminal prosecution.

Without the fuel retailer providing the above information, police investigative follow-up and criminal prosecution is nearly impossible.

Some of the questions a fuel retailer may have specific to this new policy:

Shall I continue to call the police when my business suffers a fuel drive off? Yes! Continue to report your fuel drive offs as soon as they occur. Officers will check the area in an attempt to locate and stop the offender and have him/her return to the retailer to make payment. On occasion, the department has recovered stolen vehicles used in no pay incidents. It is important your service station attendant is able to provide the police dispatcher with an accurate description of the vehicle, physical and clothing description of the suspect as well as license plate number.

What happens when the police are unable to locate the vehicle involved in the no pay theft? After checking the neighborhood for the suspect vehicle, the assigned officer will stop at your business to determine if the fuel loss meets the department's criteria for further investigation.

If my local trade association is unable to collect the fuel drive off payment, why is it necessary to provide the police with digital/video imaging of the suspect vehicle's license plate number and suspect? Why can't the police just arrest or cite the owner for the theft? Crimes involving the theft of fuel can be very time consuming and difficult to prove cases. Remember, the burden of proof is on the police department/prosecutor to prove beyond a "reasonable doubt" a specific person committed a crime. With the fuel retailer providing the police with digital/video imaging of sufficient quality to clearly identify a suspect pumping fuel into a specific vehicle, these types of cases are usually less time consuming because it is difficult for the suspect to argue or claim he/she wasn't involved when the imaging clearly shows otherwise.

Rather than pay my local trade association for the civil recovery of my station's fuel losses, why can't the police department provide me with the name and address of the registered owner of the vehicle involved in the drive-off and I'll complete my own recovery? Because of various federal and state data privacy protection statutes, law enforcement authorities are prohibited from releasing personal information from state motor vehicle records. Because of these federal and state laws, Roseville Police Officers are prohibited from providing any vehicle registration to the public.

The Roseville Police Department understands this change in policy may put an additional burden on your station specific to video/digital imaging expenditures. The department believes many of the fuel drive-off issues can be avoided by asking customers to pay before they fuel.

If you have any additional questions specific to this policy change, please contact Lt. Lorne Rosand at 651-792-7211 during normal business hours.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Mathwig".

Rick Mathwig
Chief of Police