



El Segundo Police Department

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TRAINING BULLETIN

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Forced Entry into Permanently Mounted Exterior Cabinets on a Vehicle Constitutes Burglary 2nd

Facts

On an early morning crime venture in Placer County, defendant broke into metal compartments permanently installed in the bed of a utility truck and stole several rolls of wire. Two side-by-side doors enclosed the rear cargo area secured by a welded gate latch and a lock that was cut. Later, defendant attempted to steal items from locked side-by-side utility bins on another truck by cutting the locks, but there was nothing inside these areas. All exterior cabinets were physically separated from the vehicle interior.

Defendant was charged and convicted for Burglary 2nd and Attempted Burglary 2nd. With a prior strike for Burglary 1st, he was sentenced to 5-years / 4-months incarceration.

Defense counsel argued defendant could not be convicted of Burglary because he did not enter locked doors directly accessing the interior of a vehicle. [Defense counsel further argued that] removing the locks on the exterior cabinets did not constitute “entering a vehicle.”

Held

3DCA [3rd District Court of Appeals] ruled the exterior cabinets / bins were a permanent part of the vehicle and cutting the hasps and locks constituted forced entry. Locking or securing these areas is done for the purpose of protecting items of value. This act of forced entry is no different than using a tool to access the vehicle interior.

Author’s Notes

Excellent precedent for future field use.

Reference was made to previous precedent where forced entry into a trunk constituted Burglary 2nd (Peo. v. Toomes (1957) 148 Cal. App. 2d 465). Even though there was physical separation between the trunk and vehicle interior, the trunk was still part of the vehicle.

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