

	POLICY & PROCEDURE	SERIES # 1146	PAGE 1 OF 2
	SUBJECT METHODS OF HANDLING SHOPLIFTING OFFENDERS		EFFECTIVE DATE 03/30/10
			OVERSIGHT Operations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 1146 dated 02/17/10.		

I. PURPOSE:

Shoplifting accounts for a significant percent of all Part I Crimes committed in the City of Hampton and invariably takes up a lot of duty time. It is one of the few crimes where an officer may make an arrest without a warrant when the alleged offense did not occur in the officer's presence. The policy sets forth the Police Division's policy methods of handling shoplifting offenses.

II. POLICY:

There are two alternative methods of handling shoplifting offenders. It shall be the policy of the Hampton Police Division to handle all shoplifting cases in descending order of priority as set forth in this Policy and Procedure.

III. PROCEDURE:

A. Virginia State Code states the merchant has the right to detain the shoplifter for one hour. The method of handling an adult shoplifting complaint is to first interview the complainant, and evaluate the probable cause. Once probable cause is established the following steps will be taken to determine whether to arrest or summons the violator. **All Felonies** will be transported to the Magistrate's Office (in case of juveniles, take to Juvenile Intake Office) for processing. If the matter is a misdemeanor, the State Code authorizes officers to issue summonses to adults for certain misdemeanors not committed in their presence and shoplifting is one of those exceptions (See §19.2-81).

B. When releasing the suspect on a summons, the Investigating Officer shall:

1. Verify the identity of the offender through one or more of the following (or as other appropriate):
 - a. Pictured identification
 - b. Social Security number or name check through Division of Motor Vehicle files or VCIN/NCIC files.
 - c. Records check

APPROVED:
CHIEF OF POLICE



2. Once identity is verified and as long as there is no reason to believe that the person will not appear for court he/she should be released on a summons.
3. When this situation occurs, the arresting officer becomes the investigating officer and will complete a case file.

C. Special Requirements

1. Handling Juvenile Offenders: All felonies will be transported to the Juvenile Intake Office for processing. If it is after office hours, Intake will be contacted and the juvenile will be taken to Investigative Services and handled by remote Tele-conference with the Juvenile Intake Williamsburg office. In the cases of misdemeanor offenses, the preferred method is to release the juvenile to his parent or guardian. In all cases the identity of the juvenile should be verified through the procedure listed in item III-B above.

Petitions are required in all cases and a Summons will not be issued to a juvenile for shoplifting.

- a. If the parent or guardian is contacted, release the juvenile to their care/custody. (The investigating officer will complete a case file and can direct the merchant to Intake to obtain petitions at their leisure during normal business hours). The officer will need to follow up for reporting purposes to insure petitions were obtained or not.
 - b. If the parent cannot be contacted, the officer will transport the juvenile to Juvenile Intake to obtain the proper petition and then determine the proper course of action.
2. In all cases the reporting officer becomes the investigating officer and should complete the crime report, including evidence list, and witness list, as appropriate.

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