

**STOCKTON POLICE DEPARTMENT**

**GENERAL ORDER**

**SHOPLIFTING ARRESTS ON-LINE REPORTING**  
**SUBJECT**

**DATE:** April 6, 2020

**NO:** P-2b

**FROM:** CHIEF ERIC JONES

**TO:** ALL PERSONNEL

**INDEX:** Shoplifting Arrest On-line Reporting

**I. POLICY**

- A. This Department, in cooperation with store security from several businesses, initiated a method for handling persons arrested for shoplifting (484a P.C.) to eliminate duplication and to relieve the need for Police Officer response.

**II. LAW**

- A. Officers must become familiar with sections 484(a) P.C., 459.5 P.C., 211 P.C., 470 P.C., 594(b)(2)(a) P.C., and 602(I)P.C.

**III. PROCEDURE**

- A. Stores participating in the Stockton Police Department's On-line Shoplifting Program are allowed to release suspects on misdemeanor crimes, provided the suspect qualifies for the release. Only stores that have completed a training class given by the Department are qualified to participate in this program.

- B. The following suspects qualify for the store release program:

1. Adults

- a. Suspects with proper identification or verifiable identification.
- b. Suspects who are cooperative.
- c. Suspects who do not have warrants.
- d. Suspects who are not under the influence of alcohol or drugs.
- e. Suspects are charged with 484a, 487, 459.5, 594 or 602(I) P.C.

- (1) Suspects with prior theft convictions who qualify for a felony 666 PC charge may also be processed through the online shoplift program using the misdemeanor theft charge only. Case Review will follow-up with adding/amending the charges during court proceedings. An officer need not respond simply because the arrestee qualifies for 666 PC.

2. Juveniles

- a. Suspects with proper identification or parental identification.
- b. Suspects who are cooperative.
- c. Suspects who do not have warrants.
- d. Suspects who are not under the influence of alcohol or drugs.
- e. Parent or guardian willing to take custody of the suspect upon release from the store.
- f. Suspect is charged with 484a, 487, 459.5, 594 or 602(I) P.C.

3. Suspects who have committed a forgery and/or robbery, etc., or are on parole will have a Police Officer respond.

C. Specific Responsibilities:

1. The responsibilities of store security officers, following the arrest of a suspect for shoplifting (484a P.C.), are as follows:
  - a. Process the suspect in accordance with individual store policy.
  - b. Call the Stockton Police Department Records Unit to see if the suspect qualifies for the Store Release Program.
  - c. The suspect cannot be under the influence of alcohol or drugs.
  - d. The suspect must meet the following criteria:
    - (1) Have verifiable identification.
    - (2) Be cooperative with store employees. Merely being unhappy about the circumstance does not qualify as being uncooperative.
    - (3) Persons must live within a fifty-mile radius of Stockton.
    - (4) Suspect is only charged with 484,487, 459.5, 594, or 602(I) P.C.
  - e. If the suspect qualifies for store release, the store security officer will take a digital photograph of the suspect, with the store security officer. The store security officer will take one thumbprint and one index print of the suspect. The digital photograph and thumbprints will be included on the Release Waiver Form that the suspect and store Security officer signs.
  - f. The store will retain a copy of the report, the original Release Waiver, and all evidence taken in the crime.
  - g. Complete a Stockton Police Department on-line Crime Report. Include any statements made by the suspect.
  - h. Store personnel/security officer is responsible for showing up to court and being prepared to testify.
2. Records Personnel Responsibilities:

When a participating store calls to notify the Stockton Police Department that they have a person in custody for petty theft, Records shall:

  - a. Verify store and security officer are members of the online shoplift program from the current list of participants.
  - b. Ask the store security officer for the full name and date of birth of the suspect.
  - c. Conduct a warrants and RMS check.
  - d. If the suspect qualifies for a store release, advise the store security officer that the suspect qualifies for the On-Line Shoplifting Program.
  - e. If the suspect does not qualify (warrants, parole, false identification), contact the Telecommunications Center to set up a call for service for an Officer to be dispatched to the store. Advise the store that the suspect does not qualify and an Officer will be dispatched.
  - f. Do not tell the store security officer the result of the warrants/RMS checks.

- g. Advise the Command Center to reopen a call and dispatch an Officer. Provide information as to why the suspect does not qualify for the shoplift program.
3. Investigating Officer's Responsibilities:
- a. If dispatched to a participating store where it is determined the suspect in custody does not meet the criteria for the Store Release Program, he/she will be processed for booking at the San Joaquin County Jail in accordance with Department policy.
  - b. If dispatched where it is determined the suspect could be released on a Shoplifting Release Waiver (no warrants, identity confirmed, etc.), but other circumstances dictate the suspect to be taken into custody (juvenile cannot be released to parent/guardian), the suspect will be taken into custody and processed per Department procedure.
  - c. Review the store security officer's printed copy of the original on-line report. This original On-line report is the Departments original report. This will be submitted via the Internet.
  - d. If upon review of the report the elements of the crime are met, check to see if a statement has been obtained. If no statement has been obtained, read the Miranda Advisement to each suspect. Make sure a statement is included or "refused" on the store security officer's report before it's submitted online.
  - e. If the suspect has a warrant but otherwise qualifies for the release program, instruct the store to release the suspect on a Store Waiver and change their report DISPOSITION to "DA Referral." Take charge of the suspect and book him/her only on the warrant. The store report will reflect the Stockton Police Department has taken custody of the suspect on the warrant only. Officers shall not provide a report number to the store security officer for their online report. The store security officer will file their report for the shoplift online and receive a report number after it has been reviewed and approved by the shoplift coordinator.
4. Telecommunications Personnel Responsibilities:
- a. When notified by Records of a shoplifting suspect, Telecommunications will create a Call History and dispatch an officer to the store location.
  - b. If the store Security officer is not with a participating store, make up a call for service for an Officer to be dispatched to take a report.
5. The On-line Shoplifting Coordinator is designated by the Investigation Division. The Program Coordinator's responsibilities are:
- a. Upon receipt of a report from a participating store, review the report for elements of the crime. If elements are not met, contact the store security officer for follow-up or "Exceptionally Clear" the case.
  - b. When the elements of the crime are present, approve the report and assign a report number.
  - c. Conduct training for all new Loss Prevention Officers (LPOs) and work toward enlisting new stores in the program.
  - e. Conduct periodic training with the participating stores to ensure security personnel are properly trained and ensure quality cases.
6. On-line Shoplifting Program Administrator is designated by Support Services Division.
- a. The Program Administrator's Responsibilities are:
    - (1) Export approved reports from the On-line system into ARS.
    - (2) Set up accounts and passwords for LPOs.

- (3) Maintain current list of participating stores LPOs.
- (4) Assist On-line Program Coordinator with training of new LPOs.
- (5) Maintain On-line Program with all current updates and program changes.