

A. **PURPOSE.** To establish guidelines and outline specific responsibilities for the response to larceny-type offenses of items offered for sale at retail establishments

B. **LEGAL AUTHORITY**

1. Police officers may arrest for First Degree, Second Degree, or Third Degree Retail Fraud without a warrant upon reasonable cause to believe an offense occurred, even if not in the officer's presence.
2. A merchant, an agent, or employee of a merchant or an independent contractor providing security for a merchant may arrest for First Degree, Second Degree, or Third Degree Retail Fraud if they have reasonable cause to believe that an offense occurred on that premises, regardless of whether or not the offense was committed in their presence.

C. **SPECIFIC RESPONSIBILITIES**

1. The Communications Unit shall:
 - a. Dispatch two patrol units to the scene of a reported retail fraud if the:
 - (1) Dollar amount exceeds \$200 or,
 - (2) Suspect(s) cannot be positively identified or,
 - (3) Suspect(s) committed any other crime during or immediately after the commission of the retail fraud offense or,
 - (4) The suspect is a juvenile under the age of 17 or,
 - (5) A file check of the suspect reveals active warrants or,
 - (6) The merchant declines to file an electronic self-report and demands an officer respond
 - b. Direct the complainant of a retail fraud incident to make an online report in incidents where merchants have released a suspect, have no specific leads, suspects are no longer present, or are only reporting the incident so that they may lawfully seek the recovery of the amount for which the suspect is civilly liable.
2. Police interns taking reports at the information desk shall clearly document that the suspect was not detained at the scene, i.e., "released by merchant."

3. Police Officers shall:
 - a. Respond to the scene of an assigned retail fraud incident and conduct a preliminary investigation.
 - b. Make a determination of reasonable cause, based upon their own complete preliminary investigation, prior to taking any action. Officers shall **not** accept custody of a person arrested by a party named in subsection B.2. without making their own determination of reasonable cause.
 - c. Officers shall attempt to obtain a statement from all arrested suspects and forward Miranda Rights cards to the Detective Unit.
 - d. Upon making a determination of reasonable cause to believe that a Retail Fraud offense has been committed, the dollar value will dictate the degree of charge. A custodial arrest should be made under the following circumstances:
 - (1) Any incident of first degree (over \$1000) retail fraud
 - (2) Second degree (\$200-\$1000) or third degree (under \$200) retail fraud if the suspect:
 - (a) Cannot be satisfactorily identified. Identification may be confirmed with other official government identification card, Kent County Correctional Facility booking photograph database, or Secretary of State driver's license photograph database.
 - (b) Has resisted apprehension, attempted to flee, or has falsely identified themselves.
 - (c) Commits or has committed any other crime during or immediately after the commission of the Retail Fraud offense.
 - e. Upon making a determination based upon probable cause to believe that a retail fraud offense has been committed, absent any of the above elements, order the suspect into the 61st District Court at 1330 hours on the Wednesday or Thursday of the following work week. Do not issue an appearance ticket.

If the suspect is also being barred from the premise, note the name of the employee who notified the suspect.

- f. Upon a determination based upon reasonable cause, arrest and take custody of all juvenile suspects.
 - (1) For retail fraud first and second degree offenses, officers shall:
 - (a) Transport the juvenile to KCCF for processing.
 - (b) Release the juvenile, after processing, to an appropriate responsible adult or to Juvenile Detention if an appropriate responsible adult cannot be located.
 - (2) For third degree offenses, officers shall transport the juvenile to an appropriate responsible adult or to Juvenile Detention if an appropriate responsible adult cannot be located. Processing at KCCF is not necessary.
 - g. Leave all stolen or altered property in the custody of the merchant with the advice to retain it for court proceedings.
 - h. Officers shall instruct the merchant to submit any video or photos to the Detective Unit.
4. Investigators assigned to the follow-up of all retail fraud complaints shall determine the appropriate degree of charge based on prior convictions.