



City of Racine Police Department
Policy and Procedure

Number: 1912

Subject: Retail Theft Complaints		
Date Issued: 09-20-89	Date Revised: 12-07-17	Revision Number: 7

POLICY

The Department investigates retail theft complaints intending to deter future violations, recover stolen merchandise and prosecute offenders.

PROCEDURE

When investigating retail theft incidents the following steps shall be taken:

MEMBER

1. Interview complainant and any witnesses.
2. Interview suspect(s), giving Miranda Warnings in accordance with Procedure #1111 (Miranda Warnings During Suspect Interviews). Juveniles, 16 years of age or under shall be, at a minimum, audio recorded during the interview.
3. Complete an Incident Report including an accurate retail value of the property.
4. Complete the appropriate UMCC or Arrest/Apprehension Form (RPD PP-13), when probable cause exists.
 - a. **Adults**
 - 1) **1st offense for retail theft of \$200 or less** – complete a UMCC (**NOTE:** any prior mention for theft as an offender or party to and not as a witness, you will charge for a second offense).
 - 2) **2nd offense or greater or over \$50.00** – complete an arrest header (**NOTE:** can also go Muni or State if less than \$50.00 stolen; officer discretion based on suspect criminal history, circumstances, etc.).
 - b. **Juveniles**
 - 1) **17 years of age** – treat as an adult.
 - 2) **16 years of age or under** – arrest on a Juvenile Apprehension Form.

NOTE

Children under the age of 10 may be apprehended for any offense. The seriousness of the offense, known prior contacts with the child, harm to innocent persons, and the welfare of the child should be the four main considerations when the decision is made to apprehend a child under 10 years of age. This applies to retail theft as well as any other long form apprehension. (Arrest Criteria Sheet - RPD 20). Refer to Policy & Procedure 910 – Apprehension of Children Under 10 Years Old.

5. All searches shall be in accordance with Procedure #1101 (Stop and Frisk) or as a search incident to an arrest. Do not utilize non-department personnel (store employees) to search the suspect.
6. Evidence of the crime shall be handled in the following manner:
 - a. Items not recovered by store personnel (members, witnesses, other citizens) should be inventoried in accordance with Procedure #1201 (Property Inventory Excluding Motor Vehicles) by the recovering officer.

- b. Store personnel shall hold items recovered by store personnel until the time for trial arrives.
- c. The recovering officer shall process contraband, weapons, or other evidentiary items recovered according to Procedure #1201.
- 7. Request a record check on the individual to locate any prior theft convictions and/or outstanding warrants
- 8. First-time adult offenders charged with ordinance retail theft may be released after issuance of the UMCC, after positive identification has been made, and after a clear warrant check.
- 9. Transport offender(s) by appropriate means.
 - a. **Adults (Criminal charge)** – to the LEC for processing under Procedure #901 (Arrest and Incarceration).
 - b. **Juveniles** – to RCSD for processing under Procedure #910 if appropriate. (Apprehension of Children Under 10 Years Old) or #911 (Photographing and Fingerprinting of Juveniles).
After processing:
 - 1) Felony charges – to the Police Department pending release to a Human Services Intake Worker or parent/guardian.
 - 2) Misdemeanor charges – release to a parent, guardian, or responsible adult. (Juvenile Intake will contact parents as to date, time, and location of appearance).
- 10. Advise the offender of their no contact status with the business in question.

Forward all reports to your Supervisor as soon as practical for his or her review.

- 11. Officers working off duty for a retail business, in a law enforcement capacity, shall handle all of the arrest/citation process.
 - a. When it is necessary to transport (a prisoner to jail, a juvenile home, etc.) the off-duty officer working for the retail business shall complete all paperwork except for the J-11 and contact Communications for on duty personnel to make the transport.
 - b. Except under unusual circumstances, on duty personnel should not be responsible for any paperwork other than the J-11 required by the Racine County Jail and completing the fingerprinting and photographing of juveniles when necessary.

SUPERVISOR

Check all reports for completeness and accuracy and distribute them appropriately.

SHIFT COMMANDER

- 1. When requested, determine the appropriate bond amount for each case.
- 2. Order offender to appear in appropriate court;
 - a. Felony charge – District Attorney’s office for preliminary hearing (retail value of items in excess of \$2500 but does not exceed \$5000 is a Class I Felony, \$5000 but does not exceed \$10,000 is a Class H Felony, & exceeds \$10,000 is a Class G Felony).
 - b. Misdemeanor Charge - \$2500.00 or less.
 - c. Municipal Charge - \$200.00 or less.
- 3. Review completed reports.

RELATED PROCEDURES

[Table of Contents](#)

[901– Arrest and Incarceration](#)

[910 – Apprehension of Children Under 10 Years Old](#)

[911 - Photographing and Fingerprinting of Juveniles](#)

[1101 – Stop and Frisk](#)

[1111 – Miranda Warnings During Suspect Interviews](#)

[1201 – Property Inventory – Excluding Motor Vehicles](#)