




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 Procedures	Effective Date: July 1, 2020	Amends/Supersedes: October 6, 2017 March 1, 2005	By Authority of the Chief of Police  Charles A. Penn
Accreditation Standard(s): ADM.02.02, ADM.02.03, OPR.04.02, OPR.04.03			

532.01 Shoplifting

I. Policy

Shoplifting creates concern about crime and public safety, which can negatively impact the overall quality of life in the community, especially the business community. The inability to control retail theft losses can sometimes force a store out of business. This department will assist merchants in prosecuting shoplifters to the fullest extent of the law.

II. Procedure

- A. Merchant Authority - The [Code of Virginia § 18.2-105.1](#), authorizes merchants or their agents or employees to detain a person suspected of shoplifting for a period not to exceed one hour based on probable cause that the person committed larceny, or concealed merchandise. The purpose of the detention is to hold the person until the arrival of a police officer.
- B. Police Authority - The authority of police officers to make arrests without a warrant is contained in the [Code of Virginia, § 19.2-81](#), which provides that an officer may make an arrest without a warrant for either a misdemeanor or felony shoplifting violation when the arrest is based on probable cause on a reasonable complaint of a person who observed the commission of the offense in violation of the [Code of Virginia § 18.2-103](#). Alternatively, an arresting officer may also issue a summons to any person arrested for a misdemeanor shoplifting violation.
- C. Probable Cause - Once the officer determines the scene is under control, probable cause for the detention must be established. The complainant must have the following first-hand knowledge concerning the offense:
 1. Shoplifter was observed approaching the merchandise.
 2. Shoplifter was observed selecting the merchandise.
 3. Shoplifter was observed concealing the merchandise.
 4. Shoplifter was observed without interruption.
 5. Shoplifter failed to pay for the merchandise.
 6. Shoplifter was approached outside of the store.
- D. Classification of Offense - The responding officer shall determine whether the offense is a felony or misdemeanor and proceed according to the following:

1. Felony - When the value of the goods or merchandise involved is \$1,000 or more or for a third or subsequent larceny offense in accordance with the [Code of Virginia, § 18.2-104](#).

- a. Adult - Provide complainant with the police case report number. Officers may make a warrantless arrest for this offense provided probable cause exists that suspect has committed a felony. The ACPD will process and transport all adult shoplifting offenders.
- b. Juvenile - Verify the age of the offender. If an offender claims to be a juvenile, and verification cannot immediately be made, the offender must be processed as a juvenile until it is determined otherwise. Obtain all available information on the offender and give it to the complainant along with the case report number.

Officers should make every effort to contact a parent or guardian from the business. The juvenile will be released to a parent or guardian if one is available. If a parent/guardian is contacted and is not able to respond to the business in a reasonable amount of time, the parent/guardian may specify the means by which the juvenile may return home. The primary officer shall advise the juvenile's parent/guardian a petition may be pending for the juvenile's arrest.

If a parent/guardian cannot be located, a supervisor will be notified and arrangements will be made to place the juvenile in detention. The primary officer shall provide the complainant with the police case report number and all available identification information on the offender and instruct the complainant to obtain a petition for the juvenile's arrest through the Juvenile and Domestic Relations Court.

2. Misdemeanor - When the value of the goods or merchandise involved is less than \$1,000 and the offense is not a third or subsequent larceny offense. The [Code of Virginia § 19.2-81](#) allows officers to arrest without a warrant for an alleged misdemeanor not committed in their presence involving shoplifting in violation of [§ 18.2-96](#) or [§ 18.2-103](#).

- a. Adult - Provide complainant with identification information of arrestee and a police case report number. Issue a Virginia Uniform Summons (VUS) unless the arrestee:
 - (1) Refuses to give written promise to appear.
 - (2) Appears likely to disregard the VUS.
 - (3) Reasonably believed likely to cause harm to himself, or another person.
 - (4) If an arrestee does not qualify for a release on a VUS, follow the procedure for a felony arrest
- b. Juvenile - Follow the same procedure as for juvenile felony above; juveniles are not eligible for release on a VUS.

E. Evidence - Generally, photographs should be taken of shoplifted items in accordance with the [Code of Virginia, § 19.2-270.1](#), unless there is a good reason to impound an item. Any goods or merchandise should be returned to the merchant, owner or agent of the store where the offense occurred. When possible take photographs with the price tag attached to the item. Any recovered property not returned to the store and evidentiary photographs must be turned into the Evidence & Inventory Management Unit as evidence or for safekeeping. Evidentiary photographs of merchandise shoplifted must include:

1. A description of the item.
2. The owner and manner of identification.
3. The name of the business.
4. The name of the accused.
5. The name of the arresting or investigating officer.
6. The date of the photograph.
7. The name of the photographer.

F. Special Conditions and Exceptions

In the unlikely event that a [Special Conservator of the Peace \(SCOP\)](#) appointed in accordance with the [Code of Virginia §19.2-13](#) makes a shoplifting arrest the procedure outlined above will be followed.