



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 406.2

Subject: Response to Selected Situations

Topic: Shoplifting

Accreditation: ADM.02.04, 02.05, OPR.04.02, 04.04

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Reaffirmed:

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I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for deputies investigating shoplifting offenses.

II. PROCEDURE

A. Processing Adult Shoplifters Arrested by Store or Security Personnel who are not commissioned as Special Police Officers

1. The assigned deputy should respond to the scene, being constantly aware that a detained shoplifter may be a serious physical threat to all individuals concerned
2. The deputy should discuss the offense with the merchant, agent, or security guard to determine if an offense has actually occurred and if the merchant has established probable cause for the apprehension. Prior to these determinations, the deputy does not have the right to conduct a body search for evidence of the offense, but they may upon reasonable fear for their safety, conduct a pat-down search of the subject's outer clothing for weapons. Any object thought to be a weapon, and later found to be other evidence, is admissible as to the offense
3. If the price of the merchandise would constitute a misdemeanor (less than \$200.00), the deputy should telephone communications and request a record check to determine if the current arrest would be for a felony or a misdemeanor
4. The knowledge of the merchant, agent, or security guard concerning the offense must be first-hand
5. If the offense is a felony (greater than \$200.00, or a third petit larceny):
 - a. The deputy shall take the suspect into custody and obtain all the reporting person's information for a witness subpoena. The deputy should advise the reporting person that their attendance in court will be required
 - b. Transport the arrestee to the magistrate and obtain a felony warrant. Once that is obtained, the suspect should be taken to the Adult Detention Center for normal arrest processing
6. If the offense is a misdemeanor (and not a third time offense):
 - a. A misdemeanor summons may be issued by the deputy unless the arrestee:

1. Refuses to give written promise to appear
 2. Appears likely to disregard the summons
 3. Is reasonably believed likely to cause harm to himself or another person
 - b. If an arrestee does not qualify for a summons as indicated above, the processing must follow the procedure for a felony arrest.
- B. Processing Juvenile Shoplifters Arrested by Store or Security Personnel
1. The deputy should verify the age of the offender. If the offender contends that they are a juvenile, and verification cannot immediately be made, they must be treated as such until a determination to the contrary is made. Determining an offender's age and identification should be accomplished through whatever means available to the deputy at the time and caution should be taken to assure that a juvenile is not processed as an adult offender.
 2. If the offense is a felony:
 - a. Obtain all available information on the offender, and give a copy of that information to the complainant, along with the incident number
 - b. Advise the complainant to respond to the Juvenile Intake Office to begin application process for a juvenile petition
 - c. If an officer is not available through the Juvenile Intake Office, the shift supervisor must be contacted regarding the determination and authorization for detention of the juvenile
 - d. Release of the juvenile should be to either a parent, legal guardian, or adult approved by a juvenile officer. If release is to a parent or legal guardian, they should be advised that a petition is being sought
 3. If the offense is a Misdemeanor
 - a. Every effort should be made to contact a parent from the store. A parent, if reached, may be requested to respond to the store for release of the juvenile
 - b. If a parent responds or if the deputy is assured of proper identification, the deputy may release the juvenile at the scene after advising the parent and juvenile that a juvenile petition will be sought. Factors to be considered in this action are the same as those for the release of an adult on a

misdemeanor summons

- c. The complainant should be advised to respond to the Juvenile Intake Office during normal working hours to begin application process for a juvenile petition
5. A juvenile officer should not be required to respond to the retail establishment unless the circumstances require their immediate attention. This determination should be made at the discretion of a Field Operations supervisor.

III. REPORTS

In all instances, it shall be the responsibility of the deputy assigned as primary unit to complete an IBR Report. The only exception will be in the case of release of an adult on a misdemeanor summons by a sworn special police officer.

IV. GENERAL CONSIDERATIONS

Although compliance must be made with certain agency policies, the deputy's personal discretion is an important factor in the handling of shoplifter calls. Possible problem areas are discussed below

- A. The option of issuing a misdemeanor summons offers an efficient, less time-consuming method for handling shoplifting calls. It should be used in all instances, except when circumstances indicate that the suspect may represent a physical harm to themselves or others or when it appears that they would be likely to disregard their written promise to appear in court
- B. When a deputy issues a misdemeanor-shoplifting summons, they are acting as a legal vehicle through which a subject is entered into the criminal justice system. They are not considered the arresting deputy in the traditional sense and they generally will have responsibility to appear in court in subsequent prosecution
- C. Virginia State Code 19.2-270.1 allows for the introduction of a photograph of shoplifted property as competent evidence. The process of authentication of these photographs is rather involved and the decision to use a photograph should be made only after careful deliberation and not merely at the request of the merchant. Factors to be considered include:
 1. Is the item perishable
 2. Would the impounding of the item represent an undue hardship to the merchant
 3. Does the size or nature of the item make impounding impractical
- D. When a sworn special police officer has decided not to release a misdemeanor on a

summons, their decision should not be overruled by the deputy without adequate justification