

THEFT

POLICY:

It is the policy of the Omaha Police Department (OPD) to collect information and report on the theft of various items and services and to provide victims with information concerning their rights. These reports and the information obtained from the victims will be used for investigative and prosecution purposes.

PROCEDURE:

- I. Checks Reported Stolen when there is no evidence at the time of reporting to suggest that the checks have been forged.**
 - A. Officers shall complete an Incident Report ([OPD Form 189](#)).
 - B. Officers shall include the appropriate theft offense category in the report.
 - C. Officers shall inform the victim of the need to advise their financial institution of the theft.
 - D. Officers shall give the victim an Omaha/Douglas County Victim/Witness Assistance Brochure ([OPD Form 51](#)).
- II. Credit, Debit, or Instant Cash Cards Reported Stolen and there is no evidence or knowledge that they have been used fraudulently.**
 - A. Officers shall complete an Incident Report ([OPD Form 189](#)).
 - B. Officers shall include the appropriate theft offense category in the report.
 - C. Officers shall inform the victim of the need to advise their financial institution of the theft.
 - D. Officers shall give the victim an Omaha/Douglas County Victim/Witness Assistance Brochure ([OPD Form 51](#)).
- III. Failure to Return Rented or Leased Property**
 - A. Officers shall NOT prepare an Incident Report ([OPD Form 189](#)) when rented and/or lease items are not returned. Omaha City Prosecutors and Douglas County Attorneys deem these incidents as contractual disputes and civil matters.

EXCEPTION: Officers shall refer to the "[Vehicles Reported Stolen](#)" policy for theft of leased or rented vehicles.
 - B. Officers shall advise rental and leasing business to contact the city prosecutor and/or county attorney.
 - C. Officers shall refer to the OPD Policy "Property - Non-Criminal Property Disputes" for replevin and repossession procedures.

EXCEPTION: If the facts indicate that the individual who rented the property appeared to do so with the intent of permanently defrauding the business of its merchandise, i.e., using fictitious or false information, the officer shall complete an Incident Report ([OPD Form 189](#)).
 - D. Officers shall give the victim an Omaha/Douglas County Victim/Witness Assistance Brochure ([OPD Form 51](#)).

IV. Bicycles Report Stolen

- A. Officers shall complete an Incident Report ([OPD Form 189](#)) detailing the following items:
 - 1. Estimated value of the bicycle.
 - 2. Make and Model Name/Number.
 - 3. Serial Number.
 - 4. Speed (i.e., 3-speed, 10-speed, etc.).
 - 5. Color.
 - 6. Size (i.e., 24-inch, etc.).
 - 7. Boys or Girls type.
 - 8. Any identifying marks or accessories.
- B. Officers shall list the victim on the report as an adult.
- C. Officers shall give victim an Omaha/Douglas County Victim/Witness Assistance Brochure ([OPD Form 51](#)).
- D. The Data Review Squad shall assign the report to the appropriate unit in the Criminal Investigations Bureau (CIB) for investigation.
- E. The Evidence and Property Unit shall assist CIB units with ownership identification of all recovered bicycles.

V. Theft of Services

- A. Officers responding to thefts of restaurant food, taxi rides, and gasoline shall complete an Incident Report ([OPD Form 189](#)).
- B. Officers shall use the "Theft of Services" offense category in their reporting for these services when:
 - 1. An individual(s) obtains food and/or drinks in a restaurant and does not pay the bill.
 - 2. An individual(s) obtains a ride without paying the fare.
- C. Officers shall use the "Theft – All Other" offense category in their reporting when an individual obtains gasoline for a vehicle and leaves without paying.
- D. The officer will attempt to collect information such as the name of a suspect, a date of birth, and suspect vehicle license number.
- E. If the officer collects sufficient information to identify the suspect, the officer shall attempt to locate and interview the suspect.
- F. If the suspect makes an admission about the theft and/or the officer collects information to support an arrest, the officer shall make the arrest or issue a citation.

- G. If the suspect is identified but cannot be located, the officer will advise the business owner to contact the City Prosecutor's Office to provide the results of the police investigation and to request a warrant for the suspect.
- H. For the non-payment of a bill at gasoline service stations, officers should advise the business owner that the suspect must be identified as the driver (rather than the owner) of the suspect vehicle before the City Prosecutor's Office will prosecute the suspect.
 - 1. If the business owner or attendant has only a license plate number and the driver is unknown, a warrant cannot be obtained. However, the business owner may contact an attorney for possible civil action.
 - 2. Officers may refer the business owner who has a license plate number to the Nebraska Department of Motor Vehicles (DMV). Business owners can apply to the DMV for information about the vehicle's registered owner.
 - a. At the time of the initial report, officers will not provide any vehicle registration information obtained from Channel 6 to the business owner.
 - b. The Telephone Report Squad (TRS) will not provide vehicle registration information to callers. TRS operators may refer callers to the DMV.
- I. Officers shall give victim an Omaha/Douglas County Victim/Witness Assistance Brochure ([OPD Form 51](#)).

VI. Grading of Theft Offenses

- A. Nebraska Revised Statute (NRS) [§28-518](#) details the penalties for theft offenses depending upon the value of the item(s) stolen.
 - 1. The statute also details that a penalty may be enhanced if a person has prior convictions for theft. Prior convictions do not need to be of the exact same type of theft in order for a penalty to be enhanced.

EXAMPLE: A suspect may have a prior conviction for Theft by Shoplifting and is currently facing a charge of Theft by Unlawful Taking.
 - 2. Theft convictions under state statutes can be enhanced, but theft convictions under city ordinances cannot be enhanced.

VII. Handling of Stolen Property

- A. Officers shall thoroughly document in their reports as much identifying information as possible about the stolen property.
 - 1. This should include the make, model, serial number, identifying marks, and/or the approximate value of the property at the time it was stolen. The time, date, and location where the theft occurred shall also be documented (NRS [§28-511.01](#)).
 - 2. Officers shall document the name(s) and contact information of the victims and/or owners of the property that they spoke to while on the scene (NRS [§28-511.01](#)). If officers spoke to witnesses, their names and contact information shall also be documented.

- B. When stolen property is recovered, officers shall document the recovered property via a marker on their Body Worn Camera (BWC) recording (NRS [§28-511.01](#)). Officers shall ensure they capture the totality of the recovered property when using their BWC.
1. If a victim has taken photos and recordings of evidence, and wants to send this information to officers, officers may send an Axon Community Request link to the victim in order to collect the photographic evidence.
 2. Recovered property that has no evidentiary value shall be returned to the victim and not booked into the OPD Evidence and Property Unit (EPU).
- NOTE:** Evidentiary value means that property needs to be processed by the OPD Forensic Investigations Unit (FIU). In these instances, officers shall contact FIU to process the evidence.
- a. If an officer is not sure whether an item should be booked into EPU or returned to the victim, they shall consult with their command staff for guidance.
 - b. Officers shall refer to OPD's "[Evidence and Property – Management](#)" and "[Evidence and Property Handling](#)" policies for procedures on booking stolen property into EPU.
- C. If a suspect possesses property that the victim does not recognize as their own, and the officer develops probable cause or reasonable suspicion (Nebraska State Constitution – NSC [§1-7](#)) that the property may have been stolen from a business and/or stolen from a citizen, officers shall book the items into the OPD Evidence and Property Unit (EPU) per OPD policies and procedures. See the OPD "[Evidence and Property – Management](#)" and "[Evidence and Property Handling](#)" policies for details.
1. When officers complete reports, they shall thoroughly document the reasons they took the property from the suspect(s) and booked it into EPU (NRS [§28-511.01](#)).
- EXAMPLE 1: If the suspect possesses property with a spider wrap anti-theft device, this could be evidence that the property was stolen from a business. Officers shall document this detail in their report(s).
- EXAMPLE 2: If the suspect possesses credit cards and the names on the cards do not match the suspect or known victim, and the suspect cannot produce evidence that they are in legal possession of the cards, officers shall document this information in their report(s). See the OPD "[Credit Cards – Seizure of Stolen Credit Cards](#)" policy for more information.
2. Officers shall document the suspected stolen property via a marker on their BWC recording, when feasible, prior to booking the property into EPU (NRS [§28-511.01](#)).
 3. If an officer cannot develop probable cause or reasonable suspicion, the officer shall document the property via a marker on the BWC recording, when feasible, and thoroughly document the property in their report(s). Officers shall NOT book the property into EPU under these circumstances.
- D. Officers shall refer to the CIB Operations Manual for more details on handling stolen property.

REFERENCES:

I. Laws

- A. Nebraska State Constitution (NSC) §[1-7](#) (for definitions of probable cause and reasonable suspicion).

II. Previous OPD Orders

- A. Previous General Orders: #81-71, 25-87 Supplement #1, 127-88, 21-03, 103-16, and 23-24.

III. Other

- A. PPM Monthly Updates: #08-2021, 05-2022.