

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: Shoplifting		Number: 615	
Effective Date: March 26, 2019		Review Date:	
New X Amends Rescinds		General Order 615, dated May 03, 2012	
Authority: Antonio DeVaul, Chief of Police		Total Pages 3	

01 Purpose: To establish policy and guidelines for the charging and/or transporting of persons arrested without a warrant by security personnel, non-security personnel and private citizens.

02 Policy: The department will assist and cooperate with store employees and security staff in the detection, apprehension and prosecution of persons accused of theft (shoplifting). However, officers shall adhere to policy contained in Section 4-211(b) (2) of the Maryland District Court Rules, whenever a subject is arrested. Should a subject meet the requirements for issuance of a Criminal Citation, officers will follow the guidelines in General Order 656 - Criminal Citation / Municipal Infraction.

03 District Court Rule, Defined:

A. Section 4-211(b)(2) of the Maryland District Court Rules states:” ...when a defendant is arrested without a warrant, unless an information is filed in the District Court, the officer who has custody of the defendant shall (A) forthwith cause a statement of charges to be filed against the defendant in the District Court and (B) at the same time or as soon thereafter as is practicable, file an affidavit containing facts showing probable cause that the defendant committed the offense charged.”

B. When taking a person accused of shoplifting into custody without a warrant, the officer shall be responsible for the transporting, charging and prosecution.

04 Maryland Uniform Criminal/Civil Citation:

A. Maryland Code, Criminal Procedure Article, §4-101 allows officers to charge defendants with misdemeanor thefts on a Maryland Criminal Citation. If the store representative requests that charges be placed against the defendant, **and** there is probable cause that the defendant committed the offense, **and** the defendant meets the criteria outlined in General Order 656, the officer shall issue a citation. The defendant will be released from the scene after signing the citation. The store representative will be advised that a summons will be sent to all witnesses by the District Court.

B. Whenever said citation is issued, the officer will complete a Crime Report and will list all witnesses at the top of the crime report. Officers will complete the Citation as described in General Order 656, ensuring that the property value is indicated on the Citation.

05 Arrests and/or Transport:

A. Whenever a police officer is called to the scene of a shoplifting offense and verifies that a crime was committed, he/she shall complete a Crime Report. The shoplifter will only be taken into custody under the following circumstances:

1. When the value of the stolen property exceeds \$1500 and sufficient probable cause has been established.

2. The shoplifter is apprehended, and Statement of Charges is completed, by a Special Police Officer licensed by the State of Maryland.
3. When the suspect does not possess positive identification to the satisfaction of officers on the scene, or claims no fixed address.
4. When there are extenuating circumstances and the arrest complies with the Laws of Arrest as enumerated in Maryland Code, Criminal Procedure Article, §§2-101, 2-102, 2-201 to 2-203.

06 Charging by citation

A police officer may charge a defendant by citation only if;

- a. The officer is satisfied with the defendant's evidence of identity,
- b. The officer reasonably believes that the defendant will comply with the citation,
- c. The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to the public safety,
- d. The defendant is not subject to arrest for another criminal charge arising out of the same incident, and
- e. The defendant complies with all lawful orders by the officer.

07 Juvenile Offenders: When it has been determined that the shoplifter is a juvenile, the case will be handled according to established procedure regarding juvenile arrests, regardless of the monetary value of the property. Do not issue a Citation to a juvenile under these circumstances.

08 Identification of the Accused: If there is any doubt as to the positive identity of a suspect, he/she will be taken into custody. Wanted checks will be conducted on all shoplifting suspects before they are released.

09 Other Offenses Committed During the Offense: If the defendant commits other offenses during the course of the shoplifting that require a physical arrest, the officer **will not** issue a Citation. Procedure does not allow for arrest on one charge, and issuance of a Citation on a related offense. Under these circumstances, the suspect will be taken into custody.

10 Apprehensions by Special Police Officers:

A. When a Special Police Officer makes an arrest, he/she will:

1. Complete a Statement of Charges.
2. Request police assistance.
3. Show the officer his/her Special Police credentials.
4. Turn the prisoner and the charging documents over to the police officer.
5. He/she must appear when the prisoner is taken before the Commissioner.

B. The responding officer will:

1. Review the charging documents for correctness and completeness.

2. Obtain sufficient information to complete the Crime Report.
3. Transport the prisoner to the station for processing and/or directly to the CPU for processing and appearance before the Court Commissioner.

11 Apprehensions by Takoma Park Officers:

A. If an officer apprehends an adult shoplifter outside of the store for stealing, or attempting to steal, property valued at less than \$100 and not greater than \$1500 **and** the store representative requests prosecution, the officer will either issue a Criminal Citation or make a custodial arrest, at the officer's discretion.

B. If the value of the property exceeds \$1500 and/or the suspect is a juvenile, the officer will proceed as described in paragraphs **04 through 10** of this General Order.

12 Evidence: When the arrest is made by a Special Police Officer, he/she will retain all evidence. Evidence seized during arrests by Takoma Park Police Officers will be handled according to department procedure.

13 Civil Penalties for Shoplifting: Under the Annotated Code of Maryland - Courts and Judicial Proceedings Article - Section 3-1301 through 3-1308, merchants can seek civil damages and penalties from shoplifters. The Civil remedies provided by law are separate from criminal prosecution. Storeowners will be expected to cooperate fully in the prosecution of the criminal matter, regardless of the civil matters that may be pursued. Officers will not become involved in any negotiation regarding civil remedies sought by a storeowner.

14 Shift Supervisor Responsibilities: The shift supervisor will inspect all criminal citations to ensure that they are properly completed. Particular attention will be focused on the wording of the charges, penalties and the court date. All citations will be forwarded to Administrative Section within 24 hours of issuance. The shift supervisor will also check the report, ensuring that all pertinent information is included in the report, including any witness(es) associated with the incident.

15 Support Services Responsibilities:

A. The Commander of Support Services, or designee, will forward to the court all citations and witness requests within 3 days of receipt. Each citation will be inspected to ensure that a court date is indicated.