

SOUTH BEND POLICE DEPARTMENT

RETAIL THEFT GUIDE

Apprehension to Deterrence



Introduction

The South Bend Police Department has established this guide to assist the retailers in dealing with a variety of issues such as:

1. Shoplifting / Self reporting
2. State Statues
3. Banning / Trespassing
4. Prevention

Shoplifting / Theft Self Report

- Safety First! Always know and follow store policies and procedures and jurisdictional laws concerning the apprehension and detention of individuals.
- This manual is a guideline and should not be considered legal advice, you should rely on store policies and independent legal counsel for legal advice.
- The shoplifting report needs to be filled out completely by Loss Prevention, Store Manager or other responsible party. The reporting party should be willing to testify in court as to what they saw / did should it come to that.
- The shoplifting self report on www.southbendpolice.com is the only report that is acceptable. Hand written reports will not be accepted.
- The report needs to include the elements of the crime including but not limited to:
 - Selecting the merchandise.
 - Concealing the merchandise
 - Changing the price tag
 - Failing to pay
- If the shoplifter has concealed an item / changed a tag and they are still in the store, time permitting SBPD will stand by as store employees make a stop on the suspect. We will not wait outside for the suspect to leave the store as this increases the possibility of a pursuit which could endanger the public. The store is still responsible for self reporting the crime whether an officer assists or not.

- The store will be responsible for maintaining their own evidence / store report in a secure location. The original photos, store video and report may be needed at a later date for trial. It is suggested that the items be kept in a locked room / cabinet. Only copies should be submitted with the self report.

Self-reporting Guidelines

Theft of \$50 or less with the suspect in custody:

The store calls SBPD Dispatch and provide the suspect's name and date of birth noting that the theft was for less than \$50. Dispatch will check local warrants (adult and juvenile) for prior theft or criminal conversion CONVICTIONS. If there are no warrants or convictions the store will be given a case number and advised to self report the Theft as no car will be dispatched. Should the suspect be disruptive or they don't have ID, as a last resort a Police Officer will be dispatched to help calm the situation and identify the suspect. The store will still be responsible for submitting a self report. A printed copy of the report along with copies of the store video, suspect photo and photos of the stolen items will need to be forwarded to:

South Bend Police Department
Detective Bureau
701 W Sample
South Bend, IN 46601

Theft of \$50 or more with a suspect in custody:

- The store will call SBPD Dispatch and provide the suspect's name and date of birth noting that the theft was for more than \$50. Dispatch will advise the store that an officer will be dispatched to their location.
- When the officer arrives they will assess the situation, preferably making an arrest (if there is probable cause).
- The officer will complete the appropriate SBPD paperwork and transport the suspect to the jail.
- The store will be responsible for completing their self report along with copies of their store video / suspect photos by the end of the reporting Loss Prevention employee's shift.

Self-reporting Guidelines continued

Theft with no suspect in custody:

- The store will fill out a self report form the store will call the front desk to generate a case number, no cars will be dispatched.
- Should there be video, a copy of it needs to be submitted with a hard copy of the self report form, in addition any photos of the suspect suitable for identification / facial recognition needed to be saved to the video disk along with a hard copy of the suspect photo.
- The shoplifting report, photos and disk need to be submitted to:

South Bend Police Department
Detective Bureau
701 W Sample
South Bend, IN 46601

South Bend Police Department
Numbers you should know

- S.B.P.D. FRONT DESK 574-235-9201
- DETECTIVE BUREAU 574-235-9263
- CRIME PREVENTION UNIT 574-235-9037
- EMERGENCY -911
- ST. JOE COUNTY PROSECUTOR 574-235-9544

Indiana I.C. Codes

I.C. 35-43-4-1 / Definitions

Sec. 1. (a) As used in this chapter, "Exert control over property" means to obtain, take, carry, drive, lead away, conceal, abandon, sell, convey, encumber, or possess property, or to secure, transfer, or extend a right to property.



Indiana I.C. Codes continued

IC 35-43-4-2 Version b

Theft; receiving stolen property

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor. However, the offense is:

- (1) a Level 6 felony if:
 - (A) the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (50,000); or
 - (B) the person has a prior unrelated conviction for:
 - (i) theft under this section; or
 - (ii) criminal conversion under section 3 of this chapter

IC 35-43-4-4/Evidence

Sec. 4. (a) The price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value and ownership of the property.

(b) Evidence that a person:

- (1) altered, substituted, or transferred a universal product code (UPC) or another product identification code, label, price tag, or price marking on property displayed or offered for sale or hire; or
- (2) transferred property displayed or offered for sale or hire from the package, bag, or container in or on which the property was displayed or offered to another package, bag, or container; constitutes prima facie evidence of intent to deprive the owner of the property of a part of its value and that the person exerted unauthorized control over the property.

(c) Evidence that a person:

- (1) concealed property displayed or offered for sale or hire; and
- (2) removed the property from any place within the business premises at which it was displayed or offered to a point beyond that at which payment should be made; constitutes prima facie evidence of intent to deprive the owner of the property of a part of its value and that the person exerted unauthorized control over the property.

Banning and Trespass

Part of the practice related to shoplifting often involves banning of- fenders from the store in which they commit the offense. When a business chooses to ban an offender as a result of their actions or behaviors, the offender should be served with a ban or trespass no- tice. The offender should sign the ban letter and receive a copy of that letter. The original notice should be retained by the store in a file . Whether or not police are called about the incident, the letter should be completed if the retailer does not want the offender back on the property. Be sure to include a copy of the letter with any self- reporting documents or a store report submitted to the police. If the offender returns and the terms of the ban letter are still in effect, call the police to address the unlawful trespass of the banned subject.

Trespass Notice:

To: _____
YOU ARE HEREBY NOTIFIED THAT BECAUSE OF YOUR MISCONDUCT YOUR PATRONAGE IS NO LONGER WELCOME AT _____ LOCATED IN ST. JOSEPH COUNTY, INDIANA. SHOULD YOU ENTER THE PREMIS- ES OF _____

AFTER SERVICE OF THIS NOTICE, YOU WILL BE PROSECUTED FOR TRESPASS AND SUBJECT TO A FINE OF UP TO \$5,000.00 AND IM- PRISONMENT OF UP TO ONE YEAR AS PROVIDED IN I.C. 35-43-22.

DATE: _____ Manager / Agent: _____

SERVED ON THE WITHIN NAMED: _____

DATE: _____ SERVED BY: _____

WITNESSED BY: _____

OFFENDER SIGNATURE: _____

Fingerprint (Optional)



Shoplifting Prevention

As we have all heard the saying, Prevention is your best protection against crime, the Crime Prevention Unit would like you be aware of the following safety tips in regards to store layouts and displays.


- Eliminate clutter and obstructions.
- Refrain from placing goods close to entrances and exits.
- Create clear line of sight lines in aisles.
- Reduce the height of displays to create more visibility.
- Provide good even lighting throughout the shopping area.
- Carefully place mirrors or cameras to view difficult areas.
- Try to reduce crowding near displays of high-risk items.
- Move popular items into higher security/visibility zones that has more staff or surveillance.
- Try to reduce the number of exits, blind corners and recesses.
- Keep check-out lanes moving to reduce congestion, waiting and the opportunity to conceal merchandise.

Other helpful tips:

- Restrict the number of unaccompanied children in smaller stores.
- Establish and post clear rules for the use of changing rooms.
- Keep high value items in locked displays or secure them with cable locks or security hangars.
- Require proof of purchase for refunds.

Crime Prevention

The Crime Prevention Unit of the South Bend Police can assist you in a variety of ways. As a public service for the businesses located within the city limits the following is available at no cost;

- Security assessments
 - Robbery / Personal Safety talks
 - Workplace violence talks
 - Trespass / Banning notices
 - Safety material / handouts
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Wrapping things up

Stores should hire sufficient numbers of staff to properly oversee goods and customers. This is especially true during the high risk times a year when shoplifting may be more prevalent. Stores should train staff to be attentive to customers and be on the alert for thieves. Stores should also train their staff on their company's policy for dealing with or apprehending shoplifters.

Stores should use best business practices which is just that, practices not law. Follow Indiana Law regarding retail theft and apprehension in conjunction with your stores policy on retail theft. Loss prevention officers and managers need to know and understand how to properly apply statutes to determine their best business practices.

The South Bend Police Department hopes that through information sharing and partnership with our local retailers you will see a decrease in inventory loss. This will also allow both the business and the police department maintain an effective and efficient balance of time and resources.

Additional Resources

- www.southbendpolice.com
- www.shopliftingprevention.org
- www.asisonline.org
- www.jewelerssecurity.org
- www.nrf.com
- www.losspreventionmagazine.com

