

CHIEF OF DETECTIVES

NOTICE

1.8

March 26, 2019

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: ASSEMBLY BILL 1065 – ORGANIZED RETAIL THEFT

The purpose of this Notice is to provide guidelines to assist officers with field investigations and arrests involving Organized Retail Theft (ORT). Assembly Bill 1065 creates the crime of Organized Retail Theft (Penal Code Section 490.4) effective January 1, 2019.

- (1) ORT: The law states that anyone acting in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplace with the intent to sell, exchange, or return the merchandise for value is guilty of Organized Retail Theft.
- (2) Receiving Stolen Property: The law also states that anyone who acts in concert with two or more persons to receive, purchase or possess merchandise described above knowing or believing it to have been stolen is also guilty of the crime.

The law further establishes that jurisdiction for theft, receiving stolen property and organized retail theft shall include: the county where an offense occurred; the county where the merchandise was recovered; or, the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense.

PROCEDURES

When the victim reports theft, which is possibly an ORT, officers shall consider the following when conducting a preliminary investigation:

- Did the theft occur within the City of Los Angeles;
- Was more than one suspect involved in the crime; and,
- What evidence supports the commission of the crime of ORT (e.g. physical evidence such as video footage, online activity, incriminating statements).

When officers are investigating the receipt, purchase or possession of stolen property that is possibly the result of ORT, they shall consider the following:

- Was the merchandise received in the City of Los Angeles;
- Was the merchandise recovered within the City of Los Angeles;
- Did the suspect act in concert with two or more persons to receive, purchase or possess the stolen merchandise; and,
- What evidence supports the commission of the crime of ORT (e.g. physical evidence such as video footage, online activity, incriminating statements).

OFFICER'S RESPONSIBILITIES. Once the determinations are made, officers shall do the following:

- Ensure the elements of either misdemeanor or felony Organized Retail Theft are met when arresting individuals for this violation;
- Notify a Department supervisor; and,
- Notify Commercial Crimes Division (CCD) for booking and related advice.

Note: Officers will review the criminal history of each arrestee to determine if any prior arrests for the same violation within a 12-month period occurred and the aggregated value of the thefts exceeds \$950.00. If these criteria are met, officers shall book for the felony charge.

SUPERVISOR'S RESPONSIBILITIES. A supervisor shall review the circumstances of the report and ensure that officers have established the elements of either misdemeanor or felony Organized Retail Theft. The supervisor shall also ensure the arresting officers contact CCD for booking and related advice.

Commercial Crimes Division's Responsibilities. Commercial Crimes Division (CCD) shall:

- Provide advice and assistance to Area Patrol and Detective Division personnel with Organized Retail Theft investigations;
- Act as the Department liaison for Organized Retail Theft investigations with other law enforcement agencies, government agencies, and community groups;
- Maintain information on current and proposed Organized Retail Theft investigations and legislation; and,
- Provide Organized Retail Theft investigations training materials to Area Burglary and Theft Coordinators to assist in training.

Note: Commercial Crimes Division has traditionally assumed investigative responsibility for Organized Retail Theft crimes when the incidents span multiple geographic Areas, are highly complex in nature, involve substantial monetary loss, and when an organized theft ring/group was identified in committing the crime.

The Commanding Officer, CCD, has responsibility for determining which Organized Retail Theft crimes will be investigated by CCD.

WATCH COMMANDER'S RESPONSIBILITIES. When made aware of an arrest for Organized Retail Theft, the Watch Commander shall verify the elements of the crime have been committed and ensure the required notification to CCD was made.

COMMANDING OFFICER'S RESPONSIBILITIES. Area Commanding Officers shall be responsible for compliance with this Notice.

All Concerned Personnel

Page 3

1.8

Should you have any questions regarding this Notice, please contact Commercial Crimes Division, Detective Services Group, at (213) 486-8430.

APPROVED:



SEAN W. MALINOWSKI, Deputy Chief
Chief of Detectives



BOB GREEN, Deputy Chief
Chief of Staff
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