

**Date Revised:** 10/31/2019

**Course Goal:** To teach recruit officers laws related to property crimes.

**Learning Objective:**

- Recognize the crime elements required to arrest for:
  - Burglary [\[6.1.A.4\]](#)
  - Shoplifting [\[6.1.A.5\]](#)
  - Possession of burglar tools [\[6.1.A.6\]](#)
  - Possession of or receiving personal property with altered serial numbers or identification marks [\[6.1.A.7\]](#)
  - Receiving stolen property [\[6.1.A.8\]](#)
  - Forgery [\[6.1.A.9\]](#)
- Recognize the crime classification as misdemeanor or felony [\[6.1.B\]](#)

**Session Time: 2 Hours**

<p><b>Resources:</b></p> <ul style="list-style-type: none"> <li>• Classroom with tables</li> <li>• Overhead projector</li> <li>• Computer with multimedia software and Microsoft PowerPoint</li> </ul>	
<p><b>Session Summary:</b> The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.</p>	
Outline	Instructor's Notes
<p>I. Theft Crimes        A. Burglary, PC 459 [2] [6.1.A.4]          1. Elements            a. The entry to a building or specified structure or commercial structure during non-business time              1) Forced entry not needed              2) Physical entry not needed                a) Tools, instruments                b) Use of animals              3) Entry not fulfilled if person entering owns or leases building              4) Building needs walls on all sides and a roof</p>	<p><u>TTS 6.1.A.4</u></p> <p style="text-align: center;"><b>Power Point Slides # 1 - 7</b></p> <ul style="list-style-type: none"> <li>• Instruct recruits to <b>look up</b> PC 459 in penal code books</li> <li>• Identify the necessary elements for burglary</li> <li>• <b>Explain</b> that although the PC book includes vessels and aircrafts, we will only be concentrating on burglaries of structures or vehicles.</li> <li>• <b>Discuss</b> each element of burglary in detail and identify actions which will fulfill each element.</li> </ul>

- 5) Walls must act as significant barrier with no cutting or breaking. Therefore a house under construction may or may not fit definition
  - b. With the intent to commit
  - c. Theft or any felony
2. Felony
3. Under Prop 47, not a burglary if occurs in commercial structure during regular business hours and item or intent for item is less than \$950. (Must be Prop 47 eligible)
4. Vehicle Burglary
  - a. Burglary occurs at point entry is made
  - b. Vehicle must be locked so that entry is forced, which includes pushing open wing window
5. Intent
  - a. Must exist at time of entry
  - b. Even if theft or intended felony was not completed, crime of burglary still completed
6. Degrees of burglary
  - a. First degree- burglary of inhabited specified structures
  - b. Second degree- all other burglaries
- B. Shoplifting [1] [6.1.A.5]
  1. Elements
    - a. The entry to a commercial establishment
    - b. With the intent to commit larceny
    - c. During regular business hours
    - d. The value of the property to be taken or intended to be does not exceed \$950
  2. Misdemeanor (unless not Prop 47 eligible)
- C. Possession of Burglary Tools, PC 466 [6.1.A.6]
  1. Elements
    - a. The possession of certain tools

**Run** Learning Activity # 1 in conjunction with **PowerPoint Slides # 8 – 10.**

[LD 3 Infused, Community Policing] [LD 15 Infused, Laws of Arrest]

**Note:** See last page for learning activity # 1

- b. Knowingly making, altering, or attempting to make a key or other instrument to fit or open the lock of a building without legal request
  - c. With the intent to break or enter into any specified structure
  - d. For the purpose of committing any misdemeanor or felony
2. Misdemeanor
  3. Specific tools: pick lock, water pump pliers, slide hammer, slim jim, key bit, tension bar, crowbar, lock pick gun, screwdriver, tubular lock pick, floor safe door puller, ceramic or porcelain spark plug chips, vise grip pliers

II. Theft Crimes

A. Possessing or Receiving Personal Property with Altered Serial Numbers or Identification Marks, PC 537e [\[6.1.A.7\]](#)

1. Elements
  - a. Any person who knowingly buys, sells, receives, disposes of, conceals, or has in possession
  - b. Any personal property
  - c. From which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed
2. Misdemeanor unless item contains integrated computer chip or panel valued \$950 or more

B. Receiving Stolen Property, PC 496(a) [\[6.1.A.8\]](#)

1. Elements
  - a. Every person who knowingly
  - b. Buys, receives, conceals, sells, withholds, or
  - c. Aids in concealing, selling or withholding,

TTS 6.1.A.7 - 6.1.A.9

**PowerPoint Slides # 11 – 13**

- **Ask** What happens to stolen property?
  - Pawnshops
  - Traded for drugs
- Ensure to cover elements of 6.1.A.7 and 6.1.A.8

<p>d. Any property obtained by theft or extortion</p> <p>2. Felony</p> <p>3. If the person in possession of the stolen property is the thief, the correct charge is theft</p> <p>4. Suspect must know or reasonably known property is stolen by</p> <ul style="list-style-type: none"><li>a. The selling of property at an inadequate price</li><li>b. Flight</li><li>c. Assuming a false name</li><li>d. Sale of property with identification numbers removed</li><li>e. Failure to account for its possession</li><li>f. Giving false testimony</li><li>g. Effort to throw away the stolen property</li><li>h. Inability to establish existence of person from whom property was received</li></ul> <p>C. Forgery, PC 470 <a href="#">[6.1.A.9]</a></p> <p>1. Elements</p> <ul style="list-style-type: none"><li>a. The intent to defraud,</li><li>b. Make, utter, publish, pass, or attempt to pass</li><li>c. An altered, forged, or counterfeit document or seal or</li><li>d. Signs an unauthorized or fictitious name</li></ul> <p>2. Misdemeanor under Prop 47. If \$950 or less within 12 months, otherwise felony. Must be Prop 47 eligible otherwise felony.</p>	<ul style="list-style-type: none"><li>• <b>Ask</b> What happens to legal documents taken during property crimes?<ul style="list-style-type: none"><li>○ Used for ID theft</li><li>○ Attempt to cash checks</li><li>○ Sell in black market</li></ul></li><li>• <b>Explain</b> the general elements for forgery that is covered in TTS 6.1.A.9</li></ul>
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## Learning Activity # 1 - Theft Crimes

**Purpose:** To provide the recruits with the basic skills necessary to investigate and complete property crimes investigations in a manner consistent with law, policy, and tactically sound principles.

### Description:

1. Divide the class into learning teams of 6 - 8 recruits.
2. Provide each learning teams with the below listed scenario
3. Utilizing CAPRA, allow the learning teams to discuss the scenario and develop an investigative response, which is determined by the recruits' retention / knowledge of the law and tactics from previous sessions as well as the assigned homework reading

Scenario:

*“Shoplift suspect there now. Meet the P/R in front of the Best Buy who will direct to the suspect.”*

*Upon officers' arrival, they were met by the P/R who stated that she was the manager of Best Buy. The P/R stated the suspect entered the store and took several video games totaling \$300 and left without paying for them. Security observed the suspect still in the parking lot standing next to a parked vehicle.*

*Upon observing the officers, the suspect entered his vehicle in an attempt to leave.*

4. **Conduct** a facilitated **discussion** and have the learning teams present their investigative response. Ensure to cover the following:
  - a. **[1]Ask:** What crime was committed, theft or shoplift? Allow recruits to discuss the elements and differences between the two. [6.1.A.1][6.1.A.5]
  - b. **Ask:** Could this be a burglary? **Discuss** elements of a burglary. [6.1.A.4]
  - c. **[2]Discuss** each element in detail and identify actions which will fulfill each element.
  - d. **Review** what elements of a crime are, which are the basic facts that must be proven to sustain a conviction [LD 15 Infused, Laws of Arrest]
  - e. CAPRA considerations [LD 3 Infused, Community Policing]
    - 1) C: Best Buy, manager, community
    - 2) A: What crime? Shoplift vs theft vs burglary? What evidence? Video games & surveillance video
    - 3) P: Best Buy, manager, CA/DA, parole / probation departments,
    - 4) R: Detain, investigate, arrest, question / interrogate
    - 5) A: Possible results- arrest, question & release.
  - f. **Ask:** What if instead of a Best Buy, the suspect purchased food at Denny's and walked out without paying?

- 1) Review elements and classification of Defrauding an Innkeeper. [6.1.A.3]
- 2) **Ask:** What if he pumped gas at a station and failed to pay?
- 3) Gas station is not a facility included with defrauding an innkeeper.

**Resources needed:**

- Classroom
- Projector
- PowerPoint Presentation

**Handouts:** None

**Time required:** 1 Hour