

CHIEF OF DETECTIVES

NOTICE 1.8

September 9, 2021

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: ASSEMBLY BILL 331-ORGANIZED THEFT AND THE CHANGE OF RESPONSIBILITY OF ORGANIZED RETAIL THEFT CRIMES FROM COMMERCIAL CRIMES DIVISION TO AREA BURGLARY DETECTIVES

This Notice supersedes Chief of Detectives Notice titled, *Assembly Bill 1065-Organized Retail Theft*, dated March 26, 2019.

The purpose of this Notice is to provide guidelines to assist officers with field investigations and arrests involving Organized Retail Theft (ORT) in accordance with Penal Code Section 490.4. Additionally, this Notice informs Department personnel that Commercial Crimes Division has traditionally assumed investigative responsibility for ORT-related crimes; however, this will now be the responsibility of the concerned Area Burglary detectives. Assembly Bill 331 reenacts the crime of ORT until January 1, 2026.

- (1) **Organized Retail Theft:** 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 ORT.
- (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.
- (3) **Organized Retail Theft:** Acts as an agent of another individual or group of individuals to steal merchandise from one or more merchant's premise or online marketplaces as part of an organized plan to commit theft.
- (4) **Organized Retail Theft:** Recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake any of the acts described in paragraph (1) or (2) or any other statute defining theft of merchandise.

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, and/or officers are investigating the receipt, purchase or possession of stolen property that is possibly the result of ORT, officers shall consider the following when conducting a preliminary investigation:

- Did the theft occur within the City of Los Angeles;
- 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 ORT are met when arresting individuals for this violation;
- Notify a Department supervisor; and,
- Notify Area Burglary detectives 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.

AREA BURGLARY DETECTIVE'S RESPONSIBILITIES:

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

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 ORT. The supervisor shall also ensure the arresting officers contact Area Burglary detectives for booking and related advice.

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 area detectives was made.

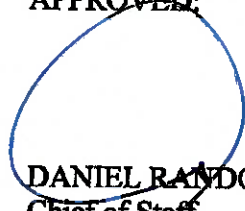
All Concerned Personnel
Page 3
1.8

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

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


KRIS E. PITCHER, Deputy Chief
Chief of Detectives

APPROVED:


DANIEL RANDOLPH, Deputy Chief
Chief of Staff
Office of the Chief of Police

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