

**LOS ANGELES POLICE DEPARTMENT**  
**Overview of Vice Operations/Counterfeit Investigations**  
**1850-30626**  
**Expanded Course Outline**

**Instructional Goal:** To provide student with an overview of vice operations and to familiarize the student with relevant and current laws, procedures and operating techniques applied to the enforcement and recognition of counterfeit good and piracy recording investigations.

**Performance Objectives:** By using lecture and learning activities, the students will:

- Understand Department Vice operations
- Have a working knowledge of Counterfeit/Piracy Recording investigations
- Prepare a counterfeit or piracy recording investigation, which will be deemed prosecutable by either the City of District Attorney's office.
- Recognize the strategies of a successful investigation and pitfalls that can occur when shortcuts are taken.

**I. OPENING**

- A. Introduction
  - 1. Name(s), assignment(s)
  - 2. Experience
- B. Brief overview of training goals and objectives
  - 1. Hour 1: Vice Operations Overview
  - 2. Hour 2: Counterfeit/Piracy Recording Overview, Law, Theory of Investigations, U/C Techniques, Officer Safety and Collection of Evidence

**II. VICE OPERATIONS**

- A. **LECTURETTE:** Maintaining the proper perspective **(117a)**  
Key Points to be addressed:
  - 1. Assignment of trust
    - a. Anonymity and safety issues
    - b. Consequences of breaking the trust
    - c. Authorized use of alcohol
  - 2. Corruption issues **(117a)**
    - a. History of LAPD corruption
      - 1) Correlation to vice operations
      - 2) "Psychological slide" into corruption
  - 3. Individual responsibility **(78g, 117a)**
    - a. Failure to share investigative information
    - b. Work separately
    - c. Secret Service funds/Reports
    - d. Duty to report things that occur
  - 4. The increasing need for corroboration
  - 5. Audio taping
    - a. Policy
    - b. Procedure
  - 6. Witnesses
    - a. Always be on guard
    - b. Credibility
  - 7. Miranda rights
    - a. Garnering confessions
    - b. Admissions
  - 8. Courtroom appearance, testimony and demeanor
    - a. Conditional use permit hearings

- b. PLUM City Council meetings
- c. Community meetings and precautions
- 9. Vice complaints (117c)
  - a. Levels of review
  - b. Accuracy and resources
  - c. Lewd conduct
    - 1) Evolving standards
    - 2) Verbal solicitations

- B. **LECTURETTE:** Leaving the vice assignment
  - 1. Your new value to the department
  - 2. Exit interview

### III. COUNTERFEIT INVESTIGATIONS

- A. **LEARNING ACTIVITY:** Counterfeit Trademark Infringement/Piracy Recording

Purpose: To review the introduction to Law, Investigation, identifying fictitious from authentic merchandise and Problem Solving as it relates to counterfeit/piracy recording. Building a Counterfeit/Piracy Recording case, Search Warrant Collection of Evidence and Report Writing.

**Procedures:** Large group activity

- 1. **DISTRIBUTE** Handout – Package
- 2. Review the laws applicable to Counterfeit and Piracy
  - a. **350(a) PC** - Counterfeit Trademark Infringement: Any person who, willfully manufactures, intentionally sells, or knowingly possesses for sale any counterfeit of a mark registered with the Secretary of State or registered on the Principal Registered of the United States Patent and Trademark Office.

\* Misdemeanor

(1) When the offense involves less than 1,000 of the articles described in this subdivision, with a total retail or fair market value less than that required for grand theft as defined in Section 487, and if the person is an individual, he or she shall be punished by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment; or, if the person is a corporation, by a fine of not more than one hundred thousand dollars (\$100,000).

\* Felony

(2) When the offense involves 1,000 or more of the articles described in this subdivision, or has a total retail or fair market value equal to or greater than that required for grand theft as defined in Section 487, and if the person is an individual, he or she shall be punished by imprisonment in a county jail not to exceed one year, or in the state prison for 16 months, or two or three years, or by a fine not to exceed two hundred fifty thousand dollars (\$250,000), or by both that imprisonment and fine; or, if the person is a corporation, by a fine not to exceed five hundred thousand dollars (\$500,000).

b. **653(w) (1) PC** – Failure to disclose origin of recording:

- Any person who, fails to disclose the origin of a recording or audiovisual work when, for commercial advantage or private financial gain, he or she knowingly advertises or offers for sale or resale; or sells or resells; or causes the rental, or manufactures, or possesses for these purposes, any recording or audiovisual work, the outside cover box or jacket of which does not clearly and conspicuously disclose the actual true name and address of the manufacturer thereof and the name of the actual author, artist, performer, producer, programmer, or group, is a misdemeanor.
- One thousand (1,000) articles of an audio recording or one hundred (100) articles of an audiovisual work as described above, the offense is a felony.

c. **653(Z) PC** – Operating a recording device in a movie theater:

- Any person operating a recording device in a motion picture theater while a movie is being played, for the purpose of recording the movie and without the express written authority of the owner of the theater is guilty of a misdemeanor.

2. **ASK** the class, “Why is it important to enforce these penal codes?”

Expected responses:

- a. Financial loss by Movie, studios, theater, and industry employees
- b. Financial gain by local gangs and organized crime
- c. Quality of life issues for local business owners in the City of Los Angeles

3. **ASK** the class, “Who do you think is actually involved in Counterfeit Trademark and Piracy Recording?”

Expected responses:

- a. Local gang members
- b. Organized Crime

4. **ASK** the class, “How much money is associated with Counterfeit and Piracy?”

Expected response:

- a. Financial loss of over 250 million dollars
- b. Manufacturing suspects profiting approximately \$3,000-\$15,000 a month

B. **LEARNING ACTIVITY:** Identifying Fictitious vs. Authentic

**Procedure:** Large group

1. **DISTRIBUTE:** Sample Pirated DVD and CDs
2. Key Points to be addressed:
  - a. The counterfeit mark is identical with or confusing similar to a registered trademark
  - b. The purchase price of the counterfeit merchandise
  - c. The location where the counterfeit merchandise was purchased
  - d. The materials used to manufacture counterfeit the merchandise
  - e. The disc face of an illegal CD is generally missing important information
    - 1) Publisher’s logo

- 2) Copyright notice
  - 3) Compact disc logo
  
  - f. Illegal recordable CDs/DVDs, which are often blue, green or gold tinted
  - g. Legal CDs contain **Source Identification Code (SID)**
    - 1) SID codes are located on the back of the CDs
    - 2) SID codes will provide an optical disc production facility
  - h. The packaging of the pirated CDs/DVDs are poor
    - 3) Loose cellophane
    - 4) DVD-R or CD-R are burned not press
    - 5) Art work cover (insert) blurry, color copied, miss-spelled words
    - 6) No SID code on DVD or CD
    - 7) Pirated DVD slim pack is ¼ inch not standard packaged MPAA ½ inch
    - 8) Price of pirated product is usually \$5.00 to \$10.00
    - 9) Pirated products are usually sold on the streets or swamp meets
    - 10) No security decals
3. Theory of Investigation (**117e**)
- a. **Refer** to the sample arrest report handed out in the package
  - b. Key points to be addressed
    - 1) Do not **RUSH** the case.
    - 2) Counterfeit mark is registered with the California Secretary of State, or registered on the Principal Register of the United States Patent and Trademark Office.
    - 3) Piracy Recording need not be copyrighted or registered (California's Anti-Piracy Statute).
    - 4) Proving knowledge (Most important element).
    - 5) Collection of Evidence (Clear Chain of Custody, have Employees Explain Records, Business Records Can Prove a Case, All Originals Should Stay With Police).
    - 6) Have an expert witness for trial.

### C. CLOSING

Reinforce key learning points:

1. Elements to be prove – Knowingly offers for sale, resale, or rental or possesses for these purposes any recording or audiovisual work where the outside cover or box does not clearly state the actual true name of the manufacture of the DVDs / CDs / tapes / etc.
2. Attempt to obtain statements from the suspect that the items being offered are pirated.
3. Attempt to prove the suspect's knowledge that the items are pirated during the undercover transaction.
4. Asking the suspect the price of the pirated item being sold will prove that the suspect is in possession for sales