

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

MISDEMEANOR RETAIL THEFT ARREST RELEASE PENDING NOTICE TO APPEAR

Reviewed by: Sgt. Brad Ficek	Effective Date: April 1, 2016
Authorized by: Chief Daniel Donath	Revision Date: January 3, 2020

PURPOSE

The purpose of this Standard Operating Procedure is to provide direction and general guidelines when making a Misdemeanor Retail Theft arrest of both adults and juveniles. It is intended to minimize the amount of time officers are required to spend processing first time offenders. Nothing in this Standard Operating Procedure shall preclude the arresting officer from transporting an Adult Arrestee to the McLean County Jail or processing a Juvenile Arrestee at the Bloomington Police Department.

PROCEDURE

Upon receiving a call of Retail Theft, the responding officer will respond to the reporting business to gather information necessary for a written report. The officer will determine if the suspect is an adult or juvenile. If the dollar amount of the item(s) reported stolen is less than \$300.00, the suspect shall be investigated for Misdemeanor Retail Theft.

If the suspect is an ADULT:

Confirm the suspect's identity. It is crucial for the arresting officer to confirm and update all contact information. The officer shall run a CQH and determine if the suspect has a previous conviction for any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery. If the suspect has such a prior conviction the offender should be taken to the McLean County Jail for a subsequent offense Retail Theft. If a first time offender and not on parole, the officer may choose to release the arrestee in the following manner:

Gather all information for a report, to include a statement from Loss Prevention Employee and/or reporting person, any surveillance video, receipt(s), property, or photograph(s) of the stolen property if returned to the victim business.

The arresting officer will begin an audio and/or video recording. The suspect shall be read the Miranda Warning. A statement will be taken if the suspect chooses to speak. A refusal to speak shall in no way affect the officer's decision to release the arrestee in lieu of a Notice to Appear.

Using the department issued digital camera, photograph the suspect and attach the photograph to the written report. If anything other than a State of Illinois issued ID card is used for identification, the officer will photograph the document used. The adult arrestee may then be released after the arresting officer informs the subject being released the report will be forwarded to the State's Attorney's Office who will screen the report and if appropriate send them a Notice to Appear to the address they have provided. The suspect should be informed failure to provide an accurate address, monitoring their mail, and ultimately failing to appear in court could subject them to being arrested on a warrant for this offense.

If the arrestee is a JUVENILE:

Confirm the arrestee's identity via State ID, School ID, or other means of identification. Run the juvenile via LEADS to make sure the juvenile is not listed as missing, as a runaway, or has a juvenile apprehension warrant. The officer shall gather all necessary information for a written report. It is crucial for the arresting officer to confirm and update all contact information; including parent/guardian information.

Gather all information for a report, to include a statement from Loss Prevention Employee and/or reporting person, any surveillance video, receipt(s), property, or photograph(s) of the stolen property if returned to the victim business.

The arresting officer will begin an audio and/or video recording. The suspect shall be read the Miranda Warning. A statement will be taken if the suspect chooses to speak.

The juvenile will be photographed using the department issued digital camera. If anything other than a State of Illinois issued ID card is used for identification, the document used to identify the juvenile will be photographed as well. Attach the photographs to your written report.

The arresting officer shall contact the juvenile's parent(s) or guardian. The parent/guardian will be notified of the arrest. The juvenile arrestee will be released to a parent/guardian or their designee. If a parent or designee is unable to respond in a reasonable amount of time, the arresting officer should instruct the responding party to meet the officer and juvenile at the police department or the arresting officer may choose to transport the juvenile to the parent or designee. At NO time will a juvenile arrestee be released on his or her own.

The written report shall document the time the parent/guardian was notified and the name of the individual to whom the juvenile arrestee was released. Juvenile Court Services will notify the juvenile of any Status Hearing date via mail.