
Retail Fraud Investigation Procedures

212.1 PURPOSE

To establish procedures for the investigation of Retail Fraud cases.

212.2 PROCEDURE

The following procedures shall be followed when investigating Retail Fraud cases.

212.2.1 ADULT PROCEDURES

1. An adult shall be arrested for Retail Fraud if probable cause exists which establishes:
 - (a) While a store was open to the public, the suspect altered, transferred, removed and replaced, concealed, or otherwise misrepresented the price at which property was offered for sale with the intent not to pay for the property or to pay less than the price at which the property was offered for sale (the difference in price is the theft dollar amount).
 - (b) While a store was open to the public, the suspect stole property of the store that was offered for sale.
 - (c) With intent to defraud, the suspect obtained or attempted to obtain money or property from the store as a refund or exchange for property that was not paid for and belonged to the store.
2. Retail Fraud Charges
 - (a) Retail Fraud I [750.356C] Theft amount \$1,000 or more (Prosecutor Case) - Felony: 5 Years and/or \$10,000 Route to Operations.
 - (b) Retail Fraud II [750.356D] Theft amount of \$200 or more but less than \$1,000 (Prosecutor Case) - Misdemeanor: 1 Year and/or \$2,000. Route to Operations.
 - (c) Retail Fraud III- [750.356D4] Theft amount under \$200 (City Attorney Case) - Misdemeanor: 93 Days and/or \$500. Route to Operations

212.2.2 CHARGE ENHANCEMENT

- (a) An adult shall have the charge enhanced from Retail Fraud II to Retail Fraud I, when it can be proven that:
 1. The defendant was previously convicted of one of the following:
 2. [750.356C]Retail Fraud I
 3. [750.218]Larceny False Pretenses \$200 or more
 4. [750.356]Larceny \$200 or more
 5. [750.356d(1)] Retail Fraud II (convictions after Jan. 1, 1999)

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6. [750.360]Larceny in a Building
 - (b) Previous convictions that do not apply toward charge enhancement to Retail Fraud I:
 - (a) [750.218(2)]False Pretenses less than \$200
 - (b) [750.218(3)(b)] False Pretenses less than \$200 second or subsequent offense
 - (c) [750.356(5)]Larceny less than \$200
 - (d) [750.356(4)(b)] Larceny less than \$200 second or subsequent offense
 - (c) An adult shall have the charge enhanced from Retail Fraud III to Retail Fraud II when it can be proven that the defendant was previously convicted of violating one of the following or a similar Local Ordinance.
 - (a) [750.356d]Retail Fraud II
 - (b) [750.218]Larceny False Pretenses
 - (c) [750.356]Larceny \$200 or more
 - (d) [750.356C]Retail Fraud I
 - (e) [750.360]Larceny in a Building
 - (d) Charge Enhancement Documentation
 - (a) Include a CCH and Public Safety Local Record with the report.
 - (b) When a defendant's CCH shows prior convictions, the defendant shall be read MIRANDA by the arresting officer, and asked to acknowledge the prior convictions.
 - (c) All information-supporting enhancements shall be documented in the officers' reports.

212.3 ARREST/INTERIM BOND

1. Arrestee Processing and Criminal Record
 - (a) Adult Retail Fraud arrestees shall be photographed and fingerprinted.
 - (b) Retail Fraud cases shall have a complete CCH and local record attached.
2. Interim Bond
 - (a) Retail Fraud I: 5 year Felony no bond
 - (b) Retail Fraud II: Misdemeanor - 1 year and/or \$2,000 - bond required
 - (c) Retail Fraud III: Misdemeanor - 93 days and/or \$500 - arrestee may be released on an appearance ticket if:
 - i. The suspect did not resist apprehension
 - ii. The suspect can be positively identified (and)
 - iii. The suspect lives within 50 miles of Kalamazoo.

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- iv. If the suspect lives beyond 50 miles, attempt to collect a bond, otherwise issue an appearance ticket.

212.4 EVIDENCE

1. Do not seize any Retail Fraud evidence. All Retail Fraud evidence shall be thoroughly described in the report. Retail Fraud evidence shall be photographed.
2. Officers shall not seize videotape evidence on Retail Fraud cases. If the incident is caught on tape, the store shall be told to secure the tape if they want to use it for prosecution. Officers shall follow GO-131 when seizing videotape evidence.

212.5 JUVENILE PROCEDURES

A juvenile shall be detained for Retail Fraud under the same circumstances as an adult.