

Mishawaka Police Retail Theft Guide

The Mishawaka Police has established this guide to assist the retailers in dealing with a variety of issues such as:

1. Shoplifting
2. Indiana State I.C. Statutes
3. Banishment and Trespassing
4. Prevention

Shoplifting / Theft Self-Reporting

SAFETY FIRST!!! Always know and follow your store's policies and procedures and jurisdictional laws concerning the apprehension and detention of individuals.

This manual is a guideline ONLY, and shouldn't be considered legal advice. You should rely on your store policies and independent legal counsel for legal advice.

The shoplifting report needs to be filled out completely by store's loss prevention, store manager, or other responsible party. The report writer and documented witnesses need to be willing to testify in court as to what they saw / did should it come to that.

The shoplifting store report can be found at www.mishawaka.in.gov on the Police Department Page under FORMS and is the only report acceptable. Hand written reports will not be accepted.

All shoplifting reports need to include the elements of the crime including and not limited to: Selecting the item from the store, concealing the item, changing price tags, failing to pay after passing all points of payment.

The store will be responsible for maintaining their own evidence / store reports in a secure location. The original photos, store video and report may be needed at a later date for trial. Only copies of the report and videos should be submitted to the police department.

For Shoplifters In Store's Custody only *(Officer responding)*

The store will call the Mishawaka Police Department dispatch center (574) 258-1678 and advise the dispatcher of the situation. It's important to let the dispatcher know if the offender is co-operative and give the suspect's name and age.

When an officer arrives he / she will assess the situation. The officer can make an arrest if there is probable cause.

The officer will complete the appropriate MPD case report and transport the suspect to jail if the officer determines to make an arrest. Even if the officer doesn't make an arrest, the officer will still complete a case report including a narrative with the store report and evidence attached.

The store will be responsible for completing their store report, along with copies of their store video / photos of the suspect by the end of their shift. It's very important that the police department gets the store reports ASAP for court purposes. If the video can't be completed at this time, please submit it at a later date, but please note in your report if there is a video.

For Shoplifters Not In Store's Custody

The store will fill out a store report and call police dispatch requesting a **Case Number** for shoplifting. The reporter will be requested to give his/her name, business name and contact number.

Once the store report is done, along with copy of video please drop off the whole case at the Police Department (Records Division) or mail report to the address below:

*Mishawaka Police Department
Records Division / Ref store report
200 North Church
Mishawaka, IN 46544*

****Note:** Officers will not come to your business to pick up non-in custody reports.

After your store report is dropped off, the Detective Bureau will review the case. If you have any questions or additional information needs to be submitted, please call the Detective Bureau.

Important Phone Numbers:

MPD Non-Emergency phone number 574-258-1678
EMERGENCY **9-1-1**
Detective Bureau's number 574-258-1684
Saint Joseph County Prosecutor's number 574-235-9544

Indiana I.C. Codes

IC 35-43-4-1

Definitions

Sec. 1. (a) As used in this chapter, "exert control over property" means to obtain, take, carry, drive, lead away, conceal, abandon, sell, convey, encumber, or possess property, or to secure, transfer, or extend a right to property.

IC 35-43-4-2 Version b

Theft; receiving stolen property

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a

Class A misdemeanor. However, the offense is:

(1) a Level 6 felony if:

(A) the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); or

(B) the person has a prior unrelated conviction for:

(i) theft under this section; or

(ii) criminal conversion under section 3 of this chapter

IC 35-43-4-3 Version b

Conversion

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 3. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person commits criminal conversion, a Class A misdemeanor.

IC 35-43-4-4

Evidence

Sec. 4. (a) The price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value and ownership of the property.

(b) Evidence that a person:

(1) altered, substituted, or transferred a universal product code (UPC) or another product identification code, label, price tag, or price marking on property displayed or offered for sale or hire; or

(2) transferred property displayed or offered for sale or hire from the package, bag, or container in or on which the property was displayed or offered to another package, bag, or container; constitutes prima facie evidence of intent to deprive the owner of the property of a part of its value and that the person exerted unauthorized control over the property.

(c) Evidence that a person:

(1) concealed property displayed or offered for sale or hire; and

(2) removed the property from any place within the business premises at which it was displayed or offered to a point beyond that at which payment should be made; constitutes prima facie evidence of intent to deprive the owner of the property of a part of its value and that the person exerted unauthorized control over the property.

Banning offenders / Trespassing Orders

Most of the time businesses issue banishment orders to offenders from the store in which they committed the offense. When a business chooses to ban an offender as a result of their actions or behaviors, the offender should be served with a banishment or trespass order. The offender should be advised by a store manager and witnessed by a police officer that he/she is being served a banishment order and they are not to return to the store and if they do they can be subject to arrest for Trespassing. The offender needs to sign the order and given a copy. If offender refuses, write REFUSED, and give a copy to the offender. The original should be kept at the store and a copy needs to be filed with the police department. If the offender returns to the business and the banishment order is still in effect, call the police to address the No Trespassing Order. A copy of the no trespass order can be found at the end of the self-reporting form. Your current store banishment form can be used if needed.

Shoplifting Prevention

Prevention is our best protection against crime; the Mishawaka Police Dept. would like you to beware of the Following safety Tips in regards to store layouts and displays.

- Eliminate clutter and obstructions.
- Refrain from placing goods close to entrances and exits.
- Create Clear line of sight lines in aisles.
- Reduce height of displays to create more visibility.
- Provide good lighting throughout the store.
- Carefully place cameras and mirrors in strategic locations.
- Try to reduce overcrowding near displays of high-risk items.
- Move popular / high risk items to where there are more staff and surveillance cameras.
- Try to reduce the number of exits, blind corners, and recesses.
- Keep check-out lanes moving to reduce congestion, waiting, and the opportunity to conceal items.
- Require proof of purchase for refunds
- Check ID when a credit card is used.

Crime Prevention

The Mishawaka Police Dept. can assist with businesses in a variety of ways...

- Security Assessments
- Robbery / Personal Safety Talks
- Workplace Violence.
- Trespass / Banishment Notices
- Safety Material

The Mishawaka Police Department hopes that through information sharing and partnership with local businesses you will see a decrease in inventory loss and crimes occurring in your store. This will allow both the business and the police department to maintain an efficient and effective balance of time and resources.