



Property Crimes

LD6

Stranger Things 484



- 
- ▶ Who has been a victim of property crime?
 - ▶ How did it affect you?
 - ▶ How did you feel about the interaction between you and law enforcement who responded?
-
- ▶ SJPD response?

Theft - 484 PC

- ▶ The taking and
- ▶ carrying away of
- ▶ personal property of another
- ▶ without consent
- ▶ with intent to permanently deprive the owner**



**Embezzlement and vehicle theft do not require "intent to permanently deprive."

PC 667

- ▶ Generally, the crime is a **felony** if:
 - ▶ Loss is valued in excess of **\$950**
 - ▶ Suspect is required to register pursuant to **PC 290**
 - ▶ Suspect has a prior conviction for an offense listed in **PC 667(e)(2)(C)**

Theft (484 PC) Terms:

- ▶ **Property**: can include money, labor, animals, crops, or real or personal property.
- ▶ **Real Property**: means land and immovable property, affixed to, or growing from that land. Also referred to as real estate.
- ▶ **Personal Property**: includes any movable object(s) owned by an individual; all property other than real estate.
- ▶ **Control**: the ability to exercise a restraining or directing influence over something (theft requires the property taken to be under the control of the person from whom it was stolen)

Is it theft?



A thief attempts to steal an overcoat from a mannequin at the store but is unable to get it off, due to a chain...did the crime of theft occur?

Who can property be taken from?

- ▶ Someone who is in rightful possession
- ▶ A person or place having lawful possession of the property
- ▶ Someone who found the property
- ▶ Someone who himself stole the property



Intent

- ▶ It is not necessary that the thief's intent be for the purpose of personal gain.
- ▶ The intent needs only be to *permanently* deprive the owner of the property**
- ▶ With theft, the intent to deprive must exist *at the time of taking* and not at a later time.



Intent

- ▶ A man took his personal computer to work. When he left, he took the company's identical computer with him, thinking it was his.

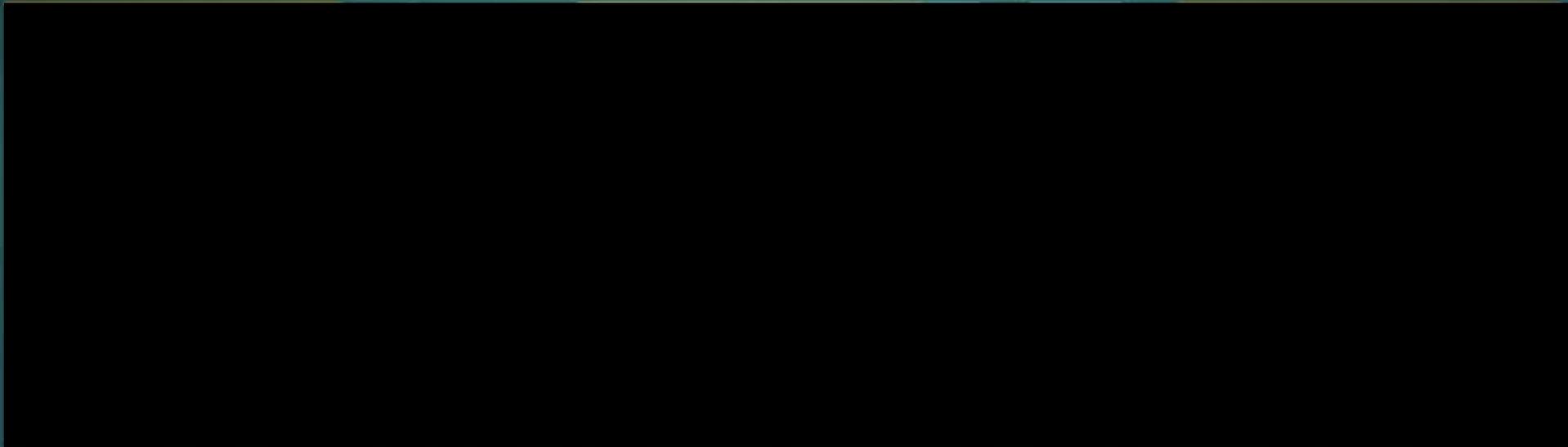
Is this theft?

Why or why not?

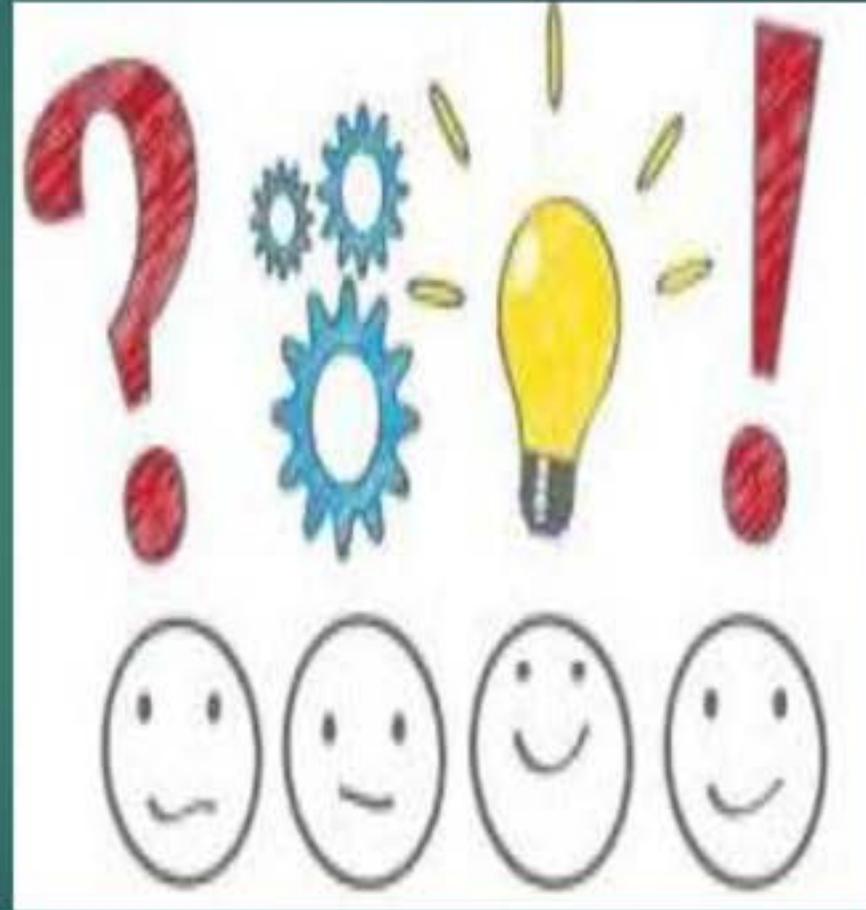


Is it theft?

- ▶ A man loaned his neighbor a ladder. Later he realized he needed the ladder, but his neighbor wasn't home. He entered his neighbor's open garage and retrieved his ladder. Has the man committed the crime of theft?



- ▶ He has not committed theft as he is the owner of the ladder, even though he entered his neighbor's property to retrieve his ladder.



Crime Classification?

- ▶ Grand theft – Felony
 - ▶ Property > \$950
 - ▶ Agricultural > \$250 (domestic fowl, fruits, nuts, veges)
 - ▶ Aquacultural > \$250 (fish, algae)
 - ▶ 12 month period > \$950 by servant, employee, worker
 - ▶ From the person of another** (490.2 PC)
 - ▶ Designated livestock > \$950 (horse, cattle, sheep)
 - ▶ Motor vehicles > \$950
 - ▶ Firearms



Crime Classification?

- ▶ Petty Theft – Misdemeanor
 - ▶ All other thefts
 - ▶ Petty theft with prior theft-related convictions & jail time (666 PC)
- ▶ Utilities (wobbler)

Property Value

- ▶ Reasonable and fair market value
- ▶ If from a commercial establishment, then market retail value + tax
- ▶ If the property is in the form of services received, the contract price of the service is the market value

490.2 PC

- ▶ Obtaining property < \$950 is petty theft
- ▶ EXCEPT that such person may instead be punished pursuant to PC 1170(h) if that person has 1+ prior convictions for specified offenses
 - ▶ Sexually violent offenses, child molestation, 187, 664/187, solicitation to commit murder, assault with a machine gun on a peace officer or firefighter, possession of a weapon of mass destruction, and any or serious violent felony punishable by life imprisonment or death

Access Cards

- ▶ The 950 rule
 - ▶ Sell/transfer/convey an access card
 - ▶ Acquire 4+ w/in 12 months
 - ▶ Acquire/retain access card info with intent to use fraudulently
 - ▶ Make/alter/use an access card
 - ▶ Forge signature with intent to defraud
 - ▶ Use card or account info unlawfully obtained or altered; false representation of card ownership
 - ▶ Forge an access card
 - ▶ Use card or account info unlawfully obtained or altered
 - ▶ Retailer with knowledge card is counterfeit, expired or revoked
 - ▶ Modify or alter access card magnetic stripe
 - ▶ Design, make, possess or traffic in card making equipment with the intent to make counterfeit access cards
 - ▶ Forge access card transaction

Access Cards

- ▶ Acquire or possess access card w/ intent to use, sell, or transfer w/out consent (M)
- ▶ Publish (oral, written, computer) access card, numbers, code (M)
- ▶ Possess incomplete access card with intent to complete it without consent of issuer (M)

Vehicle Theft

Vehicle Theft – 10851 VC

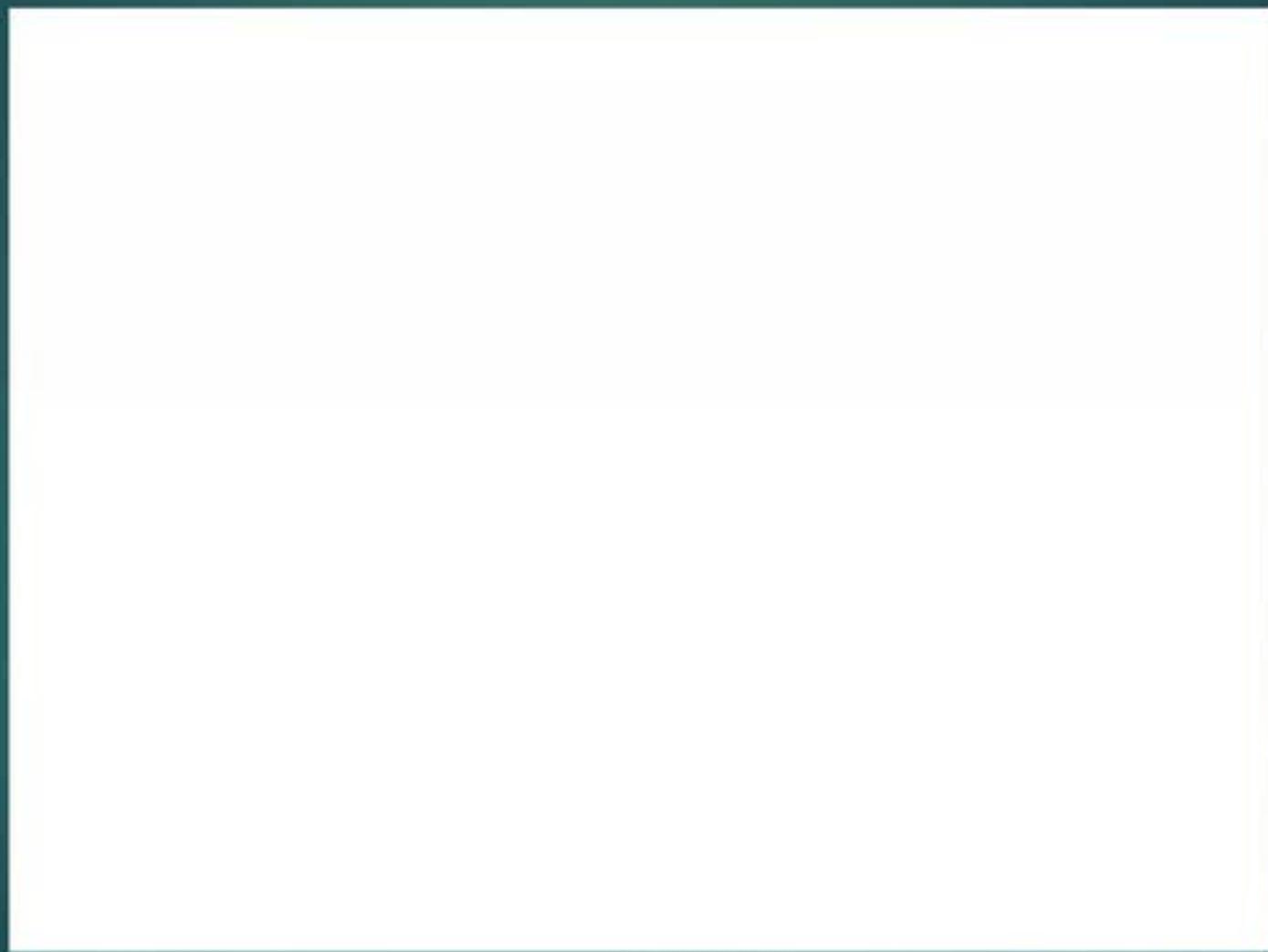
- ▶ The driving or taking of
 - ▶ a vehicle not the person's own
 - ▶ without consent
 - ▶ with intent to **temporarily** or **permanently** deprive the owner
 - ▶ of title or possession of such vehicle.
-
- ▶ Crime classification?

What is a vehicle?

- ▶ A DEVICE BY WHICH ANY PERSON OR PROPERTY MAY BE PROPELLED, MOVED, OR DRAWN UPON A HIGHWAY
- ▶ NOT A DEVICE MOVED **EXCLUSIVELY** BY HUMAN POWER OR USED UPON STATIONARY RAILS OR TRACKS
 - ▶ What section would you charge in these instances?



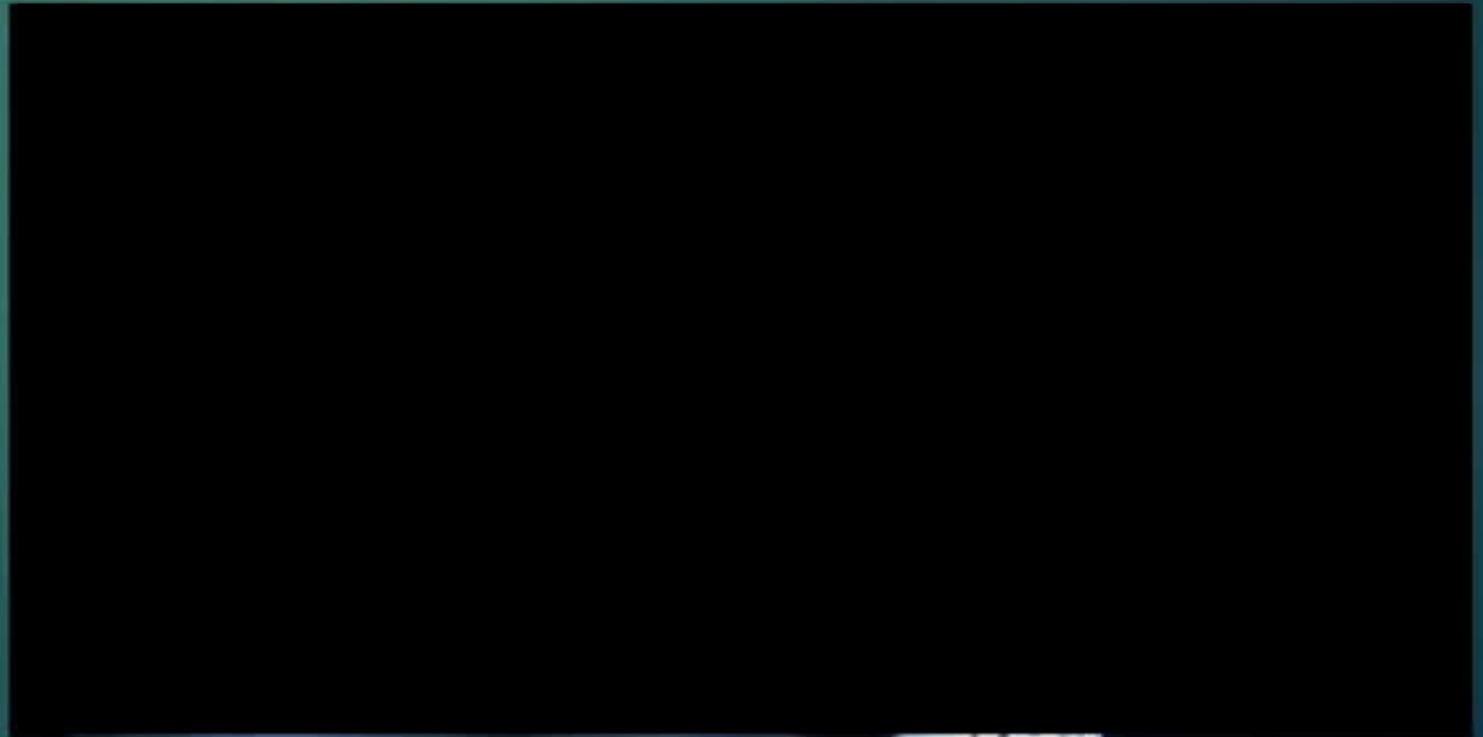
Vehicle Theft explained



Vehicle theft (10851) versus Grand Theft 487(d)(1) PC

- ▶ 10851 VC – Driven or taken on a permanent or temporary basis
- ▶ 487(d)(1) PC – Intent to permanently deprive the owner

- ▶ Examples??

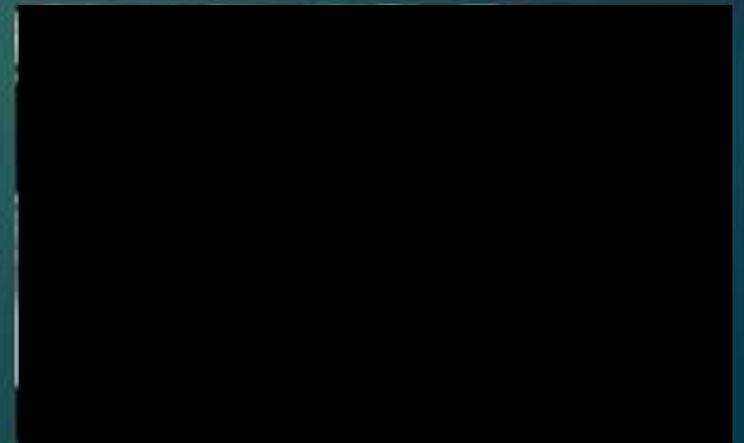


Remember....

- ▶ Vehicles may be reported stolen when they actually are:
 - ▶ “Borrowed” by family members without permission
 - ▶ Used by another and the owners have forgotten that they gave permission
 - ▶ Taken in conjunction with domestic disputes
 - ▶ Repossessed without warning
 - ▶ In storage/impounded
 - ▶ Misplaced

Determine if a theft has occurred...

- ▶ Officers should be aware that a vehicle may be intentionally reported stolen to:
 - ▶ Collect money fraudulently through insurance policy claims
 - ▶ Cover up another offense (examples?)
- ▶ TO DETERMINE IF A VEHICLE THEFT HAS IN FACT BEEN COMMITTED:



Interview owner/witness

- ▶ Identification of:



Obtain vehicle related information



Comply with mandatory reporting

- ▶ Ensure **entry** into **Stolen Vehicle System (SVS)**
 - ▶ CHP 180
 - ▶ Call Auto Desk

- ▶ **Remove** from **SVS**
 - ▶ CHP 180
 - ▶ Call Auto Desk

Also note...

- ▶ Items of value in the vehicle
 - ▶ DM compliance / IA
- ▶ Other info
 - ▶ Finance company and account number
 - ▶ Insurance info (name, account number, amount of coverage)

Go over the CHP 180***

4 most common motives for vehicle theft (group work)

- ▶ Joyriding
- ▶ Transportation
- ▶ Instrument of another crime
- ▶ Profit

Criminal motives for vehicle theft

▶ JOYRIDING



▶ TRANSPORTATION



Criminal motives for vehicle theft

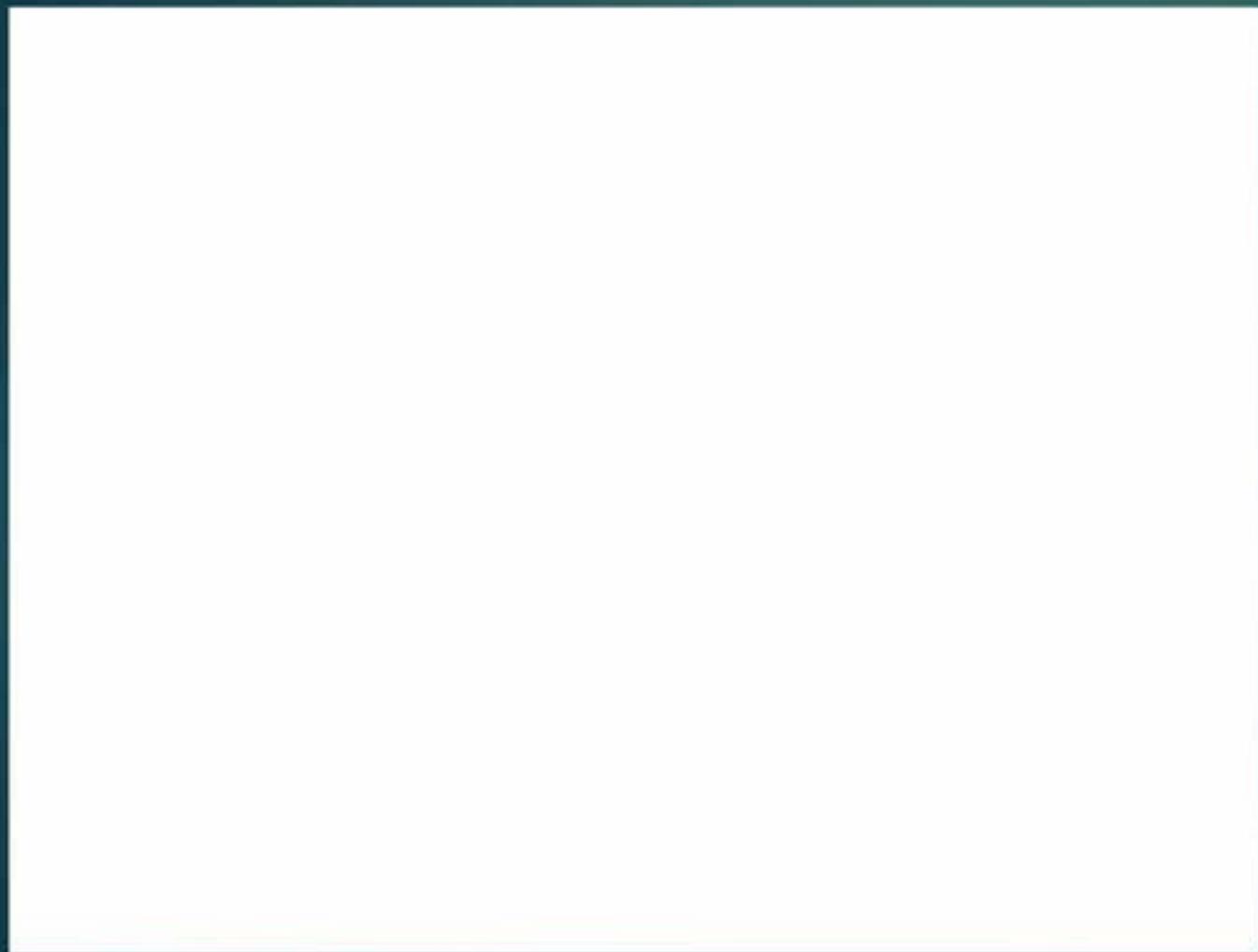
- ▶ INSTRUMENT OF ANOTHER CRIME



- ▶ PROFIT



Telltale characteristics the vehicle is 10851

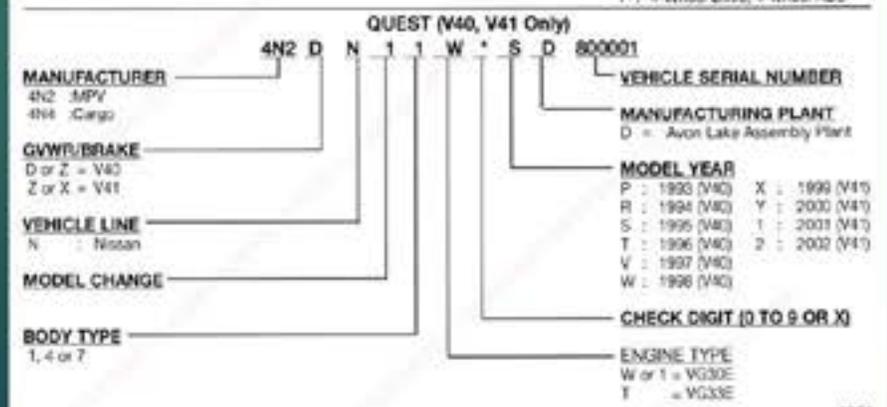


Vehicle Identification Number (VIN)

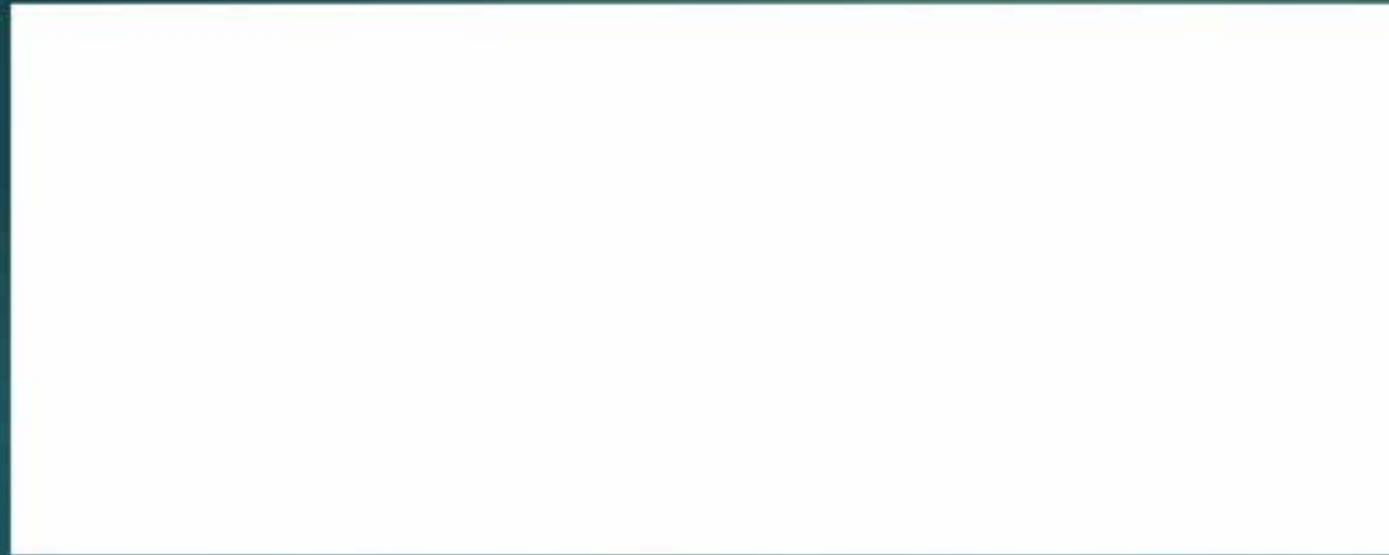


The numbers and letters included in the VIN identify:

- Manufacturer
- Year manufactured
- Car line series
- Body style
- Engine symbol
- Assembly plant where manufactured
- Sequential production number

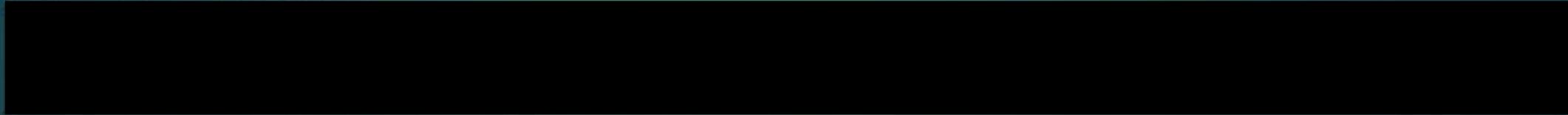


Other means of identification...

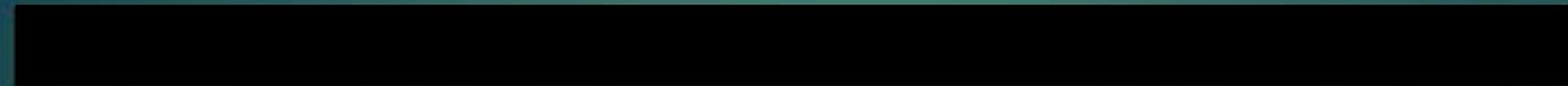


Modus Operandi (M.O.)

- ▶ METHOD OF ENTRY



- ▶ METHOD OF STARTING ENGINE



- ▶ METHOD OF REMOVAL

- ▶ Drive away, haul away with tow truck



Defrauding an Innkeeper

537 PC- Defrauding an Innkeeper

- ▶ The obtaining of
 - ▶ Food, fuel, services, or accommodations
 - ▶ At a *designated facility* without paying
 - ▶ With intent to defraud the proprietor or manager.
-
- ▶ Crime classification?



Defrauding an innkeeper



Designated facilities

- ▶ Hotel
- ▶ Inn
- ▶ Restaurant
- ▶ Boardinghouse
- ▶ Lodging house
- ▶ Apartment house
- ▶ Bungalow court
- ▶ Motel
- ▶ Marina
- ▶ Marine facility
- ▶ Auto camp
- ▶ Public or private campground
- ▶ *Gas stations are not designated facilities.*

Burglary



Burglary

- ▶ The entry to a building or specified structure
- ▶ With the intent to commit
- ▶ Theft or any felony
- ▶ Crime classification??



Specified structures??

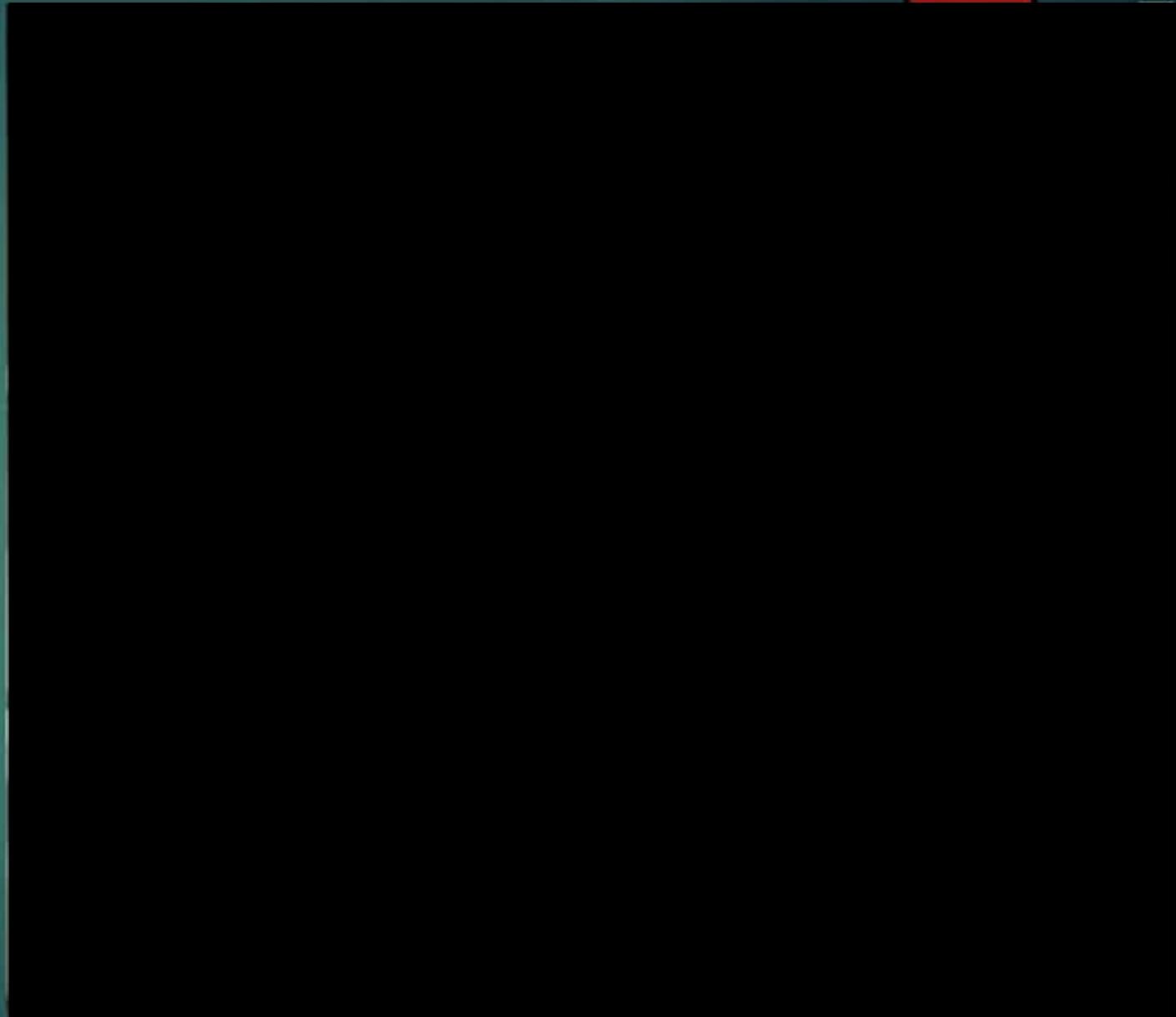
- ▶ For the purposes of *burglary*, **specified structures** includes the following:
 - ▶ House, room, apartment, tenement, garage
 - ▶ Shop, warehouse, store, mill, barn, stable, outhouse, or other building
 - ▶ Tent, vessel designed for habitation
 - ▶ Railroad car, locked or sealed cargo container, trailer coach
 - ▶ Any house car
 - ▶ Inhabited camper
 - ▶ Motor vehicle when the doors are locked and the windows are rolled up
 - ▶ Aircraft
 - ▶ Mine or any underground portion thereof

Burglary Entry

- ▶ For burglary, the entry does **not** have to be forced.
- ▶ As long as the unlawful intent is present

- ▶ The entry can take place *in any manner, at any time*

- ▶ Entry does not have to be by person



Burglary continued...

- ▶ From a **vehicle**
 - ▶ Burglary is committed the moment entry is made
 - ▶ The vehicle must be locked, so the entry is forced
 - ▶ Wing window?

- ▶ From a **dwelling**
 - ▶ Intent must exist the moment the entry is made
 - ▶ What if the intended crime is not committed?
 - ▶ 1st degree v. 2nd degree?

Is it burglary?

- ▶ A woman knows her boss keeps expensive gold coins in the safe in his office. The woman breaks into his office to steal the safe and coins, but the safe is no longer in the office.

Is it burglary?

- ▶ A man breaks into the home of a young lady to sexually assault her in her sleep. Upon entry, a dog in the house barks and wakes the young lady up. She screams and the man runs from the residence without having committed the crime.

Additional Penal Code Sections...

- ▶ 463(a), (b), (c) – looting during an emergency
 - ▶ F or M
- ▶ 464 – opening or attempting to open a vault, safe, or secure device with any device capable of burning through steel, concrete, or any other solid substance
 - ▶ F
 - ▶ When see this?

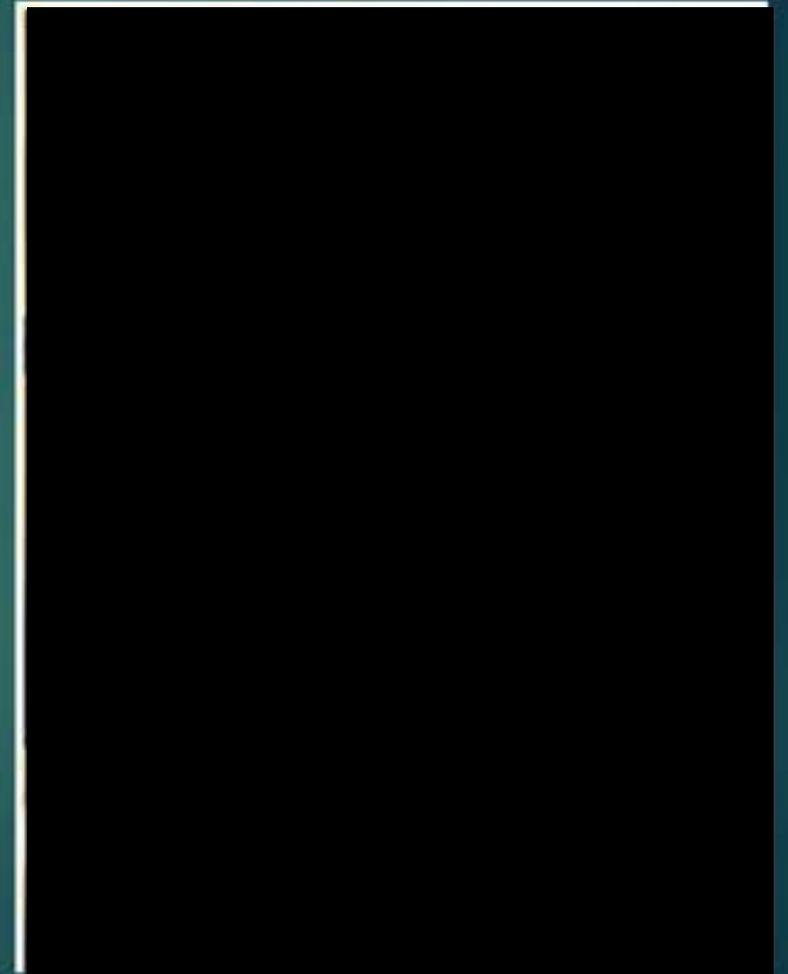
PC 459.5 Shoplifting

- ▶ The entry into a commercial establishment
 - ▶ With the intent to commit larceny
 - ▶ During regular business hours
 - ▶ The value of the property to be taken or intended to be < \$950.00
-
- ▶ Crime classification??
 - ▶ Over 950?



466 PC – Possession of Burglary Tools

- ▶ The possession of certain tools, or
 - ▶ knowingly making, altering, or attempting to make a key or other instrument to fit or open the lock of a building without legal request,
 - ▶ with the intent to break or enter into any specified structure,
 - ▶ for the purpose of committing any misdemeanor or felony
-
- ▶ Crime classification??



Specified tools...

- ▶ What kinds of tools can be considered burglary tools?

Burglary tool can include, but are not limited to....





3 general categories of burglars...

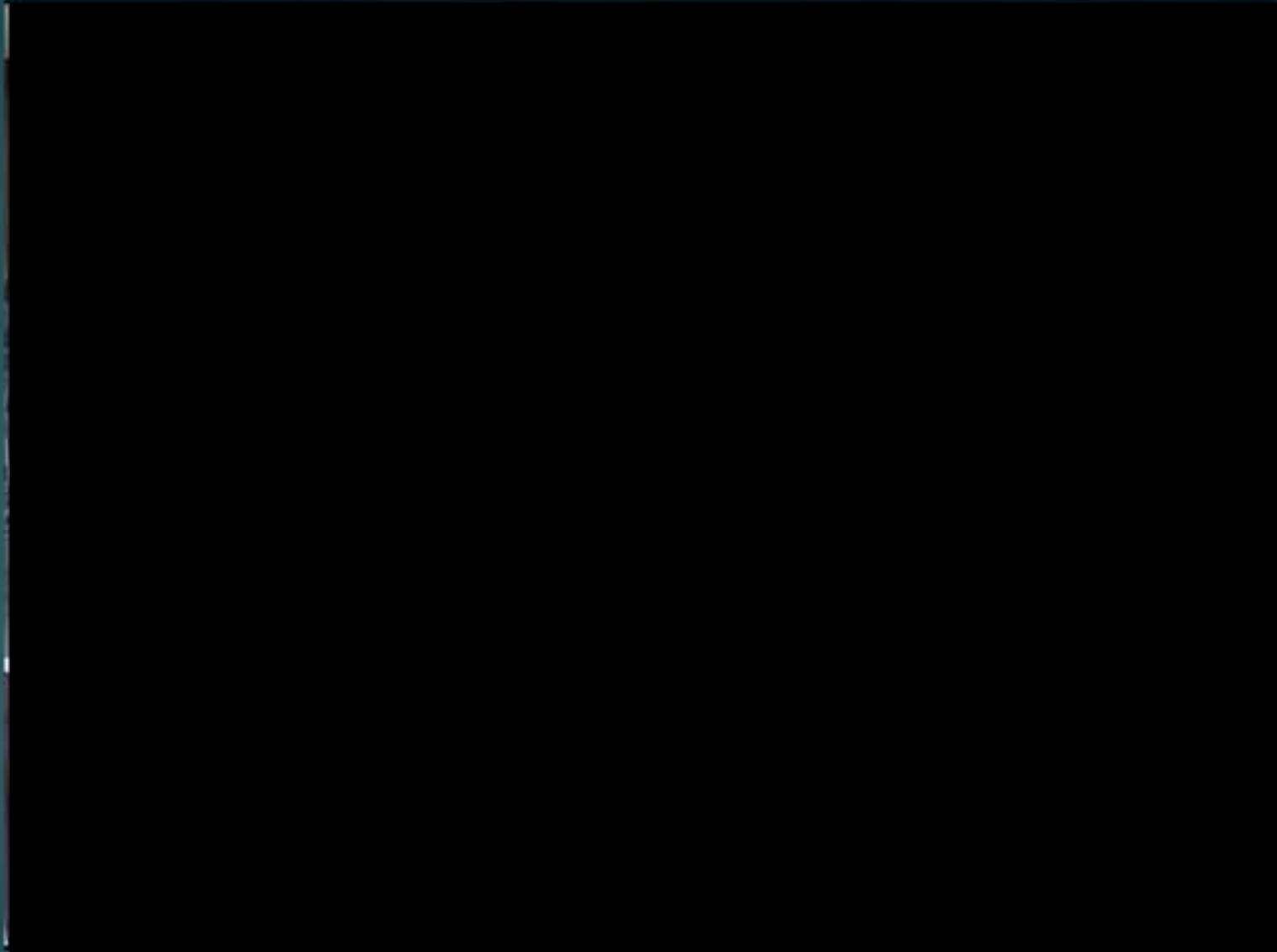
1. JUVENILE

2. AMATEUR

3. PROFESSIONAL

Tell me about them....

Juvenile



Amateur



Professional



3 general categories of burglars

1. JUVENILE



2. AMATEUR



3. PROFESSIONAL



Burglary Investigations

Securing the Crime Scene



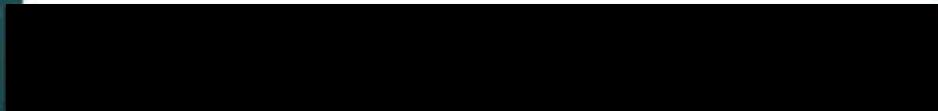
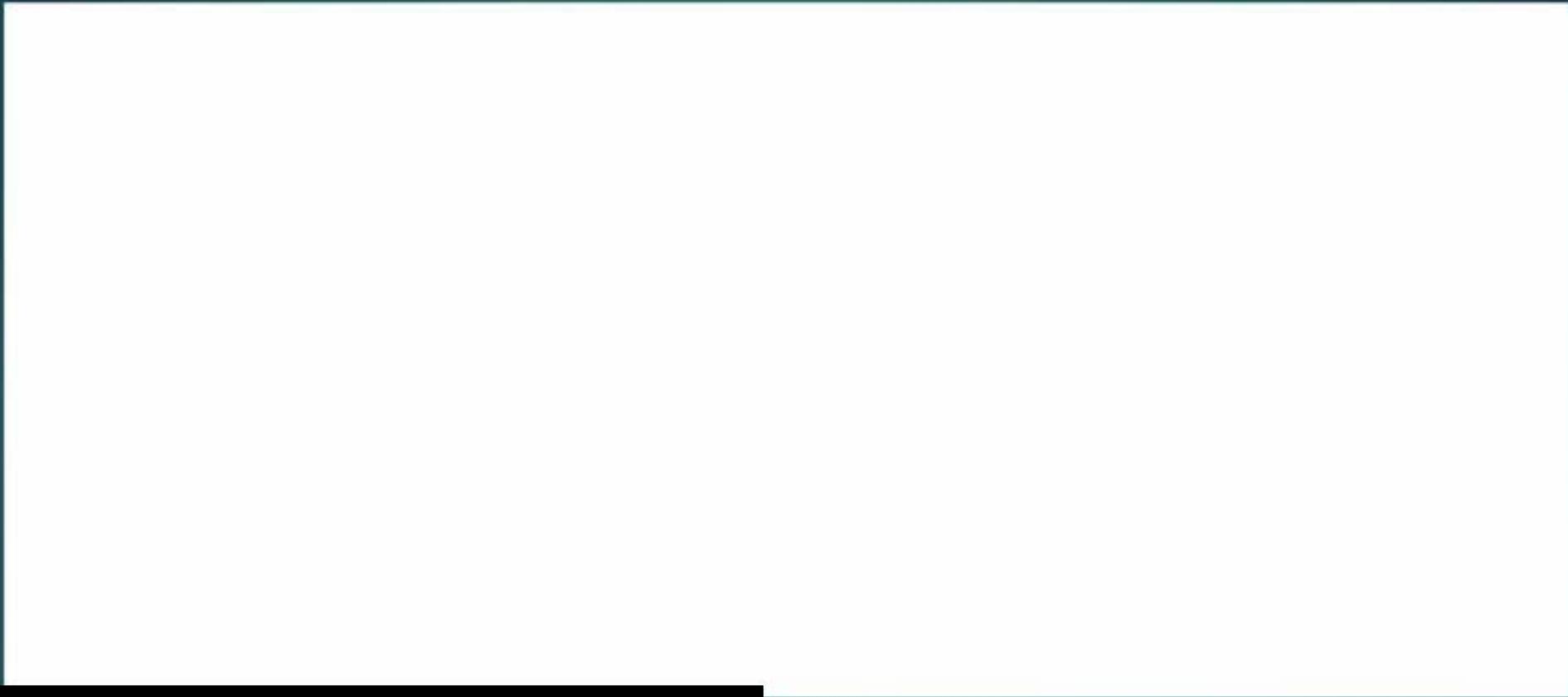
Burglary Investigations

SURVEYING THE CRIME SCENE



Burglary Investigations

Victim Witness Interviews



Burglary Investigations

EVIDENCE COLLECTION



Burglary Investigations

Investigative Report

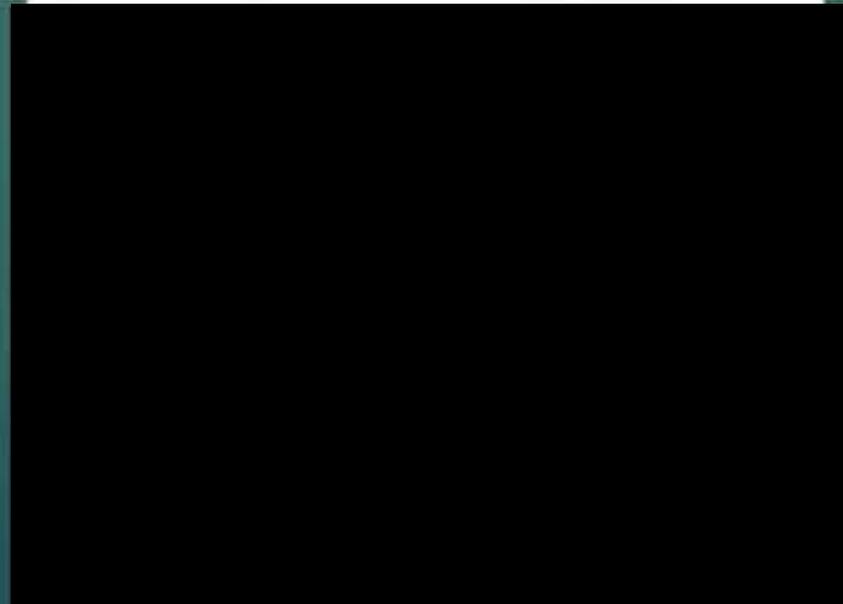
- ▶ Collect all available information necessary to write a clear and accurate investigative report.

(who, what, when, where, why & how)

Modus Operandi



Modus Operandi



Considerations when establishing a MO
TARGET SELECTION



Considerations when establishing a MO

POINT AND MANNER OF ENTRY



Considerations when establishing a MO

Actions During the Crime

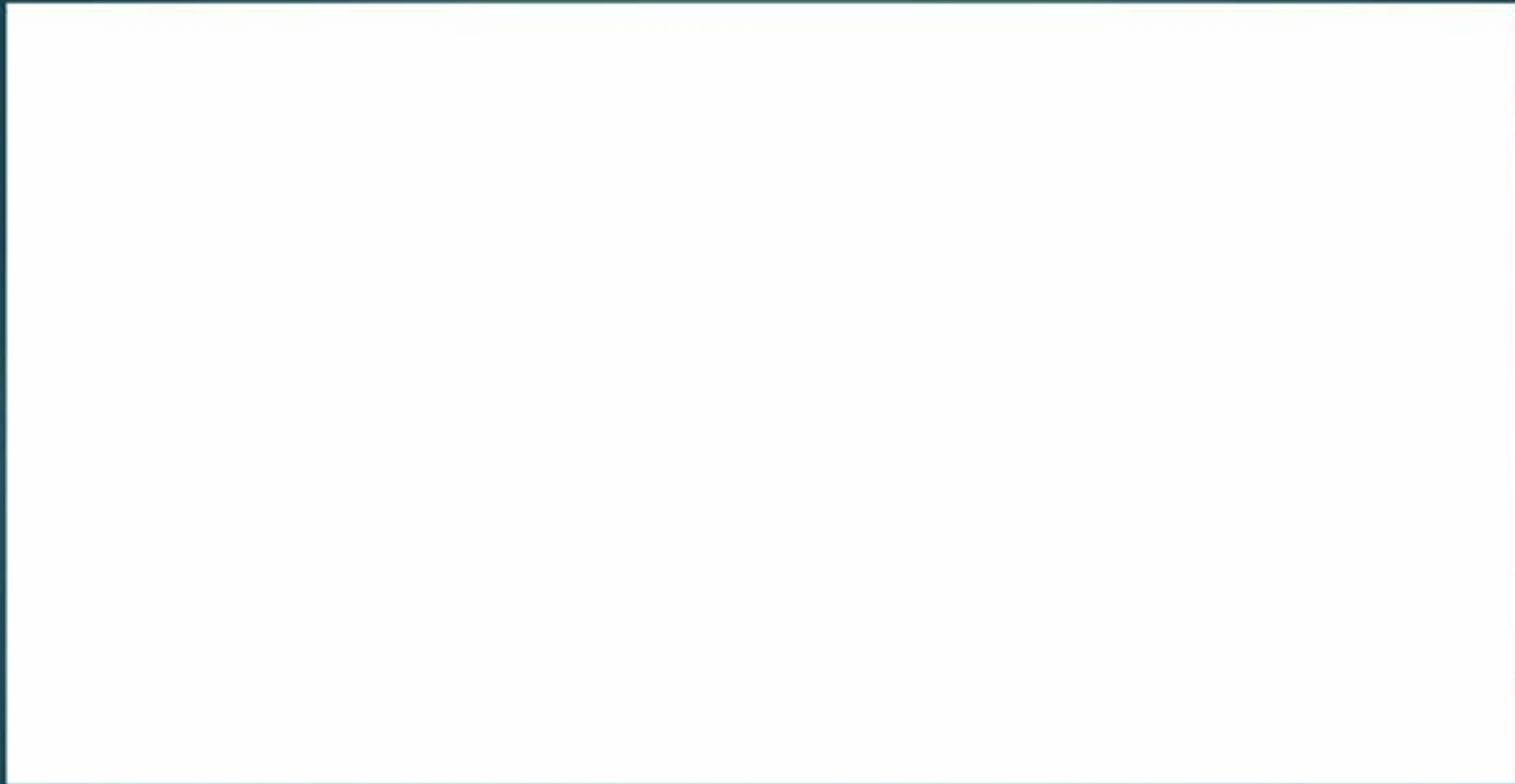


Considerations when establishing a MO

Property Stolen



Evidence Considerations



Considerations when establishing a MO

Before Leaving the Scene



Class activity

There are few things more violating than coming home and discovering your door has been kicked in and your personal belongings ransacked, or the anger and terror you may feel when you see the empty spot where your car was parked.

Split up into pairs

Class Activity – join groups

LIST

Top 5 Victim Emotions/Feelings

3 Tactics an Officer can use to address those emotions

*1 most important thing an Officer can do to express empathy towards
a victim*

What can you do on patrol to help prevent burglaries?

10 Minutes

537e PC – Possessing and Receiving Personal Property with Altered Serial Numbers or Identification Marks

- ▶ Any person who knowingly buys, sells, receives, disposes of conceals, or has possession
- ▶ Any personal property
- ▶ From which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed
- ▶ Misdemeanor unless item is integrated computer chip or panel with value of \$950.00 or more.

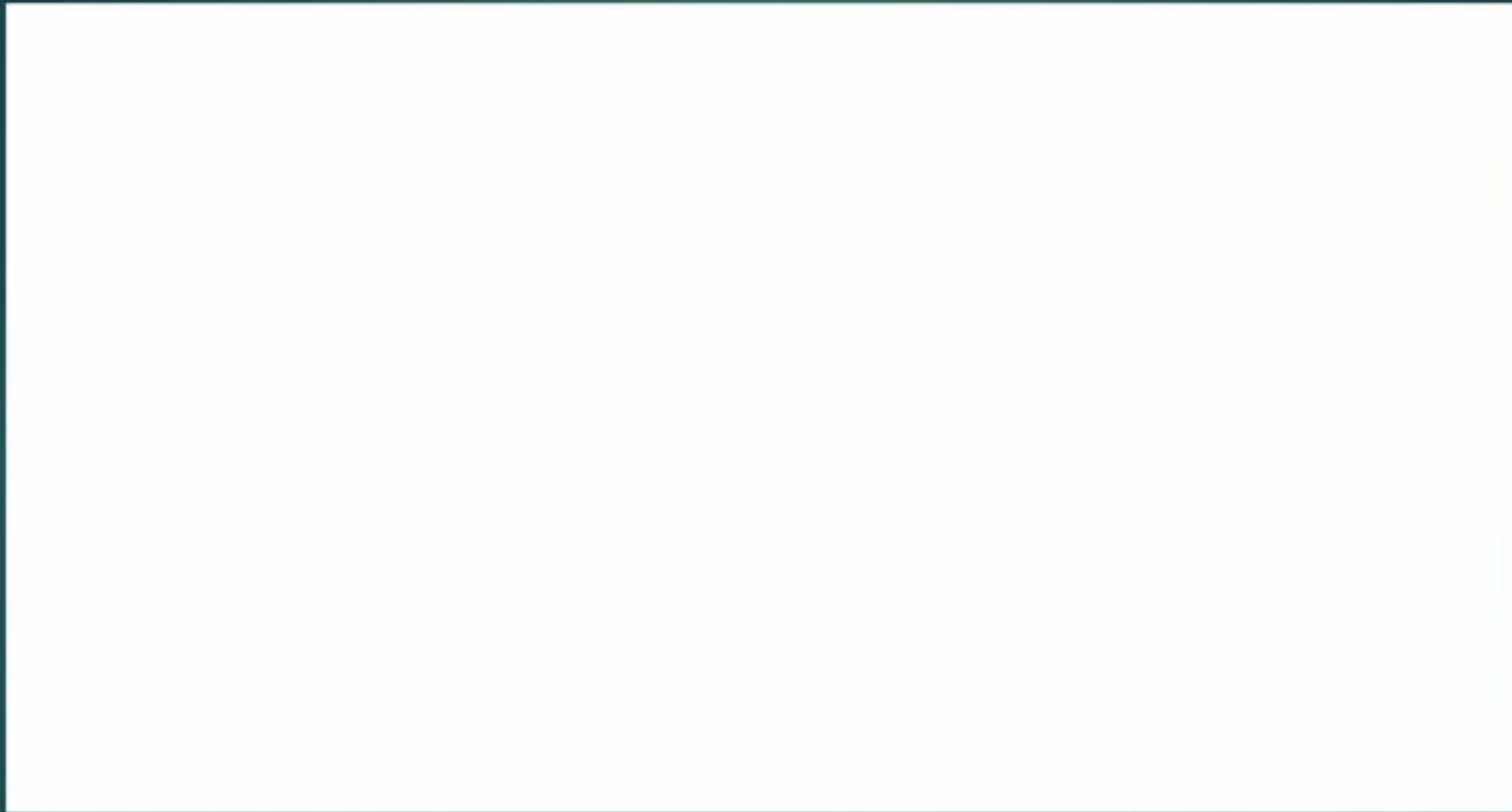
Personal property Includes...

- ▶ Television, radio, telephone
- ▶ Any musical instrument, any sound equipment
- ▶ Household appliance/furnishing, office equipment/furnishing
- ▶ Computer parts, technical or scientific equipment
- ▶ Bicycle, exercise equipment
- ▶ Electrical or mechanical equipment
- ▶ Watch, watch movement or case
- ▶ Any vehicle or vessel

496 PC – Receiving Stolen Property

- ▶ Every person who knowingly
 - ▶ Buys, receives, conceals, sells, withholds, or
 - ▶ Aids in concealing, selling, or withholding,
 - ▶ Any property obtained by theft or extortion.
-
- ▶ NOTE: If the person in possession of the property is the thief, the correct charge is *theft*.
 - ▶ M/F \$950.00

Possession of Stolen Property

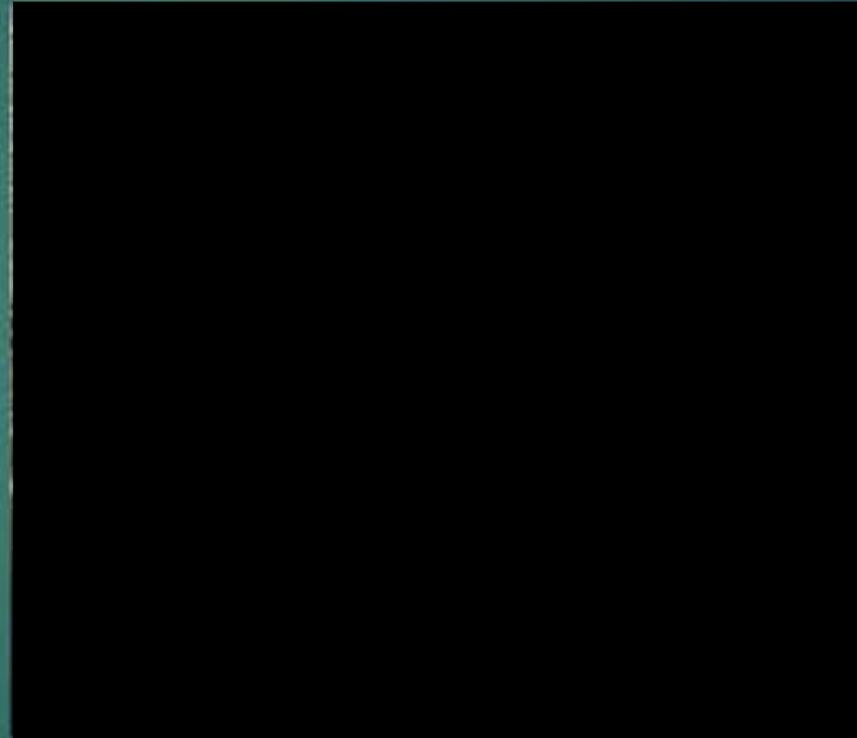


Discussion

- ▶ A young woman is given an expensive diamond necklace by her boyfriend. One week later he is arrested for grand theft. Among the objects he stole was the necklace. Under what circumstances has the girlfriend committed the crime of receiving stolen property?
- ▶ Under what circumstances has she committed no crime?

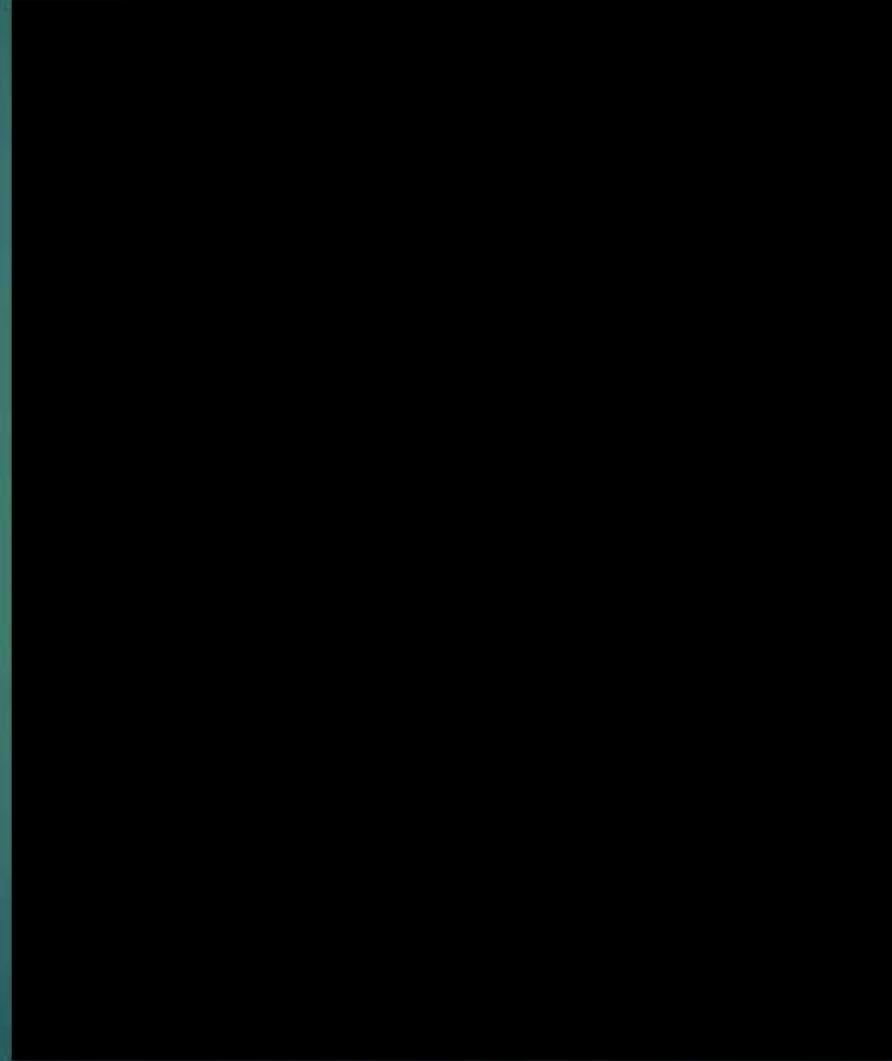
470 PC - Forgery

- ▶ The intent to defraud,
- ▶ make, utter, publish, pass, or attempts to pass
- ▶ an altered, forged, or counterfeit document or seal, or
- ▶ signs an unauthorized or fictitious name.
- ▶ **FELONY**



Types of Documents

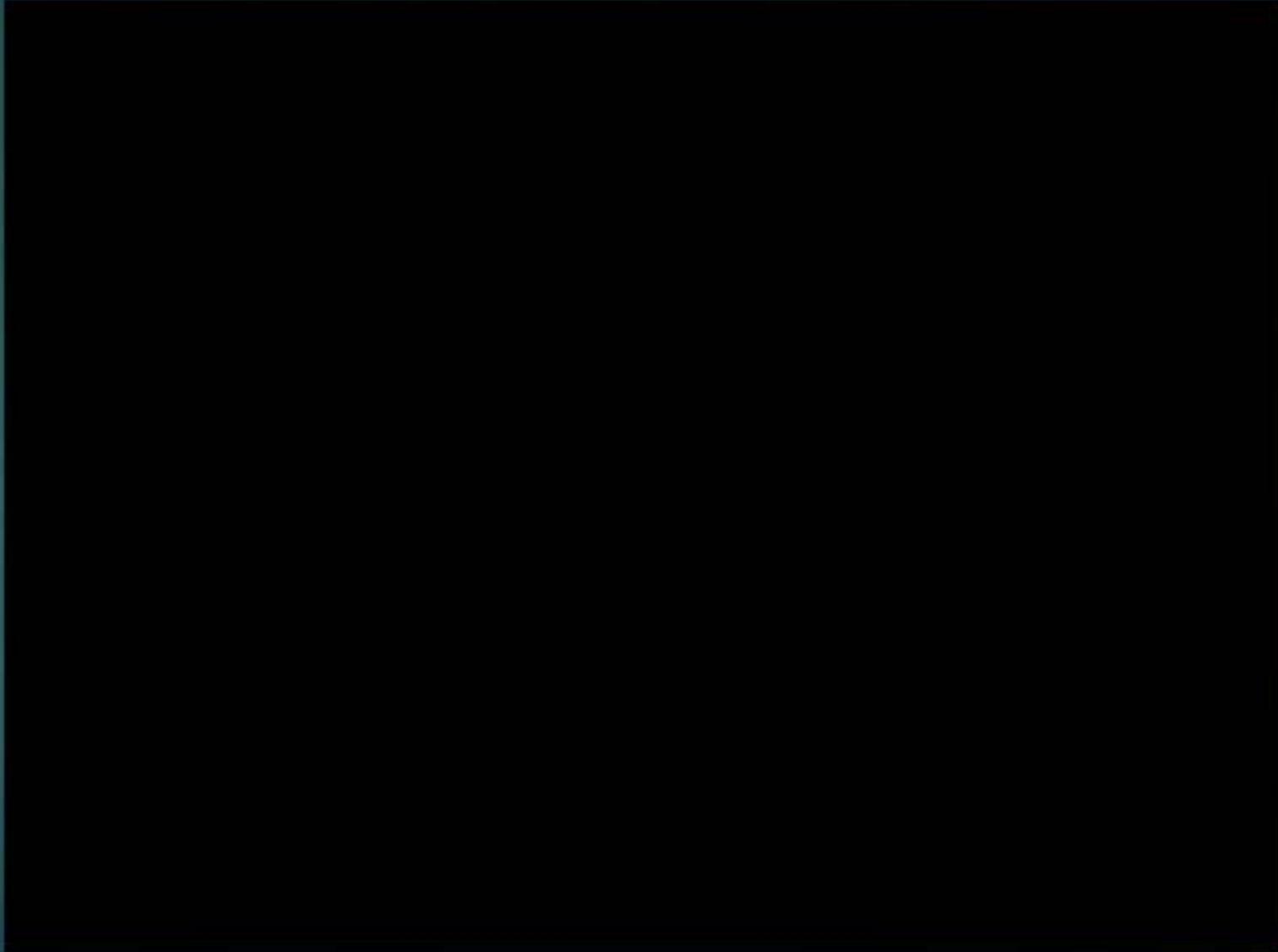
- ▶ DEEDS
- ▶ MORTGAGES
- ▶ WILLS
- ▶ LOTTERY TICKETS
- ▶ NEGOTIABLE INSTRUMENTS
- ▶ CONTRACTS



Other crimes involved...

- ▶ 470a PC – Falsification, alteration, etc. of DL / ID to facilitate the commission of forgery (M/F 950)
- ▶ 470b PC- Possession or display of DL/ ID with intent to commit forgery (M/F 950)
- ▶ 475a PC- Uttering or passing a check, money order, or warrant with intent to defraud (M/F 950)
- ▶ 476 PC – Making, passing, or uttering a fictitious bill (M/F 950)
- ▶ 472 PC – Forgery of state, corporate or official seal (F)
- ▶ 530.5 PC - Identity theft (F)

Arson 451 PC



451 PC - Arson

- ▶ Willfully and *maliciously*
 - ▶ Sets fire to or burns or causes to be burned or
 - ▶ Aids, counsels, or procures the burning of
 - ▶ Any structure, forestland, or property.
-
- ▶ FELONY



452 PC- Unlawfully Causing a Fire

- ▶ Any person who recklessly sets fire to or burns or causes to be burned
- ▶ Any structure, forestland, or property
- ▶ Misdemeanor

- ▶ Unless...injury to another person or to another person's structure, forestland, or property

- ▶ Example??

Terms...

- ▶ **Structure** – building, commercial or public tent, bridge, tunnel, or power plant
- ▶ **Forestland** – brush covered land, cut over land, forest, grasslands, or woods
- ▶ **Maliciously** – wish to vex, defraud, annoy, or injury another person or an intent to do a wrongful act, established either proof or presumption of law.
- ▶ **Recklessly** – a reasonable person is aware of and consciously disregards a substantial and unjustifiable risk that his or her act will set fire to, burn, or cause to burn a structure, forest, or property
 - ▶ What if the person is intoxicated???

Arson Related Penal Code Sections

- ▶ 548 PC - Every person who willfully injures, destroys, secretes, abandons, or disposes of any property which at the time is insured against loss or damage by theft or embezzlement or any casualty with intent to defraud or prejudice the insurer, whether the property is the property or in the possession of such person or other person (F)
- ▶ 451 (d) – Arson does not include burning or causing to be burned his/her own personal property, unless there is intent to defraud or there is injury to another person or another person's structure, forestland, or property.
 - ▶ Joint property?

453(a) PC- Possession of Flammable or Combustible Material

- ▶ Possession or manufacture or disposal of a flammable or combustible material or substance, or any incendiary device in an arrangement or preparation
- ▶ With intent to willfully and maliciously use such material, substance, or device
- ▶ To set fire to burn any structure, forest land, or property.

- ▶ FELONY

- ▶ Incendiary device??



Review



602.5 PC Unauthorized Entry of Property

- ▶ Any person, other than a public officer or employee acting within the course and scope of employment,
 - ▶ who enters or remains
 - ▶ in a noncommercial dwelling house, apartment, or other such place
 - ▶ without consent of the owner, owner's agent, or person in lawful possession.
-
- ▶ MISDEMEANOR
-
- ▶ Examples??

602(m) PC - Trespass (entering and occupying real property)

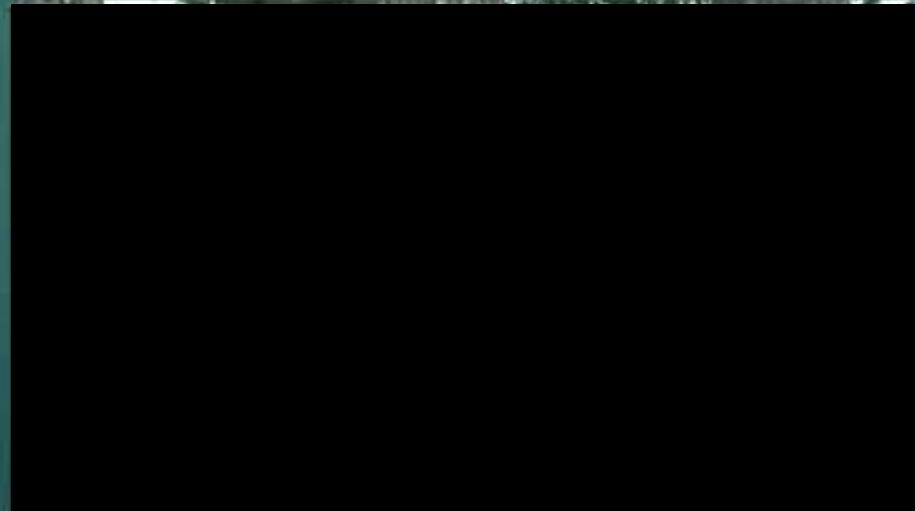
- ▶ Any person who enters and occupies
 - ▶ Real property or a structure of any kind
 - ▶ Without consent of the owner, the owner's agent, or the person in lawful possession
-
- ▶ Crime classification??

What is occupation?

- ▶ When a person exercises physical control over land where the land is possessed and enjoyed.
- ▶ Subject must use, control, and possess the property over a period of time or until they are asked to leave

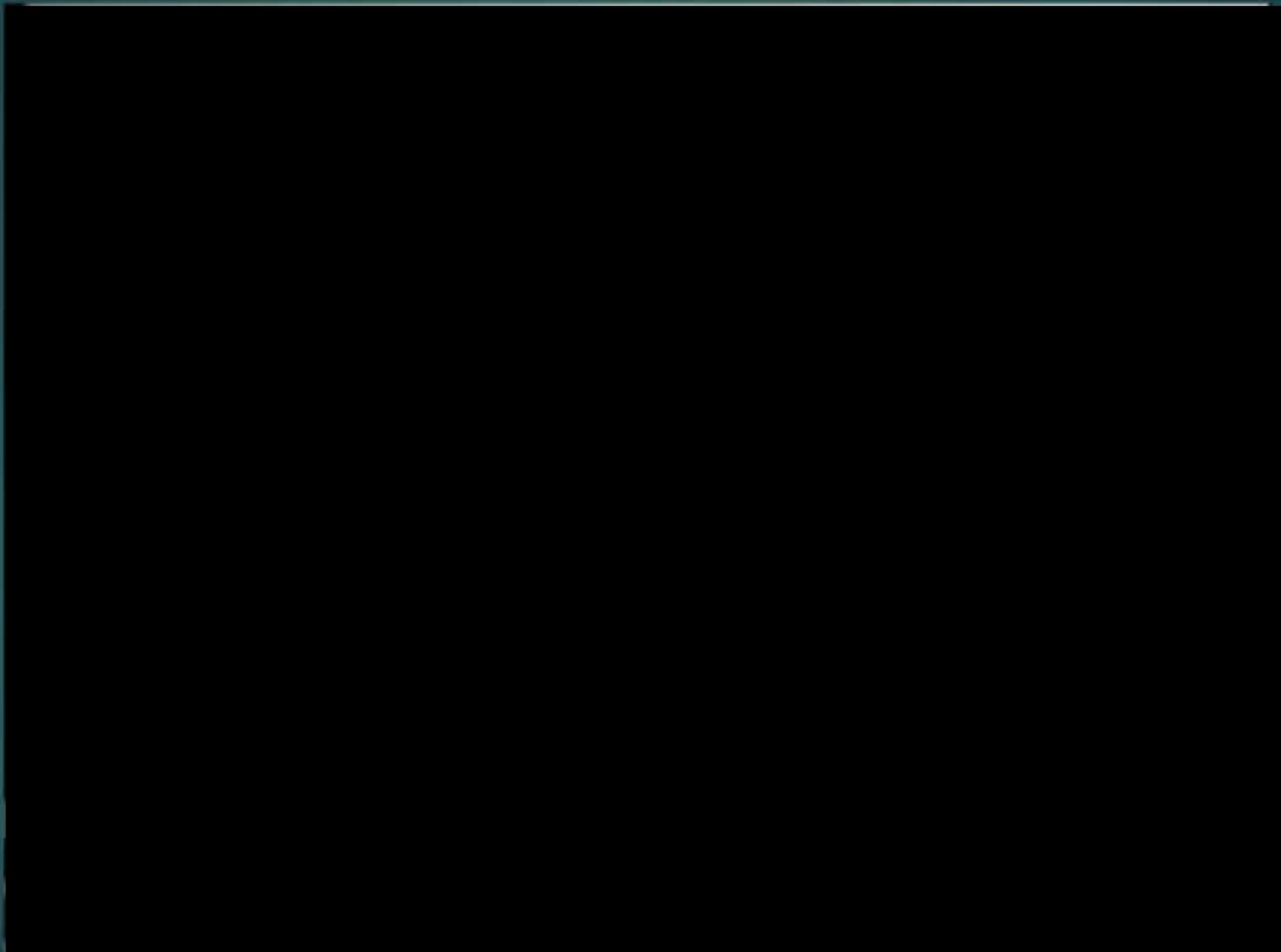
602(k) PC- Trespass to land

- ▶ Any person who enters any land,
 - ▶ whether unenclosed or enclosed by a fence,
- ▶ For the purpose of injuring any property or property rights, or
- ▶ With the intention of interfering with, obstructing, or injuring any lawful business or occupation
- ▶ Carried on by the owner, owner's agent, or person in lawful possession.



Vandalism





594 PC - Vandalism

- ▶ Malicious intent
 - ▶ To deface, damage, or destroy with graffiti or other inscribed material
 - ▶ Personal or real property
 - ▶ Not their own.
-
- ▶ Community property??
 - ▶ Crime classification??



Felony Vandalism

- ▶ Damage > \$400.00, or
- ▶ Vandalizing place of religious education or worship where services are regularly conducted, or
- ▶ Vandalizing using noxious or caustic chemicals on any structure.
- ▶ Two prior convictions for vandalism and has served jail time for one of the convictions (594.7)



Vandalism of Govt property

- ▶ Govt facility or vehicle (not exceeding \$250) 640.5 PC
 - ▶ 1st, 2nd, 3rd offense?
- ▶ Freeway or w/in 100 feet of a highway 640.7 & 640.8 PC
 - ▶ 1st, 2nd, 3rd offense?
- ▶ 2nd & 3rd offenses include any combo of 594, 594.3, 594.4, 640.5, 640.6, or 640.7



594.2(a) PC- Possession of Graffiti Tools

- ▶ Possession of specific tools with *intent* to commit vandalism
- ▶ These tools include but are not limited to:
- ▶ Spray paint cans, paint pens, etching tools, lava rocks, markers, bath etch, slap tags.



Repossession



Repossession



Repossession

- ▶ Goods sold under a conditional sales contract in which the **title remains with the seller** and the **possession with the buyer** may be lawfully repossessed by the seller.
- ▶ Occurs when the seller, or seller's agent, recovers or takes back, with complete control, goods that were sold under a conditional sales contract when the buyer fails to pay for them.
- ▶ Repossession occurs when the reposessor **gains entry** to the collateral or when the collateral becomes **connected to a tow truck**.
- ▶ The buyer can object until the reposessor has control.

Repossession – public v. private property

Public area

Entry

At any time

Control Completion

Goods are taken or
vehicle is entered

Private property

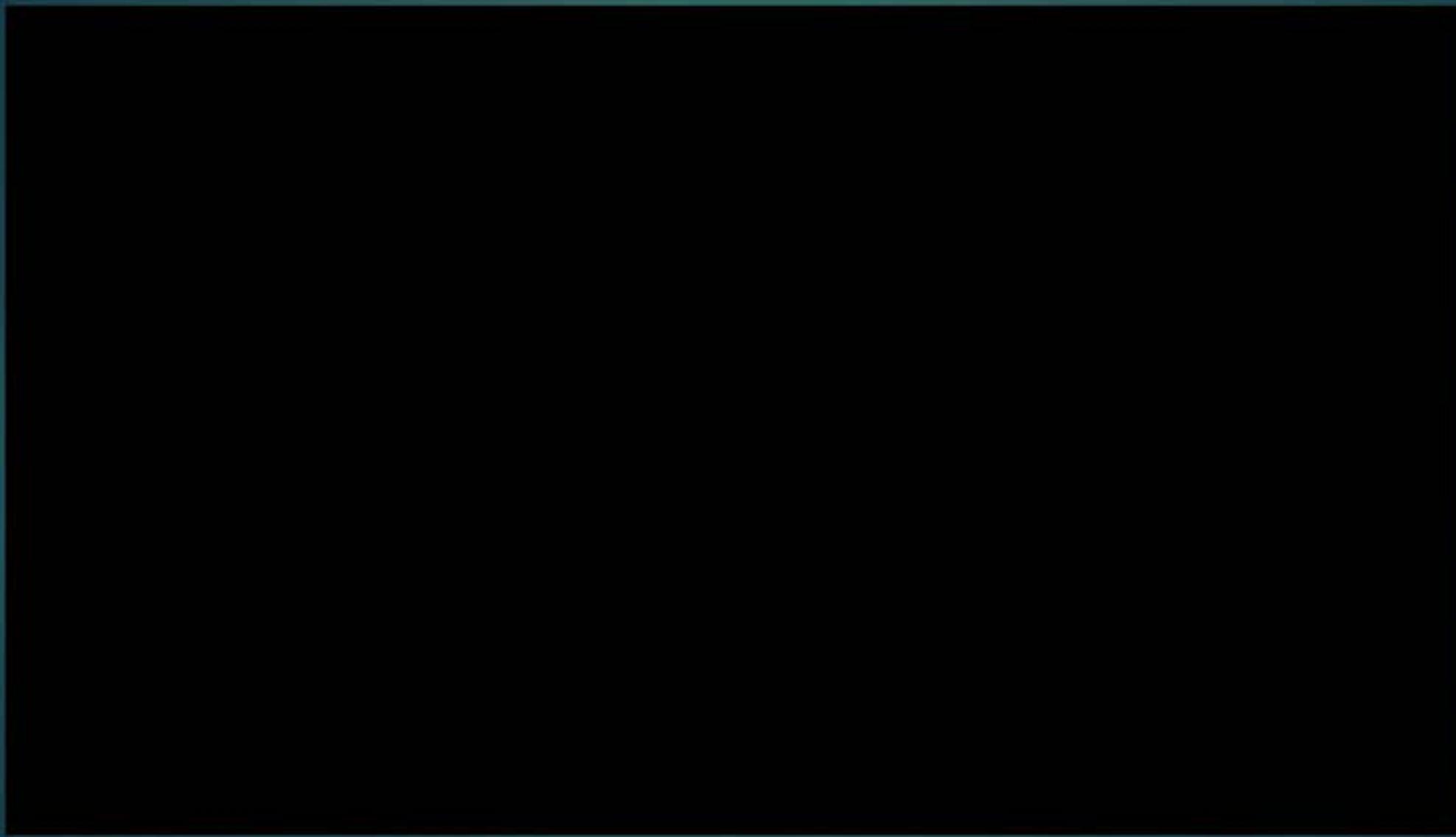
Only places open to
the public or with permission

Goods are removed
or vehicle entered/connected
to a tow truck

Your Role in a Repossession

- ▶ Crime occurred during repossession?
- ▶ Person may report stolen property when it was really repossessed

Landlord/ Tenant Disputes



Landlord/ Tenant Disputes

- ▶ Signing a lease requires a tenant to make timely payments and not to damage the property.
- ▶ A landlord is required to respect the privacy of the tenant and not enter the property unless either the tenant has given permission, or there is an emergency, (e.g., a broken water pipe) that requires immediate attention to prevent further damage to the property.

Laws related to Landlord / Tenant Disputes

- ▶ **Tenant lockout (418 PC):** Jamming or changing the lock on the tenant's door to prevent the tenant's use of the dwelling until the rent is paid.
- ▶ **Seizure of tenant's property (418PC):** Seizing a tenant's possessions in payment for delinquent rent. Even with a lien, a landlord cannot seize necessary household items or tools of the tenant's livelihood.
- ▶ **Removal of doors and windows (594 PC):** Removing the doors and windows to the tenant's dwelling or destroying the tenant's personal property in an effort to harass the tenant.

Laws related to Landlord / Tenant Disputes

- ▶ Trespass (602.5PC): Entering a tenant's premises without permission from the tenant or without prior notice.
- ▶ *Unlawful interruption of utility services; taking down, removing, injuring, or obstructing:*
 - ▶ Telephone lines (591PC)-Felony
 - ▶ Electric lines (593PC)-Felony
 - ▶ Gas or hazardous liquid pipelines (593cPC)-Felony
 - ▶ Turning off the water (624PC)- Misdemeanor

Review



Group Presentation

You have been asked by your sergeant to attend a community meeting on the behalf of SJPD. The citizens are unhappy due to an increase in _____ crime in their neighborhood.

Prepare a 2-3 minute presentation on the topic.

Talk about the crime

Is there something the citizens can do to prevent _____?

What will be SJPD's role or response to the problem?