

	<b>Abilene Police Department Operating Procedures</b>		
	Subject: <i>Class C Violations and Thefts</i>	Issued: 03/22/2023	TBP:

**Class C Thefts**

When a call is received from a store reporting a Class C theft, Communications personnel shall generate a call sheet and do one of the following:

- A. No License Available – If a vehicle license is not available, Communications personnel shall advise the reporting party that an “attempt to locate” will be broadcasted on the suspect and/or vehicle. Communications shall provide the reporting party with the sequence number of the call. If there is not enough information for a follow-up investigation, the reporting party should be informed that no action, other than the “attempt to locate,” will be taken by this Department.
- B. License is Available – If a vehicle license is available, Communications personnel shall place the registration return on the call sheet. If the registration returns to a local address, an officer should be dispatched to that address to attempt to locate the driver. The reporting party shall be given the sequence number of the call and be asked to mail a completed Class C Report Form to the Department. If the reporting party is unfamiliar with the Form, they should be advised to contact their supervisor.

**Officer Response**

When an officer is dispatched to an address in reference to a Class C theft and the vehicle or driver is located, the officer should resolve the situation either by causing restitution to be made or by issuing a misdemeanor citation.

If the vehicle or driver is not located, the officer should call the store and provide the reporting party any pertinent information required by the Class C Report Form.

**Class C Mail-In Reports**

Class C theft reports received by mail at the Department should be forwarded to the Crimes Against Property supervisor in CID. Follow-up investigation on these cases should be done on a Wednesday by special assignment patrol officers. If the case is not resolved during the follow-up investigation, it should be returned to the Crimes Against Property supervisor. No case number should be assigned, unless the case is cleared by issuing a misdemeanor citation.

**Filing Class B Misdemeanor and Class C Misdemeanor Charges Together**

When an individual is arrested for a Class B misdemeanor or higher offense, no lesser-included Class C offenses shall be filed. However, other Class C violations may be filed by either filing the charges at booking or by allowing the offender to sign a promise to appear. If Class C charges are filed at booking, the officer shall provide an extra copy of the Arrest Report Form and PED to the City Attorney’s Office. If there is any doubt as to whether the Class C offense may be considered a lesser-included offense, the officer shall not file it.

	<b>Abilene Police Department Operating Procedures</b>		
	Subject: <i>Class C Violations and Thefts</i>	Issued: 03/22/2023	TBP:

### **Execution of Municipal Warrants/Bonds**

When municipal warrants/bonds are executed, the officer shall first check if a case number has been issued to the warrant.

- A. If there is a case, that number shall be used.
- B. When no case number exists, the officer shall obtain a case number.
- C. In all cases when a bond is taken, an Arrest Report Form shall be used.

### **Posting Class C Violators**

Officers may arrest persons who would normally be issued a misdemeanor citation if:

- A. The person does not possess or present valid identification, including current address;
- B. The person refuses to sign the promise to appear;
- C. There are existing arrest warrants on the person; or
- D. Circumstances dictate that a physical arrest is appropriate.

### **Arrest for Class C Theft**

If the officer determines that a physical arrest of an individual accused of Class C theft is necessary under these provisions, the officer shall:

- A. Take the offender before a magistrate when available;
- B. Book the offender into jail (complete report);
- C. Issue a misdemeanor citation as required;
- D. Preserve any evidence as described above; and
- E. Obtain an affidavit from the complainant or agent.

Article 18.16 of the Texas Code of Criminal Procedure states:

Any person has a right to prevent the consequences of theft by seizing any personal property that has been stolen and bringing it, with the person suspected of committing the theft, if that person can be taken, before a magistrate for examination, or delivering the property and the person suspected of committing the theft to a peace officer for that purpose. To justify a seizure under this article, there must be reasonable ground to believe the property is stolen, and the seizure must be openly made and the proceedings had without delay.

To ensure reasonable grounds are present, a victim must be identified and a specific offense must be alleged before an arrest is made. This does not prevent the officer from detaining an alleged offender for a reasonable amount of time to determine if an offense has been committed. If an officer is unable to determine who the victim is or determine a specific offense, the property may be seized and the alleged offender released after proper identification. A warrant may be obtained at a later date after a victim is identified and the offense is confirmed.

	<b>Abilene Police Department Operating Procedures</b>		
	Subject: <i>Class C Violations and Thefts</i>	Issued: <b>03/22/2023</b>	TBP:

### **Class C Warrants**

Officers who contact persons with Class C and above warrants issued in any municipal court of justice of the peace court in Taylor County may make an arrest after confirming the warrant with the originating agency.

### **Sanctuary City for the Unborn Ordinance**

When a call is received alleging a violation(s) of Chapter 20, Article VIII. Abortion, Abilene City Code of Ordinances, Communications personnel shall generate a call sheet and do one of the following:

- A. Dispatch the call for service, if an officer's presence is requested; or
- B. Assign the call for review and investigation by an on duty desk officer, if available.

When an officer investigates a call for service and it is determined that no offense has occurred, the officer shall complete a detailed call sheet.

If an officer determines that an offense has occurred, the officer shall generate a report and make notification via email to Police Administration.

After email notification to Police Administration, the following steps shall occur:

- A. Police Administration, or a designee, shall review the report for its validity and ensure it meets all elements of the offense.
- B. Police Administration shall notify City Administration of the determination.
- C. Police Administration shall forward the report to the City Attorney's Office for review in order to determine if the case has prosecutorial merit.
- D. If a violation exists, the Department may issue a citation.

[Reviewed and Revised 3-22-2023 \(487\)](#)