

# Habitual Larceny: Reducing Shoplifting through Repeat Offenders



Charlotte-Mecklenburg Police Department

## INDEX

- I. Summary
- II. Scanning
  - Ten Year Larceny Review
  - Narrowing the Scope
- III. Analysis
  - Extent of Problem
  - Community Perspective
  - Prior Response
  - Alternative Response
- IV. Response
  - Academic Review
  - CMPD Response
- V. Assessment
  - Charges
  - Convictions
  - Incarceration Sentences
  - Cost Effectiveness
  - Projected Officer Hour Savings
  - Projected Victim Property Savings
  - Additional Benefits
  - Citywide Crime Reduction
  - Examples of Success
  - Ongoing Efforts
- VI. Agency Contact/Team Members
- VII. Appendix

## **I. SUMMARY**

### **Scanning**

Shoplifting may feel like a victimless crime to many, but the numbers are significantly impacting overall crime rates in Charlotte. In 2013, shoplifting accounted for 12.6% of all Part I crimes.

With Part I crime decreasing over the past 7 years, the Charlotte-Mecklenburg Police Department (CMPD) was looking for ways to maintain or even continue that reduction.

### **Analysis**

Shoplifting is a crime that has proved frustrating for officers, who lock up the same criminal over and over, but it is a crime that counts and it deserves attention. An analysis of shoplifting revealed that shoplifting calls consume 7,730 hours of officer activity annually, reported losses are valued at over \$8.1 million, and repeat shoplifting offenders account for 40.1% of shoplifting incidents where a suspect was identified.

### **Response**

In 2011 the state of North Carolina adopted a new statute, G. S. 14-72(b), aimed at addressing repeat larceny offenders. This statute provides that any individual who had been previously convicted of a larceny at least four times to have any subsequent larceny charge upgraded to a felony. With nearly 700 repeat larceny suspects that qualify in Charlotte, it became apparent that increasing incarceration time for habitual offenders through a felony conviction was a viable route to reduce larceny.

The CMPD implemented the use of this statute by creating a list of qualifying offenders. Officers were then required to check the list for each larceny incident for which they made an

arrest. If the suspect qualified, by reaching the four counts of larceny, they were to charge the suspect with a felony.

### **Assessment**

15 offenders have been convicted with the Habitual Larceny statute since its implementation. These 15 offenders account for a total of 576 arrests in Mecklenburg County and 1,390 charges- including 248 felonies. Based on their histories, it is projected that having just these 15 offenders off of the street will save officers over 95 service hours annually and the community \$20,000 in stolen property.

The effects of the project are still in their infancy, but the outlook is promising for a reduction in shoplifting and overall Part I crimes in Charlotte. This project is a policy change for the CMPD that requires minimal additional work and virtually no resources to maintain. The non-invasive, hands off nature of this project make it sustainable and effective tool for the City of Charlotte to reduce crime.

Word Count: 394

## **II. SCANNING**

### **Ten Year Larceny Review**

Since 2005 Charlotte has averaged 24,785 larcenies per year (Figure 1: Annual Larceny) . This accounts for 58% of Part I crimes in Charlotte. This frequency is not unique to Charlotte. The FBI's website states that nationwide, "the rate of estimated larceny-thefts in 2013 was 1,899.4 per 100,000 inhabitants." It also notes that "larceny-thefts accounted for an estimated 69.6 percent of property crimes in 2013." In Charlotte alone over the past 10 years, the value of stolen property from larcenies was over \$230 million, averaging over 23 million dollars annually (Figure 2: Annual Value of Property).

Charlotte has seen a decrease in Part I Crimes over the past several years. Part I crimes peaked in 2007 with 56,571 incidents and has decreased by 39% over the past 7 years to 34,300 Part I crimes in 2014 (Figure 3: Part I Crimes). Due to crime being so low, it was apparent the department had to look for new and innovative ways to maintain this reduction. With larceny accounting for over 60% of Part I crimes since 2011 (Figure 4: Larceny Percentage), it was clear that this was a targetable area that could be impacted by directed efforts.

### **Narrowing the Scope**

In choosing Larceny as the target crime to reduce overall numbers, the CMPD wanted to narrow the focus of its efforts. The 8 Uniformed Crime Report (UCR) categories of larceny were scanned to determine where the CMPD could have the most impact. Statistics from the previous year (2013) were analyzed to get a more specific picture of the current larceny situation. (Figures 5a and 5b: Larceny Types)

- Larceny-Other - 37.4%
- Larceny from Auto - 34.5%
- Larceny-Shoplifting - 19.6%
- Larceny from Building - 5.6%
- Larceny of Bicycle - 1.2%
- Larceny-Purse Snatching - 0.8%
- Larceny-Pocket Picking - 0.8%
- Larceny-Coin Operated Machine - 0.1%

The top ranking larceny type for 2013 was *Larceny-Other* with 37.4% or larceny number.

An exploration of this crime type revealed that this truly is a catchall for larceny reports. The lack of specificity for the crime type encouraged the CMPD to keep looking for something that it could take actionable directed steps against.

*Larceny from Auto* was the next highest ranking larceny type at 34.5%. While the numbers were significant, CMPD already had several processes in place to combat *Larceny from Auto* including dedicated detectives and focus groups.

*Larceny-Shoplifting* ranked third at 19.6% with 4352 cases in 2013. While the shoplifting numbers did not look substantial in the context of all larcenies, it did have a significant impact overall. These 4,352 shoplifting cases accounted for 12.6% (Figure 6: Shoplifting Pie Chart) of all Part I crimes in Charlotte for 2013 (total Part I Crimes were 34,664 in 2013). The CMPD determined that if the Department could reduce shoplifting by 10%, this would reduce overall Part I crime by 1.25% which is significant when looking at the overall picture.

### **III. ANALYSIS**

#### **Extent of Problem**

Shoplifting is a more significant problem than is often realized. While dubbed a victimless crime, its effects are actually substantial. A thorough review was conducted to analyze the impact of shoplifting on victims and the community. It becomes clear that a significant loss is suffered through officer activity and property value.

- **Officer Hours:** An average of 7,730 officer hours (which is the equivalent of 322 full days) per year of officer activity are spent on shoplifting calls for service.
- **Victim Businesses:** Department stores (which include Walmart and Target) and grocery stores/supermarkets accounted for 55% of shoplifting cases in 2013. Other top shoplifting victim businesses were shopping malls, convenience stores, gas stations, and drug stores for a combined 32% (Figure 7: Business Type). The top shoplifting business location was Walmart which accounted for 26.7% of shoplifting incidents with 1,160 cases in 2013.
- **Property Value:** Over the past 10 years, the value of stolen property from shoplifting was over \$8.1 million (Figure 8: Property Value). In 2013 the stolen property value was just over \$1 million. With 4,352 larcenies in this time frame, the average loss per incident was \$229.94.
- **Locations:** Charlotte has 13 geographic patrol divisions and an airport division. The divisions with the highest count of larceny were those that have large shopping malls or significant retail areas. (Figure 9: Division Count)

- **Reported Cases:** 82.9% of shoplifting cases had a suspect identified. Frequently businesses will report a larceny unless they have a suspect. It can be speculated that the problem of shoplifting is significantly greater than the cases that are reported.

- **Offenders:**

Age: The age range for suspects varied from children to elderly, but the concentration of offenders were between 15 years old and 25 years old (42%).

Gender: 59% of larceny suspects are male and 41% are female.

Repeat Offenders: 16.9% of shoplifting suspects have been a suspect in more than one shoplifting incident. These repeat offenders account for 40.1% of all shoplifting incidents where a suspect was identified.

## **Community Perspective**

The community has a varied perspective on shoplifting. Individuals commonly do not have a strong opinion on shoplifting and think of it as a victimless crime. Others understand that shoplifting is a crime and that monetary losses to the effected business inevitably drive up prices for shoppers.

Many businesses, particularly chain stores, have a threshold in which they must meet to report larcenies. These losses are built in to their pricing structure and the expectation of larceny is calculated into their budgets. Smaller local 'mom and pop' businesses are impacted more negatively by shoplifting as it is more difficult for them to handle the monetary loss.



## Prior Response

Repeat locations such as Walmart driving numbers has caught the attention of CMPD Command Staff in CompStat on multiple occasions. Two focused efforts have been to place officers at stores and to work with store loss prevention associates.

- Officers in store: Since Walmart represents a significant amount of the shoplifting numbers in Charlotte (26.7%), efforts have been made to directly combat larcenies at these stores. There are 8 Walmart stores in Charlotte. Analysis has been done repeatedly to focus on the most problematic Walmart stores. Efforts have been made to work with those stores and station officers at those locations. This however has not proved to be a major deterrent or a sustainable solution.
- Loss Prevention education: Division coordinators commonly work with the loss prevention associates at businesses in their area. Some of the stores are willing to make modifications to their policies, while others take orders from headquarters and have no say in the ability to implement any changes. Additionally, some loss prevention associates are more aggressive than others. Certain stores may hire a new loss prevention associate and the shoplifting numbers will spike for that store, not because of a true increase in shoplifting, but because of the loss prevention associates' motivation.

## Alternative Response

Some cities have implemented a standard that they will only take a larceny report if the value of the stolen property is over a certain dollar amount. The goal of the Habitual Larceny project was not to ignore cases or dismiss ones that were not of value.

## IV. RESPONSE

### Academic Review

A literature review was conducted on the problem of larceny. Paul Zak in his article titled, “Larceny” (Economics of Governance (2000) 1:157-179) refers to well-known models on the problem. He cited four identified solutions that he found through his historical literature review:

- increased police expenditures
- increased income transfers
- longer prison sentences
- higher conviction rates

These solutions were reviewed in the context of the CMPD’s situation. It was determined that increasing *police expenditures* was not a viable option for the CMPD and the City of Charlotte.

The City deals with various crime types and the public does not see the value in having resources and money directed toward shoplifting when there are violent crimes still occurring.

Additionally, the money and resources pushed toward this crime has not previously been effective long term. The second solution of *increased income transfer* is an economic issue and is something that a police department cannot impact. The CMPD was left with the remaining

two solutions, “longer prison sentences” and “higher conviction rates”. This is where the CMPD decided to focus its efforts.

Many larceny cases do not result in a sentenced conviction, and the average length of a sentence for a guilty larceny conviction is only 38 days. This amount of time does not act as a deterrent for a repeat larceny suspect and does little to reduce overall larceny numbers. In approaching these solutions, the CMPD did not want to aimlessly lock up offenders or make “examples” out of one time offenders. It was determined that the goal of this project was to go after habitual offenders who are continuously partaking in larceny activity and get them off of the streets for an amount of time that would have a substantial impact on the problem.

### **CMPD Response**

In 2011 the state of North Carolina developed a new statute, G. S. 14-72(b), aimed at repeat larceny offenders (Figure 10: Statute). The statute enabled any individual who had been previously convicted of a larceny at least four times in the state of North Carolina to have a subsequent larceny charge upgraded to a felony. With nearly 700 repeat larceny suspects that qualify in Charlotte, it became apparent that this was a viable route to reduce larceny.

**SESSION LAW 2012-154  
HOUSE BILL 54**

AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

Below are the steps on how the statute was applied in Charlotte-Mecklenburg.

### **Step 1: Identify qualified subjects**

A list was generated by the Crime Analysis Unit based on Mecklenburg County convictions. The list identified 683 offenders that qualify for Habitual Larceny Status as defined by the NC Statute. A review of these subjects revealed that these individuals were tied to 4,217 larcenies since 2005 and 3,858 non-larceny crimes in Mecklenburg. Additionally, many of these subjects are well known offenders who are known to shoplift daily, but often are not reported, receive just a ban from a store, or escape without any consequence.

## **Step 2: Policy**

Several options on how to apply the statute and utilize the Habitual Larceny qualifier list were reviewed. Considerations included setting up bait operations and choosing target offenders from this list for each division to monitor. Ultimately, a solution was identified that would create the least impact on officers. With these offenders engaging in this criminal activity on a daily basis, it was clear that a reactive approach was appropriate, and there was no need for officers to step out of their regular duties. The solution was to review the suspect in each and every larceny case, determine if they qualified for Habitual Larceny, and if so charge them appropriately with the felony (as stated in the Habitual Larceny statute). This was determined to be the most reasonable and encompassing solution because it applies to all repeat offenders and not just a targeted group. Additionally, the amount of extra work for officers is minimal, saving manpower hours for proactive work.

### Step 3: Implementation

The implementation process was a multi-part approach. This included making the Habitual Larceny qualifier list accessible to all officers and creating a process to ensure subjects were not overlooked.

- Portal: The list of Habitual Larceny qualifiers was posted to the Charlotte-Mecklenburg Police Department's internal portal. This allowed officers to instantly access the list from the office or their patrol car. Officers were instructed that on any larceny call to check the list to determine if the suspect qualified for Habitual Larceny. If the suspect did qualify, they were to be charged appropriately. Referencing the list was implemented as a mandatory policy for officers.
- Watch List: The Watch List is a pop-up window within the CMPD case management system, KBCOPS (Figures 11a and 11b: Watch List Entry). It alerts officers to pertinent information about the offender that they are entering into the system. Each of the Habitual Larceny qualifiers were added to the Watch List through an automated process. This issued an alert to an officer that the subject they were entering into the system was a Habitual Larceny qualifier. The alert also provided the historical documentation on that subject's larceny convictions which is required as part of the Mecklenburg County District Attorney's Office papering process.
- Communications Division: In some instances officers would not have access to the list of qualifiers due to location or lack of internet connection. Project coordinators reached out to the CMPD's Communications Division to resolve this issue. Officers without

access to the list were instructed to call into the Communications Division, who would be able to check the list for them.

The Communications Division has a tremendous workload and there was initial concern about this impeding their regular duties. The Crime Analysis Division performed a full analysis on the projected time that the call takers would be expected to spend on these calls, and it was determined that they would have no significant impact on their workload (Figure 12: Communications Workload Analysis).

#### **Step 4: District Attorney Involvement**

In the first few cases that were charged using the Habitual Larceny statute, issues arose from within the Mecklenburg County District Attorney's (DA) office. There was concern surrounding the possible workload the Habitual Larceny charges would create and also around possible inconsistencies regarding how these cases were papered. The concerns prompted a dialogue between the project's coordinators and the DA's office. The project coordinators explained the process, the expectations, and also identified that this would actually reduce the overall workload. Several of these offenders rotated through the court system so frequently because of larceny and various other violations that by taking them off of the streets for a more significant time frame, it would in fact reduce the workload of the District Attorney's office.

#### **Step 5: Training**

An in-depth training was developed to educate the entire CMPD on the appropriate methods for handling Habitual Larceny cases. The training was a web-based audio-video module that all sworn employees were required to complete. The training addressed the following topics:

- Statute requirements
- Examples of successful cases to show officers the value of their efforts
- List of qualifying and non-qualifying convictions
- Various methods for checking for qualifiers
- Guidelines for preparing the affidavit, papering packet, and disposition request form
- Common questions and answers

A reference guide is posted to the CMPD portal for officers (Figure 13: Larceny Guide).

### **Step 6: Accountability**

Crime Analysis created a report to monitor the larceny arrests and cases in which one of the Habitual Larceny qualifiers was involved. Each day the report is reviewed to ensure that officers are checking the list and charging suspects appropriately. In instances in which an offender is overlooked, project coordinators contact the assigned officer and their supervisor to make the appropriate upgrades to that case.

## **V. ASSESSMENT**

The most significant aspect of the Habitual Larceny project is that the results are ongoing. This project is not a saturation of resources or a temporary patch. It is a long term and sustainable project that will have positive results for years to come with minimal effort. In less than a year from the full implementation of the CMPD Habitual Larceny program, the results are already significant. The success of the project is detailed in the charges brought against offenders, their resulting convictions, the program's cost effectiveness, overall savings, and possible future efforts.

## **Charges**

From the implementation of the statute on December 12, 2012 through May 15, 2015, there have been 91 individuals charged with Habitual Larceny 176 times. Several subjects have been charged more than once, which reinforces the fact that they are indeed habitual offenders. The court outcome is as follows:

- 15 convictions
- 30 found guilty to a lesser charge
- 84 case dismissals
- 47 yet to go to trial

These subjects collectively have had a significant negative impact on the community. Together, the 91 subjects who have been charged with Habitual Larceny account for 1,047 previous larceny charges in Mecklenburg County. The value of the property that has been reported stolen by these subjects is reported as \$568,195.95. It becomes evident that appropriate incarceration sentences yields a significant impact on the reduction of police workload, district attorney workload, and loss of property by citizens.

## **Convictions**

Since the implementation of the statute there have been fifteen (15) people convicted of Habitual Larceny in Mecklenburg County. These 15 subjects account for 576 total arrests in Mecklenburg County. Together they have amassed 1,390 charges which is an average of 92.7 charges per person, and 248 of these charges were felonies (17.8%).



## **Incarceration Sentences**

The sentences for Habitual Larceny convictions have ranged from 8-19 months (minimum: 8 months to maximum: 19 months) to as high as 85-114 months (minimum: 85 months to maximum: 114). The average sentence for these 15 offenders was between 21 months and 35 months. In the lowest charged scenario of 8 months, this is 6.3 times longer than the average larceny sentence of 38 days. These numbers prove the goal of increase sentencing for larcenies is being achieved.

## **Cost Effectiveness**

A substantial benefit of this approach to dealing with chronic larceny offenders is the cost effectiveness. The CMPD's Habitual Larceny program approach is used by all officers within the CMPD, but does not ask them to step outside their daily duties. The only additional work for officers is to verify if the suspect's name is on the Habitual Larceny list provided to them, and changing their charge accordingly. .

## **Projected Officer Hour Savings**

The average officer hours spent per shoplifting incident is 2 hours, 35 minutes. Over the past 5 years these 15 convicted subjects were suspects in an average of 37 larceny incidents per year. This accounts for an estimated 95 hours, 34 minutes of officer time and does not take into account the hours for other crime types that they were involved in. This is almost four 24 hour days of officer activity that is projected to be saved by having these offenders off of the streets.

## **Projected Victim Property Savings**

Based on the 15 people who were convicted and their previous larceny history, it can be projected that their increased incarcerations will save potential victims about \$20,000 over the next year. This is a significant amount for the 15 people jailed for felony larcenies.

### **Additional Benefits**

The goal of the Habitual Larceny project was to reduce overall crime by directing efforts at shoplifting suspects. A major benefit of this project is that the process encompasses all larceny suspects, not just shoplifters. Those who break into cars or houses, pick-pockets, and bike thieves are equally eligible for this Habitual Larceny charge.

### **Citywide Crime Reduction**

Since the convictions for Habitual Larceny are fairly recent, it is too early to determine if there will be a reduction on the Part I crime citywide based on the Habitual Larceny program. The CMPD expects to see a furtherance of the projected affects that were outlined above. Word of mouth may also help to reduce shoplifting. As news spreads of the chance to be charged with a felony and increased sentencing, it may make frequent shoplifters more wary. Additionally, as shoplifting is a lifestyle for some of these habitual offenders, this may cause a displacement effect as some may move or begin to victimize businesses outside of Charlotte. CMPD is in a preliminary phase of sharing this information with adjacent jurisdictions. The Habitual Larceny statute applies to all of North Carolina.

### **Examples of Success**

- Well-known offender: Wesley Patterson is the most well-known larceny suspect around Charlotte. He is known for boldly walking into business as if he belongs there and taking

property including laptops and electronics. Patterson has been arrested 104 times in Charlotte; including 36 times for larceny, 15 times for burglary, and 18 times for trespass. He has a history of drugs and violence. He is a constant nuisance and expends officers' time for his crimes. He was arrested constantly, but this was not deterring his behavior. In March 2015 he was arrested for stealing a computer and iPad from a business. The Habitual Larceny statute was applied and he was charged with Habitual Larceny as well as Habitual Felon and received 9 to 12 years. The Habitual Larceny statute was the tool needed to get Wesley Patterson off of the street. This success was featured on a nightly news segment and article (Figure 14: News Article).

- Repeat Shoplifter: Keith Ellison is a repeat shoplifter. His shoplifting activity at Home Depot was so frequent that loss prevention associates there dubbed him the "Duffle Bag Bandit" because of his frequent MO of filling a duffle bag with stolen goods. In Mecklenburg County Ellison has been charged with larceny 55 times. He has been banned from several stores across the city for his frequent shoplifting. The value of reported property he has shoplifted is \$11,706.21. This only reflects the incidents in which he was reported. Records show he has been involved in property and person crime since the late 1970s in Charlotte, including armed robbery and burglary. In April of 2015 he was charged with and convicted of Habitual Larceny using the statute, and he received a sentence of 85-114 months.

Businesses that Ellison is known to shoplift from:

Aldi Foods , Ann Beauty Supply, Belk, Bi-Lo, Burlington Coat Factory, Carolina Beauty Supply, Circle K, Citgo, City Trends, CVS, Family Dollar, Food Lion, Harris Teeter, Healthy Home Market, Home Depot,

Just Save, Khol's , Kmart, Macy's, Marshalls, Nordstrom's, Office Depot, Radio Shack, Rite Aid , Sam's Mart, Sav-Way Foods, Target, The Sports Authority, Tjmaxx, Value Village, Walmart, And Whole Foods Market.

### **Ongoing Efforts**

The most beneficial aspect of this project is the durability of the initiative. It is not restricted by time or resources. This project requires minimal maintenance and supervision to continue to reap the same level of benefits and effectiveness. Once the process was put in place, it now is just a matter of doing business as usual.

Word Count: 3637



## **VI. AGENCY AND OFFICER INFORMATION**

### **Key Project Team Members:**

- Project Lead: Lt. Bret Balamucki
- Officers: Officer Jonathan Chow, Detective Dawn Martin, Detective Aaron Appleman
- Crime Analysis: Kristin Michel

### **Project Contact Person:**

Name: Kristin Michel

Position/Rank: Management Analyst

Address: 601 E. Trade St.

Phone: 704-336-7648

Email: KMichel@cmpd.org

### **Charlotte Information:**

- Population: 813,870
- Area: 438 square miles

## VII. APPENDIX

Figure 1: Annual Larceny

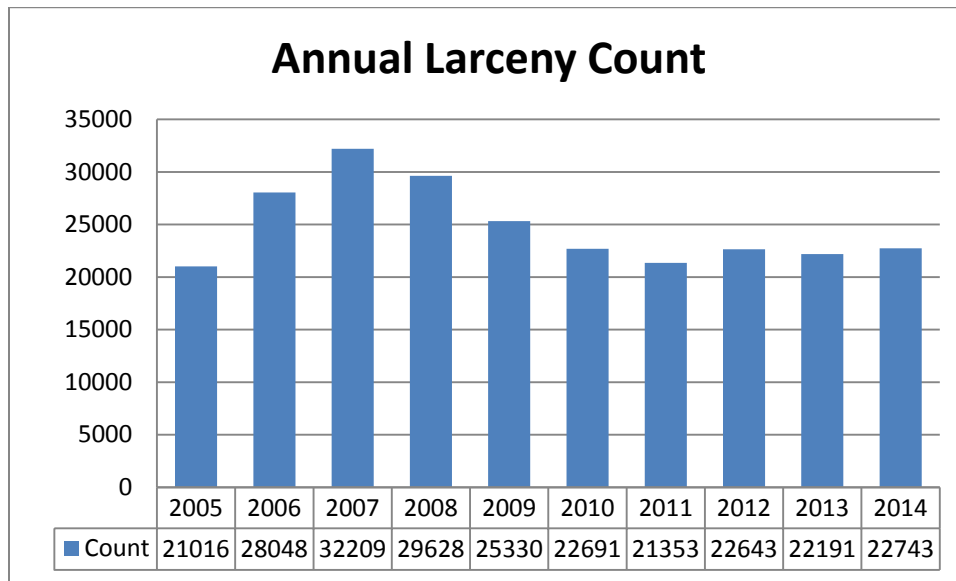


Figure 2: Annual Value of Property

YEAR	Value of Stolen Property
2005	\$19,063,075
2006	\$29,849,449
2007	\$30,949,594
2008	\$30,400,110
2009	\$23,338,590
2010	\$19,765,098
2011	\$19,178,095
2012	\$19,404,426
2013	\$18,790,235
2014	\$19,611,493
<b>Average</b>	<b>\$23,035,017</b>

Figure 3: Part I Crimes

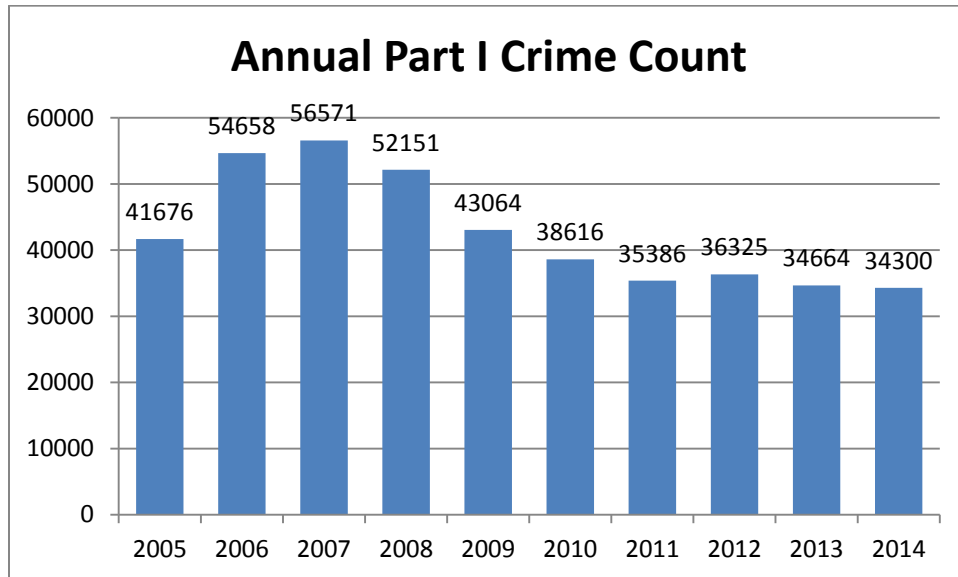


Figure 4: Larceny Percentage

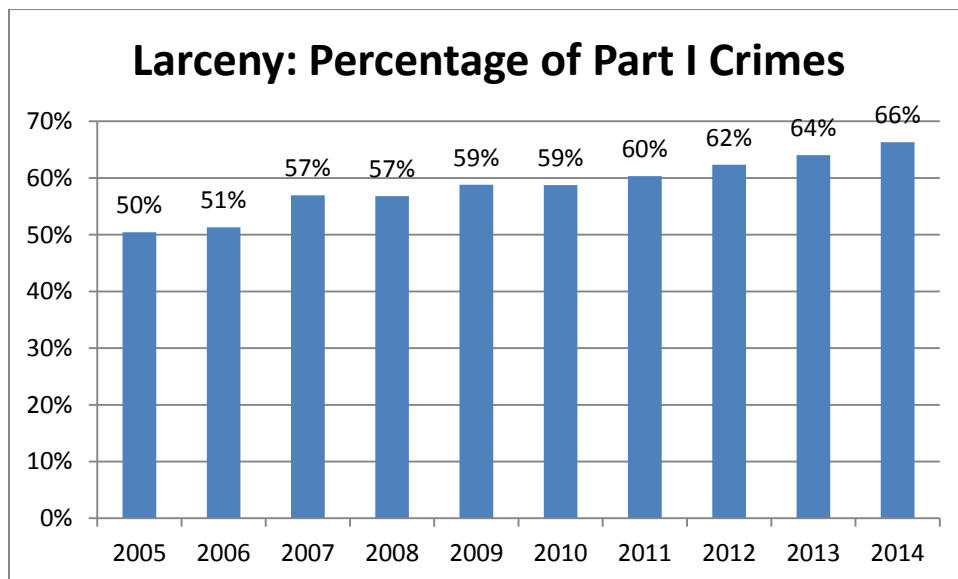


Figure 5a: Larceny Types

Larceny UCR	2013 Count	2013 Percentage of Larceny
Larceny-Other	8301	37.40%
Larceny from Auto	7660	34.50%
Larceny-Shoplifting	4352	19.60%
Larceny from Building	1238	5.60%
Larceny of Bicycle	262	1.20%
Larceny-Purse Snatching	179	0.80%
Larceny-Pocket Picking	167	0.80%
Larceny-Coin Operated Machine	32	0.10%

Figure 5b.

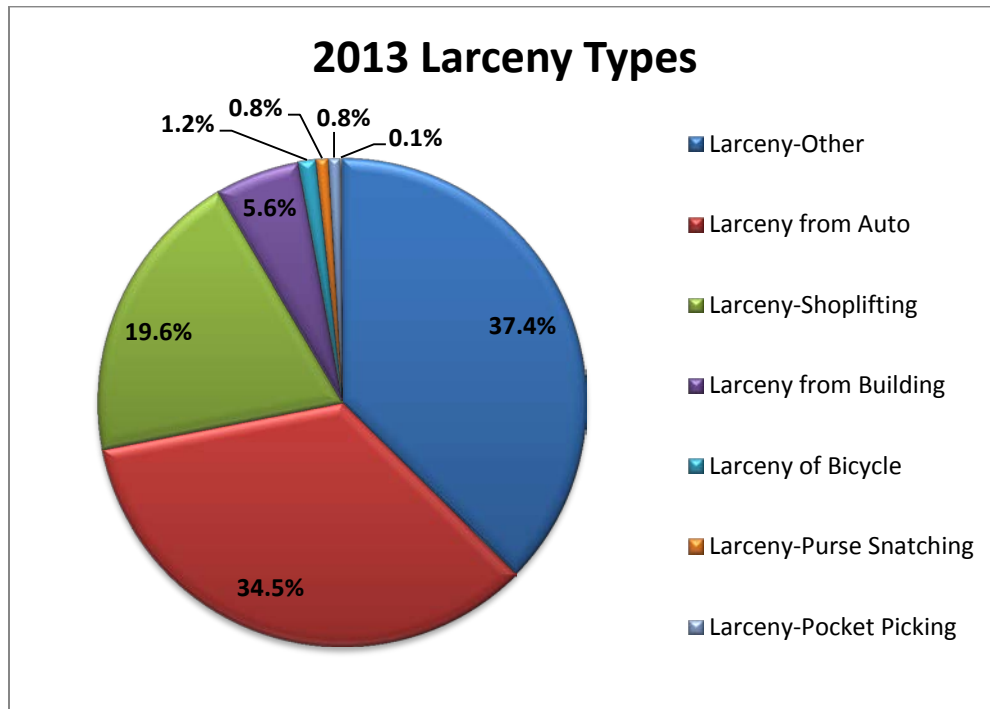




Figure 6: Shoplifting Pie Chart

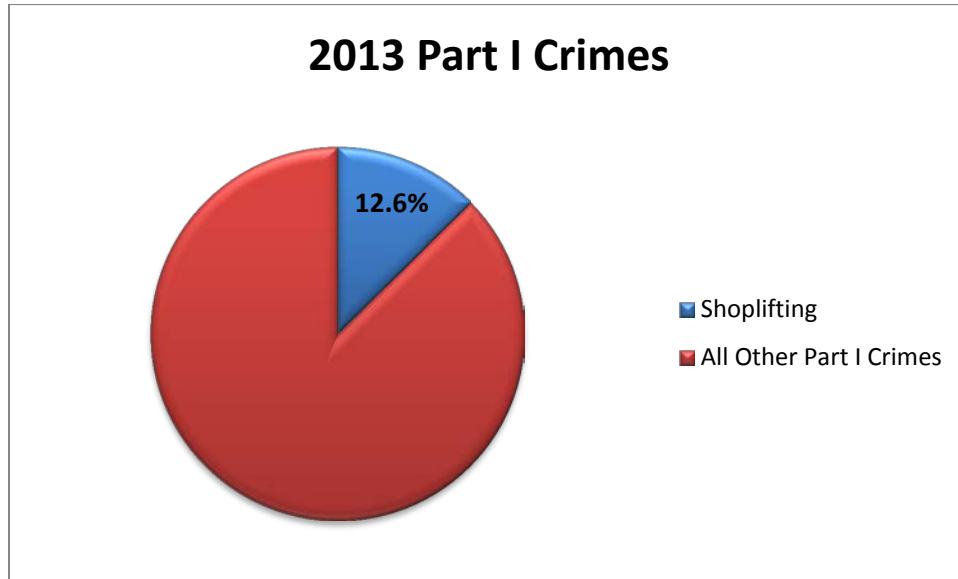


Figure 7: Business Type

Business Type	2013 Count	2013 Percent
Department Store	1814	41.7%
Grocery Store/Supermarket	582	13.4%
Other - Retail	475	10.9%
Shopping Mall	389	8.9%
Convenience Store	349	8.0%
Gas Station	236	5.4%
Other - Commercial Place	214	4.9%
Drug Store	209	4.8%
All other business types	84	1.9%

Figure 8: Property Value

YEAR	Value of Shoplifted Property
2005	\$532,339
2006	\$727,595
2007	\$758,739
2008	\$765,782
2009	\$979,653
2010	\$672,364
2011	\$697,662
2012	\$930,473
2013	\$1,000,684
2014	\$1,067,537

Figure 9: Division Count

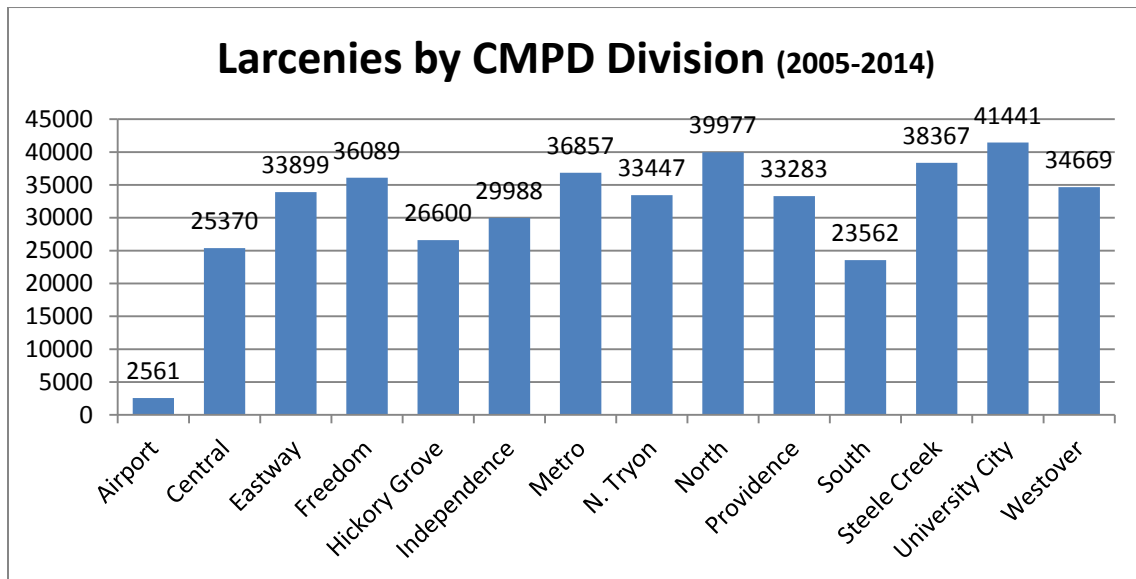


Figure 10: Statute

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

SESSION LAW 2012-154  
HOUSE BILL 54

AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-72(b) reads as rewritten:

"§ 14-72. **Larceny of property; receiving stolen goods or possessing stolen goods.**

...  
(b) The crime of larceny is a felony, without regard to the value of the property in question, if the larceny is any of the following:

- (1) From the person.
- (2) Committed pursuant to a violation of G.S. 14-51, 14-53, 14-54, 14-54.1, or 14-57.
- (3) Of any explosive or incendiary device or substance. As used in this section, the phrase "explosive or incendiary device or substance" shall include any explosive or incendiary grenade or bomb; any dynamite, blasting powder, nitroglycerin, TNT, or other high explosive; or any device, ingredient for such device, or type or quantity of substance primarily useful for large-scale destruction of property by explosive or incendiary action or lethal injury to persons by explosive or incendiary action. This definition shall not include fireworks; or any form, type, or quantity of gasoline, butane gas, natural gas, or any other substance having explosive or incendiary properties but serving a legitimate nondestructive or nonlethal use in the form, type, or quantity stolen.
- (4) Of any firearm. As used in this section, the term "firearm" shall include any instrument used in the propulsion of a shot, shell or bullet by the action of gunpowder or any other explosive substance within it. A "firearm," which at the time of theft is not capable of being fired, shall be included within this definition if it can be made to work. This definition shall not include air rifles or air pistols.
- (5) Of any record or paper in the custody of the North Carolina State Archives as defined by G.S. 121-2(7) and G.S. 121-2(8).
- (6) Committed after the defendant has been convicted in this State or in another jurisdiction for any offense of larceny under this section, or any offense deemed or punishable as larceny under this section, or of any substantially similar offense in any other jurisdiction, regardless of whether the prior convictions were misdemeanors, felonies, or a combination thereof, at least four times. A conviction shall not be included in the four prior convictions required under this subdivision unless the defendant was represented by counsel or waived counsel at first appearance or otherwise prior to trial or plea. If a person is convicted of more than one offense of misdemeanor larceny in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used as a prior conviction under this subdivision; except that convictions based upon offenses which occurred in separate counties shall each count as a separate prior conviction under this subdivision.



**SECTION 2.** This act becomes effective December 1, 2012, and applies to offenses committed on or after that date.  
In the General Assembly read three times and ratified this the 3<sup>rd</sup> day of July, 2012.

s/ Bill Rabon  
Presiding Officer of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 4:11 p.m. this 12<sup>th</sup> day of July, 2012

Figure 11a: Watch List Entry

### Watch List Entry Summary: 250651

Note: A watch list notification is sent only when an arrest or incident report matches ALL the entered criteria.

Watch List Entry			
Entry Id: <b>250651</b>	Effective Date: <b>11/19/2014</b>	Expiration Date:	Status: <b>Active</b>
Notes: <b>*** Verify through CJLEADS ****</b> <b>This defendant has 4 or more larceny convictions and is listed on the Habitual Misdemeanor Larceny Offender List on the portal under crime analysis.</b> <b>Refer to the Officers Guide on the Crime Analysis Portal page if the defendant is being arrested or charged with larceny.</b> <b>This defendant should be charged with Felony Habitual Misdemeanor Larceny if they qualify.</b> <a href="#">View Conviction History</a>			
Person Watch			
Last Name: <b>GARNETT</b>	First Name: <b>CHRISTOPHER</b>	Middle Name:	Name Suffix:
Nickname:			
Age:	DOB: <b>09/28/1968</b>	Gender: <b>Male</b>	
Race: <b>Black</b>		Ethnicity:	
Scar, Mark, Tattoo:		Scar, Mark, Tattoo Location:	
PID:	SSN:	Drivers License:	
Notification Recipients			
Name: <b>BALAMUCKI, BRETT</b>	Email: <b>bbalamucki@cmpd.org</b>	Phone Number:	

Figure 11b

### Conviction History

#### GARNETT, CHRISTOPHER 09/28/1968

STATUTE	TYPE	DISPOSITION DATE	CONVICTION DESCRIPTION	CHARGE DATE	CASE #
14-72(A)	M	09/18/2014	MISDEMEANOR LARCENY	09/25/2013	5902013238815 CR
14-72(A)	M	08/02/2013	MISDEMEANOR LARCENY	10/23/2012	5902012047351 CR
14-72(A)	M	05/18/2012	MISDEMEANOR LARCENY	04/28/2012	5902012218754 CR
14-72(A)	M	05/18/2012	MISDEMEANOR LARCENY	04/28/2012	5902012218753 CR
14-72(A)	M	09/06/2002	MISDEMEANOR LARCENY	04/26/2002	5902002218580 CR
14-72(A)	M	10/17/2001	MISDEMEANOR LARCENY	12/19/2000	5902000055383 CR

Figure 12: Communications Workload Analysis

## Crime Analysis Bulletin

**Date:** 6/1/2015

**Division:** Central

**Subject:** Habitual Misdemeanor Larceny Workload

**Analyst Assigned:** Kristin Michel 4579

**Executive Summary:** This bulletin was prompted by a request from Lt. Balamucki to assess the workload that would be required to check the Habitual Misdemeanor Larceny status of Larceny arrestees citywide. This report looks at the arrest data from 2013, and only shows on-view arrests made by CMPD and not other agencies.

**Arrest information:** There were 1380 on-view arrests for Larceny during 2013 made by CMPD. Of these arrests, 105 arrestees (7.6%) are on the current Habitual Misdemeanor Larceny qualifier list.

- One in every 13.2 calls related to a larceny arrest would potentially be a HML qualifier.
- It could be projected that there would be 3.8 calls per day to check HML status.
- The majority of calls have between 2pm and 6pm (39%).

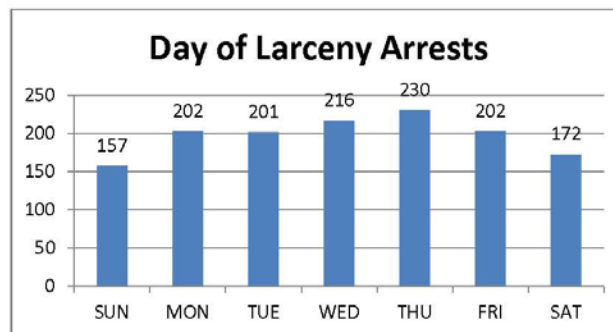
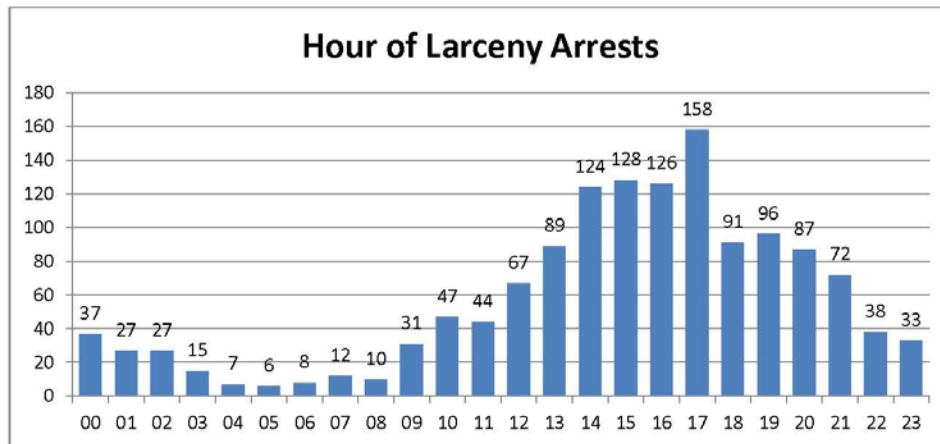


Figure 13: Larceny Guide

### FELONY HABITUAL MISDEMEANOR LARCENY GUIDE

If a defendant is placed under arrest or warrants are sought for misdemeanor larceny G.S. 14-72, it is now necessary to check an offender's prior arrest history to see if they qualify for Felony Habitual Misdemeanor Larceny G.S. 14-72 (B)(6). This must be checked prior to charging them at the magistrate's office, and below is the way to confirm.

Checklist of tasks:

- Check HML Offender list under the Officer Resources page, located on the portal, or through dispatch if no computer is available. HML qualified offenders will also be linked to the Watchlist in KBCOPS.
- Verify eligibility in [CJ LEADS](#) and obtain attorney/waiver information (instructions below).
- Prepare affidavit for arrest or warrants.
- Complete a felony larceny report and papering packet as with any felony arrest.
- Complete a Disposition Request form and submit to SSgt. Carlton by email at [rcarlton@cmpd.org](mailto:rcarlton@cmpd.org) and Kimberly Kennedy at [Kimberly.R.Kennedy@nccourts.org](mailto:Kimberly.R.Kennedy@nccourts.org). Out of County disposition requests will also be sent to Officer Jonathan Chow at [jchow@cmpd.org](mailto:jchow@cmpd.org)
  - The Disposition Request form can be located on the Portal under Officer Resources at the Habitual Misdemeanor Larceny link.
- Paper the case with the District Attorney's office.

If no computer is available to the officer, they can ask dispatch to check if the suspect is on the Habitual Misdemeanor Larceny Offender List. This list includes several hundred local suspects that qualify. This should only be done when no computer is available as a quick check before the officer proceeds with the misdemeanor investigation. If the suspect is on the list then officers will refer to the directions below.

1. Go to the Portal and look for Habitual Misdemeanor Larceny link under the Daily Tools section. Click the link for Habitual Misdemeanor Larceny. This will include: the Habitual Misdemeanor Larceny Guide, the list of local suspects that have 4 or more convictions for larceny on separate dates, and the Disposition Request Form.

Web Mail	Plans & Documents	CMPD Websites	Officer Resources	City/County Sites	Daily Tools
<b>CMPD Forms</b>	CMPD Document Library	CMPD Officers Memorial Page	AOC Website (Check Pending Court Cases)	CHA Ban List	Investigations Callback
Forms By Name	CMPD Org Charts	Cop Shop	Apartment Courtesy Officers	Char-Meck Emergency Management/Homeland Security Site	Sequential Lineup
Forms By Usage	Directives, SOP's and Plans	Crime Prevention Unit	Drug Tax Form	City Wide Policies	Significant Event Log
<b>Crime Analysis</b>	Division Calendars	Police Attorney's Office	Electronic Monitoring Unit	CIET City of Charlotte Intranet	Wireless Office Paging System
<b>Division Sites</b>	Funds Availability Reports	Secondary Employment System(Extra Duty)	Grand Jury Schedule	CPCC In-Service Training	<b>Habitual Misdemeanor Larceny</b>
Office of the Chief	Job Coordinator List		MSDS	District Attorney Website	<p>Welcome to the Charlotte-Mecklenburg Police Department, where every day, the men and women of the CMPD are determined to "prevent the next crime." Through a range of crime prevention, community intervention and enforcement strategies, the CMPD is working to reduce crime, increase safety and develop proactive, long-term solutions to crime problems and challenges in our neighborhoods.</p>
Field Services	Master Job Pool List		Preliminary Investigative Guide	Holiday Schedule	
Investigative Services	CMPD Applicant Referral		Violent/Chronic Offenders		
Support Services			Peer Support		
Administrative Services			Rental Property Search		
Training Academy					
<b>Huntersville PD</b>					
<b>Add a Printer</b>					
<b>Help Desk (336-5555)</b>					

If the defendant is listed on the Habitual Misdemeanor Larceny Candidate list, you must **check CJ Leads** to confirm that the defendant qualifies for this offense and obtain attorney/waiver information. (This information is available in CJ Leads and is on the **NC Court Records** page).

2. Has the defendant been **convicted 4 or more times** of G.S. 14-72 Misdemeanor or Felony Larceny?
  - What convictions **qualify** for this offense?
    - Felony Larceny
    - Misdemeanor Larceny

Revised 03/31/2015

- Larceny After Breaking and Entering
- Larceny of Motor Vehicle
- Larceny of Firearm
- Habitual Larceny
- Larceny from Person

What convictions **do not** qualify for this offense?

- Shoplifting unlawful concealment
  - Unauthorized use of motor vehicle
  - Larceny by Trick
  - any other 14-72.1 through 14-72.11 charges do not qualify
3. If an individual is convicted of more than one offense in a single session of district court or in a single week of superior court, only one of the convictions counts.

Example: Suspect arrested on 7/17/2012 and 12/12/2012 for separate larcenies but convicted for both on 6/6/2013. This only counts as 1 qualified offense since they were both disposed of on the same day.

However, if a suspect is convicted in separate counties each may count as separate convictions.

4. Was the defendant **represented by counsel or did he waive counsel?**

In CJ Leads double-click the selected offense. Look for the Defense Attorney section. To qualify, this must show the attorney's name or have waived listed in this section.

**Below is clip from CJ Leads that shows how the Defense Attorney is listed. If the defendant waived counsel it will list Waived beside Defense Attorney.**

Court Records details for: MECKLENBURG 13CR226355									
Status:	DISPOSED	Local Case #:		Bond Type:	Secured Bond	Offense Date:	05/29/2013		
Court File #:	13CR226355	Arresting Agency:	DISTRICT COURT	Bond Amount:	\$5,000	Issued Date:	05/29/2013		
County:	MECKLENBURG	Arrest #:	1579937	Forfeiture Date:		Served Date:	05/29/2013		
Process Type:	Magistrate Order	Station #:		Defense Atty:	COLTER, SHAWNEE	Last Court Date:	04/10/2014		
SO:	Y			Defense Atty Type:	Public Defender	Last Update Date:	05/20/2014		
DO:				Prosecutor:	PENNE	Court Room/Time:	PH		

Court Type	Offense #	Offense Category	Offense Description	NCJS	Offense Type	Offense Class	Plea	Verdict	Disposition	Sentence
District	01	Charged	MISDEMEANOR LARCENY	14-72(U)	Misdemeanor	1	Guilty		04/10/2014	
District	01	Assigned	MISDEMEANOR LARCENY	14-72(U)	Misdemeanor	1	Guilty		04/10/2014	
District	01	Convicted	MISDEMEANOR LARCENY	14-72(U)	Misdemeanor	1	Guilty	Guilty	04/10/2014	Active Min 110 D.

5. If the defendant has the 4 or more qualifying convictions in which he had an attorney or waived, he should be **charged with Felony Habitual Misdemeanor Larceny**. Be sure to do the following:

- Obtain witness/victim written statements
- Collect any video of the offense
- Take photographs of the property that was taken
- Collect any anti-theft device that was defeated or damaged
- Collect receipts or documentation to show values of items taken

6. The arrest affidavit **MUST** contain the following information :

- Magistrate Code (2316) for Felony Habitual Misdemeanor Larceny G.S. 14-72 (B)(6)
- Articulate the current offense of larceny for the arrest

\*\*\*Note: If the defendant qualifies for Felony Habitual Misdemeanor Larceny he is not charged with the misdemeanor larceny. He is ONLY charged with Felony Habitual Misdemeanor Larceny.

Revised 03/31/2015



- Additionally, the information below **must** be on the affidavit. This will aid in satisfying information required by the statute for the magistrate

(Name of Defendant) was arrested today for the crime of \_\_\_\_\_ which falls under G.S.14-72. He has four or more prior convictions under G.S. 14-72. This being a fifth subsequent larceny offense constitutes a felony- Habitual Misdemeanor Larceny.

**Qualifying Convictions:**

Offense/ Date of Offense/ Date of Conviction-Disposition/ CR Number/ County/Attorney Name or Waived

7. Disposition request form:

- Obtain a true copy of the Judgment & Commitment form. If no Judgment & Commitment form is available, obtain a true copy of the AOC disposition.
- Complete this form and email to SSgt. Carlton ([rcarlton@cmpd.org](mailto:rcarlton@cmpd.org)) and Kimberly Kennedy ([Kimberly.R.Kennedy@ncecourts.org](mailto:Kimberly.R.Kennedy@ncecourts.org)), if there are out of county dispositions Cc: Officer Chow ([JChow@cmpd.org](mailto:JChow@cmpd.org)). Allow 4 business days until pick up in the Court Liaisons Office. The Judgment and Commitment check list is for the clerk to complete.
- Fill in File # / CR # with the defendant's guilty conviction CR#s from CJLEADS, as indicated by arrow below.
- Out of County Dispositions will be obtained by Officer Chow, scanned and emailed to the requesting officer.

Case Status	County	Court File #	Process Type	SID	Primary Offense Date	Primary Charged Offense	Primary Convicted Offense	Primary Disposition	Primary Disposition Date	Last Court Date
<input type="checkbox"/> PENDING	MECKLENB URG	14CRS20955 7	Indictment	N	10/25/2012	Misdemeanor	MISDEMEANOR LARCENY			10/09/2014
<input type="checkbox"/> PENDING	MECKLENB URG	14CRS20955 4 +	Indictment	Y	10/25/2012	Felony	BREAK OR ENTER A MOTOR VEHICLE			10/09/2014
<input type="checkbox"/> DISPOSED	MECKLENB URG	13CRS22412 9 +	Indictment	Y	06/13/2013	Misdemeanor	RESISTING PUBLIC OFFICER	VOLUNTARY DISMISSAL BY DA	09/13/2013	09/13/2013
<input type="checkbox"/> DISPOSED	MECKLENB URG	13CRS22412 8 +	Indictment	Y	06/13/2013	Felony	COMMON LAW ROBBERY	VOLUNTARY DISMISSAL BY DA	09/13/2013	09/13/2013

\*\*This case must be papered as **Felony Habitual Misdemeanor Larceny** with the District Attorney's office. Complete a Disposition Request form prior to papering and submit to SSgt. Carlton ([rcarlton@cmpd.org](mailto:rcarlton@cmpd.org)) and Kimberly Kennedy ([Kimberly.R.Kennedy@ncecourts.org](mailto:Kimberly.R.Kennedy@ncecourts.org)). If charges originate out of county also CC: Officer Chow ([JChow@cmpd.org](mailto:JChow@cmpd.org)). The completed dispositions and documents from the clerk's office may be picked up in the Court Liaisons Office four business days after submitting the Disposition Request form. Provide these documents and a copy of the CJ Leads report to the DA at papering.

\*\*In the rare circumstance a felony qualifying suspect is arrested for misdemeanor larceny and not charged with the correct felony habitual misdemeanor larceny, the officer will contact their Lieutenant and determine if further prosecution is desired. If it is determined with their Lieutenant that the charge should be upgraded to the felony habitual misdemeanor larceny, the officer will contact ADA Nate Proctor immediately. The upgrade in charge will occur through the District Attorney's office at their discretion based on the defendant's record and strength of the case. Crime Analysis checks for this daily so don't forget to check.

\*\*If the DA's Office decides to upgrade the charge, the assigned Officer shall change the KBCOPS report to a felony larceny and paper the case with the District Attorney's office within 10 days, per CMPD's policy, from the date that the ADA notifies the officer of the upgraded charge\*\*

\*SEE ATTACHED HABITUAL MISDEMEANOR GENERAL STATUTE BELOW

Revised 03/31/2015

Figure 14: News Article

## Police and prosecutors pursuing property crime

Posted: Mar 23, 2015 6:13 PM EST Updated: Apr 22, 2015 6:13 PM EST

By Pamela Escobar

CHARLOTTE, NC (WBTV) -

A man will spend the next 9 to 12 years in prison after getting caught for stealing an iPad and computer from an office building. It may not sound like a serious crime, but investigators say the convicted felon has been stealing items worth less than \$1,000 for years.

Investigators say before the habitual misdemeanor larceny law went into effect, they would arrest someone who they've picked up before and the crooks would tell officers they weren't going to serve much time because it was a misdemeanor. Officers along with prosecutors want potential thieves to go on notice.

Investigators say Wesley Patterson walked into an office building on Fairview Road and acted like he was supposed to be there. He walked out with a laptop bag with a computer and an iPad inside. Officers say they tracked him down to a light rail station and found him with the items.

While Patterson was known to officers for stealing items from other office buildings he would only serve a few months in jail. But the habitual misdemeanor larceny law is allowing prosecutors to put someone away for a much longer time, instead of a few months, years. Patterson was convicted last week. And officers say they appreciate how this law has some real teeth to put people away.

"I have known him since I started. I've been here fifteen years and when I was still a rookie he was committing crimes of the same type in my division. I've probably arrested him at least four times," said Detective Tammy Post, who worked on Patterson's last case at the Fairview Road office.

"He is one that's the definition of a chronic offender," said Lt. Bret Balamucki.

Officers say since 1983, Patterson was arrested more than a hundred times.

"That's a person that's going to continue to victimize people when they come back from lunch now their personal computer, or their personal iPad, or their personal phone or their purse with their children's pictures is now missing. That's got an impact on them and their lives," Balamucki said.

"This all started because of people in an office who were vigilant enough to pay attention when something didn't look right," said Spencer Merriweather, the assistant district attorney on the habitual felon team.

Prosecutors say with the help of witnesses who didn't give up on the case once they got their stuff back and surveillance video they were able to show how Patterson took a laptop bag with someone's iPad and computer. Neither of those items were over a thousand dollars.

"The maximum amount of time that anyone could serve for a misdemeanor larceny is a 120 days and because Mr. Patterson was an habitual felon we were able to elevate the time he could serve up to the 9 to 12 years that he got," said assistant district attorney Kira Rheingrover, who prosecuted Patterson.

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WBTV ARTICLE: Police and prosecutors pursuing property crime  
<http://www.wbtv.com/story/28594314/police-and-prosecutors-pursuing-property-crime>

Prosecutors say the law went into effect in 2012, where it becomes a felony if someone has four prior misdemeanor larceny convictions.

"This has given us some teeth to actually go after those individuals who are causing a lot of problems in the community, doesn't seem like a big deal but it really is for the individuals who are being targeted," Rheingrover said.

This is one of the first cases the police and prosecutors have teamed up using this law.

"Not as much, we're just getting started some of these cases we're just beginning to see coming through," Merriweather said, "I have to give CMPD a lot of credit that understood that this was not just a single misdemeanor this was a person that made a living off of this particular crime."

Investigators say they will continue to build these types of cases.

"It's a relief because it takes something that's fairly serious and makes it very serious," Post said.

Officers say one way you can stop someone like Patterson from stealing from your office is to create an office watch, just like a neighborhood watch and make sure people question who is walking around an office.

CMPD identifies someone like Patterson as an office creeper, a person disguised as a fellow office worker or posing as a repair, delivery or cleaning person. CMPD says if you see someone wandering or appearing to be lost in your building, ask if you can help them. Never allow someone to piggyback through a gate or a door if the building has an electronic card access.

CMPD says don't help the office creeper by holding the door open for him or her.

"I think the biggest thing is, is awareness: being aware at home, being aware at the office especially the office because we have different people, we have repair people and you have people who are looking for jobs," said Balamucki, "Just being smart, it's just securing those items taking away that opportunity."

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<http://www.wbtv.com/story/28594314/police-and-prosecutors-pursuing-property-crime>

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WBTV ARTICLE: Police and prosecutors pursuing property crime  
<http://www.wbtv.com/story/28594314/police-and-prosecutors-pursuing-property-crime>