

Theft Offenses Committed During State of Emergency (PC 463)

In order to promote consistent and equitable filing practices the follow analysis is to be applied when giving consideration to filing of PC 463 (Looting):

1. Was this theft offense substantially motivated by the state of emergency, or simply a theft offense which occurred contemporaneous to the declared state of emergency?
 - a. Factors to consider in making this determination:
 - i. Was the target business open or closed to the public during the state of emergency?
 - ii. What was the manner and means by which the suspect gained entry to the target business?
 - iii. What was the nature/quantity/value of the goods targeted?
 - iv. Was the theft was committed for financial gain or personal need?
 - v. Is there an articulable reason why another statute wouldn't adequately address the particular incident?