

Model Policy on Seizing and Detaining Shoplifters

By Matthew R. Higgs

Shoplifting is theft from a retail chain or business that causes significant losses to the parent company and consumers alike. When a shoplifter steals from a place of business, usually a clothing or hardware store or similar establishment, it not only causes a loss at the value of the merchandise. It also starts a chain of loss that travels all the way back to the original consumer in the form of inflation. A loss may also occur if a Loss Prevention Associate falsely or forcefully apprehends someone whom they believe to have shoplifted. The cost of a lawsuit is usually at least ten times greater than the item that was allegedly stolen. This is why it is imperative for Loss Prevention Personnel to know, understand, and utilize correct and effective techniques of seizing and detaining shoplifters.

In order to successfully apprehend a shoplifter, one must first take into consideration the general and specific traits of the shoplifter. A loss prevention associate will be better able to spot a potential shoplifter if he knows what kind of person to look for. More often than not the person who seems less likely to commit a theft will be the one to do so. There are several categories into which most shoplifters are grouped according to their behavior and general characteristics. They are:

The Nonprofessional: The majority of shoplifters are amateurs who steal for their own personal benefit, and who also represent any and all socioeconomic backgrounds, age, sex, and race.

The Professional: Few of these persons are caught due to the expertise that they possess from making a living of stealing. They most usually will seek out very expensive items or something with a high resale value. This type of shoplifter will usually be well dressed and have a groomed appearance so not to attract attention to him.

The Minor: The juvenile delinquent is most often provoked by his peers to commit a minor offense for personal excitement. They usually travel in a small group in order to watch out for each other while someone steals. Most juvenile delinquents are easy to spot, besides traveling in groups of two or more people, they will watch out for each other and are less interested in the merchandise around them than others.

The Homeless Person: Usually this person is easy to pick out of a crowd because they are either wearing ragged and worn clothes or are intoxicated. They might be unable to keep their balance or are talking to themselves.

The Drug Addict: This person steals to support their habit, whether it is drugs or alcohol; more often than not, drugs. This person may be under the influence while he is stealing. The drug addict is harder to spot but may be identified with track marks on the forearm or very blood shot eyes.

The Housewife: While an APA (Asset Protection Associate) cannot follow all middle aged women around their stores, they should use caution because these women are often under a lot of stress and pressure to make ends meet, which is why they resort to stealing. The housewife may have a baby carriage or very large purse with her.

The Easy Access Shoplifter: This person is someone who is not necessarily a direct employee of the company but has access to its products and internal components of business, and who could easily steal money or merchandise from the business.

The Kleptomaniac: These are the most rare shoplifters, whose compulsive behavior leaves them immune to feelings of regret or guilt about stealing. They will usually go back to the same store even if they have been caught stealing several times.

When apprehending any one of these people, almost all of them will share the same mannerisms, such as nervousness, paying more attention to the people around them than at the merchandise, and frequenting certain areas of the store more than normal. Other characteristics may include someone or a group of persons wearing very baggy clothing, a large gang of juveniles, or someone wearing inappropriate clothing considering the weather conditions.

In every case the APA must be absolutely positive that he saw the shoplifter throughout the entire procedure of stealing, and is sure that he saw the shoplifter steal merchandise from that particular place of business. The proof of intent to steal is usually affirmed once the subject passes the cash register and heads for an exit without paying for the items.

Once the shoplifter is confronted, if he becomes violent, the APA should not use excessive force to control him. It is also not advisable to directly accuse the shoplifter of stealing because the outcome of a false accusation might be a lawsuit by the accused. After the initial apprehension, the suspect should be brought back to the Loss Prevention office to be interrogated about the theft. A receipt should be requested if the suspect is found with the merchandise but denies the robbery. Seizing a shoplifter is a process of several separate procedures, which, if carried out correctly, should lead to an arrest or at least a detention in most cases.

Step 1: The APA should be following the suspect either on foot or on camera as to see firsthand if the shoplifter leaves the stolen merchandise inside the store. He should not attempt to make any contact with the suspect.

Step 2: Once it is determined that the suspect intends to steal an item, the APA should get the suspects attention by using a simple phrase such as, "Pardon me," or "Excuse me."

Step 3: Once the suspect's attention has been obtained, the APA should gently grasp the suspects arm while walking with him.

Step 4: The APA should ask the suspect a question in order to determine positive guilt of the suspect. The question should be phrased similar to, "Is this the first time you have ever stolen anything?" Most likely the suspect will admit to the crime immediately or deny any knowledge of the crime.

Step 5: The APA should ask a second question in order to reinforce the admission of guilt, such as, "Don't you know that it is wrong to steal?" or something to that effect.

Step 6: The APA should (while still walking and holding the suspect's arm) start to head back towards the store, and collect any evidence from the suspect (stolen merchandise, etc.).

Step 7: While heading back towards the place of business, the APA should try to convince the suspect that if they go inside that they will try to straighten the entire matter out and try to avoid prosecution. This should calm the suspect down and possibly avoid a dangerous situation.

Step 8: As they head back to the store, the APA should begin asking the suspect a series of simple questions to establish a personal connection with him, such as his first name, which the APA should use as much as possible.

Step 9: The APA should keep the suspect's mind occupied by asking more questions that distract his attention from the fact that he has been caught shoplifting. This will deter him from conjuring up ideas about escaping, fighting, or causing unnecessary problems.

Step 10: The APA needs to have the suspect confess to the theft without being coerced to do so and also sign a release form that affirms this conviction. The suspect must understand why he is being held and acknowledges his guilt to the crime. The release form should have the facts of the crime as they happened, preferably in the suspect's handwriting, similar to a confession. If the suspect does not confess to the theft, all of the facts surrounding the case (including apprehension and interrogation) must be presented on paper to the suspect and signed by him. Two people should witness this signing, and if possible it should be notarized.

Throughout the situation the APA should remain calm and composed, or the suspect may feel that he has an edge over the associate and will be reluctant to cooperate. The APA always wants the subject to be cooperative because this reduces the chance of conflict in front of other customers. It also decreases the possibility of a forceful encounter. Once the suspect is in custody, the APA should determine whether or not they are going to arrest or detain him.

The last aspect of a detention that an APA must be aware of is that throughout the incident at least two retail employees must be present, for witness purposes, one of which must be the same sex as the shoplifter. In all cases the key elements to a quick, safe, successful apprehension of a shoplifter are maintaining a clear head, taking things one step at a time, and always being polite to the suspect, no matter what happens. More often than not the suspect will comply with the APA if they feel that they have been treated fairly, and also when they know they deserve the punishment they are receiving.

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