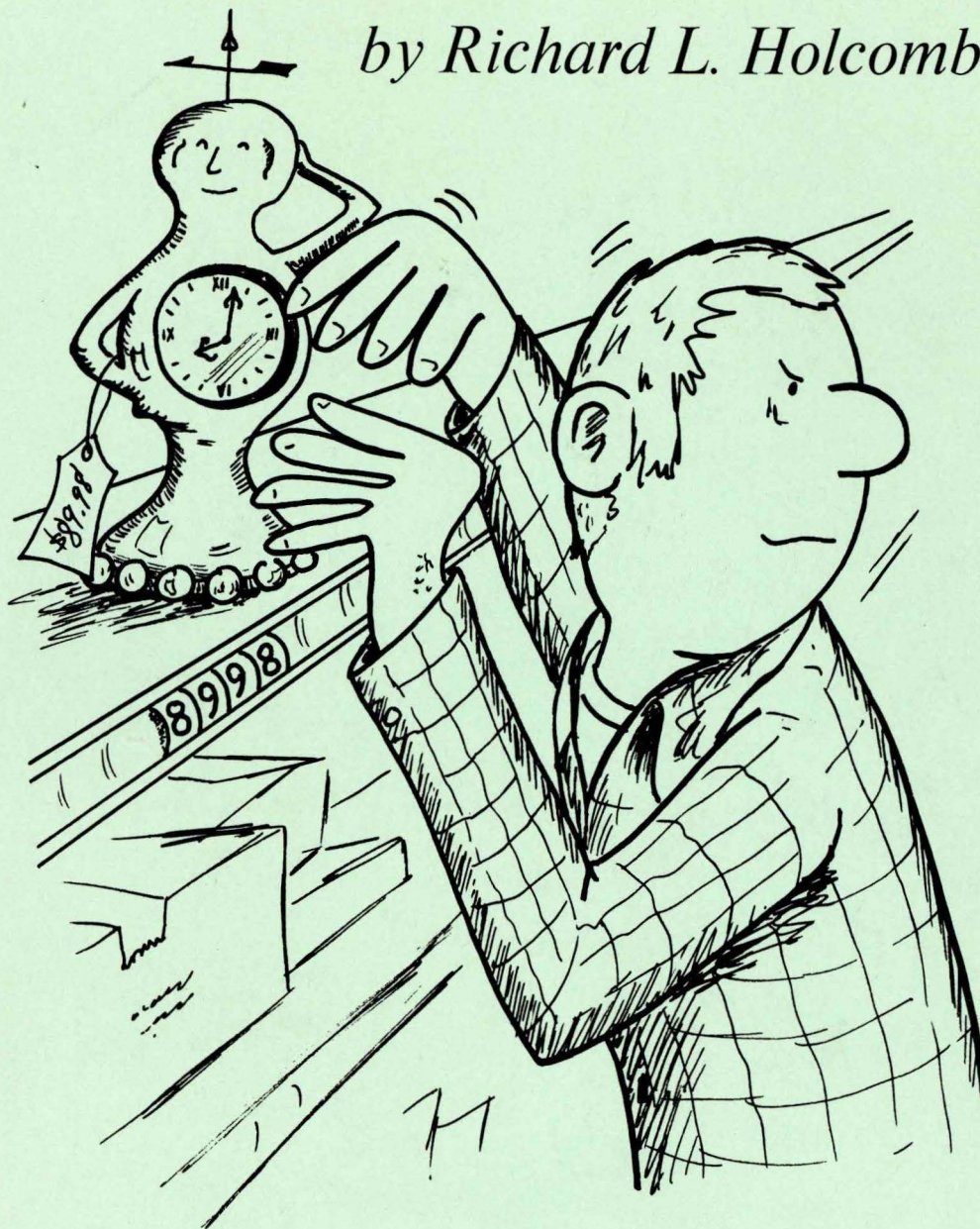


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Cutting the Loss to Shoplifting

by *Richard L. Holcomb*



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Bureau of Police Science
The University of Iowa

Cutting the Loss to Shoplifting

by *Richard L. Holcomb*, Director
Bureau of Police Science
Thomas L. Irwin, Illustrator

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Bureau of Police Science
The University of Iowa
Iowa City, Iowa



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Shoplifting

No one knows how much business places lose to customers who steal merchandise. There is no doubt that it is a considerable amount, but it is not possible to determine just how much, for there are many causes of inventory shortage other than shoplifting. However, we do know that a lot of shoplifters are caught and that a lot more get away with it.

In many cases, the owner of a store may only know that he is not making a profit. But because of poor inventory or accounting practices, he may not know why. Even with a good inventory and accounting system there are many reasons for inventory shrinkage other than shoplifting.

REASONS FOR INVENTORY SHRINKAGE OTHER THAN SHOPLIFTING

In many businesses employee thefts or frauds are a major problem. Even the theft of cash can look like inventory shrinkage. Thefts and frauds are completely different problems, so they will be discussed here only enough to point out that dishonest employees can cost a businessman a lot of money. Very often an employee will know some aspects of your operation better than you do. If he is dishonest, he will see how he can turn a situation to his own profit. For example, one employee was in charge of refilling the pop vending machine and collecting the money from it. The machine was filled directly from the stock on the nearby shelves and no record was made of how much pop went into the machine and how much money was taken out. This was a convenient way to do it. The employee soon spotted this weakness and stole over \$1,300 before he was caught. The same employee soon learned that there was a special cash register for bottle refunds and that no one ever counted all of those dirty bottles. Again, a large loss resulted.

This case makes an important point. Once an employee starts to steal he usually steals on a regular basis. While any one shoplifter may hit you just once in a while, an employee often steals every day.

Poor management practices may also show up as an unexplained inventory shrinkage. For example, how



Very often an employee will know some aspects of your operations better than you do.

do you treat damaged goods? If you sell them at a discount, do you determine the price or are employees allowed to make the markdown? If they are, you may soon find hundred-dollar items with two-dollar damage going for ten dollars. Again, you may find items being intentionally damaged so that an employee, or a friend, can get a bargain.

The same principle applies to all goods, such as seasonal items or overstocks being marked down.

How do you control refunds? Is it possible for an employee to give a refund without ever receiving merchandise in return? Are you refunding at your regular retail price on items bought at a discount store for a lower price or shoplifted from you?

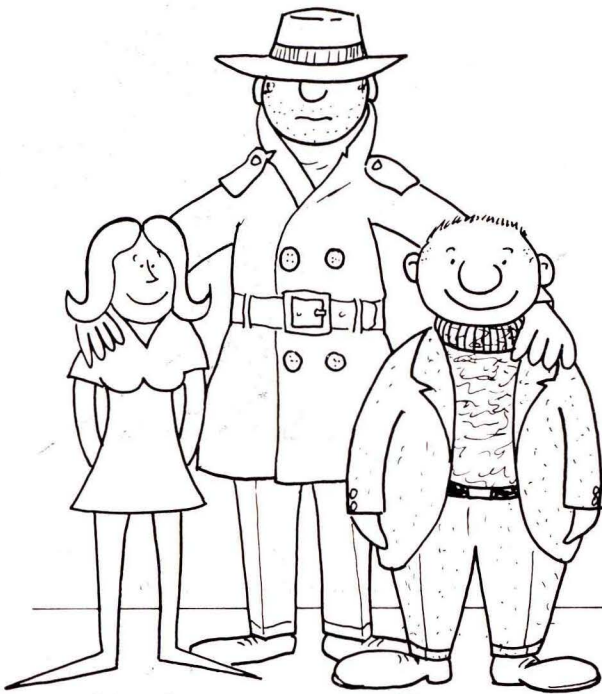
These few ways to lose money are mentioned only to illustrate that there are other ways to lose money

and merchandise than having it shoplifted. This is not a defense of the shoplifter, but only a warning that not all losses from a store result from merchandise being carried out by customers.

In any case, we do know that shoplifters hurt. They are estimated to steal from as low as one percent of the gross to as high as five. This can be your profit margin.

WHO SHOPLIFTS?

There is no typical shoplifter. There are more different types of people involved in this crime than in any other. Ages range from old enough to walk to too old to walk. There are very poor shoplifters and very wealthy. In this field of endeavor women's liberation is not new, for, if anything, women shoplift more than men.



There is no typical shoplifter.

There are, though, certain groups that do cause more of a problem than others, so they will be discussed separately, for it is important to know not only how they steal, but why they steal, for the motivation in shoplifting is often quite complex.

It is important to know why people steal for two reasons. First, it will help in preventing the thefts and in apprehending when you are victimized. Second, it will assist in deciding what should be done with a shoplifter, for the action taken by you, the police, the prosecutor or the courts should be tailored to the individual, because shoplifters vary so greatly.

THE TWO MAJOR CLASSES OF SHOPLIFTERS

One group of shoplifters steals for a profit. They can be called "professionals." They may make their entire living this way, or it can be a sideline. They steal to sell what they have taken. The second group, and this is by far the larger, steals to fill some sort of psychological need. They may not even keep or use what they have stolen, but will often throw it away or hide it. Actually, there is a third group but it is so small as to be insignificant for purposes of this discussion: these are people who steal something they really, physically, need. Additional explanation is needed here, for many shoplifters are very poor people and have many very real physical needs, but basically, they steal to fill a psychological need. For example, if a girl has old, badly worn shoes and these are her only pair, she doesn't steal a good, sensible pair of sturdy shoes even though it is cold and snowy outside, she steals the most highly styled pair she can—high heels, patent leather. Her psychological need to have something nice is much stronger than the physical need, no matter how impractical the high style shoes are. The writer has arrested or taken statements from hundreds of shoplifters and directed a number of store detectives but can recall only one case that was definitely to satisfy a physical need. Even in this case it was an older sister who stole a sensible pair of shoes for a younger one. If she had been stealing for herself the chances are she would have been more style-conscious. (Happy ending—the big, heartless corporation gave the girl the shoes.)

The two types just discussed can be called "amateurs" and "professionals." The amateurs make up by far the largest group, so will be discussed separately. They are also more of a problem when it comes to deciding what is best to do with them. The decision is easy with the professional. The police, the prosecutor and the courts know what do, for these people are skillful, cold-blooded criminals. The decision is not so easy with the amateur.

AMATEUR SHOPLIFTERS

Juveniles

In many types of stores juveniles will be over half of the shoplifters. The hazard depends on the type of location and the kind of merchandise. If your store is near a school or any other area where there are a lot of juveniles, you are going to have a problem. If you stock the sort of merchandise that appeals to them, you are going to lose more. This is especially true if you have small, easily concealed, items.

Why do they steal? If you ask one, he is likely to

say that he doesn't know why, and sometimes this is true, for he may have stolen just to see if he could get away with it, on an impulse, or for the thrill or as a sport.



If your store is near a school or any other area where there are a lot of juveniles, you are going to have a problem.

Juvenile Gangs

Very often juvenile stealing is a part of group activity, often done to win approval of the group, something that "everybody does." The stealing may be on a dare, or because one friend shows someone a new baseball and tells him how he can get one just like it. This sort of stealing is quite informal, but a number of cities have discovered rather exclusive juvenile clubs where membership was based on the shoplifting of a certain number of items, often specific items and from specific stores. This form of initiation can be very costly to merchants.

While adult shoplifters usually work by themselves and are rarely with more than a single partner, juveniles often invade a store in gangs, with some of them diverting the clerks while others steal.

Juveniles also steal because it is the accepted practice in their family and their neighborhood. Their parents and all of their friends steal. The crime is not in stealing, but in getting caught. However, economics is not the deciding factor; the kids from the good side of the tracks steal as frequently as those from slum

areas, and are often bolder and more ingenious in their thefts.

Some children steal because of a severe psychological problem. Their motivation will be discussed later, for it is similar to that of adults with such a problem.

A few children are taught to steal by their parents and are often used as confederates. For example, one woman would come into a large store shortly before closing time on an open night. She would be followed in by her eight- and ten-year-old daughter and son. Mama would pick up an item, carry it over near the cash register for that department and set it down and go to another department. The children who had been watching her would wait a few minutes, walk over and carry it out to their car. The clerks were all busy balancing out the registers, waiting on customers and straightening up stock. The chances are they wouldn't notice these young thieves. If they did, what happened? The kids said "Mama told us to take this out to the car as soon as she bought it and when we saw it over by the cash register we thought she had bought it." The mother acts embarrassed and says "Yes, I told the children to take it out to the car, but the clerks were all busy so I just set it down while I went to another department so the children must have thought I bought it." She then reprimands the children and says, "You must be more careful or these people will think we are thieves." This is a hard case to prove, for it would be difficult to establish collusion between the mother and her children. In this particular case, the mother was involved in some other criminal activity and apparently did not get along too well with her associates, for one night the traditional big, black car pulled up by her and a shotgun ended her career.

There are also people who teach children how to shoplift and then buy (at a very low price) the merchandise they steal. These cases are rare, occurring usually in large cities, but they do occur.

Housewives

Housewives probably are next to juveniles in numbers. These are apparently respectable women who look no different than your regular customers. As a matter of fact, they are more often than not good customers, making frequent purchases, and equally often stealing. They almost always work alone, not wanting to share the secret that they are thieves. This is not always true; for example, one woman worked with her married daughter, probably continuing a pattern that had started some years previously.

Women have an advantage in shoplifting. While most men look on most kinds of shopping as a chore, many women enjoy shopping around and spend hours looking at merchandise. Sometimes they have an in-

tent to purchase, other times it is a low cost form of recreation. As a result, a woman spending much time at a counter, rummaging through all of the merchandise, and then going on without a purchase is not unusual. This is the same way many shoplifters work. The difference is that they not only don't make a purchase but have taken and concealed a part of the merchandise they were looking at.

Drunks and Bums

After a point an alcoholic has lost his ability to keep a job but he has not lost his craving for something to drink. He must have that drink and many times the only way open is to steal something that he can sell for enough to get one more shot or, hopefully, a whole bottle. These people are not hard to detect, but they are a problem. Often they are not very subtle in their methods, just waiting until your back is turned for a moment, grabbing almost anything they can sell, and getting out in a hurry. You can't spend all of your time watching them, so they are a source of loss. Of course, not all alcoholics are bums, nor do they need to look like them. Some, on the way down, present a reasonably good appearance, but they still have that pressure to steal.

Bums, of course, look like bums. Many, but not all, are alcoholics. Your best bet is to get them out of the store as soon as possible. Your store is not a true public place. It is open to the public, but open for the purpose of doing business, so you may ask anyone who apparently is not interested in examining merchandise or purchasing to leave. They usually will, especially if they feel that your next step will be to call the police.

Narcotics Addicts

This is a relatively new group as shoplifters in many sections of the country. Like alcoholics they desperately need their dose. Pressure is often so great that they disregard any possible punishment. They are not always easy for you to spot. A lot depends on the type of drug they are addicted to and how badly they need it. If they really need their drug, in the case of many drugs they will not look normal and are easy to spot because they just don't look or act right.

Addicts can be dangerous. Again, it depends on the drug and the condition of the individual. If you feel an actual or potential shoplifter is an addict, call the police and let them handle it. Alcoholics are rarely any more dangerous than any other shoplifter. Care in dealing with all shoplifters will be discussed later on.

Mentally Disturbed People

Everyone has heard of kleptomaniacs but there is a question as to whether there really is such a mental



Addicts can be dangerous. Call the police and let them handle it.

condition. There is no doubt that many people steal because they are mentally disturbed but this is the result of many kinds of psychological problems. Of course, everyone has heard a story about the wife of some wealthy man who regularly shoplifts and whose husband has instructed the stores simply to bill him for the things she has taken. Probably a few such situations do exist, but if they do, the unfortunate woman needs to see a psychiatrist rather than being encouraged to continue her abnormal behavior. In any case, no one has ever heard of a *poor* kleptomaniac—this seems to be a special disease of the wealthy.

What sorts of problems cause people to steal? There are many and they are often complex. Sometimes a single arrest effects a cure. Sometimes the problem is only a symptom of another so complex that the person may never be cured even with skilled treatment.

Resentment as a Cause

Deep-seated resentment that the individual may not recognize as such may cause a person to steal. For example, a very nice girl from a poor family married a boy from a wealthy family. She was well accepted by her husband's parents and they gave her numerous gifts of clothing, for her wardrobe was none too good. She then developed a feeling of resentment and wanted to show her in-laws that she didn't need their gifts, so she stole clothing.

Some women whose husbands give them anything they ask for shoplift. The key is "ask for." The woman not only has to ask her husband for money to buy the most trivial item, but he makes a point of letting her understand that all good things flow from him. He is quick to point out to others that he bought his wife the new dress, the scarf or the jewelry. The wife wants some things that are all hers, that she got through her own effort, that she didn't have to "ask for." So she steals. Very likely she may never use these items, but rather keep them hidden away where she can look at them from time to time and get a boost to the ego the husband has torn down.

Other people steal just as a change from a drab existence. Many people live dull, routine lives. They may have money to go shopping, but this is not nearly as exciting as shoplifting. They can anticipate what they are going to do, enjoy the thrill of deceiving the whole staff of a store and then take pleasure in their accomplishment. This sort of activity seems rather stupid with its serious penalty for a few minutes of excitement, but few people will accept a dull existence and they do not always think clearly in finding ways to break away from it.

Closely related is the substitution of shoplifting for sexual activity. Some years ago a young professional woman wrote an article for a national magazine in which she confessed to being a shoplifter and described in detail the anticipation she felt, the excitement of the actual theft and the pleasant relief after she had safely accomplished the act. The parallel was so clear that if she had read her own article with the point in mind that her real need was not shoplifting but a more human need, she might have changed her pattern and saved local stores a lot of money.

People Who Want to Be Caught

In shoplifting, as in many other crimes, the individuals want to get caught. In some cases they have a sort of general feeling of guilt. Usually they are uncertain just what they are guilty of but feel that they should be punished, so they steal so that someone will punish them. Because they want to get caught need not mean that they are easy to catch. Often the most obvious thief is difficult to spot. You just don't believe that anyone would steal that openly. Then too, they are often undecided about being caught, so may be quite clever with most of their thefts.

Closely related is the person who wants to get caught to punish someone else. This is usually a juvenile problem, but need not be. The individual hates a parent, or possibly a spouse, and knows that being caught as a shoplifter would hurt the person he hates. They seem to disregard the fact that it is going to hurt

them too, but their hatred may be stronger than their desire for self-protection.

Many mental problems have a physical basis. This is why a psychiatrist first becomes a physician and then takes additional training to become a psychiatrist. In one period of a little over a week the writer interviewed six women who had been caught shoplifting and who readily admitted their thefts. All six women were very much alike. They were all housewives from good middle-class homes. Their husbands were employed, they had money with them, and none of them had ever been arrested before. They were all also in the 45 to 55 age bracket and all started out their stories in the same way: "I am not well, I am under a doctor's care." When asked if their doctor might be called about their problem, they all readily agreed. The conversations with the doctors were also identical. In each case the woman was having trouble undergoing menopause and in each case the doctor believed that this was the cause of their shoplifting.

Many mental problems with a physical basis are not that easily diagnosed and unfortunately many of them are more serious. While the women during menopause would respond to treatment and pass through that stage more or less normally, others are not so fortunate.

Old People

One group we find in ever-increasing numbers has a hopeless outlook. These are the old people who are becoming senile. Many people, as they age, suffer brain deterioration, and this cannot be cured but will only progress. Probably everyone would become senile if he lived long enough. The pattern of senility varies with individuals, but all of them have an impaired memory, starting first with their memory for recent events. This is a puzzling phenomenon to many people, for while a senile person may remember events from his childhood in detail, he can't remember what happened five minutes before. As a result, they may take something with every intention of paying for it, then forget completely that they took it. Some of these old people also become highly suspicious, so when confronted with the evidence of what appears to be a theft will claim that they never saw the article before or that they purchased it some time ago. They may claim that you are trying to frame them, that they have been mistreated, and by and large can be quite unpleasant.

In spite of their possibly unpleasant attitude, be kind to these people; they are not criminals, they only need someone to look after them. The extreme cases with their high degree of disorientation are easy to spot, but since this is a gradual process, there are all

degrees, so senility is not easy for a layman to diagnose. Age alone cannot be relied on. Some people can be prematurely senile in their fifties; others may not be at ninety.

The Psychopath

There is one large group of the mentally abnormal that is constantly in trouble with the law. These are the psychopaths or sociopaths. While their problem is mental and certainly abnormal, most authorities agree that this is not a mental illness. At this time there is no cure, for this is a very complex situation with the roots very probably going back to early childhood. These psychopaths have no conscience—they can lie better than most people can tell the truth; they have no feeling of guilt; they are usually very glib and adept at making people believe that they are actually unfortunate victims of circumstances and that they will never do it again if just given one more chance. They also fail to learn from experience, so putting them in jail only helps as long as they are locked up. Obviously, these people are most difficult to deal with. Interestingly enough, they are not difficult lie detector subjects, for while they have no feeling of guilt, they do have a very tender feeling about themselves and are afraid of being caught. Their reaction to questions will be recorded by the lie detector although they sound good and look good while telling fantastic lies. There are, of course, varying degrees of this abnormality and you doubtless know people with these characteristics. Many of these people also are professional shoplifters.

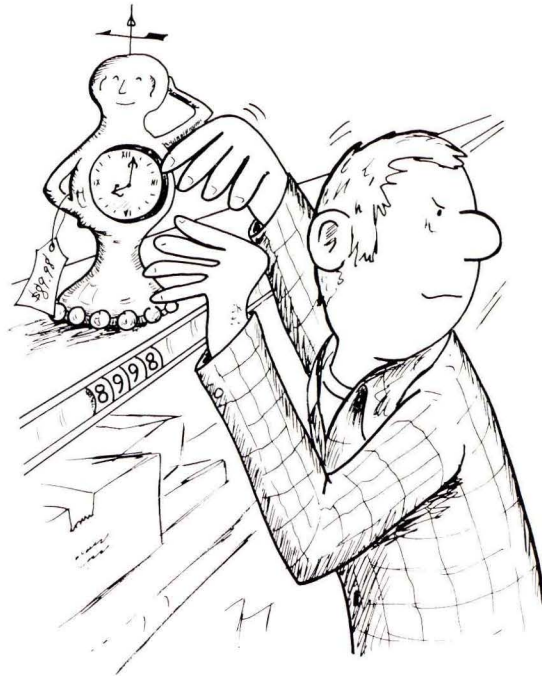
PROFESSIONAL SHOPLIFTERS

Amateur shoplifters far outnumber the professionals but the professionals make up for their small numbers by stealing both valuable and numerous items. They usually live in a city, for it is difficult to dispose of a large volume of stolen merchandise in a small town. Sometimes they sell what they steal to “fences” or receivers of stolen goods, sometimes they sell directly to the consumer using word of mouth advertising. They may steal to order. You may hear through a friend that he knows someone who will sell you a coat just like the one you saw in the store for half price or less, so you place the order and may end up with the very same coat you saw in the store.

While amateur shoplifters seem to pick what they steal almost at random, professionals select merchandise for which there is a ready market. Certain types of items such as fur coats or high quality woollens are often their target. After all, it isn't much harder to steal an expensive item than a cheap one and the risk is often about the same.

Professional shoplifters usually work in groups, as

opposed to the usual lone wolf amateur. Many of them are women, but they may also work as mixed teams, or there may be three or four women with a man who selects the merchandise to be stolen and drives the car.



Professionals select merchandise for which there is a ready market.

One of their most common methods is for several of them to enter a store at about the same time; then while a couple of them distract the sales force by looking at merchandise and being hard to please, the others do their stealing. Sometimes instead of looking at merchandise they will cause some sort of a disturbance—an argument between themselves or with a clerk. Perhaps one of them will fake sudden illness or a fall or other injury.

Some of these groups are well organized. If one of their members is caught, it is not unusual for someone to appear promptly from their headquarters city and post the bond. Since the bond is usually less than they steal in a day, this will be the last that community will see of them and the bond will be forfeited.

As a result, these people deserve no sympathy. They are skilled and professional criminals who cost retail merchants millions of dollars a year.

WHAT CAN YOU DO TO PREVENT SHOPLIFTING?

About now you probably feel that there are so many kinds of shoplifters that you can't trust anyone. This is

not too bad an attitude, but don't adopt it, for actually most people are honest. They are even more honest if opportunities to steal are limited, if stealing is more difficult, or chances of apprehension are present.

Physical Security

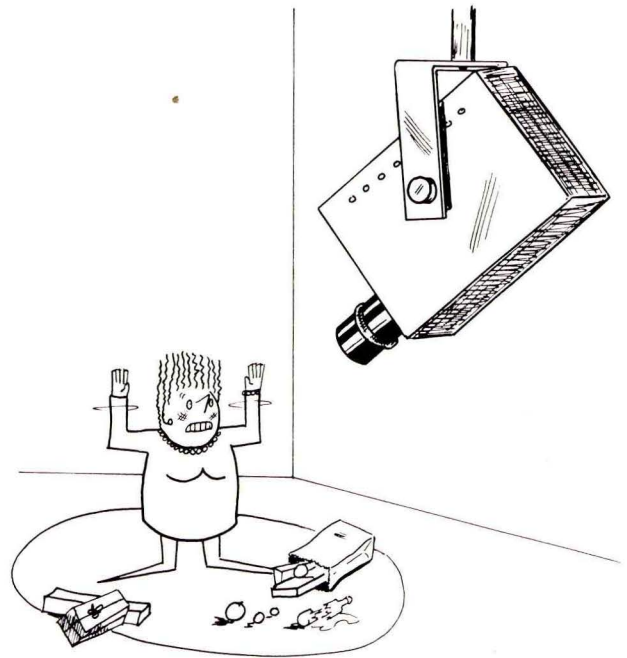
There are a number of relatively simple, low-cost things you can do to decrease shoplifting.

1. Display small, easily stolen or often stolen items where they are easy to watch. A good location is near the cash register or any other place that is usually attended. This is also a good sales technique for it leads to impulse buying. If a customer can see some small items while he is waiting for the sale to be rung up, he may include one in his purchase.

2. Arrange the store so that clerks can see all areas with no difficulty. Eliminate places to hide while a stolen item is taken out of the pocket or from under the coat and transferred to a bag or box or where items can be taken from the display without fear of detection. The wide angle mirrors seen in some stores are useful here. They also serve as a deterrent, for it is difficult to keep looking at one of them to make sure you are not being watched without attracting attention.

While TV cameras are used to combat shoplifting, they are worth the cost only in special cases where high value merchandise is to be protected or where there is a special problem because of store layout. Remember the camera is not useful unless there is someone watching the screen all of the time. This is extremely tiresome; the picture is quite small, lacks detail and you can see only from that single position. If a possible shoplifter has his back to you, you are uncertain whether or not he put something in his pocket or back on the display rack. They may have a psychological value but they also are resented by honest customers. As a matter of fact, some professionals welcome their use, for it is relatively easy to figure out just what area the camera will cover and do your stealing at some other spot. The cameras that swing back and forth also have a weak point—as soon as the camera swings away, it is obvious you are no longer being observed.

3. Keep valuable items, such as jewelry or cameras, in locked cases. This rule also applies to small items that are frequently stolen, such as stereo tapes. Follow the rule that most jewelry stores have used for many years: only take a certain number of items out of the case at once, as for example, only three cameras. If the customer wants to see still another camera, put one of them back. With this method the clerk will know at once if an item is missing, something that is



Television cameras may have a psychological value but they are also resented by honest customers.

harder to spot if a number of cameras are being examined at the same time.

This is a good time to mention a very old trick that still works. It is ordinarily used with rings, but can be worked with any other item of similar size. A customer will look at a variety of rings, then while the clerk is distracted for a moment take one and fasten it on an under edge of the display case with a piece of chewing gum. If the clerk doesn't notice the ring missing, so much the better. If the clerk does notice, the customer denies knowing anything about the missing ring and is quite cooperative, even offering to be searched. When the ring is not found, the customer leaves and an accomplice soon comes in and retrieves the ring from its hiding place.

4. Do not allow customers to go into stockrooms. This gives an excellent opportunity to steal merchandise you may not discover missing for some time. A variation of this rule applies if some customers have the habit of entering through a back door. Don't place merchandise near this door so it can be easily stolen on the way out. Much of the time you won't have people working in this area and it is an excellent place to lose merchandise.

5. Limit doors in and out. This is a variation on the rule just above. Don't make it too easy for someone to leave after having stolen. If they can take an item



Do not allow customers to go into stockrooms.

and leave by a side door with no one near, it is just too easy. You may want to lock these doors. If you do, use a lock that requires a key to open from the inside. Fire regulations may require that you have one or more unlocked exits in addition to your front door. If this is required, the accepted method of protection is to place a sign on the door saying "Emergency Exit Only—Alarm Will Sound If Opened," and then put on one of the devices that sound a bell or a horn if the door is opened. (If you have a burglar alarm, this can be added at relatively little cost.)

6. Keep a record of serial numbers from all merchandise possible. This will not prevent the theft but will assist in recovery and prosecution. Remember also to keep the serial numbers of your office equipment and similar numbered equipment that is not for sale, for it can be stolen too.

7. Price tags are subject to many forms of manipulation, so several methods will be suggested to avoid this. Use two price tags with expensive items—one in the regular location and one hidden. This is to prevent switching or alteration. One very old trick is to take the tag from a low-priced item and put it on a high-priced one. Of course, if you and your employees know your stock well, this won't work, but large, self-service stores are often victimized with this method. The prize case occurred when a customer placed a \$1.98 price tag on a record player the store had just purchased so that the customers could hear their stock

of records. A check-out girl passed it through routinely. There is another reason for a hidden price tag. Some shoplifters convert their theft of merchandise into cash by returning it for a refund. Of course, they don't have a sales slip, but they will claim it was lost or the merchandise was a gift. If you find the hidden price tag still in place, you will probably recover your merchandise. If your business warrants, use a machine to mark prices. Handwritten prices are easily altered. If you already use machine marking, also use the machine to mark down merchandise; don't do it by hand. There are price tags on the market now that come off without too much difficulty, but are destroyed in the process. You might want to use them. Some stores use a second price marking with ultraviolet ink or crayon. This is not visible unless exposed to a special light. Of course, this is an expensive procedure, but it might be warranted with high value items.



Price tags are subject to many forms of manipulation.

8. Chain or lock down high value items that you don't want to keep in a showcase. Transistor radios, binoculars and similar items are often targets for thieves. At the same time the public likes to examine them. This is a low cost form of protection and is quite effective, especially if the items are displayed near an exit where the thief could grab and run.

9. With some sorts of merchandise, display systematically so that you will recognize it readily if an item is missing. For example, you might always have

three of a certain item on display, replacing after each sale, or you may have items displayed following a certain pattern.

Alert Personnel Is the Key

The same attitude on the part of clerks that makes happy customers also reduces shoplifting. If people are recognized by clerks, are told "I will be with you in a minute," and then waited on as rapidly, pleasantly and efficiently as possible, you will make more sales and lose less to shoplifting. The first thing a customer wants is attention. This is the last thing a shoplifter wants. Then too, a certain number of items are stolen just because the customer got tired of waiting for a clerk who was discussing last night's big date with another clerk or a friend who just happened to drop in. Of course, many shoplifters use the excuse that they stole only because they couldn't get waited on, and sometimes it is true.



"I'll be with you in a minute."

In addition, some stealing is done on impulse. Someone sees an item he would like, the chances of anyone noticing are slim, so he takes it.

As a result, if the clerks are alert, friendly, polite and efficient, losses to theft will decrease. This means that you are going to have to use care in both selecting and training clerks. Space will not allow a discussion of how to train an employee to be a good clerk, but employees should be trained in two other things—how to detect shoplifters and what to do once they

have spotted someone who has actually stolen or who they believe will.

DETECTION OF SHOPLIFTING

It is impossible to describe all of the ways that customers steal. The previous material has described the many kinds of shoplifters. Now some of the specific things to look for will be discussed.

Who should you be suspicious of? Remember, the key word is "suspicious." Honest customers will often have similar characteristics, but shoplifters will have more of them or have them to a greater degree.

Anyone With No Apparent Interest in Buying or Even Inspecting Merchandise

Maybe he is just waiting for someone, but it is usually apparent if he is; he looks at his watch, often stays in one area, or appears unhappy about having to wait. On the other hand, shoplifters when approached by a clerk refuse assistance and still show no interest in examining merchandise. They often appear nervous and may avoid clerks

People Who Don't Look Like Your Usual Customers

Of course, every day there will be people like this in your store, and so this one characteristic is not enough, but combined with others that arouse suspicion, it may be important. Is the person worse dressed than the usual customer or better dressed? If you have a business with a large number of farmers, laboring men, or office employees as customers, does this customer stand out?

Anyone Who Avoids Clerks

This point is a little stronger than refusing assistance; the "customer" will go to some lengths to avoid even letting a clerk get near him, but will try to do this without it appearing obvious.

Excessive Time in the Store

Some people will spend a lot of time in your store, but usually they are looking at various merchandise and make purchases. Not all people who spend excessive time in a store are shoplifters, but usually they are there for no good. Here are two illustrations. One man would come into a large store and sit in the ladies' shoe department from the time it opened until it closed. He was interested in the ladies trying on the shoes, not in shoes. Another man spent from opening time until 4:00 p.m. in the sporting goods department of a relatively small store. His story was that he was selecting a .22 rifle for his son and he was waiting for the son to come to the store from school before the final decision. Actually, he was stalling around to get up courage to shoot off a finger and then sue the com-

pany for negligence in leaving a loaded gun on display. He did attempt to shoot off the ring finger of the left hand but succeeded in inflicting only a flesh wound. Good handling by the store manager and the physician who treated the injury, followed by a thorough investigation, resulted in the culprit being unable to find a lawyer who would file suit. Not all cases of people who spend a lot of time in a store are this dramatic; they may only be waiting for a good chance to steal, but they all need watching. This is especially true when they are strangers, or at least not regular customers.



The "customer" will go to some lengths to avoid even letting a clerk get near him.

People Who Act Differently in Any Way

You know how your regular customers act. Anyone who acts differently should be viewed with suspicion. Generally it is hard to put your finger on the reason they seem to be different because usually it is not just one thing that makes them different but rather a number of little things. They may talk a lot, they may move rapidly from one section of the store to another, then stop and act in a very leisurely manner. Again, they may be very different, and this may be from drugs, alcohol or mental illness, all factors in thefts.

Many times someone will tell you "I spotted him because he acted suspiciously." When you ask why, just what acts made the person seem suspicious, he can't tell you. But his suspicion was not a sixth sense

in operation, it was his observation of a number of small things that just didn't fit together, that made the person different from the usual customer.

People Who Pay More Attention to Where You Are and What You Are Doing Than to the Merchandise

Their reason for this, of course, is that they don't want anyone to see them steal. They have already picked out or have stolen what they want; now they want to avoid detection. So again they set themselves apart from the usual customer.

Juveniles

Many juveniles are good customers. They have more money to spend than they used to and are more likely to buy fashion or fad items that have better than the usual mark-up. They are also going to grow up to be good customers so you should pay attention to them. You should also pay attention to them because they can be good thieves. This holds true for both boys and girls. Be especially observant of juveniles who enter in groups and then separate. They may be trying to divert your attention so that while you watch some of them, others have the chance to steal, for this is one class of shoplifter that does work in groups. This does not mean that there are not lone wolves among juvenile shoplifters, for often the child who is different from the others, who has no friends, will have a mental problem that will lead him to steal.

Shopping Bags

Any time a store detective sees a shopping bag, a signal immediately flashes in his brain that says "shoplifter," for this is the most common trick. A surprising amount of merchandise can be concealed in a shopping bag and it is easy to drop something into it without detection. An experienced shoplifter would never carry a shopping bag, for he knows how store detectives regard them, but fortunately few shoplifters are really skilled and they think that with their shopping bags they have discovered a brand new way to steal. They may put stolen items directly into the bag or they may hide them under a coat or in a similar place temporarily and then transfer them to the shopping bag later, covering them with legitimate purchases or transferring them to a bag obtained in a previous purchase.

Large Packages with Space for More

Some stores seem to have only two sizes of bags—too large and too small. As a result it is not uncommon to have a purchase from another store in a bag where there is plenty of room to add several more items. Don't be fooled if the bag is apparently stapled shut with a sales slip attached. There are plenty of ways to

alter it so that other items can be added. Even if a box is apparently wrapped, it may be a “booster box.” Many professional shoplifters, and some amateurs, make up dummy packages that appear to be well wrapped but have a trap door cut in a side or the bottom. They can slip stolen merchandise into the box or set the box on something they want to steal and have it disappear while you watch.



A surprising amount of merchandise can be concealed in a shopping bag.

Bulky Clothing

Bulky clothing is a favorite place to hide merchandise. While some of the new styles have made it difficult for a woman to conceal even a stolen greeting card, many shoplifters are not style-conscious and some figures may be poorly proportioned not as the result of overeating but rather because a considerable amount of merchandise is concealed. Of course, in colder weather or rainy weather, coats are made to order for shoplifting. It is not unknown for a woman to appear pregnant because the blessed event is several rolled up dresses or sweaters rather than a child.

Carrying Anything Where Merchandise Can Be Concealed

One man stole a great many steaks and a number of cartons of cigarettes from supermarkets by hiding them under the blankets of the baby he was carrying. Look at the blankets draped around some of the babies in your store and see if this would not be a good

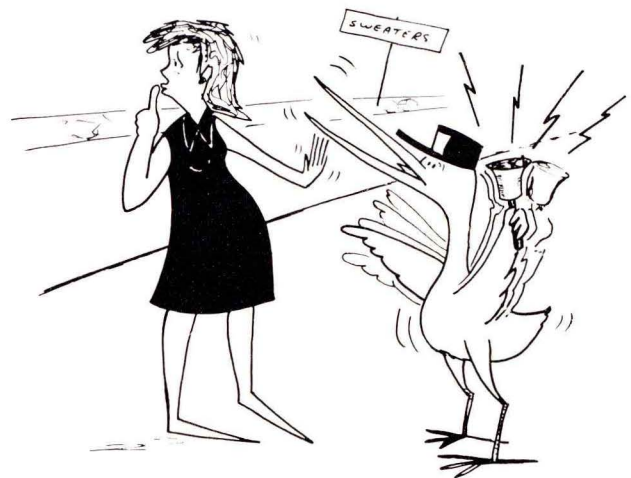
place for stolen merchandise. Similarly, strollers or baby carriages make good hiding places.

Circling Around and Returning to the Same Area Several Times

Most customers have a usual pattern. When they leave a section of the store, they may return once or twice after examining merchandise in other areas. On the other hand if someone seems to be simply circling without shopping at other points, he may be returning and waiting for an opportunity to lift something.

Women Who Are Not Carrying a Purse

Most women in a store carry a purse; if a woman doesn't, she has a perfect chance to steal one, for all she has to do is pick one up and walk away. This same principle applies to a few other sorts of merchandise, for example, umbrellas if it is raining.



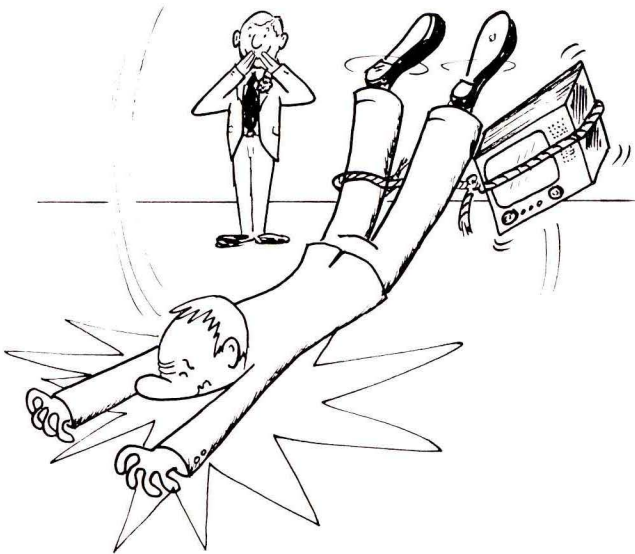
The “blessed event” can be several rolled up dresses or sweaters rather than a child.

People Who Come in Near Closing Time and Just Look Around

Closing time is a good time to shoplift. The clerks are tired, they want to straighten up stock, check out the cash register and get ready to leave. Most people who come in near closing time want to make a last-minute purchase, select the item quickly, and are ready to leave. As a result, be especially careful at this time. Look for all of the various sorts of potential shoplifters described.

Walking Clumsily

Many people do not walk gracefully. Some are handicapped, some just are naturally clumsy and some have merchandise hidden between their legs or dropped down in their pants. For example, one thief wore bib overalls with long underwear underneath. The drop seat was left unbuttoned and the legs were tied tightly to his ankles. He stuffed an expensive housecoat in this unusual "shopping bag," hanger and all, and was caught leaving the store. Some women have become adept, through practice, in holding a full size ham or several boxes of hose up under their dresses between their legs. One man had to walk stiff-legged because he had taken a shotgun apart and slipped the barrel down his pants leg.



Some people are just naturally clumsy and some have merchandise hidden between their legs.

Holding the Body in an Uncomfortable Position

Small items, such as compacts or lipsticks that are displayed on counter tops, may be slipped up a sleeve while similar merchandise is being examined. It is then necessary for the shoplifter to hold that arm in an unusual position so that the stolen article will not fall out. Again, a dress, sweater or similar article may have to be held tightly to the body with the elbow while hidden under a coat.

People Who Move Merchandise to a Different Location

One of the problems in every store, especially self-

service stores, is the customer who selects an item, then changes his mind and puts it down any place that is handy. However, shoplifters will move articles to a point where they are less likely to be noticed when they pick them up to hide them. As a result, watch out for this. The shoplifter may be spotted because he will walk away from the article, looking around to make sure he is not observed, trying to locate the clerks. Then, when the coast is clear, he returns and picks it up and hides it.

People Who Drop and Pick Up Items

This method is used if clerks are present and probably watching. It is easy to drop two items, pick them up and keep one while returning the other to the counter, so don't be taken in by this trick.

ARRESTING SHOPLIFTERS

Iowa has a specific law governing shoplifting. The legislature passed it to assist businessmen in controlling this costly crime.

Here is the law:

709.20 Shoplifting

Whoever shall willfully take possession of any goods wares, or merchandise offered for sale by any store or other mercantile establishment, with the intention of converting the same to his own use without paying the purchase price thereof, shall be guilty of shoplifting and, when the value of the property so taken into possession exceeds the sum of twenty dollars, he shall be punished by imprisonment in the penitentiary not more than five years, or in the county jail not more than one year, or by fine of not more than one thousand dollars, or by both such fine and imprisonment; when the value does not exceed twenty dollars, by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

709.21 Evidence of Intention

The fact that any person has concealed unpurchased goods or merchandise of any store or other mercantile establishment, either on the premises or outside the premises of such store, shall be material evidence of concealment of such article with the intention of converting the same to his own use without paying the purchase price thereof within the meaning of section 709.20, and the finding of such unpurchased goods or merchandise concealed, upon the person or among the belongings of such person, shall be material evidence of willful concealment and, if such person conceals, or causes to be concealed, such unpurchased goods or merchandise, upon the person or among the belongings of another, the finding of the same shall also be material evidence of willful concealment on the part of the person concealing such goods.

709.22 Search

Persons so concealing such goods may be detained and searched by a peace officer, merchant, or a merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable

manner by a person of the same sex and according to section 709.23.

709.23 Permission

No search of the person shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has been first obtained.

709.24 Immunities

The detention or search under sections 709.20 to 709.23 inclusive by a peace officer, merchant, or merchant's employee shall not render such peace officer, merchant, or merchant's employee liable, in a criminal or civil action, for false arrest or false imprisonment provided the peace officer, merchant, or merchant's employee had reasonable grounds to believe the person detained or searched committed or was attempting to commit the crime of shoplifting as defined in sections 709.20 to 709.23 inclusive.

This law will be discussed on the basis of the elements of the crime, or to put it another way: How do you prove the crime of shoplifting?

ELEMENTS THAT CONSTITUTE SHOPLIFTING

"Willfully"

This seems a simple enough term, but is it actually? Courts have said that willful also means intentionally or knowingly. As a result, many shoplifting defenses are built on the basis that the thief did not intentionally take the item. For example, a woman dropped a dress into her shopping bag. She said it fell in by mistake. In *State vs Masters*, 261 Iowa 366, a woman was seen to place two toilet bowl deodorizers in her purse instead of in the shopping cart with her other purchases. Her explanation was that she did not want the deodorizers in contact with the food in the cart, then forgot she had put them in her purse.

The Supreme Court of Iowa sustained her conviction and said, "Intent, which is an element of the offense, is a matter difficult to prove or disprove by direct evidence. It is ordinarily a conclusion drawn by the circumstances surrounding the act."

This is an important point. What a person *intends* to do is in his mind, based on what he is thinking. Intent can be shown in two ways. First, as the Supreme Court said, "by the circumstances surrounding the act." Second, by a statement or confession in which the person admits he intended to steal the item. How to take a proper confession will be discussed later.

In any case, it is important that you make notes on everything that you saw or heard, for intent is not easy to prove. This is especially true, for in spite of the fact that many thieves will claim that they did not intentionally put the item in their purse, shopping bag or pocket, some honest people can make a mistake. For example, you go into a store intending to buy only one

or two items, so do not take a shopping cart. However, you see some other things you want, so end up with your hands full, and for convenience, or without even thinking, you drop a small item in your pocket, then quite honestly forget to pay for it.

Proving intent is often the key to a successful prosecution. It is the basic reason why it is a good practice to let a shoplifter leave the premises, for if stopped in the store he will say that he intended to buy the article before he left.



Intent is not easy to prove.

Even if he leaves the store, you may not yet have a perfect case. Here is an example. A large store had a table of shoes on sale in a "bargain room" at one end of the store. A fourteen-year-old boy took off his old shoes, hid them under a counter, put on a new pair, walked out of the store and was arrested outside of the building. His story was that he had looked at shoes with his parents in the shoe department but couldn't find any he liked. The parents stayed in the shoe department while he looked around the store and by chance found a pair in the "bargain room," so put them on and walked out of the store on his way to the shoe department to show his find to his parents. His story was that he went out of the store instead of walking through it because it was less crowded outside and that he hid his old shoes so that he could come back and get them. A jury believed him.

However, the legislature gave businessmen some assistance in proving intent. In 709.21 the law says that concealment is material evidence of intent. This is a very important point, for it is the basis for allowing you or a police officer to detain the person for a reasonable length of time and to search for the stolen merchandise under the direction of a peace officer or with the consent of the person you stopped.

“Take possession of”

The person actually has to have the article in his possession. Simply moving it to another part of the store is not enough so long as it is not concealed. Moving to another part of the store without concealing it is good evidence to show intent, but not enough.

Suppose that just as you approach a shoplifter, he drops or throws away a concealed item? He had possession and simply getting rid of it does not let him go free.

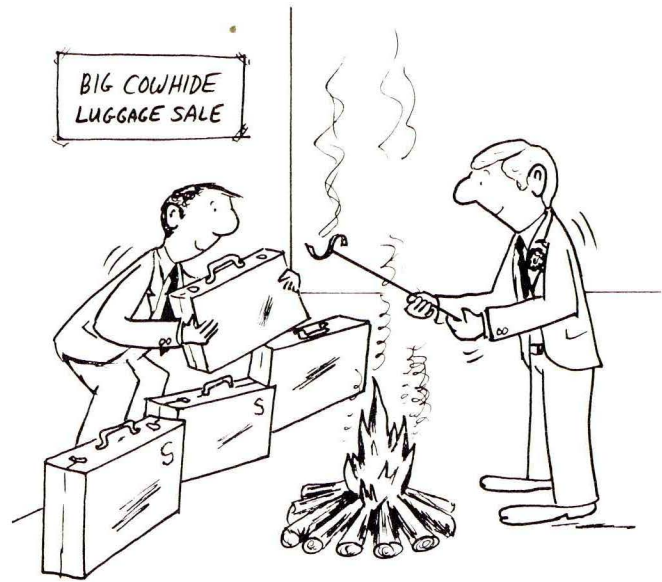
The problem can be even more complex when you get into “constructive possession.” For example, suppose a woman shoplifter picks up a heavy item, then asks some innocent but good-hearted man to carry it out of the store and to her car. Did she have possession? Most courts would say “yes.”

“Any goods, wares or merchandise offered for sale by any store or mercantile establishment”

Two points are important here. First, you must prove it was your merchandise. Second, this section of the law applies only to items offered for sale. Each point will be discussed separately.

Here is an actual case on the first point. A store detective saw an elderly woman looking over men’s trousers. The woman examined them for some time, then rolled a pair up, and after looking around carefully to see if she was observed, hid them under her shawl. She then went behind a rack of men’s suits, again looked around carefully and put them in a shopping bag and walked out of the store. Sounds like a clear-cut case, doesn’t it? Actually, there was no crime. The elderly lady wanted to buy her husband a new pair of pants. She could not speak or read English so she took another new pair her husband had to the store so that she could compare and select the proper size. Of course, she was embarrassed about having to do it this way so was careful not to be observed. On the other hand, when the store detective saw her being so cautious about hiding a pair of new pants, it looked like a perfect case.

As a result, one common defense in shoplifting is to claim that the article has either been bought at your store or another store at a prior time. How do you disprove this claim?



You must prove it was your merchandise.

One way, and this is only practical with expensive items, is to have a second concealed tag that is taken off at the time of sale. This is not perfect, for thieves may find this tag and remove it. With exclusive merchandise, buyers, clerks or store records may be used to prove that the article had not been sold. This was done in the case of *State vs Rye*, 260 Iowa 146. This testimony may be combined with circumstances. In *State vs Estrella*, 257 Iowa 462, the store owner testified that within seconds after he saw Estrella leave his store carrying something he could not identify he noticed a stack of shirts missing. Estrella was observed by a citizen carrying a stack of what looked like shirts and going into an alley. The store owner went into the alley and did not see Estrella but saw a stack of shirts hidden. He looked the shirts over, and the Supreme Court said that with his experience and knowledge of his stock that this was a reasonable identification of the merchandise.

The second point is that this shoplifting law applies only to articles offered for sale, so if someone steals an adding machine that is used at your checkout counter, they would be guilty of larceny, but not shoplifting.

“With the intention of converting the same to his own use”

The meaning of “intent” has been discussed previously. “Converting to his own use” requires further explanation. Another way of saying the same thing that



“Converting to his own use” requires further explanation.

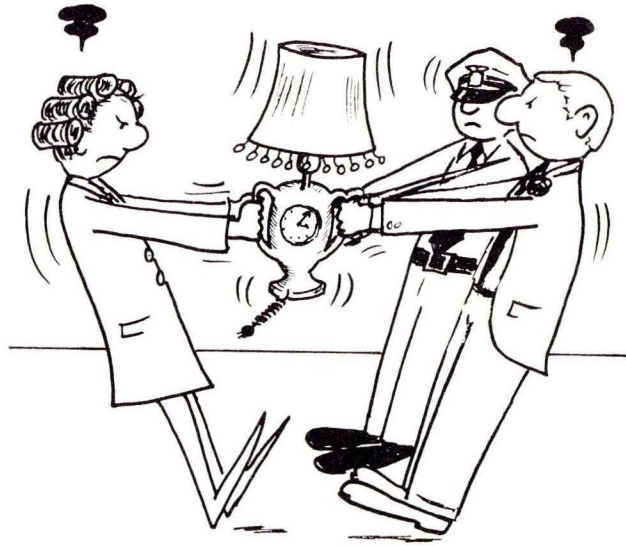
is often used in the law is to “Deprive the owner of its use.” Again, you must depend either on circumstantial evidence or an admission by the accused. Most people would agree that if some article is wrongfully taken from a store, the intent would obviously be to deprive the real owner of its use, to convert it to the thief’s own use.

However, what about this case? Suppose the owner of an auto supply store sees a man conceal an automobile jack and leave the store. He is arrested but says, “I didn’t intend to convert this to my own use. I had a flat tire near his store and my jack wouldn’t work, so I was going to use the new jack just long enough to change tires and then return it to the store.” Suppose this story was true, would this be larceny? Technically, it would be, for the owner was deprived of the use of the jack and could very well have lost a sale because it was missing. From a practical standpoint much would depend on what the judge or jury believed. If the man taking the jack appeared reliable, he probably would go free. Again we see the problem of showing intent.

In summary of this section, you must be able to prove four elements of the offense.

Willfully. That the theft was intentional.

Take possession of. That the thief actually had some control of the article and at least moved it.



The person actually has to have possession of the article.

Any goods, wares or merchandise offered for sale. That it was the property of the store and offered for sale.

With the intention of converting to his own use. That the intent was to deprive the rightful owner of use.

HOW DO YOU MAKE A SHOPLIFTING ARREST?

The state law on shoplifting does not use the word “arrest,” but rather talks about “detaining.” The courts in Iowa have never considered this point of law, so it is best to discuss your right to arrest as a private citizen. Your right to arrest is not much different than your right to “detain” and you will be in a better legal position if you stop the wrong person if you base your actions on your right to arrest.

Many people do not know that a private person has a legal right to make an arrest. This right is in section 755.5 of the Code of Iowa.

755.5

A private person may make an arrest:

1. For any public offense committed or attempted in his presence.
2. When a felony has been committed and he has a reasonable ground to believe the person to be arrested committed it.

Two terms need explanation. “Public offense” means any violation of the law that can result in a fine or imprisonment. In other words, a crime.

A felony is any crime where the sentence may be at

least one year in prison. In other words, a serious crime. Other crimes where the sentence may be less than one year are misdemeanors. In larceny, stealing anything worth less than \$20 is a misdemeanor. If it is worth more than \$20, it is a felony.

Two points arise here. How do you determine the value? You buy a radio from a wholesaler for \$18, mark it up to \$24 and put it on display, where someone steals it. Was this a misdemeanor or felony? In *State vs Long*, 256 Iowa 1304, the Supreme Court said the price set by the merchant is fair market value and is the price to use. From a practical standpoint, if something close to the \$20 dividing line is stolen the prosecutor will often charge the offender with a misdemeanor if he feels this is the best and fairest way to handle the case, for the legislature set this \$20 dividing line between serious and minor crimes way back when \$20 was a lot of money.

Now suppose instead of stealing one item worth over \$20, the shoplifter took five different items, each from a different part of your store and worth \$5 each, for a total of \$25. Felony or misdemeanor? The Supreme Court said in *State vs Simpson*, 157 Iowa 257, that this would be one transaction and would be a felony. Of course, the thefts would all have to be a part of one set of activities. You couldn't let someone steal \$5 a day for 5 days so that they could be charged with a felony. (There might be an exception to this if it could be shown that this was a regular and connected series of systematic thefts.)

Stopping the Offender

Suppose you have seen someone take an item of merchandise, hide it and leave the store without paying. You are sure that he has not dropped it or passed it on to a confederate. What do you do?

Each case is different so there can be no hard and fast rules. However, here are a number of guidelines to follow using your own judgment.

1. Only certain store personnel should apprehend shoplifters. These people should be selected on the basis of maturity and experience. They should review this material carefully. Other store personnel who detect someone stealing should inform a person who is selected to apprehend. The information should be passed on carefully so that the shoplifter will not notice and drop what he is stealing or run out of the store.

The person who is to make the apprehension must be certain that the person informing him is right. In the excitement, a mistake is easy to make. Very few store detectives will stop a shoplifter on the basis of what another employee tells them. However, in a smaller store where the employees know each other,

there is some assurance of the accuracy of information from a specific employee.

2. Try to have a witness either with you or somewhere where he can observe what is happening. If you think that the shoplifter may cause trouble, the witness should be with you and in a position to act.

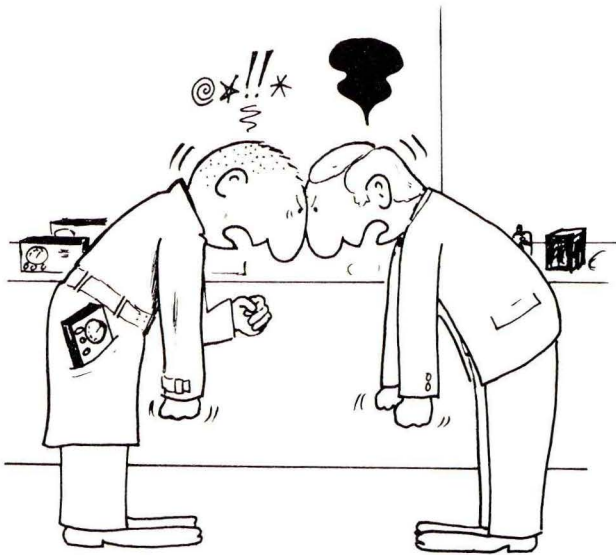


Only certain personnel should apprehend shoplifters.

3. Don't be too brave. Most shoplifters are not dangerous. They are more likely to run, but be careful; in an attempt to escape they may hurt you. If you have any doubts, call the police or have some other employee call. Have a good description for the police, including the criminal's car, if he is using one, and the direction he went.

4. Select the point where you are going to stop them. In most cases wait until they are completely out of the store. If you have merchandise displayed outside, it might be best to wait until they have moved away from that merchandise. This is to show intent, that they did leave with no chance to pay for what they took. If it is at night, and you have a choice, pick a lighted spot. Try to select a point where it is harder for them to run. Maybe you can "corner" them. Avoid stopping them near other people. The less attention you attract the better, for there is no use embarrassing them unnecessarily. However, don't delay trying to pick the best possible spot to stop them. They may realize they are being followed and drop the merchandise or run.

5. Be quiet and polite. They are probably more frightened than you are. If you are loud and impolite, they may very well be noisy and rude in return.



If you are loud and impolite, the shoplifter may very well be noisy and rude in return.

6. Be firm. Their first reaction will be surprise and they will be uncertain just what to do. This is a critical time for you. As a result, you must take charge. It is a good idea in most cases to take hold of an arm firmly, but not tightly enough to cause discomfort.

7. Start talking; let them know what is going on. A good opening statement is, "I would like the things you took from the store." You may be surprised by having them give you some things you didn't see stolen. If they deny taking anything, tell them, "I would like the dress you have hidden under your coat." Or, "May I look in your shopping bag." They will usually comply.

8. Finally, say, "Please come with me so that we can talk this over." Usually they will, especially if you have the stolen merchandise. If they refuse, tell them that you will have to place them under arrest. Technically, you have already arrested them, but they don't know it. If they still refuse, tell them that they are under arrest for shoplifting and place your hand on them if you have not already. Resisting arrest can be an additional charge. If they still refuse to come with you, you have a problem, for you are going to have to use force. The law allows you to use reasonable force to

make an arrest. At the same time, you don't want to get hurt or have anyone with you hurt, so you have to use your own judgment. There are really two problems involving force here. You can use as much force as necessary to protect yourself and the courts all recognize that in such a situation it is not possible to judge exactly how much force is needed for protection, so if you overdo it any reasonable amount, you are on safe ground. However, in most situations, be careful in using force just to keep them from escaping. If you can hold them, fine, but avoid hitting them or using any kind of weapon just to keep them from escaping. While reasonable force is allowed, it is not a good policy to use much violence. This is a problem, especially with older boys or females. Most policemen would rather arrest half a dozen tough men than one 100-pound woman who was fighting. While it sounds bad if force was used against a 16-year-old boy, some of those kids can lick anyone you have working for you.

QUESTIONING SHOPLIFTERS

If they won't come with you, the police will take over. If they do, you now question them.

As soon as possible, the subject should be taken to some place where you can have privacy. There are two reasons for this. First, it will save the subject embarrassment. Most people will at least guess what is going on and might want to eavesdrop. Second, no one wants to admit he has done something wrong in front of a number of people. No one can question effectively except in private. If your place of business is so small that you can't take them to a private location, at least take them into a corner or the back of the store, as far away from other people as possible. It is not a good practice for a male employee to be alone with a female shoplifter. There is always the chance that she will claim that he made a pass at her. Here is an exception to the rule of privacy. Have someone else with you, preferably a female employee. If there are two of you, one should sit to one side and only one should do the questioning.

Everyone has heard about the *Miranda* case that resulted in the United States Supreme Court decision that established rules for criminal interrogation. However, the *Miranda* rules apply only to the police, not to private citizens. The U.S. Supreme Court said this and the Iowa Supreme Court agreed in *State vs Masters*, 261 Iowa 366. In spite of this, you should give them the first two parts of the *Miranda* warning, make sure that they understand it and have them agree to waive their rights. To do this you should tell them:

1. You don't have to say anything unless you want to;
2. Anything you say can be used against you in court.

Then ask them if they understand this, and if they do, ask them if they want to talk to you anyway. If they say they don't understand, go over it again. If they still don't understand, they are either feebleminded or totally uncooperative, so the only thing to do is call the police. *Under no circumstances should you tell them that if they don't talk to you, you will call the police.* This is a form of threat and would invalidate anything they told you.

In addition, reassure them. Tell them that they will be treated fairly, that they will not be threatened in any way, nor will they be given any promises.

It is good practice to make sure again that they understand that they do not have to say anything and that anything they say may be used as evidence.

Most shoplifters actually will be anxious to talk to you, to tell you what they did. In addition, they will usually want to explain why they did it, to give you some excuses. Let them, but don't let them take over, going into unnecessary detail. Try to get the facts as soon as possible.

Many shoplifters will immediately want to make restitution, to pay for the article they took. Never allow this. There are two reasons. First, it will make

prosecution of the case impossible. Second, it could be considered a form of extortion or blackmail if you condone a crime in order to secure a profit.

Many times you will have to start them talking with a simple question such as, "Please tell me just what happened," or, "Why did you do it?" You will often need to ask questions in order to get details and have a clear understanding. If they mention merchandise that they still have concealed, ask them to give it to you. Ask specifically about each item of merchandise they took. Where did they take it, how did they hide it, and so on.

Ask specifically, "What did you intend to do with this item?" As pointed out earlier, intent is very important and one of the best ways to show it is by an admission.

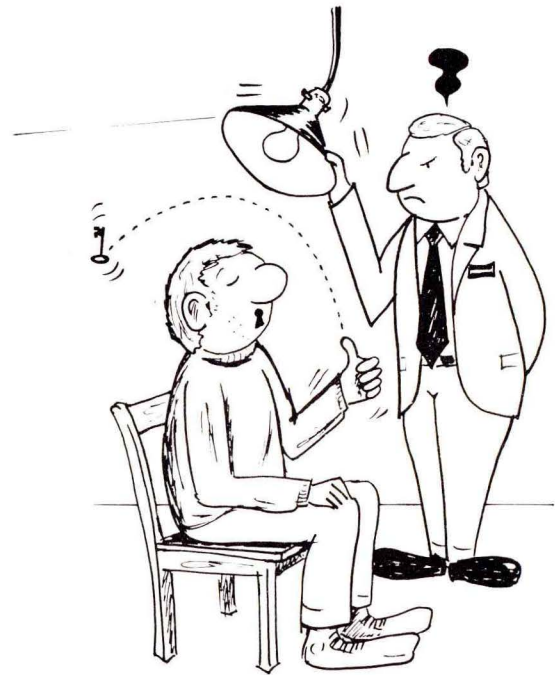
Shoplifters Who Won't Talk

Some shoplifters won't talk at all. They won't even tell you their names. In this case you have no choice but to call the police. Again, don't tell them you will call the police if they don't talk to you. This is a form of threat.

However, a difficult problem can arise here. Suppose a shoplifter refuses to talk to you, so you pick up the phone to call the police. They may very well ask you what you are going to do. If you tell them that you are going to call the police, they may immediately



Many shoplifters will immediately want to make restitution. Never allow this.



Some shoplifters won't talk at all.

say that they will tell you what you want to know. In view of the fact that telling them you would call the police if they don't talk would be considered a threat, can you now stop and let them talk? The answer is "Yes" if you tell them something like this: "I won't call the police now but very probably will report this to the police at some time. However, if you want to tell me what happened, I will listen to you. I want you to remember that you do not have to say anything and that anything you do say can be used in court." This may sound a little complicated, but the law must be complicated, for it has two purposes. The law must protect society from the crimes of individuals while at the same time protecting the constitutional rights of every individual.

Identifying the Shoplifter

In some cases you will know the shoplifter. If you don't, one of the first steps is to get identification. Ask them for identification. They may give you a driver's license and stop, so ask for additional identification. You will usually have a chance to see that they do have additional identification as they are rummaging through their billfolds. Look at it. Does the description fit the individual? Ask for address and phone number. Does it check with their identification and the phone book? In other words, don't depend on what they tell you. They may be giving you a false name and address.



In some cases you will know the shoplifter.

Juveniles, and sometimes others, may not have any identification, or claim that they don't. Here the phone book and the city directory can help you. Ask for their address and phone number and see if that checks out with the phone book. Ask for the name of their parents and one or two others living in the same house. Does this check with the city directory? If you are still unsure, ask who lives on each side of them and see if it checks. If you are still uncertain, call the police.

SEARCHING A SHOPLIFTER

There are two ways under Iowa law that a businessman can search a shoplifter. The first is with the permission of the shoplifter and the second is at the direction of a police officer.

If you believe that the only stolen items are in a purse or shopping bag, all you need is verbal permission. It is enough to ask them if you can look in their purse or shopping bag, and if they say it is OK, this is enough. However, if you wish to search their person, it is better to have a brief, signed permission. This can be done in one sentence. "I (name of subject), voluntarily and without any threats or promises being made give (name of person to make search) permission to search my person for any merchandise that may be the property of (name of store)." This should be signed and dated and witnessed with the signatures of at least two people.

A search can be under the direction of a police officer without such a permission. However, it might not be a bad idea even then to have a written permission.

Two points in the Iowa law must be kept in mind. First, the search must be "reasonable." For example, if you saw someone take and conceal a large item, the search need not be as thorough as if it had been a lipstick that would be much easier to conceal. However, if there is reason to believe that other merchandise is concealed, the search can be as thorough as necessary. Second, the search must be by a person of the same sex. It goes without saying that the search must be in privacy if necessary to avoid embarrassment. It is best to have a witness of the same sex so that the subject cannot claim that evidence was planted by the searcher.

From a practical standpoint, searches are often not needed. The shoplifter will usually hand over the stolen items simply if asked.

CONFESSIONS

A confession is an admission of guilt and ordinarily includes the circumstances of the case. It may be

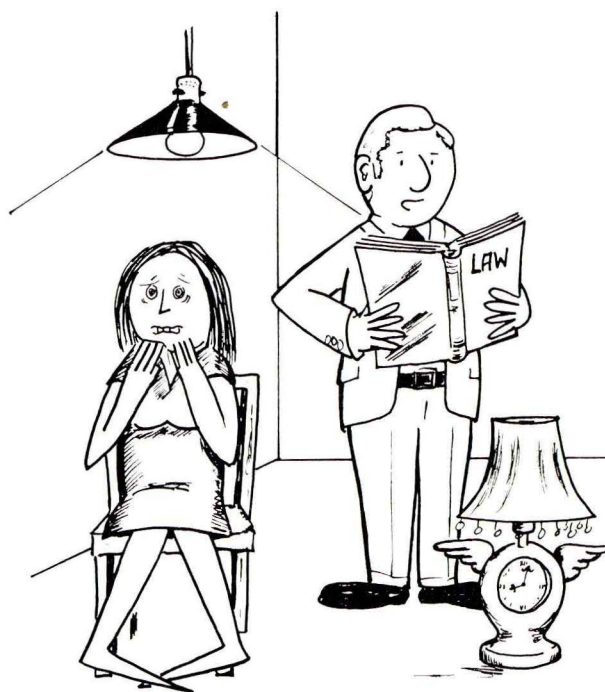
either written or oral. If someone simply tells you, "I stole the ring," that is a confession. The best practice is to have the confession in writing and signed and witnessed, for this is a permanent record and less likely to be changed by the subject. However, if the subject refuses to write a confession or sign a written confession, it is not too serious a problem so long as they will agree before witnesses that the confession is true but that they do not want to write or sign one. Some people are reluctant to sign anything, but witnesses can testify to the fact that the subject said it was true.



The search must be reasonable.

No sort of inducement can be used to get anyone to confess. You can't threaten in any way nor can you make any sort of promise that might lead to a confession. The courts have always been very tight on this point. The best single rule is to ask yourself, "Would this be likely to make an innocent person confess?" For example you can't say, "If you don't tell me the truth I will call the police," or, "If you don't admit this I will phone your boss or your minister [or anyone else for that matter]." As a result, don't say anything that could possibly be interpreted as a threat.

Promises are a little more difficult, for promises that would not be likely to make an innocent person confess are proper. For example, the subject may ask, "If I admit this, will you let me go?" You can't say



Don't say anything that could possibly be interpreted as a threat.

you would, for this would be an inducement and an innocent person may admit something he didn't do as being the easiest way out. Your proper answer is, "I can't promise you anything except that you will be treated fairly whether or not you admit that you took the merchandise." Two points are important here. Be sure to say "whether or not" for the courts have held that just saying you will be treated fairly implies that if you *don't* admit it, you will be treated unfairly. Second, promising that they will be treated fairly should go without saying and would be held to be a promise that would not cause an innocent person to confess.

There are a lot of legal cases on confessions and this can be a complex subject, but if you simply remember to be fair and reasonable and not to do or say anything that would be at all likely to make an innocent person confess, you are on solid ground. With shoplifters and as a private citizen you should not attempt lengthy interrogations. If the subject refuses to make a statement or confession, this is his right, so the only alternative you have is to request police assistance.

Form of the Confession

A confession in a shoplifting case need not be elaborate. There are five parts: the identification of the individual; a statement that he has been told of his

rights; the statement of what occurred; his signature; and the signature of witnesses.

The identification of the individual is a brief statement of who he is. For example, the confession might start out, "My name is Mrs. John Doe. I was born February 29, 1913, and live at 1618 16th Ave."

The statement that they have been told of their rights can be about like this: "I have been told that I do not need to make a statement of any kind and that anything I do say can be used against me. I have not been threatened in any way nor have I been promised anything. I wish to voluntarily waive my rights and to make this statement."

Next would be a simple narrative of just what happened. The points that should be included are:

1. That the subject entered your store, giving the store name and the address (if there is more than one in the community by that name);
2. That the subject took certain articles that are listed;
3. That the subject concealed those articles or in some other way attempted to avoid paying for them;
4. That the subject intended to keep those articles without paying for them.

The subject may want to add to those facts either to explain why he took the items or to say that he was sorry that he did. This is fine, for it is his statement.

It is a good practice to put in a last line giving the date, the name of your town (or county if not in a town) and the time.

If the statement is more than one page, the last line should say, "I have read all pages of this statement and have written my name at the bottom of each page."

The subject's signature and witnesses have already been mentioned. However, if the witnesses were not present during the entire time the confession was being taken, it is good practice for them to ask the subject if the statement is correct and if he is signing it voluntarily.

Who Should Write the Statement?

It is good practice to have the subject write the statement. It looks better in court, for while it is possible to trick or force someone into signing something, it is much more difficult to get him to write a complete statement.

Insofar as possible, the body of the statement should be in the subject's own words. It should sound like him. Too many people writing out statements for an accused get too legalistic and use words the subject never would or might not even understand. If

you are going to have the subject write his own statement, you will need to dictate the first two sections to him, for he won't know how to start out. You will need to see what he is writing to make sure that he includes the points noted in the third section.

Some stores use a statement form. If this is standard procedure with yours, these forms are OK and do simplify the procedure.



It is good practice to have the subject write the statement.

In some cases, for example, an uneducated person, you may want to write out the statement for his signature. In such a case, have him read it before he signs it. If you think he may have trouble reading, read it to him, stopping from time to time and asking him if that is correct.

If corrections are necessary, have him make the corrections and initial each of them.

You now have the stolen merchandise and a confession. The next step depends on your local practices and whether or not you intend to prosecute. In any case, write a brief summary of just what happened. A basic rule for writing such reports is to cover the Five W's and the H—Who, What, Where, When, Why, and How. If you have information on those points, you will have a pretty good report.

If You Are Not Certain the Shoplifter Has Stolen Merchandise

Sometimes you cannot be sure that a suspected

shoplifter has any merchandise. You may believe that you saw him steal something, but since he tries to avoid detection, it is not easy to be sure. Also, you may think that he suspects that you are watching him, so has put the item back or dropped it and kicked it under a counter.

In these cases, let him know you are watching him and when he starts to leave, follow him for a distance. An honest customer will probably not even notice this, but a shoplifter will, and may discard the merchandise and you will have recovered it. He may even hand it directly to you with some weak excuse like, "Here, I don't think I want this." If you have a checkout line and such a suspect has gone through it, you might stop him and ask, "Is there anything else you wish to purchase?" Again, an honest customer will just think you are out after business, but a shoplifter may react. If he does hand you a hidden item, don't accept payment but tell him, "Why don't you come back and buy this some other time?" This point was discussed earlier under not taking restitution.

