



SHOPLIFTING STATUTES & PENALTIES

§18.2-95. Grand Larceny: Any person who commits larceny from the person of another of money or other thing of value of \$5 or more, commits simple larceny not from the person of another of goods and chattels of the value of \$200 or more, or commits simple larceny not from the person of another of any handgun, rifle or shotgun, regardless of the value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than 1 nor more than 20 years, or in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not to exceed 12 months or fined not more than \$2500, either or both.

§18.2-96. Petit Larceny: Any person who commits larceny from the person of another of money or other thing of value of less than \$5, or commits simple larceny not from the person of another of goods and chattels of the value of less than \$200, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor with a sentence of up to 12 months in jail or fined not more than \$2500, either or both.

§18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling, etc., another in performance of such acts without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise when the value is less than \$200 shall be guilty of petit larceny, and when the value of the goods is in excess of \$200 shall be guilty of grand larceny, a felony punishable as previously indicated. A crime that on the first or second commission is a misdemeanor becomes a felony upon proof of the additional element of its commission being a third or subsequent such occurrence.

§18.2-105.1. Detention of suspected shoplifter: A merchant, agent or employee of the merchant, who has probably cause to believe that a person has shoplifted in violation of §18.2-95, §18.2-96 or §18.2-103, on the premises of the merchant, may detain such person for a period not to exceed one hour pending arrival of a law-enforcement officer.

§18.2-104.1. Liability upon conviction under §18.2-103: Any person who has been convicted of violating the provisions of §18.2-103 shall be civilly liable to the owner for the retail value of any goods and merchandise illegally converted and not recovered by the owner, and for all costs incurred in prosecuting such person under the provisions of §18.2-103. Such costs shall be limited to actual expenses, including the base wage of one employee acting as a witness for the Commonwealth and suit costs. Provided, however, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the retail value of the goods and merchandise.

SHOPLIFTING PREVENTION QUIZ

1. What is on display at your store? How close is the display case to the entrance/exit of the store?
Expensive items should not be on display in the windows unless the items are appropriately locked up. The items on display should not be too close to the entrance/exit of the store, especially if it's the more desirable products in the store. The closer it is to the entrance/exit, the easier it is for shoplifters to grab it and run.
2. How are you watching the consumers that are present in your store? *Be alert at all times, and make sure that employees are alert as well. It is also useful if there is an employee standing at the entrance/exit of the store greeting customers as they enter and exit the store. Personal contact with customers may prevent someone from stealing.*
3. How well do you know your neighbors? Are you on a first-name basis with them? *It is a good idea to keep a good working relationship with your neighbors and the Suffolk Police Department. Both can help you in your time of need and the police can also offer valuable advice about crime in your business. Your neighbors can also alert you when they see something suspicious happening around your business.*
4. After a shoplifter is apprehended in your store, do you keep track of them in any way? *It is important that you come up with some plan to keep track of shoplifters, because many will steal from the same store over and over. You may even check with your neighbors to see if people shoplifting from them have also paid you a visit. The information should include things such as name, age, race, sex, incident time and date, and what items were shoplifted. This will also let you know what items in your inventory are most attractive to shoplifters so you can take special steps to protect this merchandise.*

Tips for Businesses



Shoplifting Prevention

An Information Guide
provided by
C. Phillips "Phil" Ferguson
Commonwealth's Attorney

150 North Main Street
Suffolk, VA 23434
Phone (757) 514-4365
Fax (757) 514-4400
www.suffolk.va.us/cwatty



My staff and I are dedicated to serving the citizens of Suffolk. We stand ready to work with you to make Suffolk a safe place in which to live, work and raise our families.

When someone steals merchandise offered for sale in a retail store it is generically called **shoplifting**. To commit shoplifting, one must “intend” to permanently deprive the merchant of the value of the merchandise.



Theft from stores, including employee and vendor theft, cost retailers many *billions* of dollars per year. And worse yet, the costs of these losses are passed on to us...the consumer.

SHOPLIFTING FACTS

- Shoplifting is the most costly property crime in the United States.
- Nationwide, approximately 5,400 people are detained for shoplifting every day.
- An estimated seven cents (\$.07) of every dollar a store charges (nationally) is a built-in cost to cover shoplifting losses.
- The average shoplifter has \$150 in shoplifting merchandise on his/her person.
- According to statistics, almost 38% of all persons arrested for shoplifting are females, and almost 30% of all recorded apprehensions are juveniles.
- Interestingly enough, kleptomaniacs make up less than 1% of all shoplifters.

Shoplifting can cost your business thousands of dollars each year. Shoplifters may be any age, sex, economic, or ethnic background. Shoplifters come from all walks of life and range from the well-to-do to the homeless. There is no “typical” shoplifter. Often they work in pairs or groups to divert the clerk’s attention while they steal. Certain times of the day when employees are apt to be less alert are critical: store opening and closing, during the lunch hour, dinner, or shift changes. Shoplifters learn to take advantage of crowded stores during peak hours. Effective prevention begins with an aware and alert staff.



PROTECTIVE MEASURES

- Heighten the shoplifter’s feelings of being watched.
- Minimize the shoplifter’s access to merchandise without inconveniencing customers.
- Post signs warning against shoplifting, emphasizing that you will, and do, prosecute. The best way to discourage shoplifters is by taking a “get tough” attitude, prosecuting even on the first offense. Keep your business from being tagged as an “easy mark”.
- Watch for customers with loose or baggy clothing inappropriate for weather. Watch for large bags or other props, such as newspapers, strollers, briefcases, backpacks or umbrellas. These can easily conceal merchandise.
- Encourage checking parcels on entry.
- Cashiers familiar with the store prices can help curb the price switch game. Merchandise return policies should require a receipt for cash returns. Require an ID and signature for returns without a receipt. Offer “Merchandise Only” vouchers. Have employees pick up stray receipts around the store and in the parking lot to minimize fraudulent returns. Returned merchandise should be inventoried against receipts on a regular basis to catch false returns (return transactions without returned merchandise).

DISPLAY STRATEGIES

- Keep display and clothing racks away from doorways and exits to discourage “hit and run” thieves. Alternate hangers front-to-back to deter thieves from grabbing bundles of display merchandise.
- Keep small and expensive items out of reach or in locked display cases. The stores most vulnerable to shoplifters are those that sell small, concealable items such as hardware, CD’s, clothing, drug/grocery/food stores, department and variety stores. Show only one item at a time from a display case. Be sure to secure the display cases with appropriate locks.
- Elevate the register operator’s platform and/or arrange displays to create maximum visibility.
- Display merchandise should be neatly arranged to detect missing items. Daily or weekly inventory is useful to detect loss of pilferage.

FITTING ROOM SECURITY

Keep fitting room doors locked when not in use. Café doors allow monitoring by staff. Limit number of items allowed to be taken into the dressing room by customers. Display a sign, “Please see a Sales Associate before taking items into the dressing rooms. Thank You.” Issue color-coded tickets and tags signifying the number of items taken into fitting rooms. Use a return rack for unwanted items. Post items stating your policy on shoplifting in the dressing room area.

STOPPING A SHOPLIFTER

If you suspect that someone may be considering shoplifting, approach the customer. You may be able to prevent a crime by asking, “Would you like to pay for that now?” or “Can I ring this up for you?” If you suspect a shoplifter, keep him/her in your sight and notify your manager or security personnel immediately. If you are working alone, request the assistance of a worker in another area or department if possible. Plan a “buddy system” for your own safety and as a witness.

APPREHENSION PROCEDURES

Every store should have a definite policy on handling shoplifters. The policy should include the procedures listed below:

- ✓ Watch the shoplifter take the property.
- ✓ Watch the shoplifter conceal the merchandise on his/her person.
- ✓ Watch the shoplifter continuously, and be certain the merchandise is not “ditched” or passed on to an accomplice.
- ✓ Apprehension does not necessarily have to be initiated outside the store. If he/she has concealed the item and passes the checkout counter without paying, apprehension is justified.
- ✓ Stop the shoplifter, identify yourself, and tell him/her to give you the merchandise. Do not use force or take any action that may bring harm to yourself, another employee or customer.
- ✓ Call the Suffolk Police Department *immediately* after the apprehension at 923-2350.

