

STOP

Should you arrest that person?

by Hubert Williams, Brian Forst, and Edwin E. Hamilton

SHOPPERS HAVE GROWN ACCUSTOMED to store detectives, surveillance cameras, electronic door sentries, and other shoplifting deterrents. But despite these sophisticated precautions, shoplifting remains a major security problem.

Shoplifting poses difficult policy questions for security directors and the companies they work for: Which people caught shoplifting should be arrested and turned over to the police for prosecution? Which should be released after interrogation, recording, and reprimand? Inevitably, policies for handling shoplifters differ from company to company.

Shoplifting: A Growth Industry

The individual shoplifting offense may seem relatively minor. However, the Department of Justice estimates an average of 383,000 shoplifting cases are reported to the police each year.¹ The number of offenses detected by store security personnel but not reported to police may be as high as 2 million per year or more nationwide.²

Retailers spend millions of dollars annually on a variety of surveillance and enforcement devices to combat shoplifting, including alarm equipment and communication systems. Yet these devices seem to have a limited impact. Between 1979 and 1984, shoplifting incidents increased by 14 percent.³

¹US Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, selected years (Washington, DC: US Government Printing Office).

²Remarks taken from a conversation with Tom Weyant, president of the Pennsylvania Retailers Association, in 1985.

³US Department of Justice, FBI, *Uniform Crime Reports of the FBI* (Washington, DC: US Government Printing Office, 1980-1984).

This increase only reflects reported offenses resulting in arrest, however. The actual number of shoplifters and offenses is difficult to estimate. Some goods are stolen by shoplifters, others are taken by store employees, and some are simply lost.

One thing is clear: Offenders are apprehended at a low rate. A typical professional shoplifter commits an average of ninety-five offenses before being caught.⁴

Even when detected, shoplifters are usually not arrested. About 80 percent of all larceny incidents that are detected never result in an arrest,⁵ and few are reported to the police.⁶ Why? One reason is that a shoplifter, once apprehended by security officers or other store personnel, is not likely to be tried and sentenced if arrested.

In one large US city, only about 20 percent of all adult shoplifters were arrested during a year's period. Only 7 percent had their cases filed in court by the prosecutor, 3 percent were convicted, and less than 2 percent were incarcerated.⁷

Is Arrest the Answer?

Police and security personnel generally assume that arrest deters future lawbreaking, including shoplifting. If arrested, offenders supposedly will experience firsthand that the personal costs of the incident outweigh the rewards of the crime, and thus will not repeat their offenses.

Two factors affect testing such an assumption for shoplifting. First, store

⁴Weyant.

⁵*Uniform Crime Reports of the FBI*.

⁶Many larcenists are not shoplifters, but there is no evidence to suggest shoplifters would not follow that pattern.

policies differ sharply from company to company and are heavily influenced by the perceived costs of following through in court. Stores are often wary of the civil liability consequences of not following through to prosecution when someone is accused of shoplifting.

Some companies have a no-arrest policy because they know shoplifters will not be punished even if arrested. The Police Foundation, a national research organization based in Washington, DC, reviewed data collected from forty large metropolitan area stores. It found that 39 percent of all shoplifters were released without arrest. The Pennsylvania Retailers Association reports that only one apprehension in ten results in arrest.

Some companies feel the use of quasi-police procedures by their security personnel—handcuffing suspects, placing them in detention areas, conducting interrogations, and creating official records—may be the only effective way to deter shoplifting. Security personnel use a variety of techniques other than arrest to try to dissuade shoplifters from repeating their crimes. These range from long processing periods in the security office to stern threats of prosecution if the individual is seen in the store again. But whether the store makes arrests or handles shoplifting in-house, very little in reality is known about what works to deter shoplifting and what does not.

Second, shoplifting is not confined to specific sex, race, age, social class, or gender groups. Shoplifters vary in age from six to at least sixty, are em-

⁷Kathleen B. Brosi, *A Cross-City Comparison of Felony Case Processing* (Washington, DC: The Institute for Law and Social Research, April 1979).

ployed and unemployed, married and single, white and black, and male and female. Data compiled by the Police Foundation on 10,000 adult shoplifters, for example, indicate that 51 percent of those apprehended were males, 30 percent were married, and 55 percent were between eighteen and thirty years of age (40 percent were thirty-one years or older).

Except for the sex variable (a disproportionate number of shoplifters were male), these shoplifters closely resembled the typical customer in the forty stores surveyed. Such a diverse group gives researchers an opportunity to test the impact of arrest.

Testing the Theory: Arrest vs. Release

A research study by the Police Foundation—with funding from the National Institute of Justice—examined the power of arrest to deter shoplifting. The study was conducted in conjunction with a department store chain in a large US city.⁸ Data were collected and analyzed for 1,593 shoplifting cases recorded by the store's security department in nine of the chain's largest stores (which accounted for about 70 percent of the chain's shoplifting cases) over an eight-month period. Company-wide, the chain recorded 4,411 shoplifting arrests in 1981 and 4,649 in 1982.

The central features of the experiment are summarized in **Exhibit 1**. Each case was followed for six months to examine the subsequent behavior of two different groups of shoplifters: those

Exhibit 1 Central Aspects of the Experiment

Experimental period: August 1983 to April 1984 (eight months)
Alternating arrest-release-arrest sequence
Some offenders exempted from experiment
Log maintained to document proper sequence and exemptions
1,593 cases processed during the eight-month experimental period
Follow-up period: to October 1984 (six months)

caught by store security personnel and arrested by the police, and those caught

⁸The department store requested anonymity, so the city will not be named.

⁹Brian Forst and others, "Targeting Federal Resources on Recidivists: An Empirical View," *Federal Probation*, volume 47, 1983.

but released from the store without arrest. While each store was located in a different police jurisdiction, police response and booking procedures were essentially the same across jurisdictions.

The chain's shoplifting policy included strict arrest criteria as well as criteria to determine which cases would be referred to the police for prosecution. Suspects could not be taken to a security office solely for questioning; detention inevitably meant arrest. If arrested, suspects were searched, questioned, and photographed, and information on the arrest was entered into the company's security log.

Apprehended shoplifters were charged with a felony—technically either larceny in or from a building. If released without being charged, the individual was asked to sign an admission statement or a release and discharge form, or both, and allowed to leave.

During this research period, shoplifters caught by store security personnel—and who did not fall into any of the special categories listed in **Exhibit 2**—were alternately assigned to an arrest or release category to permit an unambiguous test of the effectiveness of arrest. "Arrest" meant the suspects were taken into police custody for possible criminal prosecution. "Release" meant the suspects were technically under store arrest by security personnel but not turned over to the police for prosecution. To determine if arrest affected subsequent criminal behavior, especially shoplifting, shoplifters were followed for six months after their apprehension to see if they continued to engage in shoplifting and other crimes.

Study Findings

As expected, the study found the sample shoplifting population encompassed a wide variety of individuals. In general, however, the typical shoplifter was disproportionately young. See **Exhibit 3**. Thirty-seven percent were under sixteen years of age, and 27 percent were seventeen to twenty-four years old.

Nearly two-thirds were female—almost twice the number of males—but, more pertinently, far less than the proportion of female shoppers. Because they were young, the shoplifters tended to be unmarried (76 percent), mostly unemployed (73 percent), and lower than average in educational attainment (56 percent had less than a high school education).

However, high unemployment was not due to age and sex alone. At the time of the study, the jurisdiction was experiencing an unusually high unemployment rate. Forty-eight percent of the offenders were white, 42 percent black, and 1 percent other (9 percent were not recorded).

As a group, the suspects did not have extensive criminal records, again largely because they were young. Only 15 percent had previously been arrested for a shoplifting offense, and only 17 percent had been arrested for any criminal offense.

The study's primary finding did not come as a surprise—arrest did not deter

Exhibit 2 Cases Exempted from the Experiment

Two or more prior arrests in any of the company stores
Physical injury to security staff, store personnel, others
Suspect could not produce proper identification
Suspect had victimized other mall stores
Suspect in possession of contraband

the average offender. As a group, shoplifters who were arrested were neither more nor less likely to commit shoplifting offenses during the following six months than those who were apprehended but released from the store without being arrested. Additionally, both groups were arrested for subsequent crimes other than shoplifting at the same rate—about 10 percent for each group.

But arrest did have a significant deterrent effect on one important group of shoplifters—juveniles (see **Exhibit 4**). Of the 253 juveniles apprehended and turned over to the police for arrest, only 4 percent were rearrested for crimes other than shoplifting during the six-month follow-up period. Of the 315 juveniles apprehended but released without arrest, 10 percent were arrested for such crimes during the follow-up period. Both groups were caught shoplifting again at about the same rate—6 percent.

These findings depart from prior research on recidivism, which reports that young people are more likely to repeat their criminal behavior than older people.⁹ This study suggests that shoplifters under the age of seventeen are almost half as likely to repeat as those seventeen years or older.

There are at least two plausible explanations for this finding. First, juveniles are more impressionable and more likely to be recreational offenders, and therefore are more affected by arrest. The adult shoplifters, on the other hand, are more often chronic offenders. Second, the juvenile justice system in the jurisdiction studied appears to deal with shoplifters more effectively than the adult system does.

While there are no data on the precise dimensions of how effectively the jurisdiction's juvenile system deals with offenders, juveniles arrested in that jurisdiction are routinely transported to the police department for processing. The offenders' parents or guardians are notified (since the police are required to release juveniles to a parent or guardian), and formal conferences held to impress on both juveniles and their parents or guardians the seriousness of the crime and of having a criminal record.

This does not mean that arresting adult shoplifters in other jurisdictions would not have a deterrent effect. Adult shoplifters apprehended and arrested in this jurisdiction were less likely to be prosecuted, convicted, and incarcerated than those arrested in most other jurisdictions. Some sheriffs' departments covering the jurisdiction refused to jail any shoplifting suspects at all. Additionally, prosecutors in this jurisdiction have been found to file larceny arrest in court at a lower rate, while the rate at which convicted larcenists are sentenced to jail is among the lowest in the nation.

In this chain, store security guards held shoplifters assigned to the release category for long waiting periods, gave them stern warnings about the consequences of subsequent offenses, and subjected them to a variety of other kinds of harassment and legitimate discomforts. It is likely that when they did this, they dealt more effectively with shoplifters than the police or the adult criminal justice system would have.

Recommendations

This study was conducted in one jurisdiction only, and may therefore be of limited use to stores in other areas of the country. On the other hand, data from the study point to what worked for the stores in the sample jurisdiction and what seemed not to work. The study cost less than \$200,000 to conduct, and new arrest policies based on the study's findings and subsequently adopted by the chain are believed to have helped cut the company's shoplifting rate by

more than 10 percent. In terms of money saved, that figure more than covered the cost of the study.

The results of this study, while limited to one jurisdiction, suggest the need for store security personnel to apply arrest sanctions selectively. For the vast majority of shoplifters in this study, arrest had no apparent deterrent effect

on subsequent offenses, either for shoplifting or other offenses.

For the entire group, 10 percent of those apprehended and turned over to the police for arrest were arrested again within six months for shoplifting, while 9 percent of those apprehended but released without arrest were rearrested for a subsequent shoplifting offense.

Exhibit 3
Shoplifting Offender Characteristics

	Number	Percent
Sex		
Male	543	34
Female	903	57
Not Recorded	147	9
Race		
Black	672	42
White	759	48
Other	15	1
Not recorded	147	9
Age		
6-16 years old	590	37
17-24 years old	431	27
Over 24 years old	421	26
Not recorded	151	10
Marital Status		
Single	1215	76
Married	149	9
Divorce, widows, separated	68	5
Not recorded	161	10
Education		
No high school diploma	886	56
High school diploma	488	30
Not recorded	219	14
Employment		
Employed	206	13
Unemployed	1168	73
Not recorded	219	14
Prior Criminality		
Arrested for shoplifting	246	15
Arrested for any offense	268	17

Exhibit 4
The Effect of Arrest on Recidivism: By Age Group

Age	Subsequent shoplifting?					Subsequent other crime?					Subsequent any crime?				
	Total	Yes	%	No	%	Total	Yes	%	No	%	Total	Yes	%	No	%
6-16															
Arrested	253	15	6	238	94	253	11	4	242	96	253	22	9	231	91
Released	315	17	5	298	95	315	31	10	284	90	315	40	13	275	87
Total	568	32	6	536	94	568	42	7	526	93	568	62	11	506	89
Difference is significant at						.02					n.s.				
17 & UP															
Arrested	426	69	16	357	84	426	67	16	359	84	426	110	26	316	74
Released	352	43	12	309	88	352	29	8	323	92	352	60	17	292	83
Total	778	112	14	666	86	778	96	12	682	88	778	170	22	608	78
Difference is significant at						.01					.01				

Nonetheless, arrest did have a significant deterrent effect on one important group of shoplifters—juveniles.

While data on the sanctions applied to shoplifters by the juvenile and adult criminal justice systems are limited, juvenile shoplifters in this jurisdiction are subjected to more stringent and thorough processing. Adults are turned over to a far more lenient system. An adult larcenist arrested in the jurisdiction studied was less likely to be prosecuted, convicted, and jailed than a larcenist arrested in most other jurisdictions.

If the adult criminal justice system in a store's jurisdiction is somewhat lenient, the store would probably do well to impose its own sanctions rigorously within the law rather than arresting suspects. However, with juveniles, the store would do well to turn

them over to the police for arrest provided their juvenile system is not as lenient.

Security personnel in the jurisdiction studied were previously basically unaware of which deterrent procedures were effective and which were not for adults and juveniles. The study helped them develop more effective store policies for dealing with shoplifters. It has also given them information that has provided leverage when dealing with local police and prosecutors.

Over the long term, the security profession needs a more thorough review of official law enforcement, prosecution, and sentencing policies for shoplifting. More research on how different classes of shoplifters—such as divisions of sex, age, and income—respond to different sanctions is also needed. The system for dealing with

adult shoplifters should be evaluated and made more effective. This entails cooperation among store security officials, chiefs of police, district attorneys, and county officials.

The costs of shoplifting are increasing as incidents continue to rise. In the end, customers and retailers alike are paying for the high price of this crime.

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