

SHOPLIFTING

G.L. c. 266, § 30A

Elements	<ul style="list-style-type: none"> • Intentional. The suspect intentionally; • Six prohibited acts. Engaged in one of the following prohibited acts: <ul style="list-style-type: none"> • Took possession of, carried away, transferred or caused to be carried away or transferred; or • Concealed upon his person or otherwise; or • Altered, transferred, or removed price tag(s) and attempted to purchase personally or in consort with another at less than the full retail value; or • Transferred from one container to any other container; or • Recorded less than the actual retail value; or • Removed a shopping cart from the premises without the merchant's consent; • Intent to deprive. And, as a result, intended to deprive the merchant of all or some part of the retail value of the merchandise or to permanently take a shopping cart.
Right of Arrest	G.L. c. 266, § 30A authorizes warrantless arrest upon probable cause. Furthermore, a merchant or employee's statement that a person violated this law constitutes probable cause.
Penalty	<p><i>For goods with a retail value of \$100 or more:</i> HC NMT 2½ yrs; and/or Fine NMT \$1,000.</p> <p><i>For goods with a retail value of less than \$100:</i> 1st offense: Fine NMT \$250; 2nd : Fine NLT \$100, NMT \$500; 3rd or subsequent: HC NMT 2 yrs and/or Fine NMT \$500.</p>

Notes

This statute prohibits six activities: (1) shoplifting; (2) concealing merchandise; (3) price tag switching; (4) container switching; (5) ringing up a false price; and (6) removing a shopping cart.

Retail merchandise. Retail merchandise must be the object of the theft. This term refers to products or goods that are offered for sale directly to consumers. It refers to the type of merchandise sold in an ordinary store open to the public, as opposed to "wholesale merchandise" which refers to goods sold in bulk to merchants but not directly to the public.

Concealing merchandise. Shoplifting is complete when merchandise is "concealed." The statute was drafted in this fashion because merchants did not want to have to wait until offenders left their store in order to be justified in calling the police. "Conceal" means to cover an item to keep it out of sight, or to withdraw it from observation to prevent its discovery. *Comm. v. Balboni*, 26 Mass. App. Ct. 750 (1989) (plainclothes officer saw defendant suspiciously slip ten cigarette cartons into supermarket shopping bags; following his arrest, the officer discovered that defendant had no money to purchase the cigarettes).

Comm. v. Davis, 41 Mass. App. Ct. 901 (1996) (although the defendant had not left the confines of the store, his intent to shoplift was shown by his tearing off the magnetic sticker from a video camera, hiding the sticker behind other merchandise, and carrying the goods past the cash registers and the alarm stanchions into the unsecured hallway; finally, he had no means of paying for the merchandise -- having no credit cards and only \$3 at the time of arrest).

Business customs. Proof that the items were stolen may be inferred from the business customs of the retail establishment. *Comm. v. Torrealba*, 316 Mass. 24 (1944) (store manager properly testified that none of the items found in the possession of the defendant appeared on the store's register tapes, and that goods unaccompanied by a receipt would not have been paid for).

Police may only charge shoplifting if retail value of goods stolen is less than \$100. § 30A specifically states: "If the retail value of the goods obtained is less than \$100, this section shall apply to the exclusion of § 30 [the general larceny statute]." Police still have discretion to charge shoplifting incidents under the general larceny statute, if the theft involves goods worth \$100 or more.

Police may not charge Larceny from a Building. Shoplifting may never be charged as Larceny from a Building under G.L. c. 266, § 20. *McDermott v. W.T. Grant Co.*, 313 Mass. 736 (1943) (shoplifting is not larceny from a building because the property is under the protection of the store's employees rather than the building).

Merchants protected against civil liability. G.L. c. 231, § 94B provides merchants with a defense against civil liability when they reasonably detain a suspected shoplifter on their premises pending the arrival of police. This statute is designed to insulate merchants from retaliatory civil suits from disgruntled shoplifters or those reasonably suspected of shoplifting. *Comm. v. Rogers*, 459 Mass. 249 (2011).

SHOPLIFTING PREVENTION

Shoplifters represent every age group and income level. Anyone who enters a store could be a potential shoplifter. There are two types of shoplifters, professional and amateurs. Professionals steal for a living while amateurs steal for a variety of reasons. The reasons may include a simple desire to have the item, a desire to own luxury items, they steal for the thrill of it, peer pressure or group status, they may experience an irresistible impulse (kleptomaniac), to support a drug habit, they believe the store owes it to them, they steal out of desperate need such as a vagrant taking food, clothing or alcohol, etc...

Common Methods Used By Shoplifter

Shoplifters develop and use methods that are the most suitable for the particular talents of the shoplifter, and the type of merchandise to be stolen. The various methods employed include:

- Exiting the store with merchandise exposed either openly carried or worn by the shoplifter.
- Concealing the merchandise through a variety of means and walking out of the store. The means may include the following:
 - Palming or sleight-of-hand is the carrying of a small item out in their hand. Packages, gloves, newspapers, or other aids that are normally carried in the hand can be used to cover up the act.
 - Using aids to conceal the property. The aids may include:

Shopping Bags

Umbrellas

Books

Knitting bags

Strollers

Diaper bags

Purses

Briefcases

Paper bags

- Booster equipment. Booster is slang for a shoplifter and booster equipment is any item used to aid their theft.

A booster box is typically a cardboard box that is large enough to conceal stolen items. It is usually wrapped to give the impression of a securely wrapped package. One side of the package opens and is held in place by a spring. Stolen items are inserted into the box through the trap door.

Booster coats are loose topcoats with large pockets in the lining to hide items. Some booster coats have exposed hooks sewn onto the inside of the coat to hang merchandise on.

The wearing of skirts, pants, or other garments with elastic waistbands that can receive and hold stolen merchandise.

Booster bloomers have a flexible elastic waistband with the legs tied off just above the knees. Items are dropped down from the waist.

Booster cages are hollow cages designed to make a woman seem pregnant. Stolen articles are placed inside the cage.

- Using fitting rooms to practice the trade. Many different shoplifting techniques are used in fitting or dressing rooms where shoplifters feel secure and believe in the store's inability to detect their shoplifting activities. The most common method is when the shoplifter places an outer garment over the merchandise, and wears it out of the store.
- Talented professional shoplifters can crotch merchandise between their legs and walk out of the store in a normal fashion. The shoplifter wears a longer outer coat into the store, and carries out items between his/her legs.
- Some brazen shoplifters find a vulnerable store area near an entrance or exit, particularly those with a street immediately outside, where he or she can grab an armload of merchandise from a display and run out of the store.
- Employing diversion techniques sometimes works to distract employee attention away from the shoplifter. An accomplice occupies the attention of the clerk while the shoplifter does the stealing. Employees should be on the alert for distractions that may be used to divert attention from an accomplice, whether the customer is too friendly, belligerent or demanding of attention.

Telltale Characteristics of Shoplifters

Store owners and employees should be observant for those customers who:

- Are carrying something in their hands throughout the store. Shopping bags, knitting bags, umbrellas, handbags, books, diaper bags, baggy clothes, open-top boots, and arms in a sling are favorites for stuffing stolen items into. An open purse can make concealment easy for smaller items. Strollers and baby carriers are sometimes used to conceal merchandise.
- Seem nervous and who do not want any assistance.
- Spend more time watching the sales staff than looking at the merchandise. The thief usually checks to see if anyone is watching before they commit their act of theft.
- Leave a sales area in a hurry. They may have concealed the merchandise and are in a hurry to make their exit.
- Reach into display cases or walk behind counters. They may also attempt to enter stockroom areas or back hallways.
- Wear overcoats or raincoats when the weather does not call for it. Large inside pockets or hoods are great shoplifting techniques. The common trend of wearing baggy or oversized clothing also lends itself to shoplifting.

- Arrive very early or very late in the shopping day. Some shoplifters want to operate at a time when sales staff is distracted by normal beginning of day and end of day routines.
- Frequents washrooms or fitting rooms. They may be seeking privacy in isolated areas to take merchandise to conceal.
- Come into the store with a group of people. Shoplifting perpetrated by juveniles is a result of peer pressure or a dare.
- Don't seem interested in the articles they have requested to look at, or that they have in their hands.
- Are fussy and who keep interchanging articles frequently.
- Loiter or appear uninterested or claims to be waiting for a friend.
- Pick up a lot of merchandise with no apparent attempt to purchase.
- Have unusual walk or who tugs at sleeves, adjusts socks, or keep rubbing the back of their necks.
- Cause disturbances in the store. Remember shoplifters often operate in teams; one will distract an employee while another steals.
- Take more than one item into the dressing room. They sometimes come out with only one with the other worn under the shoplifters own clothes.

- Hang around entrances or exits. They may be waiting for the chance to grab an arm full of merchandise and exit quickly.
- Keeps the sales staff busy getting items from the back stockroom. They may be wanting to remove the staff from the area to shoplift. If possible, have another staff member supervise the area while the first employee is gone.

SHOPLIFTING PREVENTION TECHNIQUES

Prevention is the best approach in dealing with shoplifting and is the first avenue of deterrence.

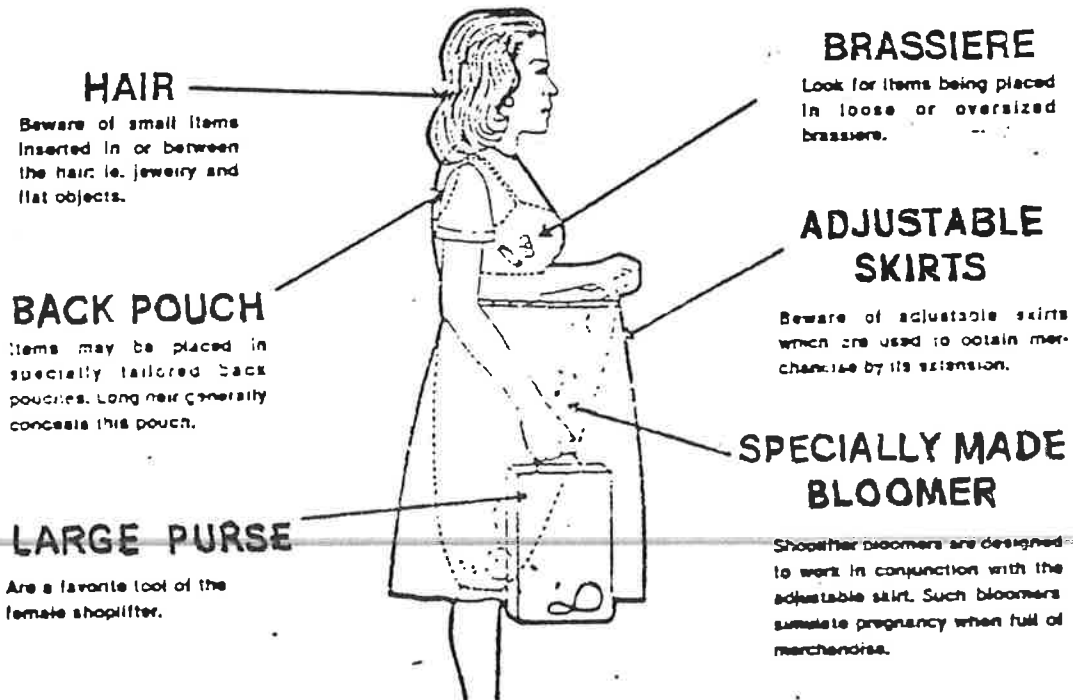
- If the store is small, have a buzzer or bell that sounds when the front door opens.
- Greet every customer you meet. Let customers know you are aware of their presence. The most effective deterrent to shoplifters is an alert and competent sales staff. Train your staff if you expect them to effectively prevent shoplifting opportunities and safely apprehend shoplifters.
- Control backpacks and other parcels brought in by customers.
- Sales people should be able to personally monitor all areas accessible to customers. Mirrors and cameras can be used to extend the surveillance capability of the sales force. The use of CCTV with a VCR capability may help deter theft, but will also strengthen any arrest made that has been recorded on tape.
- If possible, try elevating the cash register area to increase your field of vision and allow better monitoring of customers. Placing the register near the front of the store allows cashiers to help keep an eye on customers as they enter and exit the store. The cash register should be inaccessible to customers, locked and monitored always.
- Enforce a strict anti shoplifting policy (“Shoplifters Will Be Prosecuted”) and advertise your aggressive anti shoplifting policy in plain view.
- Sections of the store, such as cash registers, fitting rooms, exits, etc., should never be left unattended.
- If possible, have an employee in charge of the dressing room. Fitting rooms should be closely monitored for garments, hangers and tags, and should be kept clean between uses so evidence of theft can quickly indicate the possible thief. The number of garments allowed in the fitting room at one time should be limited and monitored.
- Watch persons wandering aimlessly up and down store aisles, fingering objects and frequently glancing at employees and other customers.
- Keep valuables away from store exits to prevent grab and run situations. Clothes-hanger hooks should be alternated to prevent theft from the grabber.
- Expensive merchandise should be in locked display cases in an area close to where salespeople are located. Limit the number of items you remove for customer inspection only to those you can adequately supervise at one time. Keep display cases locked at all times. Check to make sure the glass of the display cases cannot be lifted out.
- Use an electronic shoplifting deterrence system. Various electronic sensing devices are available now to deter and detect shoplifting.
- Proper aisle layout and low counters should maximize visibility to allow monitoring of the customers.
- If the items are sold in pairs, only display one part.
- Keep the store neat and orderly. Pattern displays and keep them filled so that you can tell in a glance if something is missing.

- Anchor all valuable display models to counters. Use cable tie-downs to restrict the movement of merchandise.
 - Items inspected, but not sold, should be immediately returned to stock.
 - Price marking equipment should not be left unattended.
 - Items found on the wrong shelf may show that a shoplifter is in the store, and he or she disposed of the items thinking they were observed.
 - Alert other employees immediately if you notice suspicious activities. You may want to use a code if the store has a public address system.
 - Watch for price switching. Cashiers should do price checks if warranted.
 - Have cashiers check every item being sold to make sure it does not contain other merchandise (a compact disk hidden inside a book). Large bulky items like trash containers, coolers etc. should be inspected by the cashier for smaller items hidden inside.
 - Each customer should receive a receipt for every purchase. This prevents the shoplifter from returning stolen items for a cash refund.
 - Every bag should be stapled closed, with the sales receipt attached. If possible, spot-check sales receipts at exits.
 - Control exits by designing exit lanes so that all persons leaving the store must pass by the scrutiny of a cashier or other employees.
 - Ask that a convicted shoplifter's court judgment or condition of probation include prohibition on returning to your premises.
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Apprehension and Arrest of the Shoplifter

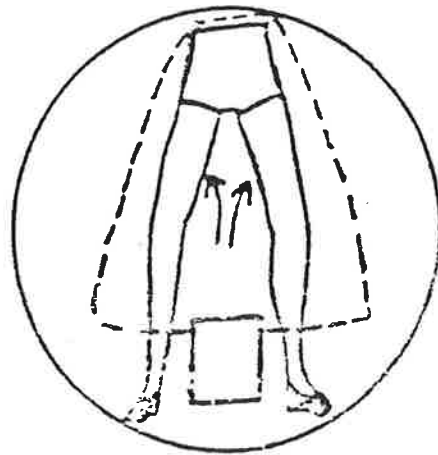
Be thorough familiar with your state's law and current case law as it related to the detection, apprehension, use of force and arresting of shoplifters. Know the boundaries of the shoplifting law in your local jurisdiction. Management should write policies and procedures for store employees to follow in dealing with the theft of company assets and they should thoroughly train all employees in their use.

PROFESSIONAL WOMAN SHOPLIFTER



WATCH THE LEGS

Female shoplifters use their legs or thighs to conceal and steal merchandise. Professional female shoplifters can conceal items as large as a typewriter or portable TV set between their thighs. This "Crotch" technique requires some unusual behavior, i.e., lifting up dress to insert item, etc. Beware of any such unusual behavior, movement or maneuvering by female customer.



OTHER PREVENTIVE MEASURES

1. Install store mirrors and viewing devices so you can both deter and observe shoplifting.
2. Closely help and supervise all customers that use your fitting room.
3. Don't place more than one valuable item at a time on the counter.
4. Don't leave locked display counters unlocked-double check all locks.
5. Limit the number of items taken into the fitting room.
6. Cooperate with other merchants and local law enforcement.

Purpose Of Guide This guide to the Investigation and Detention of Shoplifters Policy, is designed to be a reference manual providing explanatory materials that will assist Authorized Associates in correctly applying

Overview sets forth the procedures Authorized Associates must follow in Investigating and detaining suspected shoplifters. Rests on these Core principles:

- Put people first. Protecting the physical well-being of Suspects, customers, and associates is your first Priority, Only non-aggressive methods may be used when Investigating Suspects.

- Never monitor or put a person under surveillance in a facility, Based solely on race, color, ethnicity, national origin, age, Gender, sexual orientation, religion, disability, or any other Legally protected status.

- Treat detained Suspects with respect and courtesy. Suspects May only be processed in a private location inside the facility. Make the detained Suspect as comfortable as possible, under The circumstances.

- Stay in control of the situation by following AP-09; don't let the Situation control you.

What is shoplifting?

Shoplifting is the criminal offense of stealing merchandise displayed for Sale within a retail business establishment. Essential elements of the Offense include (1) willfully taking possession of merchandise offered for Sale, (2) with the intention of converting the merchandise to the takers Own use, (3) without paying the purchase price of the merchandise.

Reasonable or Probable Cause to Investigate and Detain Shoplifters

Walmart is considered a "merchant" under state laws. Merchants are Permitted by state laws known as "merchant privilege statutes" to Investigate and detain shoplifting Suspects for possible referral to Law Enforcement authorities. This right to investigate and detain Suspects is Commonly referred to as the "merchant's privilege." Merchant's privilege Statutes may provide you and Walmart with limited legal defenses against certain legal claims, provided you (1) have reasonable and probable cause To conduct a shoplifting investigation; (2) detain the subject in a Reasonable manner; and (3) detain the subject for a reasonable amount of Time. The rules and procedures set forth in are designed to meet or Exceed the requirements of state merchant privilege statutes.

Identifying

**Shoplifting
Suspects
Policy**

Any person in a facility who engages in behavior that reasonably suggests That the person may be attempting to shoplift ("suspicious behavior") may Be considered a suspected shoplifter ("Suspect") for the purpose of Beginning surveillance under this policy. Authorized Associates may Themselves observe or rely on a report of suspicious behavior from any Other associate or third party for the purpose of identifying a Suspect.

All associates not specified as an Authorized Associate may not Participate in the surveillance, investigation and/or detention of a Person Suspected of or committing shoplifting except to; act as a Witness to an investigation or detention from a safe distance; to Provide an accurate statement of their observations while acting as a Witness; and to contact Law Enforcement, emergency services,

Neither Authorized Associates nor any other associate may monitor Or survey a person based solely on race, color, ancestry, ethnicity, Religion, sex, pregnancy, national origin, age, disability, marital Status, veteran status, sexual orientation, genetic information, or any Other legally protected status.

Suspicious Behavior

Each shoplifting incident must begin with a recordable observation of the Suspect engaging in suspicious behavior. Suspicious behavior is conduct That would lead a reasonable person to Suspect that a person was Considering shoplifting. If you cannot specifically identify and describe the Suspicious behavior, in which the Suspect was engaged, you are not Authorized to begin surveillance of the Suspect.

Note: Always remember that every law-abiding customer has the right to Be treated the same as other customers and must be accorded Full and equal access to goods and services provided by your facility

Examples of Suspicious Behavior That May Warrant Surveillance

Depending on the circumstances, the following types of conduct by Customers may constitute suspicious behavior that warrants surveillance:

- Opening merchandise packaging

- Removing merchandise from packaging

- Entering the facility with empty Walmart shopping bags

- Engaging in conversations that suggest they intend to steal Merchandise

- Transferring merchandise from the original container into another
- Wearing out-of-season apparel, i.e., A winter coat during summer
- Folding or condensing merchandise before payment is made
- Moving throughout the facility and reappearing at the same counter
- Removing labels or price tags from merchandise
- Changing or altering labels or price tags
- Creating disturbances to distract facility personnel
- Wandering around the facility with large shopping bags, Backpacks, open purses, or duffel bags
- Entering the facility with merchandise (apparently intended for Return), but failing to obtain return stickers and/or bypassing the Customer service desk

- Removing large quantities of a particular item from the shelf
- Intently studying the facility's security conditions rather than the Merchandise being selected

Note: These are merely examples of conduct that suggest an individual May intend to shoplift. Many Suspects who intend to shoplift may not Engage in any of these activities, while some honest customers may Engage in these activities without any intention of stealing. That is why, Before approaching a Suspect, Authorized Associates must establish that An unlawful taking has occurred by observing the Suspect complete **all** Four elements.

Has Occurred Policy

The purpose of surveillance is to observe a Suspect engage in an "Unlawful taking."

An "unlawful taking" has occurred when one or more Authorized Associates have observed a Suspect taking the merchandise of a facility By committing each of the four elements. The four elements are selection, Concealment/dispossession, continued possession of merchandise, and Passing the last point of sale.

Note: By verifying that a Suspect has completed the four elements, an Authorized Associate establishes the reasonable basis to approach and Investigate the unlawful taking of merchandise by that Suspect.

The Four

Elements

1. Selection

The Suspect must select and take possession of the facilities Merchandise.

Note: A customer may bring personal property into a facility in order To compare that item to similar Walmart merchandise. For example, a Customer may take an I-Pod, cell phone or toner cartridge out of a Purse and compare it to merchandise on a shelf. An Authorized Associate should not mistake this action for selection.

2. Concealment/Dispossession

The Suspect must either conceal or reasonably demonstrate the Intent to steal the merchandise in their possession. An example of Concealment is when a Suspect places a box of computer Software into a backpack. An example of dispossession is when a Suspect removes a tag from a leather coat.

Note: In some states, a merchant's observation of a Suspect Concealing merchandise is sufficient to establish the reasonable or Probable cause legally needed to investigate or detain that Suspect. Walmart, however, requires that all four elements of an unlawful Taking be observed by an Authorized Associate prior to approaching a Suspect.

Generally there are two types of shoplifters: amateurs and Professionals. Both use common methods of concealment or Dispossession in order to further their acts of theft. However, all Shoplifters share the same objective: to illegally remove Merchandise from the facility without detection. Below are Common examples of concealment and dispossession by Shoplifters:

Merchandise concealed in factory sealed boxes. Shoplifters May remove the contents of a factory sealed box and replace the Contents with merchandise of greater value. Shoplifters may even Tape or glue the box shut making it appear factory new. Then they Purchase the item, and pay for the lower priced item rather than The price of the item actually located on the box.

Merchandise Concealed in Clothing. The use of modified Clothing to assist in concealment of merchandise is common. Coats, jackets, and sweaters may have modified interior pockets Large enough to hold merchandise. Shoplifters may also conceal Items by stuffing items into their pants, skirts, shirts, underwear, And shoes. A shoplifter may even use elastic girdles placed around The waist or thighs, or lodge merchandise between their legs. The Shoplifter may also conceal apparel items under their own outer Clothes and attempt to wear the merchandise out of the facility. Other shoplifters may simply put on an apparel item and leave

Without paying for it.

Note: Authorized Associates shall not instruct a Suspect to lift Clothing or disrobe in an effort to locate concealed or stolen Merchandise. Do not permit Suspects to disrobe in order to Demonstrate they are not in unlawful possession of facility Merchandise. Associates may never pat-down, frisk, or Search a Suspect. Only Law Enforcement may search a Suspect's Person.

Merchandise concealed in trash cans or plastic storage

Containers. Shoplifters may conceal large or small amounts of Merchandise within a trash can or plastic storage container and Pay only for the trash can or storage container.

Merchandise concealed in purses. Shoplifters may use their own

Purses or remove a purse from a facility rack to conceal items. Often, a shoplifter will separate the small items away from other Items by placing the small items next to a purse located in the child Carrier portion of a shopping cart. An over-sized purse or a purse That appears "flat" or empty can become a storage place for unpaid Merchandise.

Note: Never search the belongings of a Suspect, such as Purses, bags, or other containers. Even if a Suspect requests an Associate to reach into or open a Suspect's belongings, the Associate shall not empty, reach into, or otherwise search the Belongings of a Suspect.

Merchandise concealed in baby strollers. A baby stroller offers

A unique way for shoplifters to conceal and steal merchandise. The Shoplifter may conceal items of merchandise in the stroller by **Covering** the items with a blanket, or by hiding them under a child.

Note: associates may not take control of a stroller containing a child or separate a child from a parent/customer in order to further an investigation.

Merchandise concealed in shopping bags. A popular technique

Is to conceal merchandise within a shopping bag before leaving the Facility. These bags can be shopping bags brought in from competitors, bags obtained from purchases made at a satellite register, or even empty Walmart bags brought into the facility and concealed on the Suspect. Some shoplifters will take a bogus receipt; either brought in or found in the facility, and staple it to the bag. Other types of bags may also be used such as, diaper bags, backpacks, and fanny-packs.

Wire pregnancy baskets. Female shoplifters may feign pregnancy in order to aid in committing theft. Wire pregnancy baskets have been utilized to provide an area of concealment. Remember to always use care when detaining a female who appears to be pregnant or informs you she is pregnant

Other devices for concealing merchandise. Professional shoplifters may use any number of devices to conceal or steal merchandise. For example, shoplifters may use fake arm slings, empty boxes, trash cans, newspapers, umbrellas, or even wheel chairs to conceal merchandise.

Tools/ techniques used to avoid EAS detection

Shoplifters may use tools or "theft detection device removers" to remove theft detection tags or devices from merchandise.

Pocket knives and box cutters may be used to remove an item from packaging containing an EAS tag.

Shoplifters may carry bags or containers that are laminated, coated or lined with foil in an attempt to defeat EAS systems.

Ticket/price switching. Professional shoplifters may attempt to remove a price tag or bar code from one item of merchandise and switch it with a tag on a higher priced item. If approached or prosecuted, the Suspect may state that he or she selected the subject item with the price tag already in place and claim an associate mislabeled the item. These incidents may lead to a case of "your word against their word." With that in mind, if you observe ticket/price switching, consider requesting an associate to exercise aggressive hospitality in order to deter the activity or conduct a price check at the register.

Note: In order to prove the criminal intent of Suspects that engage in this type of activity, check for additional witnesses, CCTV camera footage or PTZ footage of the act of ticket/ price switching.

Impersonators. A shoplifter may assume the identity of another individual and commit theft. Sometimes an impersonator may act as an agent of a supplier pretending to remove merchandise for credit. Professionals may go as far as dressing in uniform styled clothing, attempt to wear a company name badge or vest and claim to be transferring merchandise to another facility.

Restroom/fitting room concealments. A shoplifter may select merchandise and take it to a restroom or fitting room for concealment. In many cases, it is difficult to determine if the Suspect has continued possession of the merchandise. Pro-active customer service should be exercised rather than a shoplifting investigation or detention. If possible, prevent the Suspect from entering the fitting room or restroom with merchandise by simply stating that merchandise should not be taken into the restroom/fitting rooms.

Note: Customers maintain an expectation of privacy while inside a restroom or fitting room. Do not approach, investigate, or detain a Suspect within a restroom or fitting room. Further, if a Suspect enters a restroom or fitting room with selected merchandise, visual contact has been lost and all four elements must be re-established. Video surveillance is NEVER permitted within a restroom or a fitting room.

3. Continued Possession of Merchandise

After observing concealment and/or dispossession, the Authorized Associate must maintain visual contact with the Suspect in a manner sufficient to conclude that the Suspect still has possession of the merchandise, until they pass the last point of sale.

The use of the term "sufficient to conclude" acknowledges that in some circumstances it will be impossible to maintain visual contact with a Suspect throughout every second of the surveillance; however, visual contact must be sufficiently rigorous and continuous so that a reasonable person would expect to find the merchandise in the possession of the Suspect at the time the Suspect is approached. You must use common sense, experience, and good judgment to decide whether surveillance has been sufficiently interrupted to allow the Suspect an opportunity to abandon the selected merchandise unobserved. If the Suspect has had a reasonable opportunity to abandon the selected merchandise unobserved, you are no longer in a position to conclude that the Suspect has continued possession and may not approach the Suspect however; you may approach to provide pro-active customer service.

Example: An assistant manager has observed selection and concealment, is following a Suspect down an aisle. Just as the Suspect turns the corner, an insistent customer stops the assistant manager and asks a question. The encounter takes just 15 seconds. The assistant manager then proceeds down the aisle, turns the corner, and tries to find the Suspect by looking down aisles as he passes by. The assistant manager eventually locates the Suspect, who is now midway down an aisle, three rows past where the assistant manager last had visual contact with the Suspect. The Suspect now appears to be studying merchandise in that aisle. The total interruption in visual contact was no more than 45 seconds. Result: The Suspect has had a reasonable opportunity to abandon the

concealed merchandise unobserved. The assistant manager can no longer conclude that the Suspect still has possession of the merchandise.

Note: If you ever come to reasonably doubt that the Suspect still has possession of the selected merchandise, you may not approach the Suspect, unless another unlawful taking is observed.

4. Passing Last Point of Sale

The Suspect must pass the last point of sale, fail to pay for the merchandise, and enter the vestibule or final point of exit. If a sidewalk sale with a register outside the vestibule, then the Suspect must move beyond the register and sidewalk before being approached.

Criminal intent is more easily established in court when evidence is presented demonstrating that a Suspect, in addition to concealment or dispossession, passed the last point of sale without paying for merchandise.

Confirming All Four Elements Are Present

Authorized Associates must establish that a Suspect has completed all four elements of an unlawful taking prior to approaching the Suspect for investigation. These four elements help 1) establish the reasonable basis to believe a Suspect is attempting to unlawfully remove merchandise from the Facility and 2) justify the approach of a Suspect for investigation. If you lack concealment/dispossession or continued possession of the merchandise, exercise pro-active customer service prior to the customer reaching the last point of sale. In such a situation, there must not be any accusation of theft, concealment, or any other statement made that would suggest the Suspect is attempting to shoplift.

Note: Under no circumstances does the word of an associate not fitting the definition of an "Authorized Associate" in the AP-09 policy or a customer establish any of the elements.

The Accomplice

Professional shoplifters frequently operate with one or more skilled accomplices. An accomplice may distract associates, while the professional thief goes to another area of the facility to begin the process of stealing merchandise. A distraction may occur at any time during your attempt to establish the four elements. Accomplices may create disturbances, such as:

- Pretending to faint
- Pretending to shoplift
- Acting as a shield to prevent visual surveillance
- Asking questions about merchandise

- Requesting your assistance away from the actual shoplifter

Do not approach an accomplice, unless the accomplice actively participates in both the selection and concealment/dispossession of merchandise and remains in the company of the Suspect as the Suspect passes the last point of sale and enters the vestibule. In other words, for the purposes of the four elements, the accomplice must be working so closely with the Suspect, that the only meaningful difference between the two at the time of approach is that the Suspect has possession of the merchandise and the accomplice does not.

Note: Be observant of Suspects who may pass stolen merchandise to a second person. When you see partners in action, always maintain visual surveillance of the Suspect who possesses the merchandise.

Approaching & Investigating Suspects Policy

Approaching the Suspected Shoplifter

It is critical that you approach each Suspect properly, in a reasonable manner that is appropriate to the circumstances. Below are step-by-step instructions on how to approach a Suspect in a manner that maintains respect for the individual and will minimize the possibility of a verbal or physical confrontation.

There is no way to know how each approach will unfold. Accordingly, to deal with the varying circumstances you may encounter, it is essential that you always address each approach with the proper attitude:

- Demonstrate Respect for the Individual
- Be Sure
- Be Firm
- Be Positive
- Be Professional
- Be Polite

The Authorized Associate investigating the unlawful taking must follow these steps:

- Approach the Suspect with an associate witness present.
- Disclose the Authorized Associate's name and job title to the Suspect.
- Explain the reason that the Authorized Associate approached the Suspect.
- Attempt to verify that the Suspect is in possession of facility merchandise that was not purchased.
- Listen to any explanation the Suspect may offer for having

possession of the merchandise.

- Decide whether to detain the Suspect, in accordance with this policy, based on a reasonable evaluation of the available facts. Associates should NEVER imply physical touching will be utilized when investigating or detaining a Suspect. For example, it is improper to make a statement to a Suspect such as, "We could do this the easy way or we could do this the hard way." This implies the potential of a physical confrontation if the Suspect does not comply. The Authorized Associate should attempt to gain voluntary compliance from the Suspect by explaining that we are investigating observations of the Suspect within the facility.

Step One: Approach the Suspect

- Do not approach unless an associate witness over the age of 18 is present.
- Address the Suspect politely and directly.
- Try to maintain communication with the facility via "walkie".
- Never verbally accuse the Suspect of a criminal act while approaching.

Step Two: Disclose the Authorized Associate's Name and Job Title to the Suspect

- Be discreet when addressing the individual.
- The following is an example of an identification statement.
- "Sir/Ma'am, my name is '____'. I am an asset protection associate for this Walmart facility."

Note: Never embarrass, harass or intimidate a shoplifting Suspect.

Step Three: Explain the Reason for Approaching the Suspect

- "I would like to discuss your actions that I observed in the _____ department or inside the facility."

Step Four: Attempt to verify that the Suspect is in Possession of Facility Merchandise for which the Suspect Has Not Paid

Ask the Suspect if the Suspect has merchandise for which the Suspect has not paid. The Suspect may admit to the theft and voluntarily relinquish the merchandise. On the other hand, if a Suspect questions or takes issue with your reason for approach and investigation, it may be necessary to discreetly identify the merchandise which is the subject of the unlawful taking and identify the location of the item on the Suspect in order to encourage cooperation.

Note: If the Suspect does not voluntarily relinquish the merchandise subject to the unlawful taking, politely and discreetly request the Suspect to voluntarily give the merchandise to you. You should attempt to obtain at

least one item of merchandise prior to reentering the facility, if it will not result in embarrassment to the Suspect, based on the location of the concealed merchandise. It is not necessary to obtain every single item of merchandise outside of the facility. Keep in mind, the Suspect may relinquish the merchandise voluntarily once inside the facility during processing or to local Law Enforcement.

Example: At the time of the approach, you reasonably believe that the Suspect possesses concealed merchandise inside their shirt. You may not demand that the Suspect remove his or her clothes. In fact, you should not permit Suspects to disrobe in order to demonstrate they do not have selected merchandise. If a Suspect voluntarily disrobes or attempts to disrobe, you must immediately instruct the Suspect to clothe themselves.

Step Five: Listen to the Explanation the Suspect May Offer for Having Possession of Facility's Merchandise or any Other Aspect of the Unlawful Taking

If the Suspect would like to discuss this matter with you, let them explain. The Suspect may be able to explain his or her actions and demonstrate that the incident is a misunderstanding. Offer to discuss the matter inside the facility and away from public view. Remember, it may only require a limited investigation to verify a Suspect's explanation. For example, a Suspect may produce a valid receipt for the subject items, the Suspect may prove he or she owns the subject item or the Suspect may demonstrate that the subject of the unlawful taking is not merchandise sold by the store.

Note: If the investigation at any point reasonably leads the Authorized Associate investigating the unlawful taking, to doubt that the Suspect has unlawful possession of the facility's merchandise, the Authorized Associate must terminate the investigation.

Step Six: Decide Whether to Detain the Suspect, Based on a Reasonable Evaluation of the Available Facts

If you reasonably doubt that the Suspect unlawfully possesses Facility merchandise or the Suspect demonstrates a misunderstanding, you must terminate the investigation. The following is an example of a statement to be made in a situation when the Authorized Associate decides to terminate the investigation and release the Suspect:
"Thank you for your time and your cooperation. We regret any inconvenience."

You should make no further comments without discussing the matter with your supervisor. Facility management and your Market Asset Protection Manager **must** be contacted immediately regarding any such Customer contact. If unable to contact your MAPM, you must report the event to the Regional Asset Protection Manager (RAPM).

If you are asked by the individual to give your name, simply state, "My name is _____. I am an associate of.

My supervisor's name is _____. He/she can be contacted by calling _____."

PUT PEOPLE FIRST. Protecting the physical well-being of Suspects, customers, and Walmart associates is your first priority

. Only nonaggressive methods may be used when investigating Suspects. To minimize the risk of physical injury to associates, customers and Suspects:

- Maintain a calm, confident, and professional demeanor.
- If at any time it appears that the Suspect is under the influence of drugs or alcohol, the Suspect must not be approached. If at any time during an approach or investigation it appears that that the Suspect is under the influence of drugs or alcohol, all associates must **disengage** from the situation, **withdraw** to a safe position, and **contact law enforcement**.
- If the Suspect is **believed to possess a weapon**, the Suspect **must not be approached**. If during an approach or investigation, it becomes apparent that the Suspect has a weapon or brandishes or threatens use of a weapon; all associates **must disengage** from the situation, **withdraw** to a safe position, and **contact Law Enforcement**.

If at any point the Suspect or any other involved person becomes violent, disengage from the confrontation, withdraw to a safe position, and contact Law Enforcement.

If at any point the Suspect or any other involved person exerts physical resistance, determine whether your next reasonable step is to disengage from the confrontation or move to an authorized detention method.

Associates may only defend themselves or others to the extent necessary to disengage the Suspect and withdraw from the situation. After disengaging, associates should contact Law Enforcement.

During the approach, maintain enough distance from the Suspect and any other involved parties to ensure your safety.

The use of any object or equipment to limit or control the movements of the Suspect or to block the Suspect from leaving the facility is not allowed.

If the investigation at any point reasonably leads the Authorized Associate investigating the unlawful taking to doubt that the Suspect has unlawful possession of the facility's merchandise, the Authorized Associate must terminate the investigation. See state specific drop down box within the state specific information that may apply.

Associate Witness is Required in Order to Approach

After establishing all four elements, an Authorized Associate may

approach a Suspect to investigate an unlawful taking, but only if at least one other associate is present. Another Authorized Associate or a facility management associate is preferred to be a witness. Associates under the age of 18 may never serve as a witness. Having a witness enhances the safety of all persons involved because a Suspect is less likely to become violent or create a disturbance. The presence of the witness also enhances the overall integrity of the investigation because the witness can corroborate the conduct of other associates and refute any false allegations from the Suspect.

Associate witnesses must remain a safe distance from the approach and investigation while maintaining the ability to see and hear the interaction between the Authorized Associate and the Suspect.

Note: You should establish a code with your facility that can be communicated via "walkie" which will alert management that an investigation of a Suspected shoplifter is in progress and that a witness is needed for the approach of the Suspect.

Evaluating the Potential for a Hostile Confrontation Before Approaching

Authorized Associates should be alert for behavior that suggests that an approach of a Suspect could turn hostile. Although not exhaustive, any of these examples of behaviors might indicate a potential violent situation:

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- The Suspect is accompanied by other individuals.
- The Suspect's attitude or demeanor suggests the Suspect might react with hostility. Factors that might be considered include tone of voice, facial expressions, physical mannerisms (such as clenched fists), or a bold, almost provocative failure to hide the fact that the Suspect is stealing.
- Pay attention to Suspect's eyes. If they are looking for an exit strategy or appear to be surveying the situation, they may be making a determination on how to react.
- Be aware of any signs that the Suspect may be under the influence of alcohol or intoxicating drugs that would diminish their normal inhibitions. Examples of warning signs include: slurred speech, loud or boisterous behavior, bloodshot or watery eyes, erratic physical mannerisms, or the smell of alcohol.
- The Suspect ignores an Authorized Associate during the approach and walks away.
- The Suspect possesses any item that could be used as a weapon, such as a knife, screwdriver, box cutter, etc.
- The Suspect engages in conduct or makes statements that suggest or imply the Suspect may be carrying a weapon. For example, the Suspect refuses to remove his or her hands from their pockets.

Note: If the Suspect is believed to possess a weapon, the Suspect must

not be approached. If during an approach or investigation, it becomes apparent that the Suspect has a weapon or brandishes or threatens use of a weapon; all associates must disengage from the situation, withdraw to a safe position, and contact Law Enforcement.

If at any time it appears that the Suspect is under the influence of drugs or alcohol, disengage from the situation, withdraw to a safe position, and contact law enforcement.

A weapon includes:

Weapons by Design: A weapon by design is an instrument that was designed for the purpose of seriously injuring or killing human beings, such as a handgun, switchblade or bomb.

Weapons by Use: A weapon by use is an instrument that was not designed for the purpose of injuring or killing human beings, but which a Suspect brandishes or uses for that purpose. For example, a Suspect could use a baseball bat, box cutter, screwdriver, scissors, kitchen knife or even an ordinary steam iron.

Note: Verbal threats or insults are not justification to utilize an authorized detention method or to utilize physical means of self-defense. However, if a Suspect or other individual makes threats or takes actions that create a
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reasonable expectation of physical harm to the associate, the associate must evaluate the situation to determine whether to disengage the Suspect or to continue with the investigation.

Suggested Countermeasures to Diffuse Hostile Situations (De-Escalation)

- Always engage the Suspect with a calm, confident and professional tone.
- At least one other associate (must be 18 years or older) must be present as a witness during the approach and any resulting investigation. Be prepared for the worst when conducting an approach. Maintain enough distance from the Suspect and any other involved parties to ensure your safety.
- Attempt to approach and make initial contact with the Suspect face to face.
- Do not place yourself directly in front of the Suspect. If possible, position yourself to the front of the Suspect by at least one step to the side.
- Never be dishonest, but minimize the consequences that the Suspect is about to face.
- Be aware of your surroundings (who and what is around you).
- Minimize any potentially dangerous objects or persons from the area.

Summon local authorities.

Note: Terminate the approach or detention of a Suspect whenever you come to believe that the circumstances justify terminating the approach or detention. Remember to use caution. Make your first priority your safety and the safety of other associates, customers, and the Suspect.

Detention Policy *If an Authorized Associate investigating an unlawful taking determines that a Suspect has stolen merchandise from the facility, the Authorized Associates may detain the Suspect, in a reasonable manner, for a reasonable period of time, using only those methods of detention authorized in this policy ("Authorized Detention Methods"). The purpose of detention is to enable an Authorized Associate to complete the investigation, retrieve the facility's merchandise, and/or refer the Suspect to local Law Enforcement authorities. Authorized Associates must utilize good judgment in determining whether detention is authorized and the manner in which to proceed.*

Remember, protecting the physical well-being of Suspects, customers, and associates is your first priority.
Authorized Detention Methods

The following methods of detention are authorized:

Request: *Authorized Associates may ask a Suspect to follow them to a detention area (no physical contact).*

Verbal Command: *Authorized Associates may instruct a Suspect to follow them to a detention area (no physical contact).*

Physical Redirection: *Initially, an Authorized Associate should motion in a non-aggressive manner in the direction they would like the Suspect to proceed. If that is unsuccessful, the Authorized Associate may utilize respectful, light physical contact in directing the Suspect toward the AP office or other location.*

Restraint: *Authorized Associates may use reasonable force to physically limit or control the movements of a Suspect. Only the least amount of force necessary to affect the detention under the circumstances may be utilized.*

Protecting the physical well being of associates, customers, and Suspects is important to Walmart. People are more valuable than any item of merchandise in the facility or any piece of merchandise unlawfully removed by a shoplifter. Walmart expects you to take reasonable precautions to protect yourself, customers, Suspects, and fellow associates. If the situation becomes violent or potentially dangerous, associates must disengage from the situation and withdraw to a safe location, allow the shoplifting Suspect to leave the facility, and contact local Law Enforcement.

Request: a Verbal Request for Voluntary Cooperation

This is the first authorized method of detention. A request means verbally securing the consent of the Suspect to cooperate in an investigation and/or to accompany the Authorized Associate to any area of detention.

Example: "Sir, please accompany me inside to discuss this matter further?"

Verbal Command: a Verbal Instruction to Cooperate

This is the second authorized method of detention. A verbal command means that an Authorized Associate has orally directed a Suspect to take some act or to proceed to a designated area of detention.

Example: "Sir, you need to accompany me inside now to discuss this matter further."

Physical Redirection: a non-aggressive physical redirection of the Suspect

This is the third authorized method of detention. Physical redirection means that Authorized Associates should motion in a non-aggressive manner in the direction they would like a Suspect to proceed. If this is unsuccessful, the Authorized Associate may utilize respectful, light physical contact in directing the Suspect toward the AP office or other location.

Example: An open hand on the shoulder or arm of the Suspect directing them toward the AP Office or other location.

Restraint: use of reasonable force to limit or control the movement of the Suspect

This is the fourth authorized method of detention. Restraint means reasonable force to physically limit or control the movements of a Suspect. Only the least amount of force necessary to affect the detention under the circumstances may be utilized. If restraint is attempted and the Suspect cannot be controlled with a reasonable level of force, disengage from the situation, withdraw to a safe position, and contact Law Enforcement.

Common sense, experience, and good judgment should be utilized when determining when to move from authorized detention method to the next.

Associates should NEVER imply physical means will be utilized when detaining a Suspect. For example, it is improper to make a statement to a Suspect such as, "We could do this the easy way or we could do this the hard way." This implies that a physical confrontation could result if the Suspect does not comply. The Authorized Associates should attempt to gain voluntary compliance from the Suspect by explaining that we are further investigating the observations of the Suspect within the facility.

One example of restraint would be two Authorized Associates escorting a Suspect to the AP office by being on both sides of the Suspect and one associate taking the person by an arm and the second associate taking the person by the other arm. In this situation, the Suspect may be giving some resistance but is still moving along with them and actions of the associates are reasonable.

**Limitations On
Detention Of
Suspects
Detention Specifics**

If at any point during the investigation or detention of a Suspect, the Authorized Associate reasonably doubts that an unlawful taking has occurred, the Authorized Associate must terminate the investigation or detention.

NEVER search a Suspect's belongings such as purses, bags, or other containers.

If the Suspect was observed concealing a number of items in their coat and voluntarily turns over a few items, but the Authorized Associate reasonably believes that more items are still concealed, Law Enforcement should be informed so that they can determine whether they will conduct any further search of the Suspects' belongings.

NEVER pat down, frisk, or search a Suspect. Suspects who voluntarily disrobe or attempt to disrobe must be instructed to immediately clothe themselves. Only Law Enforcement personnel may search a Suspect's person

ALWAYS HONOR a Suspect's request for medical attention or other reasonable requests, such as water.

If a Suspect claims to need to take any prescription medication that they have on their person, ask that they do not take it until Law Enforcement or Emergency Medical Personnel are present. Immediately ask the Suspect if they would like Emergency Medical Personnel to be summoned.

ALWAYS HONOR a Suspect's request that Law Enforcement personnel be summoned.

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ALWAYS HONOR a minor Suspect's request that parents or a guardian be summoned.

ALWAYS SUMMON medical personnel if any person experiences medical distress.

TERMINATE a detention after one hour, unless the facility manager in charge,

Manager authorizes continued detention. Do not exceed the maximum period of detention allowed by state law, even if shorter than one hour.

TERMINATE the detention whenever a salaried manager in a position of authority greater than that of the Authorized Associate directs the Authorized Associate to terminate the detention, regardless of reason.

NEVER push, kick, or strike a Suspect unless it is done in self-defense and only to the extent necessary to disengage a Suspect, and withdraw from the situation.

NEVER tell Suspect they cannot leave and/or that they are required to remain at the store.

NEVER use a chokehold or apply pressure to a Suspect's head or neck.

NEVER place a Suspect in a prone position, unless you are unable to safely disengage from an encounter and need to do so to prevent the Suspect from committing a violent act. A Suspect in the prone position should be constantly monitored and moved to a sitting or standing position as soon as reasonably possible.

NEVER use any type of device to restrain a Suspect. Suspects may not be detained with any restraining device such as belts, handcuffs, or zip ties.

NEVER attempt to physically re-capture a Suspect who breaks free from physical restraint.

NEVER pursue a fleeing Suspect beyond 10 feet from the place they began to run regardless of being inside or outside the facility.

PUT PEOPLE FIRST. Protecting the physical well-being of Suspects, customers, and Walmart associates is your first priority. Only nonaggressive methods may be used when investigating Suspects.

If you observe or become aware of this policy being violated you are required to report the incident to the Regional Asset Protection Manager for the facility.

Pursuit And Withdrawal Pursuing a Fleeing Suspect

from pursuing a Suspect for more than 10 feet inside or outside a facility. 10 feet is about three long steps. A vehicle description, license plate number, or direction of flight may be obtained if the information can be collected while remaining at a safe distance and without putting you, customers, or other associates at risk. This ability to follow does not extend beyond property. Further, a vehicle should not be used to follow a Suspect.

If reasonable efforts to physically redirect or restrain a Suspect are unsuccessful, associates must disengage the Suspect, withdraw from the situation, and contact Law Enforcement. Even in this situation, a Suspect may be followed to gather information so long as it is accomplished from a safe distance and you, other associates and customers are not put at risk.

Remember to put people first and remember the importance of safety. A Suspect's vehicle may contain a weapon, may be a friend of the Suspect, or it may begin moving.

DO NOT approach any vehicle that a Suspect or involved

parties entered.

DO NOT stand in front of or behind a vehicle in the parking lot to obtain information or keep it from leaving.

DO NOT attempt to pull a Suspect from a vehicle.

DO NOT follow a Suspect off property, even if directed by Law Enforcement.

Do NOT attempt to re-capture a Suspect who breaks free from restraint.

Withdrawal

If a Suspect or any involved person becomes violent, all attempts to investigate and/or detain the Suspect must discontinue and associates must disengage from the situation, withdraw to a safe position and contact Law Enforcement.

If a Suspect is believed to possess a weapon or it becomes apparent that a Suspect has a weapon or brandishes or threatens use of a weapon, all associates must disengage from the situation, withdraw to a safe position and contact Law Enforcement.

If a Suspect strikes or attacks any other person, associates may only defend themselves or others to the extent necessary to disengage the Suspect and withdraw from the situation. Law Enforcement must be immediately contacted. Exercise good judgment to release Suspects when unexpected facts arise.

If at any time it appears that the Suspect is under the influence of drugs or alcohol, disengage from the situation, withdraw to a safe position, and contact law enforcement.

If at any point during the investigation or detention of a Suspect, the Authorized Associate reasonably doubts that an unlawful taking has occurred, the Authorized Associate must terminate the investigation or detention.

Prohibited Activities

NEVER threaten physical harm to, or direct profanity at a Suspect.

NEVER use any type of device to restrain a Suspect.

NEVER attempt to remove a Suspect from a vehicle or attempt to block a vehicle that is exiting.

NEVER use a weapon or any other physical implement to hit or strike a Suspect.

NEVER strike or hit a Suspect, unless in self-defense and in the course of disengaging the Suspect.

NEVER use a chokehold or apply pressure to a Suspect's head or neck.

NEVER attempt to re-capture a Suspect who breaks free from restraint.

**Summoning
Local Authorities
Policy**

Authorized Associates must summon local Law Enforcement authorities whenever:

(a) anyone involved in the investigation or detention of a Suspect experiences medical distress or requests emergency medical services;

(b) a Suspect requests Law Enforcement authorities;

(c) a Suspect is violent or threatens violence or attempts to flee detention;

*(d) a Suspect has a weapon or brandishes or threatens use of a weapon
or*

(e) the facility manager or other manager in charge of the facility at the time makes the decision to prosecute the Suspect.

If an unlawful taking is reported to an Authorized Associate and it is later verified that an unlawful taking did occur, the Authorized Associate must discuss the matter with and receive approval from the Asset Protection Manager, facility manager, or other manager in charge before Law Enforcement is contacted.

**Processing The
Shoplifter
Suspect
Proceeding to a Private Location**

The witness should lead the shoplifter Suspect to a private area, off of the sales floor, designated for processing with the Authorized Associate following to determine that the shoplifter Suspect does not discard any stolen merchandise. Lead the Suspect into the AP office as discreetly as possible.

Appropriate Witness Must Be Present During Processing

An associate witness who is 18 or older and the same gender as the Suspect must be present at all times during the detention.

Note: Your state law may require that your facility immediately contact local Law Enforcement once a Suspect is taken into custody. See the state drop down box in state specific information that may apply.

Scan the Processing Area for Potential Weapons

Review the processing area for any item that may be used as a weapon. You or another associate witness should remove these items from the room. Examples include pens, box cutters, letter openers, heavy objects, and scissors.

If children or minors are accompanying the Suspect, ask the Suspect if someone can be contacted to take care of the children during the processing period. Ask for that person's name and contact information, dial the phone number and allow the Suspect to talk to the individual. An adult should never be separated from a child.

Communication with the Shoplifter Suspect

Because you are not Law Enforcement, you do not legally place a Suspect under arrest and there is no need to "read the Suspect their rights."

During the processing phase, your goal is to quickly investigate the alleged act of theft in order to determine if there is sufficient evidence to prove guilt of the Suspect beyond a reasonable doubt and/or to summon local Law Enforcement to the scene to investigate and/or prosecute the shoplifting Suspect. Ask questions that will allow you to:

- Ascertain that stolen merchandise is possessed by the Suspect
- Identify the Suspect
- Investigate or substantiate the alleged act of theft
- Recover the merchandise
- Establish that the Suspect committed an unlawful taking of Merchandise

Recovery of the Merchandise

It is the preferred practice to recover at least one item of merchandise, prior to re-entering the facility, if it will in no way cause embarrassment to the subject based on the location of the concealment. Once in the asset protection room or designated area with the appropriate witness, attempt to recover the remaining merchandise. This should be completed prior to initiating paperwork in regard to the incident.

Give direction to the Suspect to place all of the items they have not paid for on the table or desk. If the Suspect refuses to produce the concealed merchandise, you may decide to call for Law Enforcement assistance. If you performed a thorough investigation of the Suspect, you should be

prepared to prosecute the Suspect if you contact the authorities.
Hold all recovered merchandise for later processing.

Investigative Report

Collect information for the investigative report. Tell the Suspect that you are going to need their full name and correct address. Tell them, "Before you give it to me, be aware that I will verify the information that you give me." At that point, ask the Suspect to provide you with photo identification (ID) and verify the information on the ID by asking the individual questions as you fill out your report.

Document all aspects of the incident including the actions that show the Suspect engaged in suspicious activity and each of the four elements

Photographing of Suspects

Your facility should take photographs of every shoplifting Suspect, who will be prosecuted, unless the shoplifting Suspect is a juvenile or appears to be a juvenile, and picture identification is not available.

- Always show respect for the individual when taking photographs.
- ~~Do not photograph shoplifting Suspects under the age of 18.~~ If you reasonably suspect a person is under 18 and you are unable to determine their age from a photo ID, do not take their photo.
- All shoplifting Suspects to be photographed must complete the photography consent form. If the shoplifting Suspect refuses to sign the consent form, then explain it is the policy of Walmart. If the shoplifting Suspect continues to refuse, place a check in the box on the consent form, stating the shoplifting Suspect refuses to sign the consent form, and print the shoplifting Suspect's name, print your name and sign your name, then file in the case folder pertaining to this case. (If a shoplifting Suspect refuses to have their photograph taken you may use a DVR captured photograph for the file. The DVR captured photograph may be taken from any DVR camera shot. Any photographs captured from any shoplifting Suspect, must be cropped or restricted to show only the person who is believed to be the shoplifting Suspect. In a situation where this is not possible, efforts must be made to disguise the images of other individuals so that they cannot be recognized.)
- Shoplifting Suspects must be photographed and processed in the same room.
- A witness must be present when a photograph is taken.
- All shoplifting Suspects must be photographed from the waist up, while they are standing and facing the camera against a plain wall.
- Photographs which are printed from a DVR, must be secured in the

Reasonable Detention Period

Remember; you may only detain the Suspect for a reasonable period of time, depending on the circumstances. If the police do not arrive within one hour after attempted contact, telephone them again and note the time

of the second call. Based on the information received in the second call, consider the feasibility of further detention. Request the facility management to make a decision regarding further detention. If the decision is made to release the Suspect, make every attempt to verify the Suspect's identity prior to their release.

Note: Whenever a salaried manager in a position of authority, greater than that of the Authorized Associate, directs the Authorized Associate to terminate the detention, regardless of the reason, the request must be followed through.

Note: If the police do not arrive within a reasonable period of time or within the requirements of the state, the Suspect may be told that it has been (the amount of time) since the police were summoned and unknown how much longer it will be until police arrive. If the Suspect asks if he/she can leave, let them know that WM cannot advise them of whether they can, but that all of the information surrounding the incident, including their contact information will be provided to the police to support criminal charges. Document this communication and whether the Suspect chose to leave.

Suspect Request for Medical Attention

In some cases, a Suspect may inform you that they feel ill and request medical attention.

Immediately call for assistance, even if you feel they are being untruthful. Should the Suspect request a glass of water, or to use the restroom, you should make every effort to accommodate them. While you should be cautious to ensure that the Suspect does not try to harm themselves or others, you should attempt to grant such reasonable requests.

Release Of Minor Suspects Policy

Unless state law requires a different procedure, Authorized Associates may release minor Suspects only to their parent, guardian, family member or family friend that is 18 years or older. If an Authorized Associate is unable to reach a minor Suspect's parent or guardian within 30 minutes after detaining a minor Suspect or if a parent or guardian does not arrive at the facility within 60 minutes after notification to pick up a minor Suspect, an Authorized Associate should contact local Law Enforcement authorities and pursue charges against a minor Suspect, regardless of the amount of the theft. Document as a part of the file all communications to Law Enforcement.

All efforts to contact the parent or guardian and any communications with a Suspect's parent or guardian must be documented and made part of the file. Information to be collected includes the parent or guardian's name, the number called, time of call(s) and address provided by the Suspect. A minor Suspect may be released to an adult that claims to be a family

member or family friend so long as the name of the individual can be verified by photo identification and the minor Suspect validates the identity of the person accepting physical custody of the minor. Record the type of identification reviewed and the name of the individual claiming to be a parent or guardian. Information other than the name of the parent, guardian, family member, or family friend may not be copied from nor may copies be made of the identification provided.

Trespassing The Shoplifter Policy

An Authorized Associate, facility manager or other manager in charge of the facility *may trespass a Suspect under this policy*

The Suspect was violent or threatened violence; or attempted to flee detention;
or

The Suspect disrupted business operations beyond Suspected shoplifting activities and processing procedure and refused to terminate their behavior upon request. Following required processing procedures (for example, having a female associate present as a witness) is not considered disruption of business for purposes of trespassing.

Being a shoplifting Suspect or detained for shoplifting activities without the above stated conditions occurring is not adequate to justify a person being trespassed from property under this policy.

Trespassing individuals under other circumstances is reserved for facility management only.

Trespass of a shoplifter means that the individual is prohibited from entering property.

Determining the length of time for a trespass will vary depending on your State's guidelines. Under all circumstances you will comply with the guidelines set by your State. A reasonable "rule of thumb" is one year from the date the notice was provided.

Responsibility Facility managers and managers in charge are responsible to ensure that Authorized Associates are utilizing only approved authorized detention methods detailed in this policy. The physical well-being of Suspects, customers, and associates is first priority.