

APPREHENSION

To successfully apprehend and prosecute a shoplifter you must have reasonable grounds to believe the person was stealing or attempting to steal merchandise from the store holding such merchandise. Reasonable grounds means that you must have knowledge that a person has concealed possession of an unpurchased item. Simply stated, this means that you must see the person take and conceal the item.

- Also by watching the person take and conceal merchandise and then leave or attempt to leave the store without paying for the item, you will have a stronger case for conviction in court.
- Watch the shoplifter continuously to verify the merchandise was not paid for or "ditched."
- If safety permits, apprehension of a shoplifter should be made after the person passes a checkout counter or is attempting to leave the store.

When calling the Cheektowaga Police Department, remain on the phone with the dispatcher until you are told otherwise. Be prepared to relay the following information:

- number of suspects if person is not alone.
- if suspect is still present.
- if suspect is causing a disturbance.
- if the suspect has fled and if so a complete description and direction of travel.
- if injuries have occurred.
- if weapons were involved.

USE OF FORCE

Under Section 35.25 of the NYS Penal Law, a person is justified using physical force, not deadly physical force, when that person reasonably believes such to be necessary to prevent or terminate the commission of a larceny.

USE OF FORCE

This means that you may use the necessary physical force to subdue a shoplifter. You may not use deadly physical force which is any physical force that is readily capable of causing death or other serious physical injury.

Common sense should prevail at all times. The safety of store personnel, shoppers and yourself should be first and foremost. If a person is obviously in possession of a weapon, apprehension should not be attempted. Instead, have another employee dial 9-1-1 and explain the circumstances. Keep the shoplifter under surveillance until the police arrive. Remember, there is no merchandise worth the cost of a human life or risk of sustaining serious injuries.

Consult the NYS Penal Law Articles 10.00 thru 40.15 for a complete explanation of your responsibilities, culpability and justification in the use of force.



CHEEKTOWAGA POLICE DEPARTMENT
3223 UNION ROAD
CHEEKTOWAGA, NY 14227
716/686-3500

Emergency	dial 9-1-1
Information	686-3500
Crime Resistance	895-0374



Business Crime Prevention



HOW TO DETER SHOPLIFTING

**Cheektowaga Police
Advisory Board**

SHOPLIFTING

No store can be completely immune to shoplifters. The loss from shoplifting is felt on the bottom line of your income statement. Proper inventory techniques, merchandise display and employee alertness will prevent most of these losses.

WHEN IS IT SHOPLIFTING?

When you see a person take and conceal an item or attempt to leave the store without paying for it. New York State under Section 155.00 of the Penal Law and Section 218 of the General Business Law provides the statutes and general rules which apply to shoplifting.

WHO MAY ARREST A SHOPLIFTER?

A shoplifter may be apprehended by the store owner or authorized employee, agent or licensed security officer employed by the store who witnessed the theft. However, that arresting person must immediately contact the Cheektowaga Police Department and advise the dispatcher of the arrest. Police officers will then respond to your store and take custody of the shoplifter. The police officer must have reasonable cause to believe that the shoplifter did commit the offense and the arrest was authorized, to take the person into custody. You are actually making a "citizen's arrest". Guidelines to effecting a citizens arrest are provided under Sections 140.30 to 140.40 of the General Business Law and Consolidated Law Service of New York State.

CHARACTERISTICS OF A SHOPLIFTER

- Customers who appear nervous, have wandering eyes or are perspiring.
- A person who is walking around and claims to be waiting for a friend to finish shopping.
- One of a large group who attempts to distract you.
- Leaves the area hastily.
- Keeps frequenting restrooms.
- Customers wearing baggy clothing or clothes that are out of season.
- Walks in an unusual manner, pulling on sleeves or adjusting clothing.
- Carries bags, bundles, boxes or umbrellas. Even top coats and folded newspapers make good hiding places for small items.
- Walks behind sales counters or displays and reaches into them.
- Picks up and puts down a variety of items pretending to be undecided.

METHODS OF SHOPLIFTING

- Palming small articles and slipping them into a sleeve or cuff.
- Packages, bags, knapsacks etc. are frequently used to conceal goods. Some packages and books have false compartments built in.
- Slits in outer garments to easily carry items under a coat.
- Hooks attached to inside of clothing.
- Wears garments with elastic waist bands and oversized pockets.
- False casts and slings worn on arms and hands.
- Wears long top coats and/or dresses to easily conceal items between legs.
- Women who walk into the store thin and are "pregnant" upon leaving.
- People leaving wearing more jewelry or accessories than they arrived with.

PREVENTION

Shoplifters assume they won't get caught. With some forethought and ingenuity you can prove them wrong.

- Announce, post and observe a policy to prosecute all shoplifters. The threat of being caught, questioned by police, put on trial and maybe in jail, may be enough to turn most shoplifters away.
- Keep displays of merchandise away from all doors and arrange them so that missing items are easily noticed.
- Keep cash registers and display counters clear of items which obstruct view.
- Keep aisles clear.
- Make it hard to leave the store without paying. Place expensive items in the center of the store away from exits. Arrange counters and display tables so there is no direct route to an exit.
- All entrances and exits should be visible to store personnel.
- Never leave the store or even a department unattended.
- Pay attention to all customers who enter your business. Acknowledge the customer with a phrase like "I'll be with you in a moment."
- Don't allow a customer to distract you while you are checking out another person.
- Give each customer a receipt for their purchase. Keep check out areas clear of discarded receipts - shoplifters can use these as proof of purchase.
- Develop a warning system whereby all employees will be alerted to the presence of a shoplifter. The use of a code word works well.
- Merchandise sold in pairs such as shoes should be displayed singularly.