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Why Prosecution Doesn't Help Prevent Shoplifting

Book em Danno. Cuffed and stuffed. We have heard all the great lingo for sending people to jail. Our moral senses clearly tell us that when people commit a crime, they deserve to go to jail. *If you can't do the time, don't do the crime*, right? That is all well and good when we are talking societal needs, but what about the needs of the business? Is prosecuting everyone who shoplifts from your business the best answer? Probably not.

What?!?! How could prosecuting everyone not be the answer? What a great deterrent! Anyone who comes into our store knows that if they steal, they will go to jail. Does it really deter?

Answer these questions and you will have your answer:

Does your company prosecute everyone?

Do you still have people stealing from your stores?

Doesn't everyone already know that if they steal they can go to jail?

Does it seem that the shoplifting problem in your store remains the same or is increasing?

If you answered yes to all of these questions then you know that prosecution is not much of a deterrent to shoplifting. Fear of the consequences does not deter people from stealing. The simple truth is that whenever someone steals, they already know the potential of going to jail is there, but they think they are too smart to get caught. Therefore, to truly deter theft in your store, the answer is not to send everyone to jail. The answer is to convince people that they will *get caught!*

Many times people think that by sending a few people to jail, you send the message that you will get caught. Do a couple of people getting tickets for speeding convince you not to speed? Of course not. You still speed despite the risk of getting a ticket. Why is that? Because we think the risk is minimal and we think we are smart enough to watch out for the police to avoid the ticket. However, when we hear about a "speed trap" on the highways, we slow down in that area because it is much more likely we will get caught. The same applies to people who steal. The punishment won't deter, but the likelihood of getting caught will.

When a shoplifter gets caught stealing in your store, is it the first time he has ever stolen something in your store? Highly unlikely. When people first steal they are extremely cautious. It is when they get comfortable stealing that they become careless and we catch them. Every time someone is caught shoplifting, they have successfully stolen something 48 times previously (according to statistics from Shoplifters Alternative). That equates to a little over a 2% risk of getting caught. The result is that a shoplifter gains confidence in being able to steal and when they actually get caught, they usually find out that going through the legal processes is not nearly as bad as they thought.

While the punishment varies from state to state for shoplifting, the most common punishment consists of probation and a fine. Spending time in jail is rarely the result. Even when they are arrested by the police, in most cases, they are issued a citation with a court date and are never even taken to the police station and booked. According to Shoplifters Alternative, the typical, habitual shoplifter is prosecuted and average of 2.6 times in their life. Yet they still keep coming back.

So how do we create the impression that people are likely to get caught stealing if we are not sending them to jail? We do that by catching as many people as possible, as quickly as possible. With shoplifters, we do that by catching someone, processing them as quick as we can and getting them out of the store so we can hit the floor again. The more time spent on the floor, the more likely we are to catch more people. Sheer numbers make an impact.

When you factor in the time spent waiting for police to arrive, filling out more paperwork, the commotion of police in the store, everyone standing around staring, customers not being helped, customers not making purchases, and time spent going to court, how does prosecuting make much financial sense? It doesn't in most cases.

When you throw in the issue of liability, it becomes even clearer. Which scenario is more likely to result in a lawsuit being filed against the company? In one case you catch someone, send them off with the police and the case gets thrown out of court or the person is found not guilty. In the other case, you catch someone explain to them that since they are being cooperative you do not need to call the police, and advise them that if they are caught at another time, you will be forced to call the police. In these scenarios, I am talking about legitimate stops. I am not including bad stops.

Of course, the person who gets arrested by the police is more likely to sue. This is because they now feel that they are justified because the case was thrown out or they were found not guilty. They now feel that the company owes them for the "injustice" against them. When you let someone go without prosecuting, they feel fortunate to not go to jail and are not likely to attempt a lawsuit. Yes, we always want to be in a position where we can win a lawsuit, and in most cases you can, however, we must always take the stance that we want to act in a fashion that helps *prevent a lawsuit from ever being filed*. As soon as someone files suit for a shoplifting incident, your company has lost money.

Some say prosecute everyone so we avoid discrimination lawsuits. If you are prosecuting in a non-discriminatory fashion, you can defend this type of suit and it will prevent many frivolous suits from being filed. The only person who is going to file this suit is the person who gets arrested and is found not guilty. The guilty person can't claim discrimination because they were GUILTY! The person who is let go without prosecution cannot claim that they were discriminated against. So the fear of discrimination lawsuits is further reason to not prosecute! The more people you prosecute, the more likely you are to get sued.

When you catch a lot of people, treat them with respect, process them quickly, and hit the floor again to catch more, you create an illusion that your store is catching everyone. The associates spread the word that LP catches everyone and the shoplifters spread the word. When people believe they are going to get caught, regardless of whether they go to jail or not, they will stop stealing in your store. They will go to steal somewhere where they prosecute everyone!

For more information, please visit www.plsolutions.net or contact P&L Solutions at (760) 887-4800.

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