

INTRODUCTION

Introduce yourself to the audience. Give your name, experience, what division you are currently assigned, reason for lecture, either training or follow up due to incidents.

OPENING STATEMENT

What is the offence of theft and possession?

Definition of Theft

322. (1) Every one commits theft who fraudulently and without color of right takes, or fraudulently and without color of right converts to his use or to the use of another person, anything whether animate or inanimate, with intent,

has a (a) to deprive, temporarily or absolutely, the owner of it, or a person who special property or interest in it, of the thing or of his property or interest in it;

(b) to pledge it or deposit it as security;

(c) to part with it under a condition with respect to its return that the person who parts with it may be unable to perform; or

(d) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time it was taken or converted.

(2) A person commits theft when, with intent to steal anything, he moves it or causes it to move or to be moved, or begins to cause it to become movable.

(3) A taking or conversion of anything may be fraudulent notwithstanding that it is effected without secrecy or attempt at concealment.

(4) For the purposes of this Act, the question whether anything that is converted is taken for the purpose of conversion, or whether it is, at the time it is converted, in the lawful possession of the person who converts it is not material.

(5) For the purpose of this section, a person who has a wild living creature in

offence by reason of aiding or abetting or conspiring or counselling the commission of an offence;

Essentially, it is the taking of an object without the consent of its owner and unlawfully keeping it for your use or for another purpose.

There are four main sections to our program on shoplifting that will assist you in dealing with these type of offences, they are **prevention, detection, apprehension and prosecution.**

To start off, you must have a plan. Now is the time to formulate that plan, not when there is a shoplifting incident occurring in your store! The goal of this presentation is to give you options on how to deal with people who may be targeting your store or who are actually stealing from it.

As retailers, you have undoubtedly dealt with shoplifters in the past. This is an opportunity to review your actions and look at options which may have been utilized.

First we will look at “Prevention”. This section is divided into two segments. The first segment will address the question, “who shoplifts and why?” In the second segment I will give you some tips to help reduce the risk of your store becoming a target.

WHO SHOPLIFTS AND WHY?

To answer that question you must understand the perception of shoplifters. Shoplifting is not seen as a crime committed against a person, but as a victimless crime committed against a large company with lots of money. Perhaps many shoplifters see their crime as socially acceptable. After all, we do not call them thieves and we do not call it stealing. We call it shoplifting. By Law there is no such thing as a shoplifter. A shoplifter is a “thief” and shoplifting explains how the crime was committed. Shoplifting is often seen by the public and the courts as a misdemeanor or a nuisance, rather than a crime.

Shoplifters are often supported by their peers. Even parents who think it’s their “lucky day” when a cashier makes a mistake in their favour are inadvertently teaching their children that it is not morally wrong to steal.

So, to answer the question who shoplifts and why? Anybody can shoplift and for any number of reasons. It is not only the young or financially challenged that steal.

WHAT CAN WE DO?

We have started by changing our attitudes. Parents, retailers, educators and police should

talk to children about theft. Teach them about responsibility and focus on respecting others. We have to get back to the basics: Shoplifting is stealing!

PREVENTION

Now we will look at some ways to make your store a harder target for thieves. First of all, look at the physical layout of the store:

Height of shelves and displays- does not impair the employees sight lines throughout the store. Display merchandise in such a way that customers can easily see it and you can easily see the customer. Aisles should be wide and uncluttered.

Placement of more valuable merchandise - locate it closer to the cash register, away from exits, locked in a secure display case, or behind a counter which requires an employee to have access to it. Avoid placing more than one valuable item on the counter at a time when showing a customer. Never leave the display case unlocked. Some high priced clothes are chained together as are smaller items such as cameras, appliances, etc.. If the merchandise comes in pairs, only display one of the pair.

Location of the cash register- always attended by at least one employee, clearly visible from any location in the store, clearly visible from the outside of the store, placed on a raised counter allowing the cashier to see over the top of all displays and set back from public, making it difficult for anyone to steal from it.

View from the street or mall- no obstructions on the windows which may interfere with sight lines into the store as the coincidence of a passerby looking in and witnessing a theft will help deter a thief.

Are there any hidden spots within the store- ensure the merchandise is displayed in such a manner that does not provide areas of concealment where the thief can hide while concealing property upon their person.

Make sure you have alert employees- have employees wandering around the store straightening displays when they are not busy monitoring the activity of patrons.

Networking - not only is it important for employees to communicate among themselves about criminal activity but it is equally important to advise other stores in your area when criminal activity is noticed. Meet with and gather names and phone numbers of other business owners you can alert when criminals are active in your area.

Greet customers and take away their anonymity- people are less likely to steal if they think you will remember them, if you see someone loitering around a certain area, go over and offer them some assistance, its not only good customer service but a good deterrent. This is your store which you have every right be in. Should a patron object to the attention you are giving them remember, they are only visitors.

Educate employees- have a plan for opening and closing the store, as these are ideal target times because everyone is so busy. Teach employees how to deal with hostile customers who try to get something for nothing by using their anger as intimidation, have and follow an incident plan so employees will know what to do should an incident occur.

Advertise against shoplifting- post warning signs and indicate a rigorous shoplifting policy.

CHANGE ROOMS

A person should be assigned to monitor the activity in and out of the change rooms, paying particular attention to the product carried by the patrons. Number tags assigned to each patron reflecting the number of garments an employee has confirmed they are in possession of must reflect the same number leaving the room.

DETECTION

The second part of today's program deals with detection. There are a number of detection devices available to retailers:

Closed circuit TV- combination of hidden and obvious erected cameras permit a record of activity within the store from many varied locations. These are accepted means of monitoring and recording peoples activity as long as it is never done in a location where a person would reasonably expect privacy. The recording of activity within your store is an excellent way to capture the evidence of a criminal act.

Entrances and exit alarms- alerts employees to patrons entering and leaving the store.

Sensitized tags- alerts employees that property is leaving the store which may not have been paid for.

Convex mirrors- placement permits viewing the store interior from many varied angles.

One way glass- employees can monitor the activities of patrons while concealed.

Security personnel- the unknown presence of a loss prevention officer or that of a security guard will help deter thieves.

You know your store, so only you can know if you have the right protection. Your employees are your biggest asset by far when it comes to detection.

Arrange training seminars in loss prevention for your employees so as to enhance their

observation skills.

Have employees out on the floor whenever possible. They can assist customers and keep an eye out for thieves at the same time. For those who loiter or a suspected shoplifter they can be given more individual attention.

Employees should always wear their name tags identifying them as a store representative.

Stagger employees breaks so as to keep sufficient staff on the sales floor at all times.

Always remove empty hangers from clothes racks after the article has been purchased. In this way, an empty hanger becomes a signal that a shoplifter is at work.

Develop a warning system so that employees can be alerted when the presence of a thief is suspected. An example could be : while on the sales floor or a code over the intercom.

THINGS TO WATCH FOR

People who are always looking around them- the thief is checking out how alert the store staff is to their presence and if anyone is taking note of their activity, darting eyes and nervous hands are frequent clues.

Large groups of people who may be trying to distract you - mindful of people entering the store together who split up to opposite areas, some attempt to distract the employee while others shoplift.

Customers with empty bags, lots of parcels, large hand bags, back packs, unusually bulky clothing, grocery bags, shopping bags in general from other stores- these items are conducive to concealing stolen property. Ask the patron to place their bags behind the counter.

Searching of bags - common law(common practices which the courts recognize as being acceptable lawful conduct) recognizes that store owners can set conditions for people to obey upon accepting the invitation to enter their store, one of which is their right to search bags. However, before doing so be absolutely certain beyond any doubt there is stolen property inside the bag. If not, you may very well find yourself facing a civil law suit.

Empty hangers- tattle tail sign that something is missing.

Upside down, partially open umbrellas- conducive to concealing small items.

Lining grocery cart with large items- as the thief leans over/into the cart the thief is concealed by the large items.

Baby strollers- sadly, some people will exploit the presence of a young child by acting as if they are fussing over the child while concealing property around the child.

I cannot list all of the possible scenarios and it is almost impossible to be absolutely protected. But with alert employees and some security measures in place, detection is certainly easier. Remember, you can't recognize a shoplifter solely by their appearance.

APPREHENSION (Relative to store policy and training)

This section will deal with when, where and how to approach a person who has taken an item from your store. The most important aspect of this phase is **Safety**. Never approach a suspect alone. If there is any indication that this will cause a violent response it is better to observe and report until police assistance is on scene.

If someone sets off the security alarm- do not assume a person is shoplifting without proof, ask them to please stop, request they reenter the store, explain that a security tag may not have been desensitized properly and that you have to check their parcels. If there is a tagged item in the bag they have paid for, try desensitizing it again. If the alarm still goes off, you have to determine what is causing it, remember it is possible for other things to set off the alarm such as some forms of identification or certain cell phones. Remember, the sounding of the alarm is only an 'aid' to advising you an offence may have taken place. It is in addition to the **continuity of evidence** required to satisfy furthering an investigation and subsequently successfully charging a person.

Before you approach someone suspected of shoplifting - consider your safety and be sure someone is nearby to assist if necessary. Be certain that the person you are about to apprehend has indeed concealed an item from your store. Have a plan knowing what to do.

If you notice someone concealing an item while in the store be certain they have it and did not put it back or ditch it. Maintain visual **continuity** from the moment you saw which hand picked up which item, from which display and where it was concealed (explain continuity of evidence) and what they did afterwards up to the point of leaving the store. By doing this you are establishing the chain of events that prove the commission of an offence. Wait until they reach the cash register to see if they pay for the item. Approach the person only after they have passed the cash and have exited the store.

CITIZEN ARREST

(Relative to store policy and training)

Arrest Without Warrant By Any Person / Arrest by owner, etc. of property / Delivery to peace officer.

494. (1) Any one may arrest without warrant

(a) a person whom he finds committing an indictable offence; or

(b) a person who, on reasonable grounds, he believes

(i) has committed a criminal offence, and

authority to (ii) is escaping from and freshly pursued by persons who have lawful arrest that person

(2) Any one who is

(a) the owner or a person in lawful possession of property, or

(b) a person authorized by the owner or by a person in lawful possession of property,

criminal may arrest without warrant a person whom he finds committing a offence on or in relation to that property.

shall (3) Any one other than a peace officer who arrests a person without warrant forthwith deliver the person to a peace officer

Use Of force To Prevent Commission Of Offence

27. Every one is justified in using as much force as is reasonably necessary

(a) to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

property of (ii) that would be likely to cause immediate and serious injuru to the person or anyone; or

(b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in paragraph (a).

Defence of Person

Self-Defence Against Unprovoked Assault / Extent of justification.

34. (1) Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself.

(2) Every one who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault is justified if

(a) he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purposes; and

(b) he believes, on reasonable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm.

To effect an arrest - inform the person who you are (this identifies you as a person representing the store), why they are being stopped and inform them of their rights. Should a person resist your arresting them, you are legally permitted to use as much force as is reasonably necessary and appropriate to defend yourself and prevent that person from escaping. Don't put yourself in a situation where you are alone with the suspect. Phone the police right away. Make notes of all you have seen and heard as you will need to recount the facts of the incident for the police to lay a charge. Photograph for the police file and secure recovered property for court evidence.

Property Act - when a persons conduct is such that you want them to leave your store or to not return, you have the authority to tell them to leave and/or ban them under the "Act to Protect Property". Typically a person involved in a shoplifting incident will be banned for 6 months from the store. This notice can be given in writing or by verbal declaration. Be specific in your notes as to the day, date, time and means as to how the person was advised.

PROSECUTION

The last segment of this session is Prosecution. Be aware of court procedures, of how to present evidence, answer questions and appropriate dress. Visit the crown attorney's office for a pre-trial interview, dress neatly, have your notes with you, answer only what is asked, do not

embellish, talk in a clear voice using simple language; avoiding jargon directing your answers towards the judge. If you do not know the answer, do not guess, just say that you do not know. If the case is postponed, write down the date and time of the new trial and call the Crown Attorney before the new trial. **Remain calm.**

By increasing your awareness in the areas of prevention, detection, apprehension, prosecution and by utilizing techniques here today, you should be able to reduce your risk of being victimized by shoplifters and increase your chances of apprehending and prosecuting those who chose to steal from your store.

Thank you.