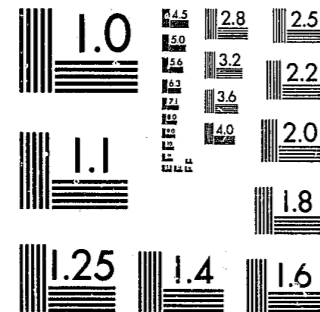


National Criminal Justice Reference Service



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United States Department of Justice
Washington, D. C. 20531

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Shoplifting is a crime.

It is so widespread that it affects virtually every retailer and is committed by an estimated one in fifty customers.

Shoplifting by customers and professional thieves cost Washington merchants an estimated \$57,000,000 in 1977. A disproportionate share of the cost falls on small retailers, who lack security programs and personnel.

Shoplifting has flourished amid changing public attitudes, a lack of uniform prevention programs by retailers, and an absence of real and consistent consequences for those who are caught. Recently the Washington legislature moved to remedy the third problem by enacting the civil shoplifting law, which enables retailers to recover monetary penalties from the shoplifter.

If used widely, this law should not only deter but also transfer part of the cost of shoplifting from the honest customer to the shoplifter. For the first time, therefore, business and law enforcement are in a position to take positive and united steps to insure that shoplifting will be a crime with real consequences.

To encourage such efforts, Washington Crime Watch has mounted a program to provide both law enforcement and retailers with training and tools for an effective anti-shoplifting capability. Crime Watch will augment these efforts with public information and school-education programs.

This guide is designed to provide the retail manager with a clear understanding of the civil penalty, related laws and prevention techniques. We strongly recommend that you contact your local law enforcement agency for specific help in developing a policy and a prevention program for your business.

The legal information in this manual is as current and complete as possible. However, there is no substitute for consultation with local police, prosecutors and private attorneys. These professionals are equipped to provide specific recommendations for the factual situations which you encounter and the legal questions presented by those situations.

(Rev. Aug. 1, 1978)

WASHINGTON SHOPLIFTING LAWS

The reduction of shoplifting will be the result of store policies which encourage civil and criminal penalties for shoplifters. The amateur shoplifter, once arrested, seldom shoplifts again. Conversely, the apprehended shoplifter who discovers that there are no real penalties is likely to continue shoplifting.

Criminal Law •

In Washington there is no specific crime called shoplifting; instead, this form of retail theft is included in the statutory definition of theft. Most shoplifting incidents involve merchandise worth less than \$250 and are classified as theft in the third degree. This is a gross misdemeanor carrying a maximum penalty of up to \$1000 and/or a jail term of up to one year. Actual sentences for adults are at the discretion of the court, and for juveniles are administered by special courts or "conference committees".

Civil Law •

Washington's civil shoplifting law, RCW 4.24.230, became effective in September, 1975 (a copy of the law is appended). This law creates a civil cause of action which the merchant may bring directly against the apprehended shoplifter, or the parents or guardians of shoplifting minors. It is not intended to supplant the criminal law, nor should it be used as a substitute for vigorous law enforcement action. The civil law is an additional deterrent.

A number of retail outlets in Washington have begun using this law successfully, and have discovered that its implementation is simple, requires little time and incurs no legal costs. Receipts from the use of the civil penalty law allow retailers to price merchandise more competitively, maintain profit margins and defray costs of security programs.

Basically, the law allows the victim (merchant) to recover:

1. Actual damages. This is the retail value of stolen items if they are not recovered. If the stolen items are recovered but damaged, then actual damages are computed by subtracting the reduced saleable price from the retail price (Parents or guardians of shoplifters are not liable for actual damages).
2. A penalty in the amount of the retail value of the stolen merchandise (whether or not the item is recovered). The maximum penalty is \$1000 (However, the maximum is \$500 for parents and guardians.)

3. An additional penalty of not less than \$100 and not more than \$200.

For the civil action to be effective a thorough understanding of the law is necessary. It correctly. While criminal action remains the prerogative of the local prosecuting authority, civil action is brought only at the discretion of the merchant. It is vital that you develop a reasonable policy on implementing the civil penalty, and enforce it consistently.

Although the use of the civil penalty does not depend on the filing of a corresponding criminal charge, most merchants use the civil penalty only when the shoplifter has also been arrested. There are several advantages to this policy:

1. The shoplifter will be brought into the criminal justice system so that repeat offenders can be identified and corrective action taken.
2. The shoplifter cannot accuse the merchant of extorting money for the promise that there will be no criminal prosecution.
3. The civil case will be much stronger if a police officer has already found reasonable cause to arrest the suspect.
4. A criminal arrest almost guarantees that the shoplifter will pay the civil penalty upon demand, thus reducing the number of civil cases which go to court.

You should not hesitate to use the civil penalty because you fear spending an excessive amount of time in court. Experience by retailers using this law indicates that if correct procedures are followed, more than 80% of shoplifting suspects will pay the penalty upon demand by letter.

Also important: It is not necessary to retain a lawyer to begin action. You can use the form letters included in this manual merely by retyping them on store letterhead. Even in those few instances where it may be necessary to go to court to get judgment, a lawyer is rarely required unless the shoplifting civil penalties exceed the \$300 small claims court limit. Small claims court action is easy to file and attorneys are usually prohibited from representing the parties. Judgments from this court are assignable for collection like any other debt.

Procedures for Using the Civil Penalty

By adhering to the following suggested procedures you can use the civil penalty safely, legally, and effectively:

1. It is suggested that you wait until the day after the shoplifter has been arrested before sending the first letter demanding payment of civil penalty.

Do not hand a demand letter to the suspected shoplifter at the time of apprehension. This could be construed as a demand for payment from the shoplifter based upon an inference that you would not pursue criminal prosecution.

Compute the civil penalty as in the following example:

The shoplifter was stopped with a stolen \$25 shirt. The police were called and they made an arrest. Since the shirt was recovered undamaged there are no actual damages. However, the penalty is in the amount of the stolen item; \$25. And there is an additional penalty of \$100 (this additional penalty can be any amount between \$100 and \$200 at the merchant's discretion). The total amount demanded in this example is \$125.

If the letter is being sent to a minor's parents, use a form which specifies that the parent or guardian is liable for the civil penalty. Examples of both the first demand letter to an adult violator and a first demand letter to the parent of an unemancipated minor appear in the appendix.

The demand letter should specify that payment be remitted within a reasonable time period, such as two weeks.

2. If payment is not received in the reasonable time specified in the demand letter, a second letter should be sent, again demanding payment and stating that a court filing will follow if payment is not received shortly (a reasonable period might be 7 days). A sample follow-up letter is included in the appendix.
3. If payment is not received in response to the second letter, then you should file your case in court. Unless your claim against the shoplifter is over \$300, file with the small claims department of the district court in whose jurisdiction the defendant resides. The court will provide you with a filing form and instructions on serving the notice of claim on the defendant. Remember that in small claims court lawyers are unnecessary, so the expense of filing and appearing in court is minimized.

If your claim is over \$300, consider reducing it so that you may file in small claims court. This can save you attorney's fees. Only if a claim in excess of \$300 appears collectable should you proceed to file in district or superior court. Attorney fees may sometimes be recovered by the prevailing party in a district or superior court if the amount claimed is less than \$1000. Consult with an attorney on any legal action other than a small claims filing.

4. Your business must be represented in small claims court by the owner or other corporate officer. The civil shoplifting law prohibits the assignment of claims to a collection agency or other third party. However, you may delegate this authority to certain employees. In most courts this may be done by completing a notarized "delegation of authority" form (see appendix). File this form with the court when filing the civil complaint. Contact your local court for information on filing the form.

If the civil case goes to court, all witnesses, a completed copy of the shoplifting report (see appendix), and all evidence (stolen articles, shoplifting devices, photographs, a copy of the police report, etc.) must be presented to the court. Take a copy of this manual and/or the shoplifting statute to court for reference.

5. Once the civil penalty has been paid, some stores provide a receipt or letter as acknowledgement and release from liability. If you decide to send a letter, please consider the language carefully, since it could compromise the separate criminal action. A suggested acknowledgement letter appears in the appendix.

Detaining the Shoplifter

Before either the civil or the criminal penalties can be used, the retailer must first apprehend the shoplifter. If this is done correctly the retailer exposes himself to little risk of false arrest suits.

State law allows you to detain a suspect if there are reasonable grounds to believe that the person shoplifted in your store. This detention is not an arrest if you adhere to the legal guidelines. The following are the critical elements to consider before making an apprehension:

1. Did you or another reliable witness see the suspect conceal merchandise? Before taking action on a witness report, verify that the witness will appear in court if necessary.
2. Are you positive that the merchandise concealed was store property and not the property of the suspect?
3. Are you sure that the merchandise was not replaced on the shelf?
4. Had the suspect possibly already paid for this merchandise?
5. Was the suspected shoplifter acting in a suspicious manner?

Although the law does provide that concealment of merchandise creates an inference of intent, and that such concealment justifies detention, other suspicious actions will reinforce your position in court. "Criminal intent" can be inferred if the suspect's movements are nervous or furtive.

The best policy is to keep the suspected shoplifter in sight from the time that merchandise is concealed until you confront the suspect. Although the law does not require continuous surveillance, this policy can prevent stopping a suspect who has already disposed of the stolen items.

It is also a good idea to let the shoplifter pass the last possible point of payment or exit before detaining. Again, state law does not require this, but it can strengthen your case in court since it removes the possible defense that the suspect was going to pay for the merchandise.

There are some situations in which it would be a mistake to let the suspect exit the store. For instance, juveniles are likely to run once they are outside the store, and professional shoplifters can become dangerous when removed from a crowd of witnesses. Washington state law does allow you to detain a suspect at any time after you have witnessed concealment of your merchandise.

Although you may be upset at discovering a shoplifter in your store, you should remain professional and calm. Treat every shoplifting suspect as a potential future customer and you will not need to fear false arrest suits. The following suggestions can be the foundation for a safe store apprehension policy:

1. The initial contact with the suspect should be verbal, not physical. Catch the suspect's attention and identify yourself with a phrase such as "Excuse me, I am the manager of the store. I noticed that you removed (stolen item) from the shelf and did not replace it or pay for it. Would you please come to my office so that we may clear up this matter?" The ideal situation is where only the suspect hears the words that you speak.
2. If the suspect refuses, explain that you wish to avoid embarrassment and would prefer to discuss the matter in a private office. Do not force the suspect to accompany you. Instead, try to gather information from the suspect and call the police immediately if the shoplifter continues to refuse to cooperate.
3. If the suspect tries to flee, you may use reasonable

force to detain. "Reasonable force" in a shoplifting incident is an amount of force which is not likely to seriously injure the suspect. The amount of force used may escalate with the suspect's efforts to escape, but should always stop short of potentially deadly force (unless the use of deadly force is necessary to protect yourself).

4. If the suspected shoplifter agrees to accompany you to your office, follow rather than lead, to make sure that this person does not have the opportunity to dispose of the stolen merchandise.
5. When in your office, tell the suspect that you saw the concealment of the items and request that he or she give them to you. If the person refuses, do not search. Instead, let the police make that decision. A search may be legally defensible, but runs a risk of a suit for assault or invasion of privacy if you turn out to be wrong.
6. During the detainment or interrogation of a suspect, there should always be a witness present who is the same sex as the suspect. Female suspects should never be detained in private solely by a male. Thus, in some situations, you may be forced to detain the suspect in the sales area.
7. When interrogating the suspect do not accuse or threaten with an arrest to obtain a confession. Such tactics are unnecessary and expose you to liability.
8. Make the detention as brief as possible. The law allows detention only for a reasonable time, so call the police immediately. You can detain the shoplifter while giving the opportunity to make or refuse to make a statement, and while examining any employees and store records to determine who owns the merchandise in question.

If the suspect refuses to provide identification you should always detain until the police arrive. In some cases you may have completed the shoplifting report form (see appendix), collected all statements and evidence, and received adequate identification from the shoplifter before the police arrive. If the theft was a misdemeanor (under \$250), you are then required to release the shoplifter, although you may request that the suspect wait for the police. Further detention,

either by physical force or by verbal threat, may amount to an arrest and expose you to civil liability. In felony cases (over \$250) you may hold the suspect until the police arrive.

9. It is your responsibility to record all facts about the incident, and if the suspect admits wrongdoing, to get a statement to that effect. An example of a shoplifting report is attached. Before using the form, check with your local police to verify that it is acceptable to them.

Evidence

Even though many arrested shoplifters forfeit bail and never appear in either criminal or civil court, it is still vital that you have all necessary evidence for the police or for any subsequent court proceedings. The following are some evidence collection guidelines:

1. Collect all stolen articles from the shoplifter along with related materials such as discarded packaging and price tags.
2. Call the attention of the responding officer to any special shoplifting devices used for concealment so that they may be preserved for evidence.
3. If goods are perishable, remove and keep the labels or containers, or take a color photograph of the evidence.
4. Label, initial and date each stolen item. If the shoplifter paid for some, but not all, merchandise, then save the cash register tape to prove that all items were not purchased. Turn all evidence over to the police officer making the arrest if he will accept it. If the police officer prefers that you keep the evidence, place it in a locker or room to which only designated personnel have access. All evidence for a given case should be sealed in a paper bag, envelope or other container.

If after a reasonable period there has been no court action, then contact the prosecutor's office to determine the status of the case. Once a case has gone to court, both civil and criminal, or after bail has been forfeited, you may either destroy the evidence or return saleable items to stock. Always retain a copy of the shoplifting report so that you have a permanent record of the incident.

THE SHOPLIFTER

When you train your employees to identify and apprehend the suspected shoplifter, don't make the mistake of thinking that only certain types of people will steal from you -- shoplifters are of every age, sex and race. Some of your regular customers are "beating inflation" by stealing a little each time they shop.

The shoplifter may appear to be just another customer, so look for the following deviations from normal shopping patterns:

1. Eye movement. The shoplifter will be handling merchandise but not looking at it. The eyes will be watching everyone and everything except the item being handled.
2. The wandering shopper. The customer going from item to item, but never really showing much interest in merchandise and always examining the other customers, is suspect.
3. Seeking privacy. Watch the customer who takes merchandise into isolated areas of the store where observation is difficult.
4. Shoplifting tools. Look for large empty purses, backpacks, empty boxes, a coat slung over one shoulder, bags from other stores, old wrinkled shopping bags, a newspaper under the arm, bulky over-clothing such as coats or sweaters when worn out of season.

Shoplifting methods, whether amateur or professional, can be broken down into three categories:

1. Concealment. Shoplifters most commonly conceal stolen merchandise on their person or in their clothing, inside shopping bags, purses, hats or umbrellas. Another method of concealment is palming an item and keeping it in the hand until out of the store. Small items are often stripped of their packaging, price tags and other identifiers to disguise the newness of the product and reduce bulk. Shoplifters also hide items within another package which is then purchased.
2. Subterfuge. Shoplifters may use an accomplice to distract the merchant. Shoplifted articles may also be handed off to an accomplice. Price tag switching and fraudulent refunding are variations of shoplifting which may be hard to detect. The refunder may take merchandise directly from your shelves to the refund desk; or the shoplifter may steal the item from another store and return it to you.

3. Speed. Desperate vagrants, alcoholics or juveniles often make no attempt to conceal merchandise -- they "grab and run". Self-assured professionals, while they may not run, will walk into your store, pick up an item and walk out, knowing that few people will react quickly enough to stop them.

PREVENTING SHOPLIFTING

Most store owners find that shoplifting causes 30% to 40% of their theft loss. You can get a rough idea of how many and what type of items are being stolen by collecting all discarded price tags and packaging. Although not all merchandise is removed from its packaging before it is stolen, and shoplifters do not always remove price tags, this collection will give you some idea of how much is being lost to shoplifters.

If you suspect that specific items are being shoplifted frequently, you can check these suspicions by taking an inventory and then tagging these target items. Instruct clerks to remove and collect the tags from all items sold. At the end of the test period, compare the inventory with the number of tags collected.

After you determine the nature of the problem, the next step is to remove the opportunity to shoplift. The very best deterrents do not impose serious restrictions on sales-oriented retailing. In fact, many crime prevention suggestions are nothing more than good business. Among the most effective methods are:

1. A firm and comprehensive shoplifting policy. Make sure that both staff and customers understand the policy.
2. Adequate number of sales clerks to guarantee effective coverage. Breaks and lunch hours should be staggered.
3. Training of salespeople. The stress should be on greeting each customer and establishing eye contact. Special shoplifting prevention training for both new and continuing employees will guarantee that all salespeople are aware of the shoplifting problem and know what steps to take should they see a shoplifter.
4. Proper store design and layout. Shelves and displays should be low for good visibility. Lighting should be adequate so that the sense of privacy is removed. In the small one-checkstand convenience stores, a fan-shaped aisle layout will increase the area which can be monitored by the clerk.

5. A neat and orderly store. A messy store lets the shoplifter feel that the stolen item will not be missed. Empty hangers should be removed, depleted displays refilled, discarded sales receipts picked up and price marking materials controlled.
6. Incentive programs for clerks. Such a program could provide a bonus for spotting shoplifters and taking some action. With such a program it is necessary to have a very clear-cut policy on confronting and apprehending suspected shoplifters.
7. Rewards for customers who report shoplifters. The reward could be in the form of a gift certificate, an award letter, or even just a phone call from the manager or owner. Such a policy must be discreet to avoid creating a "bounty hunting" atmosphere. Do not post signs which offer a cash reward for information.

There are also many useful but sometimes resisted procedures which can dramatically reduce shoplifting losses. These include:

1. Fitting room checkers, or a limit on the number of items which may be taken into a fitting room, or a tag system to verify the number of pieces brought into the fitting room.
2. Placing high value and small item displays near supervised areas and away from exits.
3. Stapling of all bags and the attachment of the receipt to the outside of the bag.
4. The institution of a refund control policy which requires a sales slip. Request the name, address and phone number, plus driver's license verification. A card file should be maintained on returns to cross-check frequent refunders. Refunds should be followed up by phone or mail to verify legitimacy of information given. Mail refunds to customers. Locate the refund desk near the store entrance.
5. An active policy of prosecuting shoplifters and publicizing this policy.
6. Use of signs in the store to publicize refund and shoplifting policies.
7. Use of signs to identify displays of frequently shoplifted items. Such signs help to remove the sense of privacy and make the shoplifter feel that he is under observation.

If shoplifting losses are very high and cannot be brought under control using these recommendations, then specialty devices and security personnel may be in order. The following are some of the more effective approaches:

1. Visible, identified security officers may be a deterrent.
2. Store detectives whose job it is to monitor suspicious persons and apprehend shoplifters. The store security officer can be a major component in an apprehension-oriented program of deterrence, but the store owner should be aware that poorly paid and inadequately trained detectives are a liability -- they are likely to be involved in more violence, expose the store to false arrest suits and catch few shoplifters. Off-duty police officers are used successfully by some stores because of their arrest experience and police commissions. Others use well-trained private security personnel.
3. Observation booths and two-way mirrors. These items are usually built into a store but can sometimes be added. They make observation of the floor area possible.
4. Convex corner mirrors. These are more of a deterrent than a monitoring aid because they remove the sense of privacy in corners.
5. Video cameras are useful if monitored regularly. They also have some deterrent value. Dummy cameras are not recommended because their nature is soon public knowledge.
6. Disintegrating price tags are an excellent device which can help eliminate price switching.
7. An extra, concealed second price tag is also useful.
8. Alternating the direction of clothing hanger hooks will prevent grab-and-run losses.
9. Garment cables and chains require the sales clerk to unlock the clothing before it is tried on.
10. Special locking holders are made for items such as calculators and cameras. These allow the customer to operate and inspect a display item.
11. Cable and loop alarms also allow the customer to inspect the merchandise closely. Such an alarm usually

has a cable which is run through some part of the article. If this cable is cut or unplugged, then the circuit is broken and the alarm triggered.

12. Pressure sensitive mats and switches can be used to set off an alarm when the display merchandise is picked up.
13. Plug monitor alarms are useful where the display operates on AC current. Merely unplugging the display will set off the alarm.
14. The use of locked display cases is necessary with many small expensive items.
15. Electronically sensed tags may be affixed to merchandise by rivets, plastic string or by concealment. If the tags are not removed before the customer exits, then an alarm will sound. This type of system has several drawbacks, including erratic use of tags, failure to remove tags, and high cost. However, several department stores are using this system on a large scale with considerable success. It seems to work best on exit rather than department coverage.

APPENDIX OF SHOPLIFTING LAWS AND FORMS

NOTE: This is for retailers' information only and is not to be enclosed with a demand letter.

DETAINMENT OF SHOPLIFTER BY MERCHANT

RCW 4.24.220

A civil defense:

In any civil action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer or by the owner of the mercantile establishment, his authorized employee or agent, and that such peace officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit larceny or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

Title 9A.16.080

A criminal defense:

(Title 9A.16.080 reads as above except for the substitution of the word "criminal" for "civil".)

STATE OF WASHINGTON

CIVIL ANTI-SHOPLIFTING LAW

RCW 4.24.230

(1) An adult or emancipated minor who takes possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller, and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, shall be liable, in addition to actual damages, for a penalty to the owner or seller in the amount of the retail value thereof not to exceed one thousand dollars, plus an additional penalty of not less than one hundred dollars nor more than two hundred dollars.

(2) The parent or legal guardian having the custody of an unemancipated minor who takes possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, shall be liable as a penalty to the owner or seller for the retail value of such goods, wares or merchandise not to exceed five hundred dollars plus an additional penalty of not less than one hundred dollars nor more than two hundred dollars: PROVIDED, That for the purposes of this subsection, liability shall not be imposed upon any governmental entity or private agency which has been assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) Judgments, but not claims, arising under this section may be assigned.

(4) A conviction for violation of chapter 9A.56 RCW shall not be a condition precedent to maintenance of a civil action authorized by this section.

ADULT DEMAND LETTER

(Store Name)

(Store Address)

(Suspect Name)

(Suspect Address)

Dear _____:

Our records show that on _____ (date) at this store you took possession of the following merchandise, without the consent of the owner, without paying for the merchandise, and with the intent of converting such merchandise to your own use:

(list merchandise here)

In accordance with State law (RCW 4.24.230), a copy of which is enclosed, we are authorized to demand that you pay actual damages, plus a penalty in the amount of the retail value of the merchandise (not to exceed \$1,000), plus an additional penalty of not less than \$100 and not more than \$200.

Therefore, a demand is hereby made upon you for the following amount:

Actual damages	\$ _____
Penalty, retail value	\$ _____
Additional penalty, \$100 to \$200	\$ _____
TOTAL AMOUNT DEMANDED	\$ _____

Payment of the total amount demanded should be by personal check/money order/certified or cashier's check made payable to this store and sent to _____ (store address). In the event you fail to comply with this demand by _____ (date), we will file a civil action in the appropriate court of law.

You should be aware that these penalties are allowed by law in a CIVIL action and are not in lieu of any criminal prosecution that may be imposed on you by the local authorities (police/prosecutor).

Sincerely,

JUVENILE/UNEMANCIPATED MINOR DEMAND LETTER

(Store Name)

(Store Address)

(Suspect's Parents)

(Suspect's Address)

Dear _____:

Our records show that on _____ (date), _____ (suspect's name), an unemancipated minor, took possession of the following merchandise at this store without the consent of the owner, without paying for the merchandise, and with the intent of converting such merchandise to his/her own use:

(list merchandise here)

In accordance with State law (RCW 4.24.230), a copy of which is enclosed, we are authorized to demand that you, as parents or legal guardians having custody of this unemancipated minor, pay a penalty in the amount of the retail value of the merchandise (not to exceed \$500), plus an additional penalty of not less than \$100 and not more than \$200.

Therefore, a demand is hereby made upon you for the following amount:

Penalty, retail value	\$ _____
Additional penalty, \$100 to \$200	\$ _____
TOTAL AMOUNT DEMANDED	\$ _____

Payment of the total amount demanded should be by personal check/money order/certified or cashier's check made payable to this store and sent to _____ (store address). In the event you fail to comply with our demands by _____ (date), we will file a civil action in the appropriate court of law.

You should be aware that these penalties are allowed by law in a CIVIL action and are not in lieu of any criminal prosecution that may be imposed on the minor child by the local authorities (police/prosecutor).

Sincerely,

SECOND DEMAND LETTER

(Store Name)

(Store Address)

(Suspect's Parents)

(Suspect Address)

Dear _____:

Our records indicate that you have not responded to our demand letter regarding the merchandise taken by _____ (suspect's name) without payment or owner's consent.

We are now prepared to file a complaint in a court of law which will seek judgment against you. However, you may satisfy this civil obligation by paying the following amount:

- (a) Actual damages
(none if suspect an unemancipated minor) \$ _____
- (b) Penalty, retail value \$ _____
- (c) Additional penalty, \$100 to \$200 \$ _____
- Total amount demanded \$ _____

These demands are made pursuant to State Law (RCW 4.24.230), a copy of which is enclosed.

Please submit payment by check or money order by (date). Should you fail to comply by the given date, we will proceed immediately to court and, if necessary, to additional collection procedures as allowed by law.

Sincerely,

NOTE: This form may be used to authorize a store employee, other than the manager or owner, to represent the business. Claims cannot be assigned to persons other than employees for prosecution.

DELEGATION OF AUTHORITY

I, _____ (name) _____, of _____ (home address) _____, hereby delegate to _____ (name) _____, of _____ (home address) _____, an employee of _____ (name of company) _____, the performance of all undertakings in the pursuit of the recovery of damages and penalties against persons suspected of theft of merchandise from _____ (name of company or corporation) _____, including, but not limited to, the following actions:

- (1) The making of demands for payment of the civil damages and civil penalties authorized under state law;
- (2) The filing of complaints and, where allowed by law, representation of _____ (name of company) _____ interests in the courts of this state;
- (3) Other representation of _____ (name of company) _____ interests in regard to such alleged incidents.

Dated _____, 19____. (signature of official or owner)

(typed name)

(typed title)

Subscribed and sworn before me this ___ day of _____, 19____.

Notary Public in and for the
State of Washington residing
at _____.

SHOPLIFTING REPORT

Store: _____ Date: _____

Address: _____ Time statement started: ____ a.m./p.m.

This statement is made voluntarily of my own free will; no one has threatened or in any way enticed me with any promises to make it.

(Signature of Person Giving Statement)

I, (suspect's name), do reside at (address). While in the above-named store, on (date), I was stopped inside/outside the store, by (name of employee, owner, manager, or security officer) who did identify himself/herself first.

While in the above-named store on (date), at or about _____ a.m./p.m., I did appropriate to my own use the item(s) listed below without first paying for, or intending to pay for, or obtaining the owner's permission:

Quantity	Item	Value

I fully understand this statement and realize that it may be used against me in a court of law.

(Signature of Person Giving Statement)

Witnesses: _____ (Signature) _____ (Signature)

Time Statement Finished: ____ a.m./p.m. Date: _____

Race	Sex	DOB	Ht.	Wt.	Build	Compl.	Hair	Eyes	Scars/Marks

Occupation _____ Employer _____ Spouse _____

Vehicle Used _____ Make _____ Model _____ Color _____ Body Style _____ License No. _____

Juvenile (Yes/No) _____ School Attends _____ Grade _____

Parents/Guardians _____ Address _____ Telephone _____

Notified by Whom _____ How Notified _____ Date, Time Notified _____

STORE LETTER ACKNOWLEDGING PAYMENT

Dear _____:

We have received \$_____ from you in payment of the claim asserted in our demand letter of _____, 19__.

Your payment is full satisfaction of your civil liability under the Washington State Civil Shoplifting Law in regard to the referenced incident.

As a matter of information, the satisfaction of the civil matter does not in any way affect or compromise any criminal action which may be brought against any person.

Thank you for your attention to this matter.

Sincerely,

END