

# **Retail Theft**

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Instructions: Read and follow the instructions on each page. The entire packet must be completed and returned by the sentence completion date. Incomplete work will not receive credit!

Name: \_\_\_\_\_

Case: \_\_\_\_\_

Date: \_\_\_\_\_

## **HERNANDO COUNTY YOUTH COURT**

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**Florida Civil Shoplifting Law****Section 772.11. Civil Remedy for Theft**

Any person who proves by clear and convincing evidence that he has been injured in any fashion by reason of any violation of the provisions of ss.812.012-812.037 has a cause of action for threefold the actual damages sustained and in any such action, is entitled to minimum damages in the amount of \$200.00, and reasonable attorney's fees and court costs in the trial and appellate courts. Before filing an action for damages under this section, the person claiming injury must make a written demand for \$200.00 of the treble damage amount on the person liable for the damages under this section. If the person to whom a written demand, that person shall be given a written release from further civil liability for the specific act of theft by the person making the written demand. Any person who has a cause of action under this section may recover the damages allowed under this section from the parents or legal guardian of any unemancipated minor who lives with his parents or legal guardian and who is liable for damages under this section. In no event shall punitive damages be awarded under this section. The defendant shall be entitled to recover reasonable attorney's fees and court costs in the trial and appellate courts upon a finding that the claimant raised a claim which was without substantial fact or legal support. In awarding attorney's fees and cost under this section, the court shall not consider the ability of the opposing party to pay such fees and cost. Nothing under this section shall be interpreted as limiting any right to recover attorney's fees and cost provided under other provisions of law.

The Civil Fine is separate from the Criminal Charge. Your participation in Juvenile Diversion only takes care of the Criminal Charge.

**Law Definitions**

Felony	A serious crime for which the offender can be sentenced to prison (not jail) and in some states put to death.
Misdemeanor	A crime less serious than a felony that can result in the lawbreaker being sent to jail for up to one year.
Victim	Person(s) who have been made to suffer because of a crime. Society may be the victim in certain crimes like drug abuse.
Jail	A place used to keep accused persons who are waiting for their trials; also a place to keep lawbreakers who have been court ordered for a misdemeanor (up to one year).
Prison	A place to hold lawbreakers for periods greater than one year (one year to life).
Accomplice	A person helping a lawbreaker to commit a crime, either a felony or misdemeanor. Example: being a lookout for a friend who is shoplifting.
Burglary	Entering or remaining in a structure with the intent to commit a crime (Felony).
Loitering	To linger or "hang out" or to loaf around in a public place (Misdemeanor). Example: hanging out at a convenience store, public park or parking lot.
Prowling	Moving in a secretive manner, trying not to be seen (Misdemeanor).
Resisting Arrest Without Violence	When a person interferes with a law enforcement officer when he/she is attempting to arrest them (Misdemeanor). Example: arguing with an officer or giving false information.
Resisting Arrest With Violence	When a person does not allow themselves to be taken into custody peacefully (Felony).
Theft (Larceny)	The stealing or taking of another's property without their permission. It can be a felony or misdemeanor depending on who one steals from and how much one steals.
Petit Theft	Stealing an item worth less than \$300 (Misdemeanor)
Grand Theft	Stealing an item worth more than \$300 (Felony)
Retail Theft	Stealing an item from a shop or store. The amount or value of the item that determines whether it is a felony or a misdemeanor.

**Shoplifters cause trouble for everyone.**

**They cause problems for their families.** Embarrassment, tension and loss of trust include family consequences of shoplifting. **They create problems for themselves** including risk of arrest, punishment and public disgrace as well as loss of trust of their families. **Shoplifters cause problems for the community.** Business tax revenues as well as employment income are lost if a store is forced to close as a result of theft. **Shoplifting creates problems for the Courts**, overburdening them with the consuming hearings and trials. **Shoplifting increases the demand on law enforcement agencies** for time, money and human energy used in pursuing shoplifting cases.

There are many reasons why people shoplift. According to psychologists, these include:

- The desire to get something for nothing.
- Not enough money to purchase desired items.
- Acceptable way of life for family or friends.
- A need to be caught or punished, resulting from feeling of guilt or shame.
- A means of acting out resentment, pressure and personal problems.
- It is easy.
- Rationalizing that the store won't miss it, they make enough profit as it is.
- Believing that everyone else does it.
- The lack of immediate consequences. If they don't get caught the first time, they figure they won't ever get caught.
- To get even with the store.
- It is a challenge or a thrill.
- Peer pressure. Someone dares or intimidates them.
- A way to get attention.
- They feel they need these items and should not have to pay for them.
- To resell the merchandise for money or drugs.

Despite all the preventive measures and the obvious increase in prices to the consumer, retail theft is the fastest growing and most costly crime today.

**Remember, if you steal from anyone, including a store, you are considered a thief.**

**Let's check to see how much you have learned so far.****Match the following terms with the correct definition.**

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|--|--|
| 1. ____ Petit Theft                          | A. A person who helps a lawbreaker   |
| 2. ____ Misdemeanor                          | B. Crime that can result in the lawbreaker being sent to jail  |
| 3. ____ Accomplice                           | C. Stealing something under \$300.   |
| 4. ____ Retail Theft                         | D. Stealing something from a store or shop   |
| 5. ____ Prison                               | E. A place to lock up lawbreakers for more than one year   |
| 6. ____ Felony                               | F. A person who has been made to suffer for a crime  |
| 7. ____ Victim                               | G. Crime where the accused can be sent to prison   |
| 8. ____ Resisting Arrest<br>Without Violence | H. Giving a Police Officer your cousin's name, address and birth date<br>when stopped for retail theft |

**Circle the correct answer to identify the term.**

- Moving about in a secretive manner:  
(a) Prowling (b) Loitering (c) Larceny
- Pretending to be a customer while stealing items from a department store:  
(a) Prowling (b) Retail Theft (c) Resisting Arrest
- Stealing an item greater than \$300 in value:  
(a) Petit Theft (b) Battery (c) Grand Theft
- Taking a neighbor's bicycle without their permission that is worth \$150:  
(a) Retail Theft (b) Petit Larceny (c) Grand Theft
- A place to house lawbreakers who have committed a felony and are charged as adults:  
(a) Jail (b) Juvenile Detention (c) Prison

**Circle True (T) or False (F).**

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|---|---|--|
| T | F | As a juvenile, you cannot be charged with a felony, even if the item you stole was over \$300.                       |
| T | F | You can't be arrested for a crime if you're just a "lookout" for a friend who steals.                                |
| T | F | A store cannot be considered the victim of retail theft.   |
| T | F | It is not against the law to steal someone else's property, without their permission, if you intend to return it.    |
| T | F | You cannot be charged with a crime if you are aware that your friend is shoplifting and you do not try to stop them. |

**Sarah & Lisa**

Sarah and Lisa always enjoyed hanging out at the mall. But one Saturday, after they had checked out some CD's at the music store, Sarah showed Lisa a new CD that Lisa didn't remember seeing her buy. "I didn't," Sarah answered. "I lifted it."

Lisa was upset and puzzled. She had always considered Sarah honest, and stealing didn't seem like normal behavior for her. Lisa also knew Sarah had plenty of spending money left from her birthday. Why didn't she just buy the CD?

You may know someone like Sarah who shoplifts without being able to explain why. For some people, shoplifting can turn into an addiction, one that can be just as difficult to stop as drugs or alcohol.

**What do you think you can do to help a friend who is shoplifting to stop stealing?**

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**If Sarah continues shoplifting, what kind of future do you think she will have?**

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**If you have children in the future, would you want them to steal? Why or Why not?**

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**Did you know ... ? Facts about Retail Theft**

- Parents can be held legally and financially responsible for losses up to \$2,500 as a result of their child, who is under age 18, committing retail theft.
- The average value of merchandise stolen is about \$25-\$35.
- Shoplifter in this country steal more merchandise in one day than all the cash stolen by bank robbers in a whole year. The FBI estimates that losses from retail theft are escalating by 20% each year. One survey shows 150,000 people shoplift weekly.
- The largest percentages of all shoplifters come from the social and economic middle class.
- 80% of all shoplifters have the money with them to pay for the items they stole.
- 90% of all cases of retail theft that go to court are found guilty.
- Shoplifters steal billions of dollars each year, forcing other shoppers to pay higher prices.
- Retailers estimate that a sweater costing \$30 includes about \$4.50 to cover replacement of stolen merchandise and security.
- One person in 10 is a shoplifter. Primary shoplifters are teenagers and housewives.
- 9 out of every 10 teenagers caught shoplifting are female.
- A person can be legally detained for shoplifting even if they have not left the store.
- Changing the price tag on any merchandise in a store is considered retail theft.

**What is the difference between someone stealing your bicycle (\$50 value) off your front porch and you stealing a \$50 shirt from a department store?**

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## **How Shoplifting Affects the Offender**

- Court Costs – anywhere from \$50 to \$1,000.
- Fines – 1<sup>st</sup> Offense maximum fine is \$500.
- Restitution if the item is not returned or is damaged.
- Civil recovery – the store can require the offender or his/her parent/guardian to pay a minimum of \$200 in addition to the restitution paid for unrecovered or damaged merchandise.
- Possible loss of job.
- Loss of wages if you lose your job, or if you have to take time off from your job to go to court.
- Cost of supervision while on probation - \$1 a day.
- Cost of taking retail theft course – at least \$50.
- Completing your community service work hours. You do not get paid for these hours and may have to take time off from your job to do these volunteer hours.
- A criminal record – a convicted felon cannot vote, carry a gun, or run for public office.
- Attorney's fees.
- Embarrassment.
- Shame of being labeled a thief.
- Loss of respect from your family, friends and employers.

## **How Shoplifting Affects the Consumer**

- Retail theft raises the cost of living index by 5-7%.
- The retail store cannot assume the increase in security and cost of lost merchandise. Therefore, they pass the costs on to the consumer, which in turn increases what you and I pay for merchandise at every store where we shop.
- The State of Florida loses tax revenues that could be used to build roads, take care of people who cannot afford to take care of themselves, or improve schools.
- The cost of prosecuting the criminals (shoplifters) is paid by the taxpayer.
- The cost of housing, clothing and feeding these criminals in jails/prisons is also paid for by the community.
- Neighborhood stores can close because of loss of profits due to shoplifters.
- Security devices can alter the atmosphere of a store. Shoppers sometimes feel hassled by security guards and scanning TV cameras.



**Time to check your knowledge again!**

Indicate whether these statements are True (T) or False (F).

1. \_\_\_\_ You must leave the store with stolen merchandise in order to be guilty of shoplifting.
2. \_\_\_\_ You are guilty of shoplifting if you block the salesperson's view while your friend shoplifts.
3. \_\_\_\_ Electronic security devices are sometimes placed inside merchandise.
4. \_\_\_\_ Shoplifting is not really risky.
5. \_\_\_\_ If you act as a "lookout" for another shoplifter, but don't shoplift – you are not guilty.
6. \_\_\_\_ Shoplifters fool themselves with the myth "Nobody is watching".
7. \_\_\_\_ It is not possible for a store to go out of business as a direct result of shoplifting.
8. \_\_\_\_ Losses resulting from shoplifting are escalating.
9. \_\_\_\_ Most shoplifters are teenagers and housewives.

Circle the correct answer.

1. The percentage of cases convicted in court for retail theft is about:  
(a) 15%            (b) 60%            (c) 90%
2. The estimated amount of revenue merchants lose each year to shoplifters and employee theft is:  
(a) \$10-20 million            (b) \$75-100 thousand            (c) \$15-25 million
3. The percentage of shoplifters that have the money to purchase the items they stole is:  
(a) 40%            (b) 60%            (c) 80%
4. The amount of people who shoplift each week is about:  
(a) 75,000            (b) 100,000            (c) 150,000

Answer these questions honestly.

If you were a store owner and someone shoplifted from you, how would you feel?

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What would you expect a person's punishment to be for trying to deprive you of your goods and income?

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If someone came into your home and stole from your room, how would you feel and what would you do?

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**Fill in the blanks.**

1. \_\_\_\_\_ out of every \_\_\_\_\_ persons is a shoplifter.

2. Primary shoplifters are \_\_\_\_\_ and \_\_\_\_\_.

3. A spotter in a store is \_\_\_\_\_

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4. Give two examples of problems shoplifters can create for you.

(1) \_\_\_\_\_

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(2) \_\_\_\_\_

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5. List three reasons why people shoplift:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

6. What is one way that you can be caught shoplifting? \_\_\_\_\_

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7. \_\_\_\_\_ is hurt by paying higher taxes to help law enforcement deal with the shoplifting problem.

8. What problems does shoplifting create for the police? \_\_\_\_\_

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9. What problems does shoplifting create for the courts? \_\_\_\_\_

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10. What would you advise a friend who was thinking of shoplifting and wanted you to help?

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## Making Choices

We all make choices – hundreds of choices every day. In the space below, write about a choice you made that began innocently enough, but had a bad ending. As you look back at your situation, what were the turning points? Where there opportunities to change direction, and perhaps, the ultimate outcome? Describe when those points occurred.

[illegible]

## Choices and Consequences

*A stop sign was removed from a busy intersection in Tampa, Florida in February 1996. Three young men in a car – Keith Farr, Randal White, and Brian Hernandez, died instantly when a large truck hit their vehicle as they drove through the intersection. The missing stop sign was the cause of the accident. Christopher Cole, Nissa Baillie and Thomas Miller confessed to stealing several road signs in the area as a prank, but emphatically denied they had taken the stop sign from that particular intersection. They were charged with first-degree manslaughter. The jury unanimously reached a guilty verdict for all three defendants. Each was sentenced to 20 years in prison, with 15 years suspended, resulting in prison terms of 15 years plus five years probation.*

In the case above, the three teens who stole the stop sign were sentenced to 30 years in prison, suspending in 15 years, resulting in a prison term of 15 years plus 5 years probation. The case demonstrates that our actions affect others. Make a list of all the people and places that were affected by your arrest. For example, maybe your Mom or Dad's workplace because they had to take time off to be with you, and maybe the store which had to hire a legal firm to collect the civil fine.

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## Labeled a Thief

Thief – a criminal who takes property belonging to someone else with the intention of keeping or selling it.

How would you feel if there was a law which stated that all thieves must where a T-shirt which says "I AM A THIEF"? Use the space below to answer the following questions keeping in mind the definition of a thief.

1. Do you feel you should have to wear the shirt?
2. How would it make you feel?
3. How do you think people would react to you?

## What To Do If You Suspect A Friend Is Shoplifting

It's not easy to confront a friend and ask about shoplifting. Try saying that you're concerned, and that you don't want your friend to get hurt in the long run. You could suggest possible resources to break the habit. And if your friend won't stop, be sure that you avoid shopping together. If your friend is caught shoplifting, you'll be under suspicion too and you may suffer some of the same consequences (like being banned from the store). Although this "guilt by association" may not be fair, it does happen.

If you are concerned about a friend, or if you have a problem with shoplifting, ask an adult you feel comfortable talking to for help finding shoplifting treatment programs in your community. (You probably know someone like a school counselor who will keep conversation confidential and won't ask you to reveal your friend's name.)

Encourage your friend to get help for any underlying problems like depression that may be the source of the shoplifting problem. There are many resources available to help people who are going through emotional difficulties, including hotlines, local hospitals, and community health services.