

## Retail Crime – A Perfect Storm

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### ABSTRACT

In recent years there has been a noticeable increase in crime and theft aimed at retail establishments. Often these events involve organised groups that systematically steal and sell in-demand items. More recently, there has also been an increase in crowd or mob-based looting events, presenting merchants with overwhelming circumstances outside of their ability to control. This study examines various influences that contribute to this dilemma. Factors commonly believed to contribute to theft and looting that are discussed include adjustments made in criminal charging and prosecution of retail thefts, current public events focusing on police violence, prosecutorial reforms, and the impact of COVID-19 on law enforcement responses.

**Keywords:** *organised retail crime, police reform, COVID-19*

### INTRODUCTION

In recent years, crimes such as theft, larceny, and petty theft against retail businesses have escalated in several cities across the United States (NRF, 2021). Within this timeframe, the US has experienced a pandemic, changes to policing, and major legal reforms at state and local jurisdictional levels. Each of these factors has been linked to increased thefts associated with organised retail crime (NRF, 2021). Political influences that impact local criminal justice practices are attributable as well.

Within 2021 alone, there have been reports of flash mobs, up to eighty individuals at a time, entering retail stores in major cities such as Los Angeles and San Francisco and stealing up to \$380,000 worth of merchandise (Charles Grassley to Merrick Garland, December 21, 2021 [Letter]). These group and crowd-based organised incidents have also been experienced elsewhere throughout the country. The incidents appear to have been well organised and planned. These are a few examples of spreading retail theft costing business owners millions of dollars, with downstream costs being passed on through insurance premiums and increased sales prices.

To better understand the underlying contributing factors, the author will review relevant academic journals, technical reports, and city crime statistics. Current news media articles will also be consulted for statements and other relevant, timely data to provide a contemporary context of the phenomena. A brief correlative analysis between these factors will also be conducted to identify potential causal relationships. Cities of focus in this study are based on the top ten, as identified in the National Retail Federation’s report on retail security and organised retail crime (2021). Statistical data from cities included in the top ten index are Philadelphia, San Francisco, and Chicago. Each of these cities has experienced increases in organised retail theft within the past two years. A closer examination of possible attributes and factors associated with organised retail theft follows.

### Attributes and Factors of Increased Retail Theft

Factors and attributes associated with retail theft and organised crime include the impact of retail theft, looting and violence, the characterisation of law enforcement and resultant operational constraints, the impact of the pandemic on calls for service, and state and local government changes in arrests and prosecutions. Each will be covered in detail to help understand the overall impacts and contributing factors of retail theft.

### The Impact of Retail Theft

The Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) database provides retail theft statistics from 2018 to 2020. The categories of data representing traditional retail spaces are a subset of an overall dataset reflecting theft and larceny in general. The following retail-related theft and larceny data were obtained by filtering out non-relevant categories, such as thefts from homes, campgrounds, garages, restaurants, etc. (see **Table 1**). This data does not account for retail theft not reported to law enforcement agencies or agencies not reporting such crime data.

**Table 1**

*UCR-Based Retail Theft Data from 2018 to 2020*

Retail Category	Number	Retail Category	Number
2020 Incidents		2019 Incidents	
Department/Discount Store	264296	Department/Discount Store	294757
Grocery Store	134759	Convenience Store	90732
Convenience Store	105885	Specialty Store	83433
Specialty Store	82843	Shopping Mall	23838
Drug Store/Doctors		Drug Store/Doctors	
Office/Hospital	30605	Office/Hospital	28299

Shopping Mall	16737	Shopping Mall	23838
<u>Number of Incidents</u>	635125	<u>Number of Incidents</u>	544897
<u>Total Thefts/Larcenies</u>	2621464	<u>Total Thefts/Larcenies</u>	2431484
Percentage of overall Thefts/Larcenies	24%	Percentage of overall Thefts/Larcenies	22%

Retail Category	Number
2018 Incidents	
Department/Discount Store	248388
Grocery Store	103510
Convenience Store	71249
Specialty Store	66894
Drug Store/Doctors	
Office/Hospital	24240
Shopping Mall	17738
<u>Number of Incidents</u>	532019
<u>Total Larceny/Thefts</u>	2029441
Percentage of overall Thefts/Larcenies	26%

Note: Data obtained from UCR system from 2018 to 2020.

From 2018 to 2020, retail theft represents anywhere from 22% to 26% of overall thefts and larcenies. What is also noticeable is the large increase in retail thefts from 2019 to 2020. This represents an increase of 90,228 thefts or 16.5% over 2019 thefts and a 19.4% increase over 2018 theft numbers (Federal Bureau of Investigation, 2022a). Although the data do not reflect direct and indirect costs associated with retail theft, it provides the reader with an understanding of the growing severity of the problem overall. To provide an understanding of the financial impact, studies have assessed that retailers suffered losses from thefts of about \$68.9 billion in 2019 alone (RILA, 2021).

Also proving to be a factor in organised retail crime is the availability of online sites facilitating sales of stolen goods. A study conducted and produced by the Retail Industry Leaders Association and Buy Safe Coalition (2021) indicates that a 61% correlation exists between the growth in online sales sites and the number of shoplifting events each year (RILA, 2021). The report further identifies the items commonly shoplifted are popular in online sales (see **Table 2**).

**Table 2**

*Top Rated Items Stolen by Organised Retail Crime Gangs (NRF, 2021, p. 14).*

Top Items Stolen by OCR Gangs	Percentage
Designer clothes	22
Laundry detergent	16.7
Designer handbags	14.8
Allergy medicine	14.8
Razors	14.8
High-end liquor	14.8
Denim pants	14.8
Pain relievers	13
Infant formula	11.1
Teeth whitening strips	11.1
Energy drinks	9.3
Deodorant	7.4
Contraceptives	5.6
High-end vacuums	5.6
Laptops/tablets	5.6
High-end appliances	5.6
Children's toys	5.6

Many items listed in **Table 2** are commonly associated with convenience or drug stores. In California, where recent retail thefts have been some of the highest and most frequent in the nation at the time of this article, there is a reduction in retail businesses locations such as Walgreens, who are reducing the number of store locations (Garcia, 2021; Ravikumar, 2021). Other stores, if not closing, are reducing their hours of operation to reduce retail theft (Schuster, 2021). Small stores with less expensive merchandise than larger retail vendors are often hit the hardest due to their possessing high-demand goods that can be sold relatively quickly (Smith, 2018). Furthermore, the pricing of the merchandise often falls below felony cost thresholds, which were recently restructured in many states and now represent a much smaller risk for the offender. The affinity for lower-cost items on the part of thieves has been theorised by Clarke and Webb (1999) using the CRAVED model. According to the model, fast-moving goods must be concealable, removable, available, valuable, enjoyable, and disposable. Many of these types of goods are listed in **Table 2**. Goods fitting the CRAVED model are likely candidates for quick sale online. Besides the loss to the business owners, increased thefts also translate to fewer jobs and an estimated increase in federal and state income taxes of approximately \$15 billion annually (Nelson & Perrone, 2000; RLIA, 2021). Additionally, increased costs are passed on to the consumer, with increases often ranging between 10 and 15 percent (Langton & Hollinger, 2005).

## Looting and Violence

Etymologically speaking, the term “looting” is derived from the Hindi word “lut”, which means to commit robbery (Dictionary, 1989). For clarity, the term “looting” in the study refers to theft during or because of civil unrest. The use of the term associated with military actions where soldiers are allowed to plunder or because of a natural disaster (e.g., earthquakes, hurricanes, etc.) is not included in the study. Of additional interest is that fewer than 15 states currently possess statutes against looting in their penal codes, and such acts are typically charged as aggravated thefts and larcenies (Green, 2006).

A recent up-trending negative behaviour associated with retail crime is large group looting of stores and even freight trains. These violent acts have been experienced around the country within the last two years. Major retail stores such as Nordstroms and Walgreens are common targets. Freight trains in Los Angeles carrying commercial goods being shipped by carriers such as Fedex and UPS have been victims of large group theft. The act of looting has been associated with several factors, including periods of civil unrest and economic hardship.

An example of the negative impact of looting on local communities is that of the South Side of Chicago in 2020. As a result of the George Floyd demonstrations and civil unrest, 85 pharmacies were looted, and as a result, many closed for business (Fields & Shaw, 2020). Two of these stores were large chain retailers, CVS and Walgreens. Forty-five of these stores were in the economically depressed Southside of Chicago. Many seniors and others had to travel out of the area to obtain needed prescriptions and items, often from pharmacies with long lines due to the loss of other stores. In addition to increased travelling distances and wait times, there was the added overload associated with COVID-19 related demands on these retailers. The South Side was hit extraordinarily hard by the pandemic compared to other communities. A powerful tool in creating acceptance and potentially fuelling engagement in looting is the mainstream media’s presentation of groups and positions associated with socially charged events.

There have been several controversial racially-charged incidents where police officers have killed black Americans in the performance of their duties. In 2014, the Michael Brown shooting case in Ferguson, Missouri, took place. Subsequently, in 2020, a Minneapolis police officer knelt on the neck of George Floyd for an extended duration, resulting in his death. These are not the only deaths of black Americans at the hands of police but are two of the most emotionally-charged incidents resulting in large-scale demonstrations and looting. Elmasry and el-Nawawy (2016) examined the positive or negative framing of events involving the group Black Lives Matter, the largest public voice surrounding the Michael Brown incident. The study looked at the *New York Times* and *St. Louis Post-Dispatch* newspapers, of which 65 percent and 79.5 percent of coverage, respectively, cast the group’s post event behaviour in a positive light.

The responses about whether looting during periods of social strife is ethical vary, with individuals lining up in two main groups from either a legalistic or social justice position. Many who present an understanding or sympathetic view of looting and riots often recall Dr. Martin Luther King's famous statement, from a speech at Grosse Pointe High School in 1968, "A riot is the language of the unheard" as a foundation for public interpretation. After George Floyd's killing, some well-known public figures either publicly supported or rationalised support for the violence and looting (Brownhill, 2020). The focus of many of the statements made included references to the use of force against minorities on the part of law enforcement as well as the socio-economic disparities these communities struggled with on a continuing basis (Waldron, 2020). Looting is often seen as a response to systemic racism and the espoused long-standing effects of unjust capitalism (Armstrong, 2016). It is easy to see where a potential could exist for a popular *de facto* legitimisation of violence and looting, on the part of groups and individuals, both during riots and after the initial incident.

It is not uncommon for local government officials, in an effort to reduce further exasperation of a violent situation, to allow for sustained riots and related behaviours. Stephanie Rawling-Blake, the mayor of Baltimore during the upheaval over the death of Freddie Gray, allowed protesters to continue to loot and burn sections of the city, thus providing the "space" to do so (CBS, 2015). Similar allowances were made in Seattle, Minneapolis, and Portland during the reaction to the killing of George Floyd (Gary, 2020). Local politicians allowed for the abandoning of a police station and other buildings in Minneapolis allowing them to be burned down. In Seattle, likewise, a police station was abandoned to protesters, and a several-block area was allowed to be cordoned off for weeks. Local residents and businesses were left without basic protective services. Portland experienced similar actions. In all of the cases, local politicians refused to publicly chastise those involved in the riotous behaviour (Garry, 2020). The failure to identify criminal behaviour as unacceptable may reinforce and legitimise behaviours such as burning down government structures, looting, and other forms of theft.

### **Characterisation of Law Enforcement and Resultant Operational Constraints**

Although the COVID-19 pandemic contributed to negative impacts on calls for service, other socio-economic factors (e.g., demoralisation of law enforcement, reduced budgets, and increased separations and retirements) are also attributable. The effects of the pandemic will be discussed later. After the death of George Floyd in May 2020, cities such as Portland, Seattle, and Minneapolis erupted into riots, looting, and arson. The news coverage was daily and all day for many weeks. An outcome of the social unrest and political pressure upon state and local government officials in many impacted jurisdictions was reforming law enforcement through various forms of defunding and implementing legal and operational

constraints. For example, in July 2020, Seattle Police Chief Carmen Best advised residents the police would not respond to riot situations any longer (Krayden, 2020). She explained the new City Council Ordinance 119805 was going into effect. The new Crowd Control tool prohibited the use of less lethal weapons, including pepper spray, which is commonly deployed when crowds turn violent. This left people to potentially fend for themselves. Additionally, the national and international attention garnered support from well-known athletes and Hollywood celebrities. LeBron James, a popular basketball player, was active in calling for police reform (Faigan, 2020). Although a direct causality to a recent and very noticeable reduction of law enforcement officers can't be affirmed, there is certainly a positive correlation between the recent public disparagement of law enforcement and the restrictions placed upon them.

In a survey of 200 police departments across the country conducted by the Police Executive Research Forum and reported by the New York Times, numbers associated with resignations and retirements of police officers across the country from April 2020 to April 2021 were larger than in prior years. Nationwide retirements are up by 45 percent and resignations by 18 percent (PERF, 2021). The Seattle Police Department is an example of the impact and resultant level of service associated with reduced staffing.

The Seattle Police Department, in its 2021 annual staffing briefing, reported the annual budget was reduced by \$46 million (Seattle Police Department, 2021). The department also faced a shortage of 150 police officers. Separations of sworn officers rose from approximately 85 officers to more than 180. Regarding the level of service, there were 221 days in 2020, 41 additional days over the prior year, when officers could only respond to higher priority calls resulting in extended periods for responses to retail theft. Many times, the victim was instructed to file a report online. This would undoubtedly have harmed responses and resultant prosecutions for retail theft-related crimes. The report also identifies problems with staffing of new recruits, the departure of existing officers, and extended responses to 911 calls due to increased budgetary constraints. Seattle is not the only department struggling with staffing and levels of service.

Since August 2020, Portland Police Department has lost 200 police officers and experienced record-breaking rates of homicides (Cagnassola, 2021). An example of the adverse impacts possibly attributable to low staffing is that homicides have increased by an average of 38 percent nationwide. However, Portland's increase is 83 percent, according to FBI statistics (FBI, 2022b). Other departments that have experienced increased crime along with decreased staffing and funding include Los Angeles, San Francisco, Chicago, and New York City.

### **Impact of the Pandemic on Calls for Service**



With the onset of the COVID-19 virus at the end of 2019, there have been reduced responses to low-priority calls for services across the country (PERF, n.d.). A shortage of officers is attributed to early retirements brought on by the threat of the virus as well as disputes regarding vaccination policies (Calvin & Sooner, 2021). Additionally, several officials link COVID-19 with increased organised retail theft and the sale of contraband online (Gibson & Cerullo, 2021; NRF, 2021).

The dispute between states, cities and police departments is ongoing and requirements are constantly changing. An example is when federal courts rendered a stay order regarding mandatory vaccinations in January 2022. However, this did not prevent many law enforcement officers from tendering early retirements and resignations before this date, which ultimately impacted workforce levels (PERF, 2021). An example of areas impacted by the ongoing vaccination dispute includes the Massachusetts State Troopers, who had dozens tender resignations before an October 2021 deadline for mandatory vaccinations (Franklin, 2021). There are many more examples of similar removals, resignations, and retirements in police departments across the country throughout 2021. To compound matters, departments measuring from 250 to 499 officers experienced a 29 percent reduction in hiring from May 2020 to May 2021, whereas larger departments, with more than 500 officers experienced a 36 percent reduction during the same period (PERF, 2021). These reductions will undoubtedly create future staffing problems. While disputes over vaccination requirements contributed to staffing problems and ultimately calls for service, many departments additionally imposed limited in-person responses for many lower priority calls (Jennings & Perez, 2020). Law enforcement agencies and departments instituted criteria and often limited response calls for retail theft incidents to those where the loss was \$5000 or greater (PERF, n.d.).

Many law enforcement departments in areas including Philadelphia, Fort Worth (Texas), Los Angeles, Florida, and Nashville have implemented less risky response formats. The changes include issuing cites to misdemeanours to avoid prolonged contact and transport to holding facilities, telephonic reports, and not making arrests for certain crimes without supervisory authorisation (Jennings & Perez, 2020; Lum et al., 2020). The immediate effects of such changes, as they related to retail theft, were reduced responses, apprehensions, and ultimately prosecutions. These downwards shifts in calls for service due to pandemic-related practices have been attributed with an increase in group retail looting in cities such as Philadelphia (Cuellar, 2020). Another factor that reduces effective control of retail theft and related violence is the current trend in reducing the potential personal negative consequences of organised retail theft.

## **State and Local Government Changes in Arrests and Prosecutions**



With the onset of COVID-19 there was, as noted earlier, a reduction in response to calls for service for non-violent misdemeanours and low-level felonies. However, in addition to modified policing practices due to the pandemic, there has been a movement among many state and local governments to reduce the number of arrests for non-violent property crimes. This has, in part, been accomplished by raising the felony dollar level associated with larceny and theft. The Organized Retail Crime Report identifies 29 states with retail theft limits of \$1000 and greater (ORC, n.d.). Raising these limits widens the window of possible goods to steal and represents a reduced personal risk for potential criminals at the same time. Due to pressures associated with prison reform and disproportionate numbers of minorities arrested for non-violent crimes, many district attorneys have reduced the number of prosecutions related to retail theft in the past four or five years. Below are several examples of these current trends in how retail theft offences are perceived and how they have been addressed from a prosecutorial standpoint.

### *Chicago*

Chicago’s crime and prosecutorial statistics from 2016 to 2020 for felony retail theft show a noticeable trend. In 2016, there were 3,509 cases of retail theft filed with the district attorney’s office (SAO Felony Dashboard, 2022). **Table 3** displays Chicago’s case filings and acceptance rates.

**Table 3**

*Filings and acceptance of retail theft cases in Chicago, 2016 to 2020*

Actions Taken by DA	2016	2017	2018	2019	2020
Accepted for Prosecution	2866	3946	746	920	442
Declined	643	509	1606	1473	464
Percentage Accepted For Prosecution	81.0%	88.0%	31.7%	38.4%	48.8%

\*The figures for 2021 were below 300 accepted and were not displayed on source graph

Upon inspection of the data contained in Table 3, three trends become readily apparent – the drop in the number of cases filed, the drop in the number of cases accepted and the increase in the percentage of retail theft cases declined. Even though 2020 exhibits an increased percentage of cases accepted, it is important to note the rather steep drop in the number of total cases from the prior year. This trend also correlates strongly with a publicly announced shift, on the part of the Cook County Prosecutor’s Office, in the position on arrests and prosecutions for retail theft crimes.

In 2016, Kim Foxx became the State County Prosecutor for Cook County. Additionally, in 2017, Ms. Foxx publicly declared that she would make an effort, through reduced incarcerations for lower-level offences, to relieve the prison system that had a large population and a disproportionate number of minorities (Jackson et al., 2020). As can be seen in Table 3, the number of prosecutions for retail theft has certainly dropped since her public commitment. However, Chicago has also been identified as the city with the third-highest number of organised retail thefts (NRF, 2021).

### *San Francisco*

Like Chicago, San Francisco reduced the number of arrests for lower-level crimes to cut the prison population in line with California State Proposition 47, which was approved in 2014. The legislation raised the dollar level of a felony for retail theft to \$950. California Penal Code 495.5 now identifies theft from a retailer under the \$950 limit as petty theft commonly associated with shoplifting. Petty theft is still a misdemeanour and can be punishable via fine, jail time, or some form of diversion. However, the current district attorney's history in prosecuting crimes of retail theft below \$950 has been less aggressive than in the past. Table 4 tracks the number of petty theft cases from 2018 to 2021 (SFDA, 2022). This view explains general upward and downward trends regarding theft over four years.

**Table 4**  
San Francisco prosecution rates against petty theft crimes

Action Taken by DA	2018	2019	2020	2021
Total arrests made	221	240	105	62
Total charges filed	128	157	44	33
Discharged without further action	23	18	24	4
Percentage of cases filed	57.92%	65.42%	41.90%	53.3%

The data from Table 4 show the number of cases and percentage of charges filed in 2020, when San Francisco District Attorney Chesa Boudin assumed office. The year 2021 numbers are small compared to prior years, undoubtedly due to the ill effects the pandemic had on modified policing practices. Without pre or post-pandemic prosecution data for District Attorney Boudin it is hard to see how his policies toward prosecution of shoplifters and other retail thieves would have impacted retail theft in San Francisco. Regardless of the lack of non-pandemic era statistics, there has been criticism by politicians and law enforcement of Boudin due to his support for non-incarceration for non-violent crimes (Smith, 2019). Boudin's opponents accuse him of sending a message of being soft on crime. Most

recently, he has received increased criticism over the large mob store lootings that included as many as 12 stores and pharmacies on the same weekend in November 2021 (Colton, 2021). On a more positive note, these recent outcries for reform, due to lootings and other forms of organised retail theft, have resulted in a newly added California penal code section addressing organised retail theft, AB-1065 Theft: aggregation: organised retail theft (2022). District Attorney Boudin also publicly committed to addressing the organised retail crime problem. The language of the new penal code section addresses common attributes of organised theft, such as multiple partners and the resale of stolen goods. However, the \$950 requirement remains in effect. Despite his attempts to reform his stance on crime, in June of 2022, Chesa Boudin was removed from the position of District Attorney by way of a popular recall vote by the residents of San Francisco. His ultra left-leaning views and actions were deemed too soft on crime for even his constituency, well known to be rather liberal.

### *Philadelphia*

Table 5 lists the Philadelphia District Attorney’s actions relating to retail theft cases from 2015 to 2021 (Philadelphia District Attorney’s Office, 2022). The low number of cases associated with 2020 and 2021 undoubtedly reflects the impact of modified policing procedures associated with the pandemic. However, it is worth noting the years before 2020 exhibited a relatively high percentage of retail theft case that were dismissed without any further action being taken.

A factor associated with the increase in discharged cases post-2017 is possibly the policy set forth by Philadelphia District Attorney Larry Krasner upon his entry into the position in 2018. Much like other district attorneys and county-level prosecutors, Krasner’s messaging consisted of a need to decrease criminal prosecution and sentencing for “lower-level” non-violent crimes (Smith, 2019). The effect can be seen in a rise in the percentage of retail theft cases discharged in 2018 and 2019 compared to previous years. The messaging was so controversial that Krasner fired 31 prosecutors for not implementing his directions.

**Table 5**  
Discharged retail theft cases for Philadelphia, 2015 to 2021

Action Taken by DA	2015	2016	2017	2018	2019	2020	2021
Total cases	1997	1820	1460	2168	2337	105	62
Discharged without further action	926	932	935	1672	1769	24	4
Percentage of cases discharged	46%	51%	64%	77%	76%	29%	6%

## CONCLUSION

The available data shows that several factors have contributed to increased retail theft over the last six years. In the last two years, one of the biggest challenges has been reduced calls for services due to increased separations of officers and modified responses for calls for service due to the pandemic. This is, in large part, out of the control of many departments and government leaders. Ongoing efforts in developing best practices that keep officers safe yet provide adequate responses are needed. However, post George Floyd event sentiments and animosities towards policing, coupled with a lack of support on the part of local government officials and many in media, very well may have contributed to a widespread sense of the legitimacy of the criminal behaviour demonstrated during and after May 25, 2020.

Retail theft data from the Uniform Crime Database, various district attorney prosecution databases, and independent studies reflect a general upward trend in the number of retail thefts and the percentage of cases dismissed. In jurisdictions where this is apparent, there is a positive correlation in policies that reduce prosecutions of retail theft offenders. Additionally, many jurisdictions are experiencing an increase in large crowd or mob looting events which overwhelm retail business owners.

The solution to reducing retail theft is not as simple as merely placing more police on the street, although this is an essential component. It requires support for policing by the community and government offices and entities that decide what policing looks like moving forward. The ill effects of partisan politics and knee-jerk reactions have certainly been translated and demonstrated through the reduced staffing and hiring of first responders across the country.

### *About the author.*

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**Note:** The analysis, findings, views, comments, and conclusions are those of the author and not the United States Federal Government.

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