

Shoplifting Prevention

The National Association for Shoplifting Prevention reports that shoplifting results in more than \$13 billion worth of goods being stolen from retailers annually. This makes it essential for even a small retail [business](#) to implement a comprehensive loss prevention program that addresses both external and internal theft. However, while small-business owners have certain rights when it comes to protecting their business, it's crucial to fully understand state laws granting these rights before drafting a theft prevention and shoplifter apprehension policy.

Merchant's Privilege Law

Every [business owner](#) has the right to temporarily detain a shoplifting suspect. This right is outlined in each state's merchant's privilege law. The law also determines where a shoplifting suspect can be detained, such as inside or outside the store. In most states, the merchant's privilege law applies only to a designated agent, such as a plainclothes loss prevention associate or uniformed security officer. It typically doesn't extend to sales clerks, maintenance personnel, cashiers or managers unless the employee has received loss prevention detention training and has been officially designated as an authorized loss prevention agent.

Probable Cause Detention

Probable cause is a necessary prerequisite for detaining a shoplifting suspect. A business owner has the right to detain a shoplifting suspect when probable cause exists. Although state laws defining what constitutes probable cause may vary, it generally means having direct knowledge of a potential offender's intent to exit the store with items and without paying. This can involve concealing items, modifying items by removing them from protective packaging or moving toward a store exit with unpaid-for items.

Recovering Stolen Items

State laws define a business owner's rights to recover stolen property. For example, in California, the business owner's authorized agent has a right to conduct limited searches intended to recover property. Limited search rights extend to packages, shopping bags, handbags or other property in the immediate possession of the suspect -- **but not any clothing worn by the person**. In addition, every business owner has the right to call the police and prosecute the offender.