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This report is based primarily on material in the Retailer’s Shoplifting Prevention Guide, prepared by the Oregon Retail Council, with supplemental information from other sources, including the Oregon Revised Statutes and the Eugene Police Department.
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GENERAL GUIDELINES

1. Your store should have a firm, clear, written policy, communicated to all employees, that states your store’s philosophy on handling theft and specifically states employee responsibilities (Here’s what we do if we see someone shoplifting). Your store should also provide periodic policy training.

2. Your store should have a commitment to prevention, detention and prosecution, both criminal and civil. You want the word to get out that your store is not an easy target and that theft does not pay. Follow through is essential, or it’s just words.

3. Then critique your store; target-hardening/layout
   1. Have a high level of personnel and/or management coverage, especially during December and March, which are big shoplifting months.
   2. Set up quick communication to other employees regarding shoplifting suspect(s).
   3. Eliminate blind areas. Mirrors, cameras, and observation booths are helpful.
   4. Avoid creating areas that provide a sense of privacy.
   5. Arrange displays for maximum observation by staff.
   6. Place valuables under glass, or keep them locked up.
   7. Change location of high loss items.
   8. Have a telephone in the sales area. If the only phone is in the back room, it can pull you away from surveillance of the store.
   9. Light up dark areas.
  10. Have service desks and the cash register face the majority of the store.
  11. Fan-shaped isles provide maximum coverage by one employee.
  12. Buffer shelves near exits to limit escape routes.
  13. Make customers pass you to get in, or out.
  14. Elevate service desks for better observation posts.
  15. Post warning signs.
  16. Alternate direction of clothes hangers.
  17. Consider rings, chains, locks, cables, or electronic markers to control inventory. If there are electrical cords, tie them together.
  19. Provide intense coverage in changing room areas.
  20. Put knee-length curtains/doors in fitting room areas.
  21. Limit the number of items in fitting rooms.
  22. Tighten up on refund policy.
  23. Require identification for returns, checks, etc.
  24. Staple bags w/receipt.
**WORKING ALONE**

If employees must work alone, make special arrangements. These might include providing cordless telephones, panic button alarms, or making business watch arrangements with neighboring stores. Here are some suggestions:

A. Establish a coded message with a nearby business that lets them know to call the police. For example, an employee explains to the criminal that they need to tell a neighboring business it's a bad time to come pick up their package/lunch/purchase. The criminal may accept this as a way to keep from complicating the crime scene. The employee then calls the neighboring business and says “this is a bad time to pick up your package.” The neighboring business then knows to call the police.

B. If you are working alone and are frightened about apprehending someone, consider calling the police first and explaining the situation. If we understand how vulnerable you are, we will respond differently than if we’re under the impression that everything is under control.

C. With only one employee working, a store becomes an easy target, almost no matter what you do to protect yourself. One consideration is to give the illusion of more sets of eyes watching by installing one way mirrors, or video surveillance cameras. If you can’t afford the real thing, fake cameras and notices about one-way mirrors could discourage some shoplifters.

**SHOPLIFTERS – WHO ARE THEY?**

Anyone could be a shoplifter. Focusing on only one profile can be counterproductive. Statistics on shoplifters may be interesting, but they’re really of little value. Anyone can shoplift, at any age, dressed well, or poorly. Even the statistics we have only reflect shoplifters who are caught. Of course the ones who are not caught are an even bigger problem – and they might fit a different description entirely.

With that in mind, here’s what we found out several years ago about the shoplifters who do get caught:

1. Shoplifters may work alone, with a companion, or occasionally in larger groups.
2. Women and children get caught most frequently.
3. Most apprehended shoplifters come from middle and upper class families. They steal out of desire, not need.
4. Some common motivations for shoplifting include stress; anti-social behavior; the need for excitement; a perception that there’s a low risk of getting caught; peer pressure, and the rationalization that the store “can stand the loss” of stolen items.
5. Over 90% of shoplifters had the cash, credit cards, or checks on hand to pay for what they had stolen.
**SHOPLIFTER TRAITS – THINGS TO WATCH**

1. **Eye movement** – the shoplifter handles merchandise, but watches everyone and everything except the item.

2. **The wandering shopper** – drifts from item to item, not showing much interest. Carefully observes other customers, or employees.

3. **Seeks privacy** – takes merchandise into isolated areas of the store where observation is difficult.

4. **Shoplifting devices** – carries items that make great hiding places for your merchandise. These can include large, empty purses, backpacks, boxes, a coat slung over one shoulder, bags, a newspaper under the arm, or bulky outer clothing, such as coats and sweaters.

5. **Concealment** – be aware that items can be hidden anywhere. Shoplifters will conceal merchandise on their person, in clothing, bags, purses, hats, etc. Many small items can even be palmed until the shoplifter has left the store.

6. **Distraction methods** – Having the employee show the suspect numerous items can ultimately confuse, or distract the employee and make it impossible to keep track of merchandise.

7. **Distraction methods: Accomplices** - Shoplifters may use an accomplice to distract employees while they pick up items. Items can also be passed off from the original shoplifter to an accomplice. Accomplices may also cause a fight, or scene to cause confusion for the employee. One understaffed used-clothing store was especially vulnerable – one thief would keep the employee busy by selling used clothes to the store, while the other was busy shoplifting.

8. **Switch methods** – beware of price tag switching, or refunding merchandise that has actually been stolen from your store, or another business with similar merchandise.
THE LAW

Store policies which encourage civil and criminal penalties can help reduce shoplifting. Often, the amateur shoplifter, once arrested, does not shoplift again. Conversely, the apprehended shoplifter who discovers there are no real penalties is likely to continue shoplifting.

A. PROVISIONS AND PURPOSE

1. Purpose

Three purposes exist for criminal prosecution of shoplifters:

- Shoplifting incidents should not be ignored – shoplifting is a crime;
- Criminal prosecution produces a record which can be useful in sentencing habitual, or professional shoplifters;
- It brings juvenile offenders into the juvenile justice system.

Criminal prosecution for shoplifting is initiated and pursued by the Eugene Police Department and the City Prosecutor’s Office. The merchant’s participation in the criminal prosecution, other than signing a complaint and appearing as a witness, ends when the shoplifter is arrested by the police and charged with the crime.

Actual sentences and/or fines are at the discretion of the court, while juvenile cases are administered by Lane County Youth Services and the Circuit Court judge who has jurisdiction over juvenile matter.

8. APPLICATION OF SHOPLIFTING LAWS

Your attitude and your program must be disciplined. Shoplifting is a crime – costly, nasty, difficult and sometimes dangerous. Only strong measures will stem its growth. You should work vigorously for community understanding of this fact. However, measure your actions with care and remember the need for common sense. Be respectful for your fairness and wisdom, as well as for your sturdy enforcement.

Overzealous prosecution, discourteous treatment, absence of compassion, lack of patience, unwillingness to listen or to mitigate, stubborn adherence to procedures and rules regardless of circumstances, refusal to recognize your own errors and other similar excesses and demonstrations of clumsiness will not be beneficial to you, or the retail industry. Consider carefully the broad and long range implications of your actions.

Strive diligently for the delicate balance between resolute and right!
DEFINITIONS

What is theft?  (Shoplifting is Theft)

The Oregon Revised Statutes (ORS 164.015) defines theft as:

-- A person commits theft when, with intent to deprive another of property or to appropriate property to the person or a third person, the person takes, appropriates, obtains, or withholds such property from an owner thereof.

| Theft 3- | Value of property less than $100 |
| Theft 2- | Value of property $100 or more and less than $1000 |
| Theft 1- | Value of property is more than $1000 |

What is Criminal Trespass?

Basically, criminal trespass is when a person comes onto property and refuses to leave when advised to do so by the person in charge, or comes onto property knowing that they have been previously advised not to.

ORS 164.245 defines Criminal Trespass in the second degree as:

A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in or upon premises. “Premises” includes any building and any real property, whether privately or publicly owner.

The difference between Criminal Trespass I and Criminal Trespass II has mainly to do with where the incident occurred. Generally, in a store setting, the charge would be Criminal Trespass II. However, if a person entered, or unlawfully remained in a dwelling, such as your house, or a motel room, that would constitute Criminal Trespass I.

What if someone just damages my property?

If someone damages your property, or merchandise, they may be charged with the crime of criminal mischief. The police department should be called and if the suspect is still on scene, an officer will be dispatched to your business.
What is robbery? What makes it different than shoplifting?

A shoplifting incident may escalate to a robbery if the suspect uses forces in any way. In Oregon, robbery is classified in three ways:

ORS 164.395 defines Robbery in the third degree as:

- a person commits the crime of robbery in the third degree if in the course of committing or attempting to commit theft the person uses or threatens the immediate use of physical force upon another person with the intent of;
  
  (a) Preventing or overcoming resistance to the taking of the property or to retention thereof immediately after taking; or
  
  (b) Compelling the owner of such property or another person to deliver the property or to engage in other conduct which might aid in the commission of the theft.

ORS 164.405 defines Robbery in the second degree as:

- a person commits the crime of robbery in the second degree if the person violates ORS 164.395 and the person:
  
  (a) Represents by word or conduct that the person is armed with what purports to be a dangerous or deadly weapon; or
  
  (b) is aided by another person actually present.

ORS 164.415 defines Robbery in the first degree as:

- a person commits the crime of robbery in the first degree if the person violates ORS 164.395 and the person;
  
  (a) Is armed with a deadly weapon; or
  
  (b) Uses or attempts to use a dangerous weapon; or
  
  (c) Causes or attempts to cause serious physical injury to any person.
PROBABLE CAUSE

State law allows you, or your employee to detain and interrogate a suspect if probable cause exists to believe a person has shoplifted in your store. First, let’s look at probable cause.

Note: You should use the following guidelines unless advised otherwise by your own legal counsel:

GUIDELINES FOR PROBABLE CAUSE

(a) Did you see the suspect approach an area of display?

(b) Did you see the suspect pick up an identifiable object?

(c) Did you see the suspect conceal it, or act with the intent to conceal, such as walking out of the store as if purchase had been made?

(d) Where on the person was it concealed?

(e) Do not lose sight of the suspect. This policy can prevent stopping someone who has already disposed of the stolen item.

(f) Ideally, don’t stop the suspect until he/she leaves the store. This will strengthen your case in court since it removes the possible defense the suspect was going to pay for the merchandise. There is some disagreement over whether the thief has to have left the store before apprehension is appropriate. Some feel that once they pass the cash register and are approaching the door without paying, that is sufficient. Others believe once the concealment has occurred, that is sufficient grounds for apprehension. Until this is further clarified, your best legal case will be based on apprehension after they leave the store.
APPREHENSION AND DETENTION

So, once you've established probable cause to believe someone has shoplifted, what can you do? Let's now look at the statute governing detention.

ORS 131.665: Detention and interrogation of persons suspected of theft committed in a store; probable cause.

(1) Notwithstanding any other provision of law, a peace officer, merchant or merchant’s employee who has probable cause for believing that a person has committed theft of property of a store or other mercantile establishment may detain and interrogate the person in regard thereto in a reasonable manner for a reasonable time.

(2) If a peace officer, merchant or merchant’s employee, with probable cause for believing that a person committed theft of property of a store or other mercantile establishment, detains and interrogates the person in regard thereto, and the person thereafter brings against the peace officer, merchant or merchant's employee, any civil or criminal action based upon the detention and interrogation, such probable cause shall be a defense to the action, if the detention and interrogation were done in a reasonable manner and for a reasonable time.

The key things here are that detainment must be in a reasonable manner and for a reasonable time. Reasonable detention and interrogation is not an arrest. A citizen's arrest occurs when the retailer is holding the shoplifter until law enforcement officers arrive. The reasonable time limitation placed on a detainment does not apply once you are holding the suspect for the police.

Although you may be upset at discovering a shoplifter in your store, remain professional and calm. The following suggestions can be the foundation for a safe store apprehension policy:

APPREHENSION AND DETAINMENT GUIDELINES

(a) 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’m the store manager. You have merchandise you didn’t pay for. Would you please come to my office.” The ideal situation is where only the suspect hears the words you speak.
(b) **If the suspect refuses**, explain your wish to avoid embarrassment and that you 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.

(c) **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 deadly force is necessary to protect yourself). Use common sense when making a physical detainment.

(d) **If the suspected shoplifter agrees to accompany you to your office**, follow rather than lead to make sure the suspect does not have an opportunity to dispose of stolen merchandise.

(e) **When in your office, tell the suspect you saw the taking and concealment** of the items and request that he/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 it runs the risk of a suit for assault, or invasion of privacy if you turn out to be wrong. Upon their arrival, inform the police whether or not you have conducted a search.

(f) **During the detainment, or questioning of a suspect, leave the door open for safety purposes. Also, there should always be a witness present.** Female suspects should never be detained in private solely by a male. To avoid this situation, you can choose to detain the suspect in the sales area.

(g) When questioning the suspect **do not accuse, or threaten with an arrest to obtain a confession.** Such tactics are unnecessary and expose you to liability.

(h) **As outlined above, make detainment as brief as possible.** The law allows detainment only for a reasonable time, so call the police immediately. You can detain the shoplifter while giving the opportunity to make a statement and while examining store records and questioning employees to determine who owns the merchandise in question.
CONTACTING THE POLICE

Why should my store involve the police? Why not just “let it go?”

Although the use of the civil penalty discussed on the following pages does not depend on the filing of a corresponding criminal charge, there are good reasons to pursue an arrest. They include:

(a) Shoplifting is a crime
(b) The shoplifter will be brought into the criminal justice system so repeat offenders can be identified and corrective action taken.
(c) The shoplifter cannot accuse the merchant of extorting money for the promise there will be no criminal prosecution.
(d) The civil case will be much stronger if a police officer has already found reasonable cause to arrest the suspect.

Your actual call to the police

When making your initial call the Eugene Police Department, you should be prepared to provide the following information:

- the suspect’s name and date of birth
- a brief description (race, sex, approximate age)
- if you do not have a name, provide a more detailed description (race, sex, approximate age, height, weight, any unique features)
- location where the suspect is being detained / what part of the store
- a contact person for the responding officer

It is also important to tell the police call taker if the suspect is in handcuffs. While to a store employee, the phrase “in custody” may mean that the shoplifter has been caught and is now sitting in the office, to a responding officer this means that the suspect is physically restrained. Since a suspect’s demeanor can deteriorate once an officer arrives, it is important that the responding officer has as much accurate information as possible before he/she arrives.

Also, if the suspect is being verbally hostile, is yelling, or is agitated, it is important to relay this to the police call taker. Be concise and specific about the suspect’s demeanor. Don’t just say they’re angry – if they’re yelling, tell the call taker that. If they’re making threats, relay that information, as well.

It’s also important to remember that while the suspect may start off being cooperative, his/her mood may change once he/she realizes the police have been called, or thinks about the fact that he/she may be arrested. If his/her demeanor changes after your initial call and before police arrival, call back and tell Communications exactly what’s happening.
EVIDENCE & RECORD KEEPING

Although many arrested shoplifters forfeit bail and never appear in either criminal or civil court, it is vital that you have all necessary evidence for the police, or for any subsequent civil or criminal proceedings. Without evidence, a case is drastically weakened and it may become a case of your word versus the shoplifters.

Following are some evidence collection guidelines:

(a) Collect all stolen articles from the shoplifter, along with related materials such as discarded packaging, price tags, etc.

(b) Call the attention of the responding officer to any special shoplifting devices used for concealment, such as a baggy coat with large interior pockets, so they can be evaluated for evidentiary purposes.

(c) Talk to the responding officer about who will retain the evidence. While there are some cases where the officer may seize the evidence from you, it is much more likely that they will instruct you to retain it.

If the evidence is left in your custody, place it in a secure place, such as a locker, or a room that only designated personnel have access to. All evidence for a given case should be kept together and should also be sealed in a paper bag, envelope, or other container. If the evidence is left with you, it should be retained until the case is settled, or until you are notified that the evidence will no longer be needed.

(d) If goods are perishable, remove and keep the labels or containers after taking a color photograph of the evidence.

(e) Label, initial, and date each stolen item. If the shoplifter paid for some items, but not others, save the cash register tape to prove that all items were not purchased.

(f) Keep a file for every shoplifting suspect which contains copies of all reports, letters, forms, evidence, and records related to the case.

CIVIL LAW

Oregon’s civil shoplifting law, ORS 30.870 and 30.875 became effective October 3, 1979. This law creates civil penalties which the merchant can seek from the shoplifter, or the parents 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. Rather, the civil law is an additional deterrent and recognition of the substantial economic hardship shoplifting creates for society. The shoplifter, or parent of a shoplifter minor, is civilly liable to the
merchant if he/she takes intent to convert the merchandise displayed, or offered for sale without the owner’s consent and with the intent to convert the merchandise to the individual’s own use without paying the purchase price, or alters the price indicia of such merchandise.

The civil law is initiated by the merchant, resulting in damages and penalties payable to the merchant. Receipts from the use of the civil law allow merchants to price merchandise competitively and defray security program costs.

The law allows the merchant to recover:

(a) Actual Damages: This is the retail value of stolen items, if they are not recovered. If the stolen items are recovered but damaged, actual damages are computed by subtracting the reduced saleable price from the retail price. Also included under actual damages is physical damage to the store, fixtures or other goods, plus personal injury.

(b) A penalty in the amount of the retail value of the stolen merchandise (whether or not the item is recovered). The maximum penalty is $500 (the maximum is $250 for parents of shoplifting minors).

(c) An Additional Penalty of not less than $100 and not more than $250.

Before either the civil or criminal penalties can be used, the merchant must first apprehend the shoplifter. If this is done correctly, the merchant should limit the risk of a false arrest suit.

Note: The apprehension and detainment of shoplifters, compiling a shoplifting report, and preservation of evidence apply equally to civil and criminal shoplifting actions.

CIVIL PENALTY PROCEDURE

For the civil action to be effective, a thorough understanding of this law is necessary. While criminal action remains the prerogative of the local prosecuting authority, civil action is brought only by the merchant. If the civil penalty is not used, the deterrent aspect is reduced.

Experience by retailers using similar laws in other states indicates that if correct procedures are followed, more than 80% of shoplifting suspects will pay the penalty upon demand.

Claims of up to $3500 can be processed through small claims court. However, anything over $200 gives the defendant the option of requesting a jury. At that point, the court would advise you that you would need to file a new complaint in the civil division of either district, or circuit court.
Also important: It is not necessary to retain a lawyer to begin action. You can retype the form letters included in this manual on store letterhead. Even in those instances where it may be necessary to go to court to get a judgment, a lawyer rarely is required unless the shoplifting civil penalties exceed the $3500 small claims court limit. A small claims action is easy to file and attorneys are usually prohibited. Judgments’ from the court are assignable for collection like any other det.

DEMAND LETTER

The shoplifting civil penalty is begun by sending a demand letter to the shoplifter, or parents of shoplifting minors. This must be done to preserve your opportunity to file in small claims court. The demand letter should be done in triplicate.

It is suggested you wait 24 to 48 hours after the shoplifter has been apprehended before sending the first letter demanding payment of civil penalty.

Caution: DO NOT REQUEST OR ACCEPT PAYMENT OF A CIVIL PENALTY AT THE TIME OF DETENTION OR MAKE ANY SUGGESTIONS, BARGAIN, COMPROMISE, OR PROMISE WHATSOEVER THAT YOU WILL FOREGO SIGNING A CRIMINAL CHARGE IN RETURN FOR PAYMENT OF THE CIVIL PENALTY. THIS CONSTITUTES EXTORTION.

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 you would not pursue criminal prosecution.

Compute the civil penalty as in the following example:

The shoplifter was stopped with a stolen $30 shirt. Police were called and made an arrest.

(a) You may demand actual damages (item is lost, broken or reduced in value due to damages). Since the shirt was recovered, your actual damages are: $0.
(b) You may in any case demand a penalty equal to the value of the item. In this case it would be the value of the shirt: $30.00
(c) You may (and should) demand an additional penalty of no less than $100 nor more than $250 $100.00

Total Demand $130.00

Note: Those who have successfully used similar shoplifting laws find the $100 penalty a sufficient total demand. The merchant in the above case could reduce his demand to $100 by waiving the right to claim the first penalty. Use the first penalty to vary your demand depending on the facts of an individual case. Don’t, on the other hand, drop the second penalty below $100. It is there for your protection.

For the civil shoplifting law to be effective, it must be supported and respected by the public. Abuse of the law by overzealous demands can give all retailers a poor public image. Therefore, adjust your claim to fit the nature of the offender and the offense committed. If a
first offense, consider seeking only the minimum amount the law provides, increasing the claim if you are dealing with a habitual or professional shoplifter. Courts might require that you justify demands greater than the minimum.

Common sense dictates that if information indicates the futility of pursuing civil action due to the shoplifter’s financial circumstances, the retailer should consider not pursuing civil action.

If a letter is being sent to a minor’s parents, use a form which specifies the parent 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 a minor are attached.

Retailers using similar shoplifting demand letters find it is better to mail demand letters in plain envelopes, with just their return address (no store name indicated) on the outside. Merchants in other states are using regular, rather than registered mail plain envelopes, with best success.

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

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. (See sample follow-up letter.) DO NOT CHANGE THE MONETARY AMOUNT OF THE DEMAND.

If payment is not received in response to the second letter, you should file your case in court. Failure to file will destroy the civil law’s deterrent effect. Shoplifters will quickly learn it is safe to steal in your store. Unless your claim is over $3500, file with the small claims department of the District Court in whose jurisdiction the defendant resides. The District Court Clerk can provide you with filing forms and instructions on serving the notice of claim on the defendant, and other small claim department procedures.

If your claim is over $200, carefully evaluate your case and consider reducing below $200. Claims exceeding $200 allow shoplifters the constitutional right of a jury which could involve considerable time and expense. If unsure as to the strength of your case, seek advice of counsel. If your claim is in excess of $3500 (a rarity), it will be heard in District Court and you should consider consulting an attorney.

If the civil case goes to court, all witnesses, a completed copy of the shoplifting report and all evidence (stolen articles, shoplifting devices, photographs, a copy of the police report, etc.) must be presented to the court. Be sure to bring copies of all the evidence to leave with the judge. You might take a copy of this manual and the shoplifting statute to court for reference.
SU GGETIONS FOR PREPAIRING/PURSUING A SUCCESSFUL SMALL CLAIMS ACTION

(a) While the person is still in the store, try to get a correct name. Nicknames or initials are of no value if you need to sue for recovery. If a juvenile, try to get full name of BOTH mother and father. Bank accounts are often in one name only. Many times bank accounts are the only place you can go to collect your judgment.

(b) Find out where the person works. You may need to garnish wages in order to collect. REMEMBER, the Court grants a judgment and provides a legal way to attach bank accounts, wages, or property, but WILL NOT go out and look for these things for you.

(c) A correct address is very important. Without it the Sherriff’s Office cannot serve the small claim notice. Without service, your claim cannot proceed to judgment and collections.

(d) Produce your demand letter in triplicate; mail the original to the person, keep one copy for your record, and one copy for the Court when filing your case.

(e) NOTE: Your judgment is good for ten years. If you cannot collect right away, you may be able to do so later. If you are unsuccessful in your efforts to collect, you can assign your judgment to a collection agency. Collection agencies usually retain half of what they collect; however this is sometimes less expensive than your spending time trying to locate the person’s assets.

ACKNOWLEDGEMENT OF PAYMENT

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. The following sample letters have been included as a courtesy to you. They should be used as a guideline for your own letter. You should read the letters carefully to make sure they comply with the law and your store policies.
ADULT DEMAND LETTER
(COPY ON YOUR OWN STATIONARY)

Store name
Store address
Date

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 ORS 30.870 and 30.875, 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 $500), plus an additional penalty of not less than $100 and not more than $250.

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

Actual damages:
Penalty, retail value:
Additional penalty, $100-$250
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: (name or title, and address that will assure receipt by proper authority in your store)

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 do not take the place of any separate criminal prosecution that may be imposed on you by the local authorities (police/prosecutor).

Sincerely,
JUVENILE/UNEMANCIPATED MINOR DEMAND LETTER
(COPY ON YOUR OWN STATIONARY)

Store name
Store address

Date

Suspect’s parent’s name
Suspect’s address

Dear

Our records show that on (date) _________, (suspect’s name), an unemancipated minor, at this store, 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 ORS 30.870 and 30.875, 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 actual damages, plus a penalty in the amount of the retail value of the merchandise (not to exceed $250), plus an additional penalty of not less than $100 and not more than $250.

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

Actual damages:
Penalty, retail value:
Additional penalty, $100-$250:
TOTAL AMOUNT DEMANDED:

Payment of the total amount demanded should be by personal check/money order/certified or cashiers check made payable to this store sent to: (name or title, department, and address that will assure receipt by proper authority in your store)

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 do not take the place of any separate criminal prosecution that may be imposed on you by the local authorities (police/prosecutor).

Sincerely,
SECOND DEMAND LETTER
(COPY ON YOUR OWN STATIONARY)

Store name
Store address

Date

Suspect’s/parents name
Suspect’s address

Dear

Our records indicate that you have not responded to our demand letter regarding the merchandise taken by ______________ 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:

Actual damages:
Penalty, retail value:
Additional penalty, $100-$250:
TOTAL AMOUNT DEMANDED:

These demands are made pursuant to ORS 30.870 and 30.875, a copy of which is enclosed.

Payment of the total amount demanded should be by personal check/money order/certified or cashiers check made payable to this store sent to: (name or title, department, and address that will assure receipt by proper authority in your store)

In the event you fail to comply with this demand by (date) ______, we will file a civil action in the appropriate court of law.

Sincerely,
STORE LETTER ACKNOWLEDGEMENT PAYMENT
(COPY ON YOUR OWN STATIONARY)

Store name
Store address

Date

Suspect's/parents name
Suspect's address

Dear

We have received $______ from you in payment of the claim asserted in our demand letter of __________________________, 20___.

Your payment is full satisfaction of your civil liability under the Oregon 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 effect or compromise any criminal action which may be brought against any person.

Thank you for your attention to this matter.

Sincerely,
3050 PROGRAM

The Eugene Police Department has established the “3050 Shoplifting Program” to save merchants and responding officer’s time in dealing with shoplifters. If you are apprehending shoplifters on a weekly basis, or have more than 10 shoplifting situations a year, you are advised to contact the department to discuss the program and how it would benefit your establishment.

Shoplifting costs your business money, it may cost your customers money in increased prices, and it costs taxpayers money by expending a considerable amount of police resources. This program is one way to help mitigate those costs.

Contact,

Steven Chambers
Crime Prevention Specialist
Eugene Police Department
541.682.5178