

## Investigation and Detention of Shoplifters Policy (AP-09)

Updated: October 11, 2010

### Policy Application

This policy applies to all associates who work for Wal-Mart Stores, Inc., or one of its subsidiary companies in the United States ("Walmart").

Managers and supervisors should use the Supplemental Investigation and Detention Guide for additional guidance in administering this policy.

Some portions of this policy may vary by state. Please check the state drop down box before applying this policy.

### Policy

A store/club manager, shift manager, assistant manager, Walmart Store hourly support manager, or any associate working for Asset Protection ("Authorized Associate") at a Walmart Store, Walmart Supercenter, Sam's Club, Neighborhood Market, or any other retail facility operated by Wal-Mart Stores, Inc. (collectively referred to as "Facilities" or individually as "Facility") may surveil, investigate and/or detain persons suspected of or who commit shoplifting.

All associates not specified as an Authorized Associate may not participate in the surveillance, investigation and/or detention of a person suspected of or committing shoplifting except to; act as a witness to an investigation or detention from a safe distance; to provide an accurate statement of their observations while acting as a witness; and to contact law enforcement, emergency services, Walmart Asset Protection or Walmart store management.

Any associate not specified as an Authorized Associate that witnesses or is made aware of suspected criminal activity or violence within a facility should advise a member of management or an Asset Protection associate of the incident and if necessary to protect the safety of themselves, other associates or customers contact the appropriate law enforcement or emergency authorities.

### Take Personal Responsibility

**Do not violate this policy, even if directed to do so.**

**If you observe or become aware of this policy being violated, immediately notify the Market Asset Protection Manager and Regional Asset Protection Manager for the facility.**

**If you are aware or become aware of a detention or attempted detention which results in physical contact between a customer and an associate beyond physical redirection, as defined under "Authorized Methods of Detention" of this policy, you are required to immediately report the incident to the Market Asset Protection Manager and Regional Asset Protection Manager for the facility.**

### Surveillance







merchandise and/or refer the Suspect to law enforcement authorities. Authorized Associates must utilize good judgment in determining whether detention is authorized and the manner in which to proceed. Remember, **protecting the physical well-being of Suspects, customers and Walmart associates is your first priority.**

### **Authorized Methods of Detention**

The following methods of detention are authorized:

**Request:** Authorized Associates may ask a Suspect to follow them to a detention area (no physical contact).

**Verbal Command:** Authorized Associates may instruct a Suspect to follow them to a detention area (no physical contact).

**Physical Redirection:** Initially, Authorized Associates should motion in a non-aggressive manner in the direction they would like a Suspect to proceed. If that is unsuccessful, the Authorized Associate may utilize respectful, light physical contact in directing the Suspect toward the AP office or other location.

- An open hand on the shoulder or arm of a Suspect is acceptable.

**Restraint:** Authorized Associates may use reasonable force to physically limit or control the movements of a Suspect. Only the least amount of force necessary to affect the detention under the circumstances may be utilized.

- If restraint is attempted and the Suspect cannot be controlled with a reasonable level of force, disengage from the situation, withdraw to a safe position, and contact law enforcement.

## **Every attempt to verbally diffuse an encounter should be made before escalating to the next level of authorized detention methods.**

### **Detention Specifics**

**PUT PEOPLE FIRST. Protecting the physical well-being of Suspects, customers and Walmart associates is your first priority.**

- The use of any object or equipment to limit or control the movements of the Suspect or to block the Suspect from leaving the facility is not allowed.
- If at any point, a detained Suspect or any other involved person becomes violent, terminate your attempt to detain the Suspect, disengage from the situation, withdraw to a safe position and contact law enforcement.
- Associates may only defend themselves or others to the extent necessary to disengage a Suspect, withdraw from the situation and contact law enforcement.
- If a Suspect is believed to possess a weapon, the Suspect must not be detained. If during detention, it becomes apparent that a Suspect has a weapon or brandishes or threatens use of a weapon; all associates must disengage from the situation, withdraw to a safe position and contact law enforcement.
- Suspects may only be processed in a private location inside the Facility.
- An associate of the same gender as the detained Suspect must remain with the Suspect at all times.
- **ALWAYS HONOR** a Suspect's request for medical attention or other reasonable requests, such as

water.

- **ALWAYS HONOR** a Suspect's request to summon law enforcement personnel.
- **ALWAYS HONOR** a minor Suspect's request that parents or a guardian be summoned.
- **ALWAYS SUMMON** medical personnel if any person experiences medical distress.
- **TERMINATE** a detention after one hour, unless the Facility Manager in charge, Market Asset Protection Manager or Regional Asset Protection Manager authorizes continued detention. Do not exceed the maximum period of detention allowed by state law, even if shorter than one hour.
- **TERMINATE** the detention whenever a salaried manager in a position of authority greater than that of the Authorized Associate directs the Authorized Associate to terminate the detention, regardless of reason.

### Prohibited Techniques

- **NEVER** search a Suspect's belongings such as purses, bags or other containers.
- **NEVER** pat down, frisk, or search a Suspect. Suspects who voluntarily disrobe or attempt to disrobe must be instructed to immediately clothe themselves. Only law enforcement personnel may search a Suspect's person.
- **NEVER** push, kick or strike a Suspect unless it is done in self-defense and only to the extent necessary to disengage a Suspect and withdraw from the situation.
- **NEVER** use a chokehold or apply pressure to a Suspect's head or neck.
- **NEVER** place a Suspect in a prone position unless you are unable to safely disengage from an encounter and need to do so to prevent the Suspect from committing a violent act. A Suspect in a prone position should be constantly monitored and moved to a sitting or standing position as soon as reasonably possible.
- **NEVER** attempt to physically re-capture a Suspect who breaks free from physical restraint.

## Pursuit and Withdrawal

**PUT PEOPLE FIRST.** Protecting the physical well-being of Suspects, customers, and Walmart associates is your first priority. If a situation puts you, customers, other associates, or the Suspect at risk of physical harm, discontinue your efforts to pursue the Suspect

### Pursuing a Fleeing Suspect

An Authorized Associate may pursue fleeing Suspect for approximately 10 feet beyond the point they are located when the Suspect begins to run. 10 feet is about three long steps. This limitation applies both inside and outside the Facility.

A vehicle description, license plate number or direction of flight may be obtained if the information can be collected while remaining at a safe distance and without putting you, customers or other associates at risk.

- **DO NOT** approach any vehicle that a Suspect or involved parties entered.
- **DO NOT** stand in front of or behind a vehicle in the parking lot to obtain information or keep it from leaving.
- **DO NOT** attempt to pull a Suspect from a vehicle.
- **DO NOT** follow a Suspect off Walmart property.
- **DO NOT** leave Walmart property to collect merchandise a Suspect may have dropped or abandoned until you have contacted your MAPM and received permission to do so or until you can

be accompanied by law enforcement. A MAPM should only provide permission to an Authorized Associate to retrieve dropped or abandoned merchandise that is off Walmart property if the merchandise is in plain sight, the Suspect is no longer in the area and the merchandise can be retrieved without risk of injury. Law enforcement should recover merchandise that has been dropped or abandoned off Walmart property when the merchandise is out of plain sight, when the Suspect may still be in the area or when circumstances exist that otherwise necessitate the involvement of law enforcement.

### **Withdrawal**

If at any point, a detained Suspect or any other involved person becomes violent, terminate your attempt to detain the Suspect, disengage from the situation, withdraw to a safe position and contact law enforcement.

If a Suspect is believed to possess a weapon or it becomes apparent that a Suspect has a weapon or brandishes or threatens use of a weapon, all associates must disengage from the situation, withdraw to a safe position and contact law enforcement.

Associates may only defend themselves or others to the extent necessary to disengage the Suspect, withdraw from the situation and contact law enforcement.

## **Prohibited Activities**

**NEVER threaten physical harm to, or direct profanity at a Suspect.**

**NEVER attempt to remove a Suspect from a vehicle or attempt to block a vehicle that is exiting.**

**NEVER use a weapon or any other physical implement to hit or strike a Suspect.**

**NEVER strike or hit a Suspect, unless in self-defense and in the course of disengaging the Suspect.**

**NEVER use a chokehold or apply pressure to a Suspect's head or neck.**

**NEVER attempt to re-capture a Suspect who breaks free from restraint.**

If you observe or become aware of this policy being violated, immediately notify your Market Asset Protection Manager and your Regional Asset Protection Manager. If you are aware or become aware of a detention or attempted detention, which results in physical contact beyond physical redirection between a customer and an associate, you are required to immediately report the incident to the Market Asset Protection Manager and Regional Asset Protection Manager for the facility.

## **Summoning Local Authorities**

Authorized Associates must summon law enforcement authorities whenever:

- Anyone involved in the investigation or detention of a Suspect experiences medical distress or requests emergency medical services
- A Suspect requests law enforcement authorities
- A Suspect is violent, threatens violence or attempts to flee detention
- A Suspect has a weapon or brandishes or threatens use of a weapon

- An associate is required to exercise self-defense and withdraw from an encounter with a Suspect
- The Facility Manager or other manager in charge of the Facility at the time makes the decision to prosecute the Suspect.

If an Unlawful Taking is reported to an Authorized Associate and it is later verified that an Unlawful Taking did occur, the Authorized Associate must discuss the matter with and receive approval from the Asset Protection Coordinator, Facility Manager or other manager in charge before law enforcement is contacted.

## Prosecution of Shoplifters

The Facility Manager or other manager in charge of the Facility at the time should prosecute a Suspect only if he or she believes in good faith that the Facility possesses sufficient evidence to prove guilt of the Suspect beyond a reasonable doubt and:

### **A**

The retail value of all merchandise recovered exceeds \$25.00, and the Suspect is at or between the ages of 16 and 65.

### **OR B**

Except where prohibited by state law, a Suspect between or at the ages of 16 to 65 fails to produce a valid government I.D. or school I.D., regardless of the value of the merchandise recovered.

### **OR C**

The Suspect is a repeat shoplifter at a Walmart Facility, regardless of the value of the merchandise or the age of the Suspect.

### **OR D**

The Suspect committed, or threatened violence, regardless of the value of the merchandise or the age of the Suspect.

## Release of Minor Suspects

Unless state law requires a different procedure, Authorized Associates may release minor Suspects only to their parent or guardian, family member or family friend that is 18 years or older. If an Authorized Associate is unable to contact a minor Suspect's parent or guardian within 30 minutes after detaining a minor Suspect or if a parent or guardian does not arrive at the Facility within 60 minutes after notification to pick up a minor Suspect, an Authorized Associate should contact law enforcement authorities and pursue charges against a minor suspect, regardless of the amount of the theft. Document as a part of the file all communications to law enforcement.

All efforts to contact the parent or guardian and any communications with a Suspect's parent or guardian must be documented and made a part of the file. Include the parent or guardian's name, the number called, time of call(s) and address provided by a Suspect. Prior to releasing a juvenile to a parent or guardian, the identity of the individual claiming to be a parent or guardian must be reviewed and documented by recording the type of identification reviewed and the name of the parent or guardian. Information other than the name of the parent or guardian may not be copied from nor may copies be made of the identification provided.

Authorized associates should make efforts to deter rather than detain a minor Suspect who:

- Appears to be 12 years old or younger, and
- Is suspected of shoplifting items valued at less than \$25.00

## Trespassing the Shoplifter

An Authorized Associate, facility manager, or other manager in charge of the facility at the time may trespass a Suspect under this policy only when the Suspect is 16 years of age or older **and**:

- The Suspect is a repeat shoplifter at a Walmart Facility; or
- The Suspect was violent or threatened violence; or attempted to flee detention; or
- The Suspect disrupted business operations beyond suspected shoplifting activities and refused to terminate their behavior upon request.

Being a shoplifting Suspect or being detained for shoplifting activities without the above stated conditions occurring is not adequate to justify a person being trespassed from Walmart property under this policy.

Asset Protection Hourly Associates are permitted to trespass suspects from a facility only under policy AP-09. Trespassing suspects or any other individuals under other circumstances is reserved for facility management.

Trespass of a shoplifter means that the individual is prohibited from entering Walmart property.

## State Specific Investigation and Detention of Shoplifter Requirements

For state specific instruction, click on the state you wish to view.

Choose State

**Facility Managers and managers in charge are responsible to ensure that Authorized Associates are utilizing only approved authorized detention methods detailed in this policy.** The physical well-being of Suspects, customers and Walmart associates is first priority. If you observe or become aware of this policy being violated, immediately notify your Market Asset Protection Manager and your Regional Asset Protection Manager. If you are aware or become aware of a detention or attempted detention, which results in physical contact beyond Physical Redirection between a Customer and an Associate, you are required to immediately report the incident to the Market Asset Protection Manager and Regional Asset Protection Manager for the facility.

**If you observe or become aware of this policy having been violated, you are required to immediately report the incident to the Market Asset Protection Manager and Regional Asset Protection Manager for the facility.**

**Failure to comply with this policy may result in disciplinary action, up to and including termination.**

## Resources

For further guidance, contact:

Type	Resource
<b>Related Policies:</b>	<a href="#">Discrimination &amp; Harassment Prevention Policy</a>
	<a href="#">Statement of Ethics Policy</a>
	<a href="#">Investigation/Suspension Policy</a>



