



# BROWNSTONE SECURITY

*Trust. Strength. Experience. Loyalty. Service.*

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## Minimizing the Potential of False Arrest Claims in Loss Prevention

Being accused of false arrest is a concern that must always be on the forefront of any Loss Prevention officer's mind. By following a few simple rules, loss prevention officers can greatly reduce their exposure to such claims. Six steps to minimize the potential for a false arrest claim are:

- You must see the shoplifter approach the merchandise.
- You must see the shoplifter select the merchandise.
- You must see the shoplifter conceal, convert or carry away the merchandise.
- You must maintain continuous observation of the shoplifter.
- You must observe the shoplifter fail to pay for the merchandise.
- You must apprehend the shoplifter outside the store.

If these six steps are followed, false arrest situations and subsequent lawsuits will be almost nonexistent. These six steps were designed to establish a high degree of probable cause for detention and arrest of a person suspected of shoplifting. If one of these steps is skipped, the chance for false arrest increases proportionately. If two or more steps are skipped, the store personnel are acting recklessly towards customers and are exposing the store unnecessarily to liability and false arrest claims. Remember, state law may not require this high degree of care for criminal prosecution.

The term "false arrest" is very distasteful to the retail industry, so it has created several alternate words to describe the event such as:

- "Non-productive detention"
- "Unproductive stop"
- "Investigative detention"

All of these words have been used in place of false arrest so not to seemingly admit liability. Whatever the terminology, if you stop a customer that is not holding stolen merchandise, you have the potential for a false arrest claim.

Source: *Brownstone Security Loss Prevention Training Manual*  
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[brownstoneps.com](http://brownstoneps.com)

## RESOURCE CENTER

Check our Brownstone Security's resource center for information on physical security, loss prevention, video surveillance and much more!

[bpsresourcecenter.com](http://bpsresourcecenter.com)

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## February's Employees of the Month

***Bayar Sofihaji — San Diego***

***Rocky Godbout — Las Vegas***

***Carlos Morales — Corporate***

The Employees of the Month will receive a \$100.00 bonus and a plaque.

## Special Recognitions

***Larry Grubbs — Las Vegas***

***Salvatore Visco — Las Vegas***

***Loreto Cortez — Los Angeles***

***Mark Main — Los Angeles***

Congratulations to the employees listed for demonstrating outstanding leadership and work ethics.

Continue the good work!