

# Civil Penalties for Theft Is not Just for Retailers

- **Restaurants**
- **Hotels**
- **Casinos**
- **Manufacturers**
- **Shippers and Suppliers**
- **Hospitals, Schools, and Institutions**

The shoplifting epidemic in America has led legislatures in all fifty states to enact laws that address a civil remedy for retail victims of theft, but many times these penalties can apply to more than just retailers.

## Restitution

*Restitution* is the act of paying back for a loss that has occurred. The main purpose of restitution is to make the company who suffered a loss whole again.

In a civil setting, this payment could be made by a theft offender to the business at any point after being caught in the act of theft or after making an admission for the act. Payments are typically requested pursuant to written promissory notes via demand letters generated from the business or our law firm, Palmer, Reifler & Associates, P.A.

## Civil Demand Penalty

Restitution addresses the actual loss, but what about the other costs associated with theft?

Every day businesses incur costs directly associated with theft, from the time it takes to interview and document a dishonest employee to the costs of security cameras.

In addition to the actual damages that all states allow businesses to recover, most states have addressed these variable costs by allowing businesses to request a civil penalty or a civil penalty range for acts of theft. While many statutes contemplate these penalties for acts of retail theft only, others are broader in scope. The recoveries from these additional penalty requests can assist businesses in recouping costs associated with theft that are not recovered under restitution.

## Benefits of a Civil Recovery Programs

- There are multiple benefits to a civil recovery program.
- Ability to maintain lower prices for customers by passing on various costs associated with not only loss prevention staffing, but also with perpetrators who commit the larceny.
- Reduce recidivism rates among adults by requesting a financial civil penalty in addition to any criminal action or consequence.
- Educate juveniles, and in some cases the parental figures, regarding the possible civil consequences stemming from dishonest theft acts. As in the case with adults, the intent is to reduce recidivism rates among minors and thereby lessen the future impact to shrink.
- Generate additional capital used to invest in technological advances toward shrink reduction.
- Maximize the return on shareholder investment by reducing costs.

## The Law Offices of Palmer, Reifler & Associates, P.A.

With offices in Orlando, Los Angeles, Dallas, and Chicago and thirty-one counsel attorneys in the most populace states in the country, Palmer, Reifler & Associates, P.A. provides civil recovery solutions to most of the nation's largest retailers. A customized program can be designed to address the theft issues of your organization as well.

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