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It's Just Shoplifting (Or Is It?):
Examining Court Processing of Shoplifting Before and After the Passage of Mississippi House Bill 585

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ABSTRACT AND ARTICLE INFORMATION

Even though there are more than a million arrests for shoplifting each year, little scholarly research exists about this topic. In this paper, we examine the court processing of shoplifting offenses before and after the 2014 passage of Mississippi House Bill 585 in a rural jurisdiction. Among other things, House Bill 585 increased the threshold required to move shoplifting from a misdemeanor to a felony (from $500 to $1,000) and took away the requirement that the third and subsequent arrests for shoplifting (for less than $500) were automatically enhanced as felonies. Our findings reveal that the gender and racial gap in shoplifting arrests in the jurisdiction under study were reduced after House Bill 585. On the other hand, overall numbers of shoplifting arrests, failures to appear, and guilty dispositions increased after House Bill 585. Implications for policy and future research are also discussed.

Arrests for misdemeanors outnumber arrests for felonies by a ratio of three to one each year (Stevenson & Mayson, 2018), yet the misdemeanor justice system has largely been ignored by researchers and policymakers. For that reason, we still know very little about the prevalence, consequences, and processing of misdemeanor cases (Natapoff, 2015; Stevenson & Mayson, 2018). Additionally, few researchers have examined lower court decision-making and even fewer have examined the impact of policy changes on those decisions. In fact, to our knowledge, there have been no studies that examine the impact of statewide criminal justice reform on shoplifting arrests and court outcomes at the local level. In this paper, we examine patterns of shoplifting arrests and court outcomes, paying particular attention to the impact of criminal justice reforms on decision-making for both individuals engaged in shoplifting behavior and judicial actors. With discussions of criminal justice reform gaining momentum nationwide, we feel that this study will add to that conversation.

A common theme in criminal justice literature is that both legal and extralegal factors impact criminal case processing and outcomes. Generally, legal factors, such as prior criminal record and seriousness of the offense, have been found to be the primary determinants of an individual's sentence (Dixon, 1995; Gottfredson & Gottfredson, 1988; Hagan, 1974; Kleck, 1981; Kramer & Steffensmeier, 1993; Leiber & Blowers, 2003; Wilbanks, 1987; Zatz, 1987). Nevertheless, evidence also suggests that personal characteristics, such as race/ethnicity, age, and gender, impact court outcomes (Munoz & Freng, 2007; Spohn, 2000), especially when dealing with less serious crimes (Crawford, Chiricos, & Kleck, 1998; Munoz & Sapp, 2003; Spohn & DeLone, 2000). In this paper, we use a sample of shoplifting cases to examine the impact of a statewide policy change (House Bill 585) on misdemeanor court outcomes. Additionally, we explore whether this impact varies by race, age, gender, violation location, and criminal history.

Literature Review

Each year, there are over a million arrests for shoplifting in the United States (Federal Bureau of Investigation, 2019), yet we know little about how individuals engaged in shoplifting behavior are processed in the misdemeanor justice system. Below, we examine previous studies on misdemeanor court outcomes, highlighting evidence of extralegal and legal impacts on them. We begin that discussion with the only study of which we are aware that examines the court processes around shoplifting.

Adams and Cutshall (1984) examined the impact of both legal factors (number of charges, prior arrests, number of witnesses, and the value of the stolen merchandise) and extralegal factors (gender, race, residence, and age) on prosecutor decisions to dismiss shoplifting cases. This research found race and gender to be significant factors; however, the legal factors (prior arrests and number of charges) were most predictive of prosecutorial dismissals. Those arrested for shoplifting were more likely to have their cases dismissed if they had only one or fewer prior arrests, and, generally, females and White individuals arrested for shoplifting were more likely to have their cases dismissed than were males and Black individuals.

Even though the research on misdemeanor court outcomes for shoplifting, specifically, is limited, we can glean insight from studies on misdemeanor court outcomes, generally. Kutateladze, Andiloro, and Johnson (2016) found disparities in misdemeanor plea outcomes, even when controlling for legally relevant factors. Examining a sample of misdemeanor marijuana cases from New York City, researchers found that Black and Latino individuals were less likely to receive plea offers of charge reduction and more likely to receive plea offers that involved jail time than were Whites. Racial disparities in charge offers were greatly reduced when controlling for demographics and legal factors; however, the impact of race and ethnicity remained for pleas involving jail time. Black individuals were more than twice as likely as Whites to be offered pleas that involved spending time in jail. Researchers also found prior arrest history to be strongly related to race and plea-bargaining outcomes. When prior arrest history was removed from the model, the racial and ethnic disparities were exacerbated.

Using data from Wisconsin Circuit Courts, Berdejo (2018) also found disparities in the misdemeanor plea-bargaining process. White individuals charged with misdemeanors were 45% more likely to have their top charge reduced or dropped than were Blacks, but when considering cases that involved the potential for incarceration, White individuals were 75% more likely to have those charges dropped or reduced than were Black individuals. When comparing Black and White persons with no criminal history, Whites were still 46% more likely than similarly situated Black individuals to have their charges dropped or amended to those carrying no potential for incarceration. When individuals had at least one prior conviction, the racial disparities in these misdemeanor cases was substantially lower. Even after controlling for age, gender, type and severity of crime, concurrent convictions, and criminal history, Black individuals remained more likely to be incarcerated for misdemeanor offenses and to receive longer sentences than White individuals charged with crimes. In

response to his findings, Berdejo (2018) suggests the need for greater transparency at the pre-sentencing stages to allow scrutiny of potential prosecutorial biases.

Using a sample of females charged with misdemeanors in New York City, Brennan (2006) did not find race/ethnicity to have a direct effect on likelihood of receiving a jail sentence. Instead, race/ethnicity influenced the likelihood of receiving a jail sentence through its impact on other factors. Black and Hispanic women were less likely to be high school graduates or to be employed, and less likely to gain pre-trial release due to social class factors, than were White women. Also, Black women were more likely to have prior convictions than were White women. In these ways, Black and Hispanic women had increased odds of receiving a jail sentence. Brennan (2006) warns that the lack of a direct impact of race/ethnicity on sentencing outcomes is in no way indicative of an unbiased misdemeanor sentencing process and that race/ethnicity impacts sentencing outcomes through a variety of indirect paths. In addition, Brennan (2006) found that females with more serious charges and criminal histories, who were detained pretrial, and those who had a documented history of failure to appear were given harsher penalties.

Munoz and Freng (2007) examined the impacts of race, age, and gender on misdemeanor criminal sentencing using a sample of misdemeanor cases from three counties in Nebraska. The authors found that the majority received just a fine, but nonwhite individuals, males, and those 25 and older were more likely to receive a fine in combination with some other disposition than were Whites, females, and younger persons. Males received slightly higher fines than females, but, mirroring findings from previous research, there were no significant differences between racial/ethnic groups in fine amounts (Feeley, 1979; Munoz & Martinez, 2001; Nelson, 1994). Munoz and Freng (2007) suggest young adults (25-29) and adults (30-91) receive higher fines than younger individuals (11-24), and that, overall, older White males receive the highest fines for misdemeanor offenses.

The research highlighted above suggests that both legal and extralegal factors can negatively impact misdemeanor court outcomes. Black individuals charged with misdemeanors are less likely to have their charges reduced (Berdejo, 2018) and more likely to be offered plea deals involving jail time (Kutateladze et al., 2016). Male and Black individuals are also less likely to have their shoplifting cases dismissed than are females and Whites (Adams & Cutshall, 1984). Older, Black males are more likely to receive a fine in conjunction with some other sanction than are their counterparts (Munoz & Freng, 2007),

and Black individuals convicted of misdemeanors receive longer jail sentences than do Whites (Berdejo, 2018). Black and Hispanic females are not spared the disparity, being more likely than White females to receive a jail sentence due to factors such as SES, pretrial detention, and criminal histories (Brennan, 2006).

These studies suggest disparities at every stage of misdemeanor court processing, but it is important to consider discretionary decisions made by criminal justice actors prior to this stage (Kutateladze, Andiloro, Johnson, & Spohn, 2014; Wooldredge, Frank, Goulette, & Travis, 2015). Prior records and pretrial detention, which decrease the odds of charge reduction, are influenced by discretionary decisions of police officers and judges; therefore, less favorable outcomes and plea deals offered to individuals could be due in part to decisions made earlier in the process (Metcalfe & Chiricos, 2018). These studies shed light on misdemeanor court outcomes and highlight reasons why misdemeanor justice reforms are needed; however, we still know very little about the impact of these reforms on misdemeanor offending and court processing.

Misdemeanor Justice Reform

From the 1970s to the mid-2000s, the U.S. incarceration rate quadrupled, and state correctional expenditures became the second-fastest growing category for state spending (Pew Charitable Trusts [Pew], 2009). Unfortunately, taxpayers were getting a poor return on their investment, with about half of state inmates being reincarcerated within three years of release (Bureau of Justice Statistics, 2018). To combat the rising costs of corrections while maintaining public safety, various states began reforming their criminal justice statutes. Generally, these reforms aimed to reserve prisons for violent and career criminals, reduce lengthy prison sentences, expand parole eligibility, find viable alternatives to incarceration for property and drug offenders, ensure that offenders were not incarcerated for inability to pay fines, and improve chances for successful reentry into the community after incarceration (Pew, 2017a, 2018). Even though the specific reforms vary from state to state, they all are aimed at reducing prison populations and saving taxpayers' money while still holding individuals engaging in criminal behavior accountable for their criminal activity (Pew, 2017a). Since 2007, more than 30 states have reformed their criminal justice policies, and these reforms are considered key drivers in the nation's recently declining incarceration rate (Pew, 2017a).

One way that states have moved to reduce prison populations is by raising felony theft thresholds, or the amount of stolen money or goods required for a

misdemeanor offense to be considered a felony offense (Pew, 2017b). This is important because felony offenses can result in a year or more in a state prison, yet misdemeanors result in a year or less time served in a local jail. To examine the impact of these changes, Pew Charitable Trusts (2017b) examined crime trends of the 30 states who raised their felony theft threshold limits and compared them to states who did not enact such changes. Researchers found that raising felony theft thresholds had no impact on overall property crime or larceny rates and that the amount of a particular state's felony theft threshold (ranging anywhere from $500 to $2500) is not related to property and larceny rates (Pew, 2017b).

Mississippi's House Bill 585

In 2013, the state of Mississippi passed legislation (House Bill 1231) to establish a task force of various criminal justice stakeholders to analyze sentencing and corrections data. In addition, this task force examined best practices and policies employed in other states that reduced imprisonment and corrections expenditures without jeopardizing public safety. The Corrections and Criminal Justice Task Force (2013), with technical assistance from Pew Charitable Trusts, found that Mississippi's prison population had more than tripled over the last 30 years and had grown 17% in the previous decade. Officials estimated that the prison population would continue to increase, and without significant reform, the state of Mississippi would have an additional $266 million in new correctional expenditures in the next ten years.

The Task Force identified four drivers of Mississippi's correctional population growth. First, 75% of admissions to prison in the previous year were for nonviolent offenses. Second, there were more individuals entering prison for parole violations than for new crimes. Third, there had been a 28% increase in sentence lengths in the previous decade. Finally, a high percentage of individuals convicted of crimes were being sentenced to prison as opposed to alternatives (Corrections and Criminal Justice Task Force, 2013).

After reviewing successful policies and practices in other states, the Task Force crafted a report that included policy recommendations for criminal justice reform and forwarded it to Mississippi lawmakers (see Corrections and Criminal Justice Task Force, 2013). These recommendations were crafted into House Bill 585, which passed both houses with overwhelming bipartisan support. House Bill (HB) 585 was signed into law in 2014 and led to changes in time served requirements, technical violations of community supervision, eligibility for parole and various alternative sentencing, and sentencing structures for various property and drug offenses (see Mississippi House Bill 585, 2014).

Prior to HB 585, shoplifting (1st and 2nd offense) of $500 or less was considered a misdemeanor and punishable by up to six months in jail, a fine of up to $1000, or both. Shoplifting (3rd and subsequent offenses) of $500 or less was enhanced to a felony and punishable by up to five years in prison, a fine of $5000, or both. Shoplifting of $500-$1000 was automatically enhanced to a felony and punishable by up to 10 years in prison (see Mississippi House Bill 1121, 2003, pp. 6-7 for previous shoplifting statute).

HB 585 (2014) changed the sentencing guidelines for shoplifting. HB 585 classified shoplifting (1st and 2nd offense) of amounts up to $1000 and 3rd and subsequent offenses up to $500 as misdemeanors and punishable by up to six months in the county jail, a fine of not more than $1000, or both. Unless the court finds reason why the individual engaging in shoplifting cannot be safely and effectively supervised in the community, the court suspends any sentence of jail time and sentences the individual to probation not exceeding one year. Third and subsequent offenses of $500-$1000 are considered felonies and punishable by up to three years in prison, a fine of $1000, or both (see Mississippi House Bill 585, 2014, pp. 60-63 for current shoplifting statute). Essentially, there is no maximum limit on the number of shoplifting offenses one can accrue to avoid getting a felony charge, as long as the 3rd or subsequent offense does not exceed $500. Until that point, all of the shoplifting offenses will be considered misdemeanors and treated accordingly.

Since the passage of HB 585, the state of Mississippi has reduced its imprisonment rate 10% while overall crime rates have decreased around 5% (Pew, 2018). These numbers are encouraging; however, not all Mississippians are enthusiastic about the reforms. Some believe that the legislation accomplished the goal of saving the state money in their correctional expenditures but at the expense of public safety and local jurisdictions. After the passage of HB 585, Fowler (2014) talked to local law enforcement officials in Mississippi about the new law. One county district attorney summed up his feelings about the new law by saying, "From my point of view, I do not think in any way this is going to staunch the recidivism rate. I think, instead, it's going to get worse." He voiced concerns about shoplifters already being notorious repeat offenders and that this new law may increase that behavior. He said, "I do see that being a real difficulty, particularly the provision where your third offense is no longer a felony unless you've got two that were previously above $500. When they find that out, shoot, these people aren't half as stupid as folks think they are.

They're going to figure it out in a hurry" (Fowler, 2014). Another law enforcement officer says that he fears the crime rate will increase because now criminals "have nothing to fear" (Fowler, 2014).

Even though the state has reduced its imprisonment rate, and overall property and crime rates seem to be decreasing, we still know very little about the impact of HB 585 on local jurisdictions within the state. What may be seen as a win for the state as a whole may not equal such optimism at the local level. And, in regard to shoplifting, official statistics, such as the UCR, are largely unhelpful. Most misdemeanor shoplifting offenses are likely never reported to the UCR, and the ones that are reported are generally rolled into the larceny-theft category, along with various other theft offenses, and then discussed as larceny-theft in subsequent discussions. We believe we should be careful to avoid using proxies of larceny-theft and overall property crime as indicators for shoplifting trends. To our knowledge, this is the first study to specifically examine the impact of statewide policy on shoplifting trends and court outcomes at the local level.

Method

The setting for this study is one of the 10 largest cities in the state of Mississippi, with a declining population of just under 40,000. According to the most recent estimates from the American Community Survey (U.S. Census Bureau, 2019), 60% of the city's residents are African American, and 37% of residents are White. This city has an overall poverty rate of nearly 30%, but the poverty rate for African Americans is 41%, more than 3 times that of White residents. Females have a poverty rate of 33%, compared to a rate of 26% for males. Poverty rates for the city are higher than both the state and national averages. These numbers are important to understand the context of crime occurring in the city.

Our analyses of the data discussed below reveal that, over the last decade, misdemeanor offenses comprised approximately 81% of the total arrests in the city under study, and shoplifting offenses accounted for approximately 22% of all arrests. Such high incidence of arrest for any particular crime can be a drain on already scarce criminal justice resources, yet shoplifting is a crime that has largely been ignored in criminological research. With criminal justice reforms aimed at reducing punishments for lower-level property crimes, we feel that it is important to understand the real impact of these changes on individual, enforcement, and judicial behavior at the local level.

Data

To analyze shoplifting trends and the impact of both legal and extralegal factors on misdemeanor court outcomes, we examined 10 years of adult shoplifting cases (2009-2018) in one Mississippi city. In 2018 and early 2019, the city police department and the municipal court allowed members of the research team to access administrative files containing individual characteristics (such as race, gender, and age), offense characteristics (such as case numbers, statute descriptions, violation locations, and offense date), and court outcomes (disposition date, plea and disposition codes, and some limited sentencing information). We limited our search to shoplifting arrests that occurred only in the years 2009-2018, regardless of their disposition dates. Over the course of several months, the research team matched arrest information provided by the police department with information obtained from the municipal court, using case numbers. The resulting data set contained 3,062 misdemeanor and felony shoplifting cases stemming from arrests occurring from 2009 through the end of 2018. Analyzing shoplifting arrests that occurred during this time frame is important because it allows us to examine shoplifting case trends in the five years prior to the passage of HB 585 and compare them to the five-year trends after the legislation went into effect.

Procedure

Using 10 years of shoplifting data, we then used trend analysis and logistic regression to answer two main research questions regarding the impact of statewide criminal justice reform legislation (HB 585) and shoplifting arrests and court outcomes at the local level. First, did the passage of Mississippi House Bill 585 in 2014 impact shoplifting arrest patterns in the city under study? Second, did the passage of Mississippi House Bill 585 impact shoplifting court outcomes?

To answer the first research question, we examined trends in arrest by charge category, gender, race, and violation location. To answer the second research question, we used logistic regression to examine the impact of extralegal (race, gender, age, and violation location) and legal factors (prior shoplifting arrests and policy) on both plea and disposition outcomes. For the logistic regression analyses, there were two sets of dependent variables to represent plea dispositions (failure to appear, guilty, and not guilty) and final dispositions (guilty and not guilty). Cases with missing information for plea and final dispositions were not included in the logistic regression analyses. To examine the likelihood of particular plea dispositions using logistic regression,

Failure to Appear (1=*Failure to Appear,* 0=*Other*), Guilty (1=*Guilty,* 0=*Other*), and Not Guilty (1=*Not Guilty,* 0=*Other*) were dichotomized. Dichotomous dependent variables for final dispositions of Guilty (1=*Guilty,* 0=*Other*) and Not Guilty (1=*Not Guilty,* 0=*Other*) were also created. Because those who fail to appear for trial are likely to be adjudicated as guilty in absentia, we controlled for that in the final disposition logistic regression models.

We then coded the extralegal variables as race (1=*African American,* 0=*White*), gender (1=*Male,* 0=*Female*), age (in years), and violation location (*1=Walmart, 0=Other Location*). Legal factors were represented by whether an individual had been previously charged with a shoplifting offense in the jurisdiction (1=Prior shoplifting charge, 0=No prior shoplifting charge) and whether the offense occurred before or after the passage of HB 585 (1=*Post-HB 585,* 0=*Pre-HB 585*). Because we only had access to 10 years of shoplifting data from one jurisdiction, we also considered the charge description as an indicator of whether an individual had been previously charged with a shoplifting offense. For example, if an individual was only charged for one shoplifting violation in the ten-year study period, but this violation was listed as a "2nd offense" or greater, then that individual was considered to have prior shoplifting charges, even if they were only charged for shoplifting once during the ten-year study period. If an individual was only charged for one shoplifting offense during the ten-year study period, and this violation was listed as a "1st offense," then that individual was considered to have no prior shoplifting charges. Unfortunately, our indicator for prior shoplifting charges, our proxy for criminal history, does not capture other types of offenses, which could influence court outcomes (e.g., burglary, robbery), or charges that may have occurred in other jurisdictions. We acknowledge this as a limitation of our data.

After establishing main effects of both legal and extralegal indicators on plea and final disposition outcomes, we partitioned out cases occurring prior to the passage of HB 585 and those occurring after its passage. This strategy allows us to more closely examine the impacts of the individual predictors before and after the policy was enacted.

Results

The characteristics of the data under study here are described in Table 1. The data set contained all misdemeanor and felony shoplifting offenses that resulted in an arrest during the years 2009-2018. Charges for shoplifting 1st offense comprised four in five (80.5%) of the shoplifting charges during the ten-year period while charges for shoplifting 2nd offense made up 12.9% of the cases during the ten-year period. The rest of the shoplifting charges (3rd or greater and felony) made up 6.6% of the cases (combined) during this time period. The number of prior shoplifting arrests over the ten-year period were calculated for each case, and the number of prior arrests in this data set ranged from 0 to 16. To analyze the impact of policy, we analyzed five years of shoplifting data before the passage of HB 585 (2009-2013) and compared it to the five years after the passage of HB 585 (2014-2018). There were more shoplifting cases after the passage of HB 585 than there were in the five years prior to it, suggesting an increase in either offending or enforcement behavior.

Table 1. Sample Characteristics and Descriptives

Variables		n	%	Mean	Min.	Max.	S.D.
Charge Description							
	1st offense	2465	80.5				
	2nd offense	395	12.9				
	3rd or greater offense	163	5.3				
	Felony	39	1.3				
Plea							
	Failure to Appear	1177	38.4				
	Guilty	1035	33.8				
	Not Guilty	495	16.2				
	Dismissed	82	2.8				
	Other	95	3.0				
	Missing	178	5.8				
Disposition							
	Guilty	2337	76.3				
	Not Guilty	355	11.6				
	Dismissed	121	4.2				
	Other	72	2.1				
	Missing	177	5.8				
Race							
	African American	1756	57.3				
	Caucasian	1274	41.6				
	Other	32	1.1				
Gender							
	Male	1248	40.7				
	Female	1815	59.3				
Age				33	18	85	12.254
Location							
	Walmart	1497	48.9				
	Other Location	1538	50.2				
	Missing	27	0.9				
Multiple Shoplifting Arrests							
	1 arrest	1808	59				
	2 or more arrests	1254	41				
# Prior Shoplifting Arrests				.65	0	16	1.553
Year of Arrest							
	Pre-HB 585 (2009-2013)	1266	41.3				
	Post-HB 585 (2014-2018)	1796	58.7				

The types of plea dispositions are also listed in Table 1. The most common plea disposition listed in the data set was "Failure to Appear," comprising 38% of all plea dispositions. In other words, in slightly over one-third of the shoplifting cases during the ten-year period, the person accused of shoplifting did not appear for their court date. "Guilty" was the next most common plea entered (33.8%), followed by "Not Guilty" (16.2%). There were 82 cases that were dismissed, and there were also 10 other plea dispositions listed in the data set, such as "No Contest," "Nonadjudication," and others, combining to comprise less than 6% of the total cases.

The final dispositions for the shoplifting cases are also displayed in Table 1. "Guilty" was the most common final disposition for shoplifting cases, making up 76.3% of cases over the ten-year period, followed by "Not Guilty" (11.6%) and "Dismissed" (4.2%).

The race, gender, and age of the individual charged with shoplifting were also included in each case file; descriptive statistics for those variables are also presented in Table 1. Over the ten-year period, African Americans comprised 57.3% of persons charged with shoplifting, a number slightly lower than their proportion of the population in the city under study (61.1%), and White individuals charged with shoplifting comprised 41.6% of the cases, a number slightly higher than their proportion of city residents (37.8%). Hispanic, American Indian, and Asian defendants, combined, made up only 1% of the shoplifting cases over the ten-year period. Given the very small proportion of cases that did not involve a Black or White individual, we excluded those cases from further analyses to more clearly distinguish between differences between cases involving Black and White individuals charged with shoplifting. The majority of shoplifting cases in the data set were female (59.2%), and the ages ranged from 18 to 85, with an average age of 33.

The location of the shoplifting violation was also contained in each case file. Of all violation locations that led to an arrest for shoplifting, Walmart made up almost half (48.9%). Finally, we also coded each case to determine the number of times each individual had been arrested for shoplifting and whether the case occurred before (2009-2013) or after (2014-2018) the enactment of HB 585. Most of the persons contained in the ten-year data set only had one arrest for shoplifting (59%), and about three in five cases (58.7%) occurred after the enactment of HB 585.

Table 2. Bivariate Correlation Matrix

Variables	(1)	(2)	(3)	(4)	(5)	(6)
Race (1=Black)	1					
Gender (1=Male)	.004	1				
Age	-.185**	.108**	1			
Location (1=Walmart)	-.126**	-.045*	-.053	1		
HB 585 (1=Post HB 585)	-.134**	.068**	.124**	.394**	1	
Prior Shoplifting Arrest	-.001	.053**	.154**	-.101**	.108**	1

*$p<.05$, **$p<.01$

We present the bivariate correlation matrix showing the association between the control variables and the contextual variables in Table 2. The bivariate correlations revealed a number of interesting associations. Race had a statistically significant correlation with age (Blacks were younger than Whites), whether or not the incident occurred at Walmart (incidents involving Black individuals were less likely to occur at Walmart), and whether or not the incident occurred before HB 585 (incidents involving Black individuals were significantly more likely to occur before the passage of HB 585). Males arrested for shoplifting were significantly older and significantly more likely to have prior shoplifting arrests than females. Additionally, incidents involving males were significantly less likely to occur at Walmart and significantly more likely to occur after HB 585. Shoplifting incidents that occurred at Walmart significantly increased after the passage of HB 585 and were significantly less likely to involve individuals who had previous shoplifting arrests. Incidents occurring after HB 585 were significantly more likely to involve individuals who had prior shoplifting arrests than those that occurred before the passage of HB 585.

Trend Analysis

Using trend analysis, we then examined 10 years of adult shoplifting arrests. Figure 1 illustrates the number of shoplifting cases by charge description

from 2009 until 2018. There are two points worthy of discussion. First, charges for felony shoplifting practically disappeared after 2014, the year that HB 585 was passed, while all other levels of shoplifting charges (1st, 2nd, 3rd and greater) trended upward. Also, the highest number of shoplifting cases over the ten-year period, occurred in 2015, the year after the passage of HB 585. The average number of shoplifting cases for the five years after HB 585 was 359, compared to just 253 for the five years prior, suggesting about a 44% increase in shoplifting cases since HB 585 was passed.

We also analyzed the demographic characteristics of adults arrested for shoplifting over the ten-year period. Figure 2 illustrates the number of cases involving African American and White individuals. In the years prior to HB 585, African Americans were involved in the majority of enforced shoplifting incidents in the city. Since the passage of HB 585, the racial gap in shoplifting cases has essentially closed, with White individuals contributing more to the increase in overall shoplifting cases than African Americans.
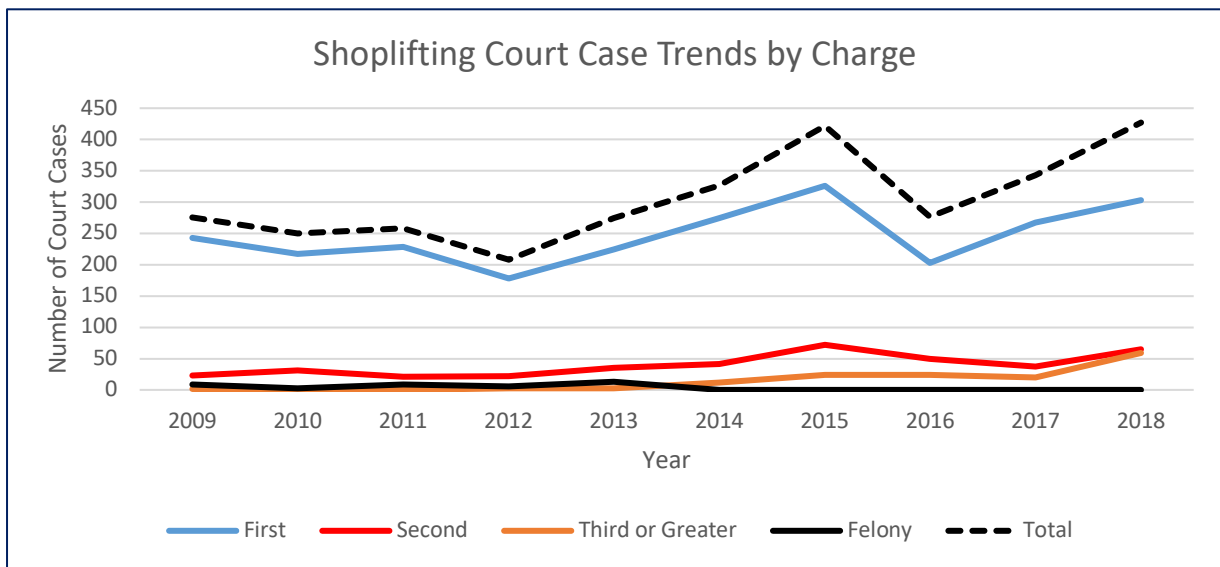

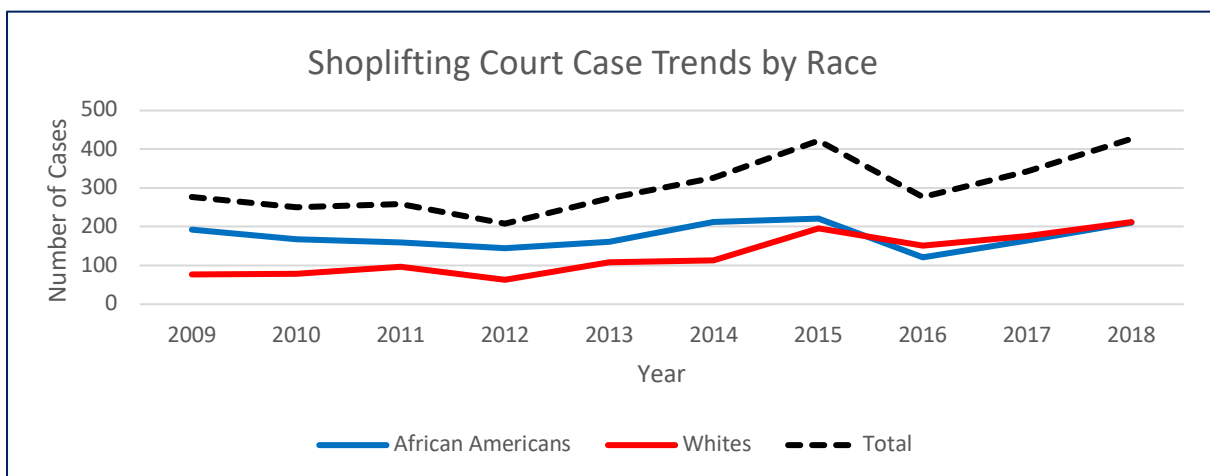**Figure 1. Shoplifting Court Case Trends by Charge**

Figure 2. Shoplifting Court Case Trends by Race

The results presented in Figure 3 also suggest that the gender gap in shoplifting cases has begun to close. Prior to HB 585, females were involved in the majority of shoplifting cases. There was a spike in the year immediately following the passage of HB 585 for females, but since then, their numbers have returned to pre-HB 585 levels. The number of shoplifting cases involving males began trending upward the year before HB 585 was passed, and for the first time in 10 years, males outnumbered females in the 2018 shoplifting cases.
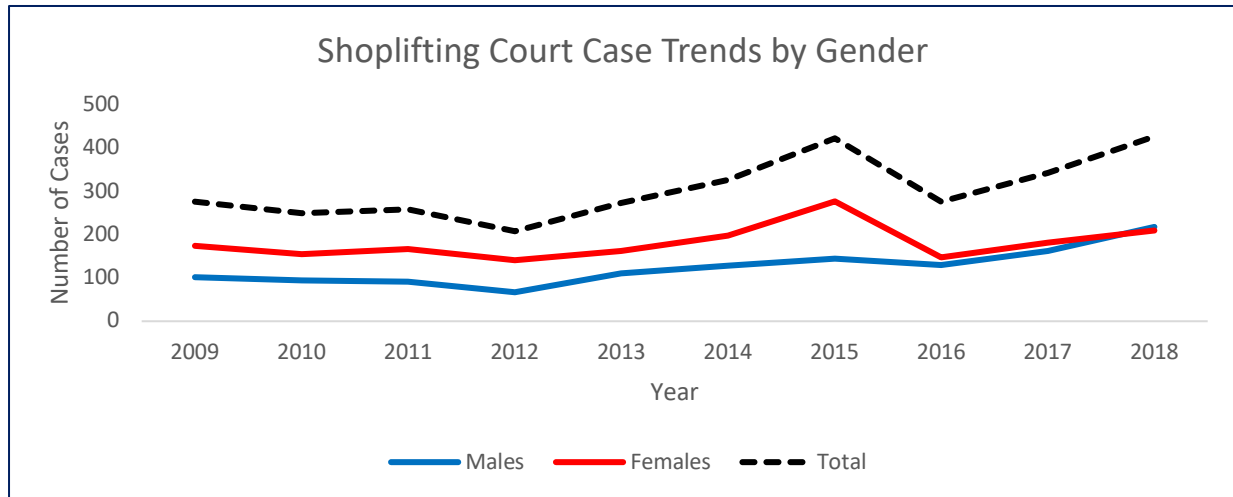

Figure 3. Shoplifting Court Case Trends by Gender

We also examined the intersection of race and gender for shoplifting trends. These results are presented in Figure 4. In the years after the passage of HB 585, an interesting development has taken place. After collapsing shoplifting cases into four categories (cases involving African American males, African American females, White males, and White females) and tracking them across the ten-year study period, we discovered that the gap in the number of shoplifting cases for the various groups has recently closed, with White females seeing the largest increase after HB 585.
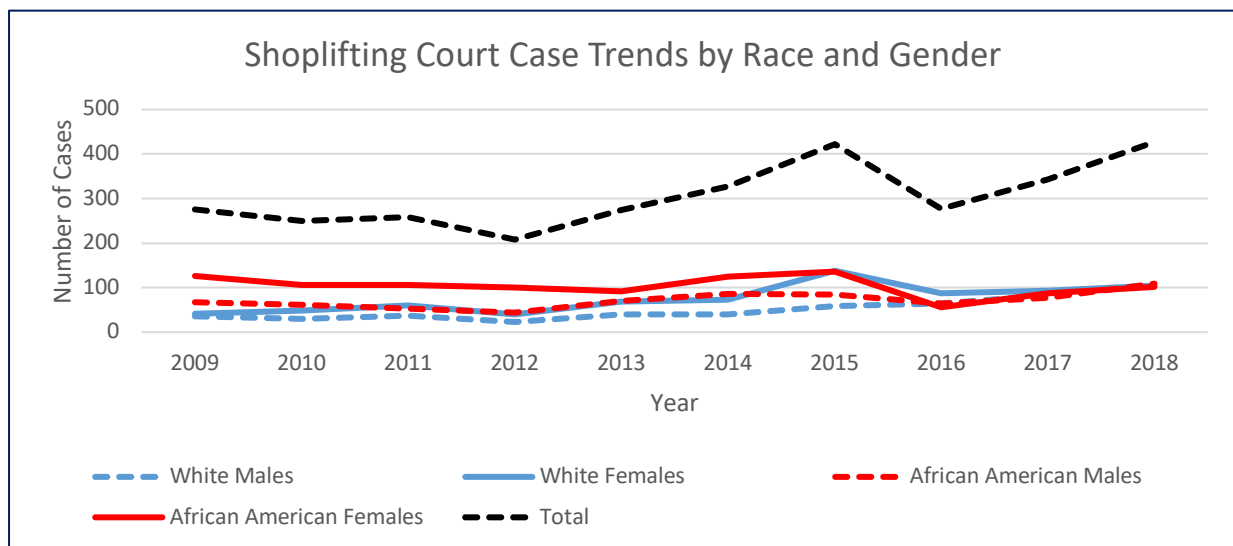

Figure 4. Shoplifting Court Case Trends by Race and Gender

Given the fact that shoplifting incidents at Walmart comprised nearly half of all shoplifting arrests in the city under study, we examined trends in shoplifting incidents at Walmart in Figure 5. Although the trend analysis suggests that shoplifting incidents at Walmart began to increase the year prior to the passage of HB 585, that increase grew dramatically in 2015 and has continued in the years since its passage.
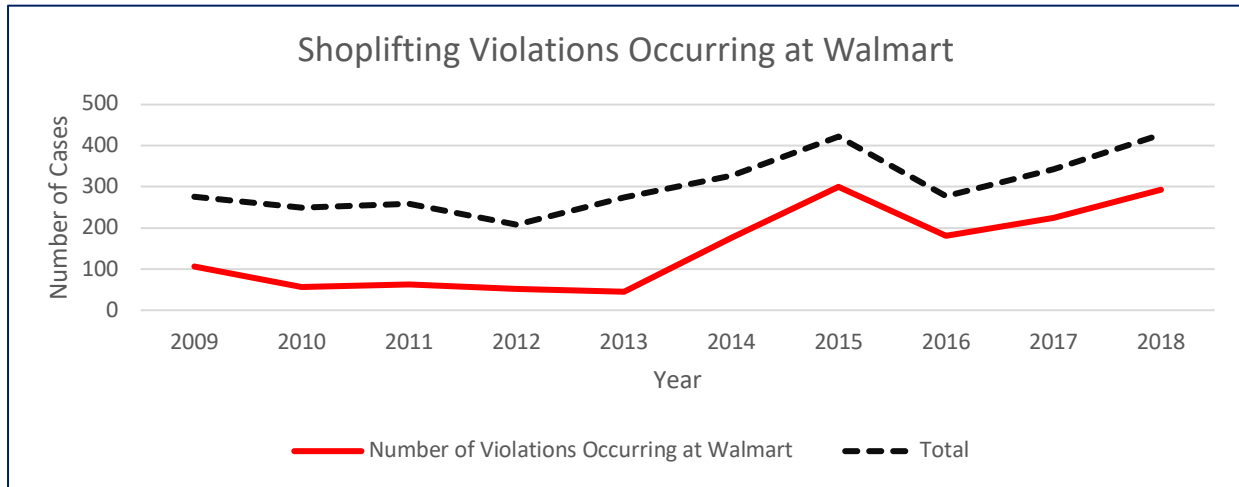

Figure 5. Shoplifting Violations Occurring at Walmart

Even though the data set did not contain socioeconomic indicators for each case, it is possible that the poverty rate for this jurisdiction is related to shoplifting trends. We obtained poverty rates for the county in which this jurisdiction resides for the years 2009-2017 (2018 data was not yet available) to examine whether arrests for shoplifting trended with yearly poverty rate fluctuations. Figure 6 illustrates that poverty rates and shoplifting arrests do not trend in similar ways in this jurisdiction.
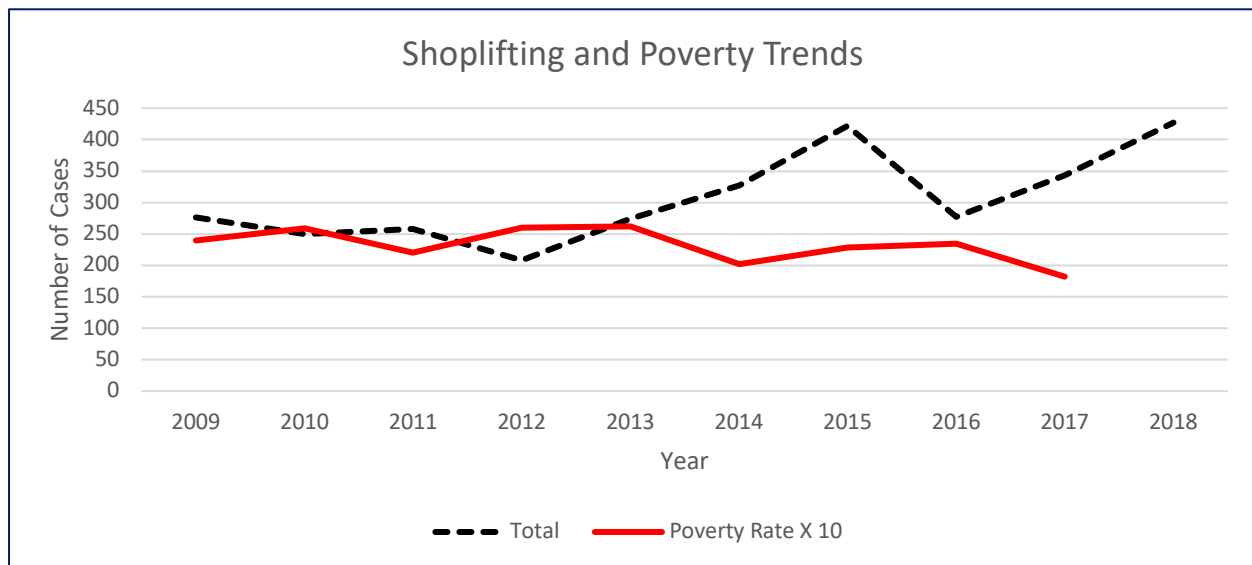

Figure 6. Shoplifting and Poverty Trends

We next examined trends in plea and final dispositions over the ten-year period. Figure 7 illustrates ten-year trends in plea dispositions. There are two noteworthy trends that appear. First, dispositions of "failure to appear" have increased significantly over the ten-year period, surpassing all other plea dispositions. Also, individuals charged with shoplifting were much less likely to plead "not guilty" in the last several years than they were earlier in the study period.
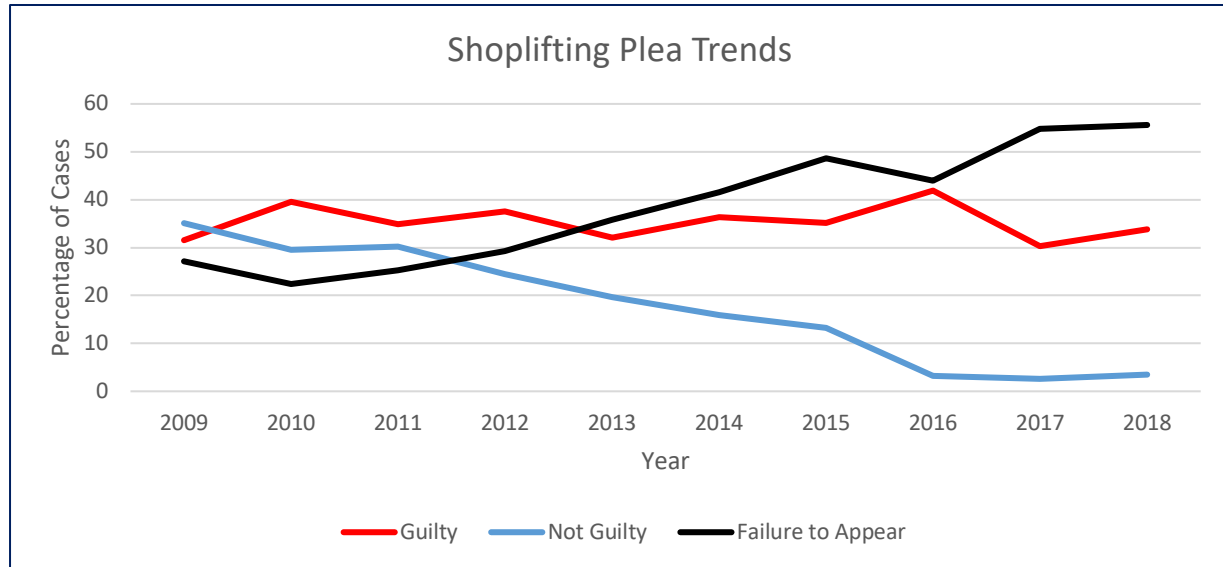
Figure 7. Shoplifting Plea Trends

We also examined the percentage of shoplifting cases that ended in a guilty or not guilty verdict. These trends are displayed in Figure 8. In the years after HB 585, not guilty verdicts have almost completely disappeared, and nearly everyone who appears in court for shoplifting is convicted of their shoplifting charge. This could suggest that judges are more likely to convict individuals for misdemeanor shoplifting offenses than they are for felony shoplifting offenses, which carry the possibility of harsher punishments.

Figure 8. Final Shoplifting Disposition Trends

Multivariate Results

To examine the impact of the passage of HB 585 on the pleas entered and dispositions received while controlling for other demographic and contextual predictors, we conducted a series of multivariate logistic regression models. The results from those analyses are presented in Tables 3 through 7, with a summary of the results presented in Table 8 below.

**Table 3. Logistic Regression Results for Shoplifting Plea (Failure to Appear)
Differentiated by HB 585 Time Period**

Variables	(1) Full Model		(2) Pre-HB 585 (2009-2013)		(3) Post-HB 585 (2014-2018)	
	B	Exp(B)	B	Exp(B)	B	Exp(B)
HB 585 (1=Post-HB 585)	.66**	1.94				
I. *Legal*						
Prior Shoplifting Arrest	.43**	1.53	.34*	1.41	.48**	1.61
II. *Extralegal*						
Race (1=African American)	-.32**	.75	-.32*	.73	-.28**	.76
Gender (1=Male)	.49**	1.63	.22	1.24	.66**	1.94
Age	-.01**	.99	-.01*	.99	-.01	.99
Location (1=Walmart)	.37**	1.44	.38**	1.46	.37**	1.45
Model X^2 Cox and Snell R^2	208.109** .07		21.547** .02		71.870** .04	

*p<.05; **p<.01

The results presented in Table 3 display three multivariate logistic regression models. Model 1 results predict whether or not individuals charged with shoplifting failed to appear (FTA) in court for their trial date throughout the entire time period under study. The same model is then estimated for the five-year period prior to HB 585 (Model 2) and after the passage of HB 585 (Model 3). In each model, the dependent variable under consideration is regressed on the demographic and contextual variables described earlier.

The logistic regression results presented in Table 3, Model 1 suggest that Whites, males, younger individuals, those who were arrested for shoplifting prior to the offense under consideration, and those whose violation occurred at Walmart were significantly more likely than their counterparts to fail to appear in court for their shoplifting trial date. Additionally, there were significantly more failure to appear cases after the passage of HB 585 than in the years prior to its passage. The variables included in the model explained less than 10% (Cox and Snell R-square=.07) of the variance in failure to appear cases.

The logistic regression results presented in Table 3, Model 2 suggest that Whites, younger individuals, those who were arrested for shoplifting prior to the offense under consideration, and those whose violation occurred at Walmart were significantly more likely than their counterparts to fail to appear in court prior to the passage of HB 585. The variables included in the model explained a very small amount (Cox and Snell R-square=.02) of the variance in failure to appear cases.

The logistic regression results presented in Table 3, Model 3 suggest that those arrested for shoplifting prior to the offense under consideration, Whites, and males were significantly more likely than their counterparts to miss their court appearance, as were those individuals whose incident occurred at Walmart. The variables included in the model explained a larger amount (Cox and Snell R-square=.04) of the variance in failure to appear cases than they did prior to the passage of HB 585.

Table 4. Logistic Regression Results for Shoplifting Plea (Guilty) Differentiated by HB 585 Time Period

Variables	(1) Full Model		(2) Pre-HB 585 (2009-2013)		(3) Post-HB 585 (2014-2018)	
	B	Exp(B)	B	Exp(B)	B	Exp(B)
HB 585 (1=Post-HB 585)	.03	1.03				
I. *Legal*						
Prior Shoplifting Arrest	-.72**	.49	-.58**	.56	-.80**	.45
II. *Extralegal*						
Race (1=African American)	.06	1.06	.09	1.09	.04	1.04
Gender (1=Male)	-.25**	.78	.07	1.07	-.49**	.61
Age	.00	1.00	.01	1.00	.00	1.00
Location (1=Walmart)	.07	1.07	.02	1.02	.09	1.09
Model X^2 Cox and Snell R^2	71.827** .025		15.842** .013		71.687** .042	

*p<.05; **p<.01

Table 4 displays the results of three multivariate logistic regression models. Model 1 results predict whether or not an individual pled guilty to their shoplifting charge throughout the entire time period under study. The same model is then estimated for the five-year period prior to HB 585 (Model 2) and after the passage of HB 585 (Model 3). In each model, the dependent variable under consideration is regressed on the demographic and contextual variables described earlier.

The logistic regression results presented in Table 4, Model 1 suggest that individuals without a previous shoplifting arrest and females were significantly more likely to enter a guilty plea to their shoplifting charge. Unlike failure to appear outcomes, there was no significant increase in guilty pleas after the passage of HB 585. Race, age, and whether or not the incident occurred at Walmart had no impact on whether or not the incident ended in a guilty plea. The variables included in the model explained less than 3% (Cox and Snell R-square=.025) of the variance in cases involving guilty pleas.

The logistic regression results presented in Table 4, Model 2 suggest that the only demographic or contextual variable that had a significant impact on the entry of a guilty plea for shoplifting prior to HB 585 was the individual's previous shoplifting experience; those who were arrested for shoplifting prior to the offense under consideration were significantly less likely to enter a guilty plea to their shoplifting charge prior to the passage of HB 585. The variables included in the model explained less than 2% (Cox and Snell R-square=.013) of the variance in cases involving guilty pleas.

The logistic regression results presented in Table 4, Model 3 suggest that only gender and the individual's previous shoplifting experience had an impact on whether or not they entered a guilty plea after the passage of HB 585. Females and those arrested for shoplifting prior to the offense under consideration were significantly less likely to enter a guilty plea to their shoplifting charge after the passage of HB 585. The variables included in the model explained almost four times as much variance (Cox and Snell R-square=.042) in cases involving guilty pleas after the passage of HB 585 than prior to its passage (Model 2).

Table 5. Logistic Regression Results for Shoplifting Plea (Not Guilty) Differentiated by HB 585 Time Period

Variables	(1) Full Model		(2) Pre-HB 585 (2009-2013)		(3) Post-HB 585 (2014-2018)	
	B	Exp(B)	B	Exp(B)	B	Exp(B)
HB 585 (1=Post-HB 585)	-1.35**	.26				
I. *Legal*						
Prior Shoplifting Arrest	.33**	1.39	.26	1.30	.36	1.43
II. *Extralegal*						
Race (1=African American)	.24*	1.27	.16	1.18	.38*	1.47
Gender (1=Male)	-.27*	.77	-.12	.89	-.52**	.59
Age	.00	1.00	-.00	.99	.01	1.01
Location (1=Walmart)	-.56**	.57	-.29	.75	-.93**	.39
Model X² Cox and Snell R²	267.344** .089		9.570 .008		47.299** .028	

*$p<.05$; **$p<.01$

Table 5 displays the results of three multivariate logistic regression models. Model 1 results predict whether or not an individual pled not guilty to their shoplifting charge throughout the entire time period under study. The same model is then estimated for the five-year period prior to HB 585 (Model 2) and after the passage of HB 585 (Model 3). In each model, the dependent variable under consideration is regressed on the demographic and contextual variables described earlier.

The logistic regression results presented in Table 5, Model 1 suggest that individuals with a previous shoplifting arrest, Blacks, females, and those arrested for shoplifting violations occurring at businesses other than Walmart were significantly more likely to plead not guilty to their shoplifting charge. Additionally, individuals charged with shoplifting after the passage of HB 585 were significantly less likely to enter a not guilty plea than their counterparts charged with shoplifting prior to HB 585. The variables included in the model explained approximately 9% (Cox and Snell R-square=.089) of the variance in cases involving guilty pleas.

The logistic regression results presented in Table 5, Model 2 suggest that none of the demographic or contextual variables had a significant impact on the entry of a not guilty plea for shoplifting prior to HB 585. The variables included in the model explained less than 1% (Cox and Snell R-square=.013) of the variance in cases involving not guilty pleas.

The logistic regression results presented in Table 5, Model 3 suggest that cases involving Blacks, females, and individuals arrested for incidents at stores other than Walmart were significantly more likely to result in a not guilty plea than cases involving Whites, males, and those whose violation occurred at Walmart. The variables included in the model explained less than 3% (Cox and Snell R-square=.028) of the variance in not guilty pleas after the passage of HB 585.

In Tables 6 and 7, we examine the impact of the demographic and contextual variables on the final disposition received in shoplifting cases that went to trial. Table 6 displays the results of the multivariate logistic regression models examining cases ending in a guilty disposition at trial; Table 7 displays logistic regression models for cases ending in a not guilty disposition.

Table 6. Logistic Regression Results for Shoplifting Final Dispositions (Guilty) Differentiated by HB 585 Time Period

Variables	(1) Full Model		(2) Pre-HB 585 (2009-2013)		(3) Post-HB 585 (2014-2018)	
	B	**Exp(B)**	**B**	**Exp(B)**	**B**	**Exp(B)**
HB 585 (1=Post-HB 585)	.37**	1.45				
I. *Legal*						
Prior Shoplifting Arrest	-.72**		-.51**	.60	-.92**	.40
Plea (1=Failure to Appear)	3.69**	39.96	3.17**	23.81	4.37**	79.12
II. *Extralegal*						
Race (1=African American)	-.29*	.75	-.14	.87	-.47**	.63
Gender (1=Male)	.04	1.04	.01	1.01	.08	1.09
Age	.00	1.00	.01	1.01	.00	1.00
Location (1=Walmart)	.79**	2.20	.73**	2.08	.82**	2.27
Model X^2 Cox and Snell R^2	671.779** .208		232.553** .174		354.001** .191	

*p<.05; **p<.01

Table 6 displays the results of three multivariate logistic regression models. Model 1 results predict whether or not an individual was convicted at trial (final disposition of guilty) for their shoplifting charge throughout the entire time period under study. The same model is then estimated for the five-year period prior to HB 585 (Model 2) and after the passage of HB 585 (Model 3). In each model, the dependent variable under consideration is regressed on the demographic and contextual variables described earlier.

The logistic regression results presented in Table 6, Model 1 suggest that cases (1) occurring after the passage of HB 585, (2) involving individuals without a previous shoplifting arrest, Whites, and those whose shoplifting incident occurred at Walmart, and (3) where the individual charged with shoplifting failed to appear in court were significantly more likely to receive a guilty disposition than cases without those criteria. The variables included in the model explained about 21% (Cox and Snell R-square=.208) of the variance in cases involving guilty dispositions.

The logistic regression results presented in Table 6, Model 2 suggest that prior to the passage of HB 585,

cases involving individuals without a previous shoplifting arrest, cases where shoplifting allegedly occurred at Walmart, and cases where the individual charged with shoplifting failed to appear in court were significantly more likely to receive a guilty disposition than cases without those criteria. The variables included in the model explained about 17% (Cox and Snell R-square=.174) of the variance in cases involving guilty dispositions before HB 585.

The logistic regression results presented in Table 6, Model 3 suggest that after the passage of HB 585, cases (1) involving individuals without a previous shoplifting arrest, (2) involving Whites, (3) where shoplifting allegedly occurred at Walmart, and (4) where the individual charged with shoplifting failed to appear in court were significantly more likely to receive a guilty disposition than cases without those criteria. The variables included in the model explained about 19% (Cox and Snell R-square=.191) of the variance in cases involving guilty dispositions after the passage of HB 585.

Table 7. Logistic Regression Results for Shoplifting Final Dispositions (Not Guilty) Differentiated by HB 585 Time Period

Variables	(1) Full Model		(2) Pre-HB 585 (2009-2013)		(3) Post-HB 585 (2014-2018)	
	B	Exp(B)	B	Exp(B)	B	Exp(B)
HB 585 (1=Post-HB 585)	-1.48**	.23				
I. Legal						
Prior Shoplifting Arrest	.60**	1.83	.51**	1.67	.75**	2.12
Plea (1=Failure to Appear)	-4.86**	.01	-4.49**	.01	-18.79	.00
II. Extralegal						
Race (1=African American)	.16	1.18	.08	1.08	.39	1.48
Gender (1=Male)	.05	1.05	.13	1.14	-.16	.86
Age	-.01	.99	-.01	.99	.00	1.00
Location (1=Walmart)	-.69**	.49	-.62**	.54	-.83**	.44
Model X^2 Cox and Snell R^2	592.967** .186		230.175** .172		125.525** .073	

*$p<.05$; **$p<.01$

The logistic regression results presented in Table 7, Model 1 suggest that (1) cases occurring before the passage of HB 585, (2) cases involving individuals who had a previous shoplifting arrest, (3) cases where shoplifting allegedly occurred at stores other than Walmart, and (4) cases where the individual charged with shoplifting appeared in court when scheduled to do so were significantly more likely to receive a disposition of not guilty than cases without those criteria. The variables included in the model explained about 19% (Cox and Snell R-square=.186) of the variance in cases involving not guilty dispositions.

The logistic regression results presented in Table 7, Model 2 suggest that prior to the passage of HB 585, (1) cases involving individuals who had a previous shoplifting arrest, (2) cases where shoplifting allegedly occurred at stores other than Walmart, and (3) cases where the individual charged with shoplifting appeared in court when scheduled to do so were significantly more likely to receive a disposition of not guilty than cases without those criteria. The variables included in the model explained about 17% (Cox and Snell R-square=.174) of the variance in cases involving guilty dispositions before HB 585.

The logistic regression results presented in Table 7, Model 3 suggest that after the passage of HB 585, cases involving individuals who had a previous shoplifting arrest and cases where the individual charged with shoplifting allegedly did so at a store other than Walmart were significantly more likely to receive a not guilty disposition than cases without those criteria. The variables included in the model explained about 7% (Cox and Snell R-square=.073) of the variance in cases involving guilty dispositions after the passage of HB 585.

Table 8. Summary of Significant Logistic Regression Results for Plea and Final Dispositions

Plea Disposition Variables	Failure to Appear			Guilty Plea			Not Guilty Plea		
	Full Model	*Pre-HB 585*	*Post-HB 585*	*Full Model*	*Pre-HB 585*	*Post-HB 585*	*Full Model*	*Pre-HB 585*	*Post-HB 585*
HB 585 (1=Post-HB 585)	+						-		
I. *Legal*									
Prior Shoplifting Arrest	+	+	+	-	-	-	+		
II. *Extralegal*									
Race (1=African American)	-	-	-				+		+
Gender (1=Male)	+		+	-		-	-		-
Age	-	-							
Location (1=Walmart)	+	+	+				-		-
Final Disposition Variables				Guilty Disposition			Not Guilty Disposition		
				Full Model	*Pre-HB 585*	*Post-HB 585*	*Full Model*	*Pre-HB 585*	*Post-HB 585*
HB 585 (1=Post-HB 585)				+			-		
I. *Legal*									
Prior Shoplifting Arrest				-	-	-	+	+	+
Plea (1=Failure to Appear)				+	+	+	-	-	
II. *Extralegal*									
Race (1=African American)				-		-			
Gender (1=Male)									
Age									
Location (1=Walmart)				+	+	+	-	-	-

In Table 8, we summarize the logistic regression findings predicting the various types of pleas offered and types of dispositions received by those individuals whose cases appeared in court. Several notable findings emerged. First, there were distinctive differences in three of the five outcomes when comparing cases prior to HB 585 with those after HB 585. Individuals charged with shoplifting were significantly more likely to miss their court appearance and be found guilty after HB 585 (and thus less likely to be found not guilty after HB 585) than prior to its passage.

Additionally, each of the demographic and contextual variables had a statistically significant impact in one or more outcomes of the shoplifting cases. Whites were significantly more likely to miss their court appearance (at all time periods) and be found guilty of shoplifting charges after the passage of HB 585 than Blacks, while Blacks were significantly

more likely to offer a plea of not guilty after the passage of HB 585 than Whites. Males were significantly more likely to miss their court appearance than females while females were significantly more likely than males to enter a plea of not guilty in shoplifting cases. Gender did not matter in terms of determinations of guilt in shoplifting cases that went to trial. Younger individuals were significantly more likely to miss their court appearance than their older counterparts; age did not have a significant impact on either the type of plea or the type of verdict in the shoplifting cases.

The most meaningful variables in the case files appeared to be two contextual variables: the number of prior shoplifting offenses the individual had and whether or not the shoplifting incident occurred at Walmart. Individuals with prior shoplifting offenses were significantly more likely to miss their court appearance, plead not guilty, *and* be declared not

guilty at their trial than their counterparts. Defendants without prior shoplifting offenses were significantly more likely to plead guilty *and* be found guilty at trial than their counterparts who went to trial for shoplifting offenses. Finally, with the exception of guilty pleas, whether or not the incident occurred at Walmart had a significant impact across all forms of disposition. Individuals involved in shoplifting incidents at Walmart were more likely to miss their court appearance, less likely to enter a not guilty plea, more likely to be found guilty (and less likely to be found not guilty) at trial than their counterparts. Each of these findings is discussed in detail in the discussion section below.

Discussion

In this study, we examined the impact of both legal and extralegal factors on shoplifting arrests and court outcomes. Prior to the passage of HB 585 (2014), legislation that reduced penalties and raised theft amount thresholds for shoplifting, there were gender and racial gaps in the number of shoplifting arrests; however, those gaps have essentially closed in recent years in this particular city under study. Previous self-report studies show no significant differences along racial lines in shoplifting activity after controlling for socioeconomic status (Gold, 1970; Hindelang, Hirschi, & Weiss, 1981), but there has been disagreement in previous studies about gender differences in shoplifting. Some studies suggest that males have higher rates of shoplifting than do females (Bamfield, 2012; Farrington, 1999; Klemke, 1992; Krasnovsky & Lane, 1998), but others reveal nearly equal levels of shoplifting for males and females (Marshall & He, 2010). Despite this debate, it is widely acknowledged that the gender gap for shoplifting is much smaller than that seen in most other types of offending (Hirtenlehner, Blackwell, Leitgoeb, & Bacher, 2014), and our evidence supports this notion.

We also examined shoplifting case trends by violation location. In this jurisdiction, and many rural towns across America, Walmart serves as the biggest retailer. Due to this, increases in technology, security personnel, and enforcement of shoplifting offenses at Walmart could have a large impact on a jurisdiction's shoplifting rates, specifically, and overall crime rates in general. The number of shoplifting cases started trending upward the year before HB 585 was enacted. Around that time, the number of cases with violations occurring at Walmart also increased significantly. It was also around this time that the number of offenses for males and White females began trending upward. It is possible that the increasing number of cases involving violations that occurred at Walmart is responsible for the narrowing of the racial and gender gaps in shoplifting in this particular jurisdiction. Bivariate correlations support this notion and suggest significant relationships between White individuals and violations involving Walmart, as well as significant relationships for females and violations at this location. Nearly everyone in rural America, regardless of race, gender, or socioeconomic status, shops at Walmart. If enforcement of shoplifting violations occurring at Walmart have increased in recent years, this could explain why the number of cases involving Black females, White females, Black males, and White males are trending together (see Figure 4).

We also examined trends in plea and final dispositions over a ten-year period. One of the most important findings from this analysis was that "failure to appear" dispositions for shoplifting have increased significantly over the ten-year study period while adjudications of guilt have become nearly certain. Those who fail to appear for court are automatically adjudicated as guilty of the charge. Generally, failing to appear for court can be costly both to the individual charged with the crime and to the justice system, leading to additional charges for failing to appear, increased penalties and fine amounts, issuance of arrest warrants, and difficulty obtaining bail in future offenses (Bornstein, Tomkins, Neeley, Herian, & Hamm, 2012). In regard to offense type, Bornstein and colleagues (2012) found that those charged with Misdemeanor 2 offenses (which included shoplifting) and violations of city ordinances were the most likely to fail to appear for court; however, they found that sending reminders to individuals with information about the punishment for failing to appear reduced the failure to appear rate for Whites and Hispanics.

Finally, for the first time of which we are aware, we were able to examine demographic and contextual predictors of shoplifting pleas and adjudications in a multivariate model. Our findings are interesting primarily because of their novel nature. We found that racial differences do exist in shoplifting, but not in the manner that many might expect. Whites were significantly more likely to miss their court appearance than Blacks (both before and after the passage of HB 585). Also, Black individuals charged with shoplifting were more likely to enter a plea of not guilty, and Whites were more likely to be adjudicated as guilty, especially in the years following the passage of HB 585. Thus, despite a large body of research that suggests being Black is a strike against an individual in the criminal justice system, it appears that, with shoplifting charges in this jurisdiction, being White was associated with greater likelihood of a guilty verdict. Further exploration is needed in other jurisdictions to see if this is a finding largely unique to

shoplifting charges or largely unique to this jurisdiction.

Additionally, gender seemed to matter in shoplifting processing as well. Males were significantly more likely to miss their court appearance than females while females were significantly more likely than males to enter a plea in court. However, these relationships between gender and plea dispositions were significant only in the post-HB 585 time period. Scant research that examines predictors of failing to appear (FTA) exists, and none of which we are aware exists for predicting FTA for shoplifting. Thus, these gender differences are also an important area of future research.

The multivariate results also revealed that an individual's prior record mattered, but, again, not in a manner that most would have expected. Individuals with prior shoplifting offenses were significantly more likely to miss their court appearance, plead not guilty, *and* be declared not guilty at their trial than their counterparts. Individuals without prior shoplifting offenses were significantly more likely to plead guilty *and* be found guilty at trial than their counterparts who went to trial for shoplifting offenses. Again, we are unaware of any previous research that has examined these relationships for shoplifting offenses. It could be that those individuals with prior shoplifting offenses had "skipped court" before and had no consequences for their FTA (no arrest for failure to pay fines); thus, their experience with the system might make them more likely to not appear because they know their failure to appear will have little consequence. Their prior offenses may also make them more likely to plead not guilty because they assume that a guilty plea will carry a longer sentence for them than it did for their first shoplifting offenses. Also, individuals with prior offenses may be more likely to have an attorney present, especially if they believe a guilty verdict will lead to a jail sentence. Having an attorney present may decease one's chances of being adjudicated as guilty. Future research is needed in this area to better understand this relationship as well.

Another important component of the shoplifting story in this city, and likely cities of similar size throughout the Southeastern United States, is the impact of Walmart on the crime of shoplifting. First, nearly half of all shoplifting cases over the ten-year study period involved incidents occurring at Walmart. Additionally, at least in this city, shoplifting incidents at Walmart also appear to lead to qualitatively different outcomes than those at stores other than Walmart. The evidence presented here (coupled with anecdotal evidence we have gathered from discussions with Walmart employees and other actors in the local criminal justice system) suggests that Walmart is more serious about using the criminal justice system to deter shoplifting, and individuals charged with shoplifting appear to be aware of that fact. First, individuals charged with shoplifting from Walmart were significantly less likely to appear in court (for all time periods under study) than individuals charged with shoplifting at stores other than Walmart and, when they did appear at court, were significantly more likely to receive a guilty disposition. In this jurisdiction under study, a representative from Walmart is at the court to represent their interests to the judge on the days that shoplifting offenses are adjudicated. This presence appears to matter and may be one reason why individuals charged with shoplifting from Walmart both fail to appear in court and are found guilty when they do. Additional research is needed in this area, and other locales throughout the United States, to see if this finding is replicated in other jurisdictions.

Finally, whether the shoplifting offense occurred before or after the passage of HB 585 also made a difference in the outcome. In cases processed after HB 585, defendants were significantly more likely than their counterpart cases to be coded as Failure to Appear and to end in a guilty verdict. Cases processed before HB 585 were significantly more likely to enter in both a plea and a verdict of Not Guilty than cases processed after HB 585. These data support the trend data discussed earlier and are discussed in detail below.

Policy Implications

We believe there are several important policy implications to be derived from this study. The first revolves around the importance of reducing the number of individuals charged with shoplifting that miss their court appearance. Previous research has revealed that, in many jurisdictions, individuals fail to appear in court not because they consciously refuse to appear but often because they are unaware or unable to appear. This may be a particular problem in the study city because they lack reliable public transportation of any form (making individuals heavily reliant on friends and relatives to help them get to their court appearance) and the court does not have a court appearance reminder notification system in place. This jurisdiction, and others who share these problems, would likely be well-served in considering a notification system whereby the individual who is to appear at court is notified 48-72 hours prior to their court appearance and required to respond to that notification. If no response is received, a follow-up inquiry should be submitted. If no response is received after the second notification, additional steps could be implemented prior to charging the individual with failure to appear or adjudicating them as guilty in absentia.

A second important implication from this study has to do with the role of Walmart in the local community and criminal justice system. Walmart often has the largest loss prevention presence of any business in small, rural communities like this one. Thus, these security personnel have a vested interest in reducing shoplifting at Walmart. Local criminal justice officials should thus make special efforts to incorporate Walmart into crime prevention and reduction strategies in the community. Regular meetings between Walmart security personnel, the police chief and sheriff, and judges and corrections personnel would likely result in strategies that would both reduce shoplifting at Walmart and reduce the burden of shoplifting (and perhaps other offenses such as loitering, public intoxication, harassment that commonly occur in public, and thus at Walmart) on the criminal justice system in that community.

Conclusion

We draw several conclusions from the analysis of shoplifting trends, in the years before and after the passage of HB 585. First, the gender and racial gap in shoplifting arrests in the jurisdiction under study has closed in recent years, suggesting fewer disparities in shoplifting arrests. We cannot say if this is due to the passage of statewide criminal justice reform, a product of increased enforcement of shoplifting violations occurring at Walmart (a place where nearly everyone in this jurisdiction shops), or some other reason not examined in this study. On the other hand, it is troubling that overall numbers of shoplifting arrests, failures to appear, and guilty dispositions have increased in recent years. It is important to note that failures to appear were trending upward prior to the passage of HB 585; however, they have continued to increase in recent years. Individuals charged with misdemeanors may be less deterred by the threat of a misdemeanor charge than they were by the threat of felony enhancement. Other possibilities are that store personnel are more likely to apprehend, police are more likely to arrest, prosecutors are less likely to dismiss charges, and judges are more likely to convict individuals for misdemeanor offenses than they were for felony offenses, which carried the real possibility of a prison sentence. Also, shoplifting offenders may have been more likely to have attorney representation and to plead not guilty when the number of prior offenses and theft amount thresholds for felony enhancement were lower.

It is also possible that socioeconomic factors are driving shoplifting offending and failures to appear in this jurisdiction. We cannot say, in the absence of individual socioeconomic indicators, whether poverty plays a role in an individual's decision to engage in shoplifting behavior or to fail to appear for court, but it does not appear that poverty rates are driving the increases in shoplifting cases in recent years (see Figure 6).

We believe that this study has shed light on the impact of statewide criminal justice reforms on shoplifting arrests and court outcomes at the local level. The next logical step will be to examine sentencing outcomes for these offenders. Even though HB 585 was designed to keep individuals engaged in lower level offenses out of prison, it will be interesting to see if it reduces the amount of time convicted shoplifters serve in the county jail, a cost that is borne by local jurisdictions, offenders, their families, and communities. We encourage other researchers to examine the impacts of statewide criminal justice reforms on misdemeanor offending and court processing at the local level and to uncover other forces that may be driving misdemeanor crime rates, especially in rural jurisdictions. Such scholarship will complement the work done by state and national agencies on the impact of particular reforms while giving voice to local jurisdictions who are charged with enacting such legislation. Such research is also important because it may uncover unintended consequences that stem from legislative changes, such as an increase in failure to appear and guilty dispositions for shoplifting offenses. By highlighting these issues, policymakers at both the state and local levels can work to address them.

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