

Jeffrey Hinz

Kirkwood Ace Hardware

Good morning, I'm Jeff Hinz, the owner of Kirkwood Ace Hardware in Bismarck.

Shoplifting has been an ever present problem in all the years I have owned my store. The retailer's lost revenue is reflected in higher prices to the consumer, the lack of business development or hiring new workers due to financial constrictions, and in many cases, stores closing because of the losses.

In recent the years the problem has become much more prevalent. There are a few major issues that have helped to create this condition and I believe your action could help.

First, the shoplifter believes nothing will happen to him if he is caught. Basically, this is true. An example I can give you is a gentleman that concealed 4 DeWalt batteries, about \$450 in value. We detained him, called the police and he said "are you really going to waste your time with this? I'm going to be out of there in 20 minutes, back in here stealing again and there is not a (blanking) thing you can do about it." He was wrong on only one thing, he was out in 35 minutes. Fargo police announced in August 2019 that they basically would not work on shoplifting cases less than \$500 because they are overwhelmed. Well, they're overwhelmed because the same guys keep doing it over and over and over, because there is no real penalty. In California nothing is done for less than \$1000 and it is a free for all for shoplifters.

Second, it's easy to cash in on stolen goods. A chain saw stolen from us was at a local pawn shop within half an hour. A brand new saw, no gas or oil in it, never used, with our price tag and a warranty card not filled out, but a pawn shop then has more rights to that saw than I do. There is no way they didn't know it wasn't stolen. Yes the thief was identified, no nothing happened to him. Facebook marketplace also operates to their advantage. Today on the local page there are tons of DeWalt tools, brand new in the box, for sale. No one is buying brand new tools and then selling them for half of what they paid. It's stolen goods. We've had to chain off our tool aisles because we can't take the constant hit anymore. In the last 5 years I have lost more money in stolen power tools than we have made, but chaining it off limits our good customers from shopping and will limit our legitimate sales.

Third, the thieves have learned that violence pays. Most major chains nationwide prohibit their employees from confronting a violent shoplifter, or one that has physically left the store, for fear of lawsuits. The criminals have learned that if they react violently, their chance of being left alone is pretty good. If they can get the cart out the door into the parking lot they are home free. The chainsaw I mentioned was a violent theft. Grab and run, and he physically attacked my son. The days of the quiet stealthy concealment are over. In my store they grab the items and bolt for the door, pushing customers and employees aside. I have been physically assaulted MANY times by shoplifters. They often make the bold claim "you can't touch me"

Many times you hear the repeated myths about an innocent mistake, my first time, just trying to feed my family. This is bull. These are habitual, hardened criminals. Most retailers in town know their

names, their vehicles, their friends, and what they like to steal. It's the same folks over and over and over. They are connected and often work together. It is a mob business.

Here is how you can help us. Give them a real penalty. Jail, fine, AND restitution to the retailer. If your heart just can't ruin a first time offender's life, maybe you can find a way to deal with his second, third, or 40th time.

Next, please assign a harsh penalty for any theft that threatens employees or customers of the business, and please, protect us from their legal threats. Allowing this physical assault trend to continue will only increase the amount of shoplifting and encourage bolder hostile actions.

We small business people face an onslaught of difficulties. New harmful tax proposals, higher minimum wage laws, and competing with online entities that do not have to deal with these shoplifting issues. If you value your North Dakota retailer partners and would like to continue to see open retail stores rather than barred windows, merchandise behind counters, and cashiers in secure booths like in metro areas, we could use your help. Please support SB2166

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