



Retail Larceny Incidents and Arrests In Virginia July 2017 through June 2021

Virginia Department of Criminal Justice Services
1100 Bank Street, Richmond, Virginia 23219
www.dcjs.virginia.gov

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Introduction

On July 1, 2018, Virginia raised its dollar amount threshold for a felony-level theft offense from \$200 to \$500. Previously, Virginia (and New Jersey) had the lowest dollar amount threshold in the nation (\$200) for a felony-level theft offense. Virginia's \$200 threshold was established in 1980, and since then most states have raised their thresholds to \$1,000 or more.

There were several rationales for raising Virginia's threshold. One was inflation. According to the Bureau of Labor's Consumer Price Index, \$200 in 1980 dollars is now the equivalent of \$607 in 2019 dollars. Another reason was that reducing the number of felony convictions for minor theft offenses could help to reduce Virginia's costly jail and prison populations. Finally, making such low-level theft offenses misdemeanors would help to reduce the number of persons who carry the costly, often life-long burden of a felony conviction for committing a minor crime.

One objection to increasing the felony-larceny threshold was that raising the threshold could lead to an increase in larceny-theft offenses such as shoplifting. This view contended that raising the threshold could lead to more shoplifting and other thefts, because criminals might believe that items of greater value (\$500 vs. \$200) could now be stolen at the risk of only a misdemeanor charge if caught.

Under a previous SJS grant (#2019-86-CX-K005) the SAC used Virginia Incident-Based Reporting System (VAIBRS) data to examine trends in felony-larceny (primarily shoplifting) offenses and arrests before and after the threshold was raised to \$500, to identify any changes in these offenses and/or arrests following the threshold increase. This examination showed no increase in shoplifting incidents following the threshold increase, but that the number of such incidents and resulting arrests instead *decreased* after the threshold was raised. There was an increase in the total value of items stolen following the threshold increase.

In 2020, the Virginia General Assembly raised the felony larceny threshold a second time, this time doubling the threshold from \$500 to \$1,000, effective July 1, 2020. This report updates the previous SJS grant report by examining several measures of larceny-thefts in Virginia to determine if they show any evidence of an increase in these offenses after the threshold was raised to \$1,000. The measures, obtained from Virginia NIBRS Reports¹, were:

- The total number of larceny-theft offenses reported to law enforcement,
- The number of larceny-theft offenses at retail locations reported to law enforcement,
- The dollar amount value of items reported stolen in these offenses, and,
- The number of arrests for shoplifting and other theft offenses at retail locations reported by law enforcement.

For each of these measures, figures for the three fiscal years prior to the threshold increase (FY 2018, 2019, and 2020) were compared to figures for the fiscal year following the threshold increase (FY2021) from \$500 to \$1,000.

¹ Crime and arrest reports submitted by local law enforcement agencies to the Virginia Incident-Based Crime Reporting Repository System administered by the Virginia Department of State Police.

Total Number of Larceny-thefts

Figure 1 shows the total monthly number of larceny-thefts reported in Virginia statewide during the three fiscal years before the felony-larceny threshold was raised to \$1,000 (FY2018-2020), compared to the numbers reported for FY2021, the first year after the threshold was increased. The numbers in Figure 1 include all reported larceny-thefts, regardless of the type of location where the offense occurred. FY2021 data is preliminary.

Figure 1.

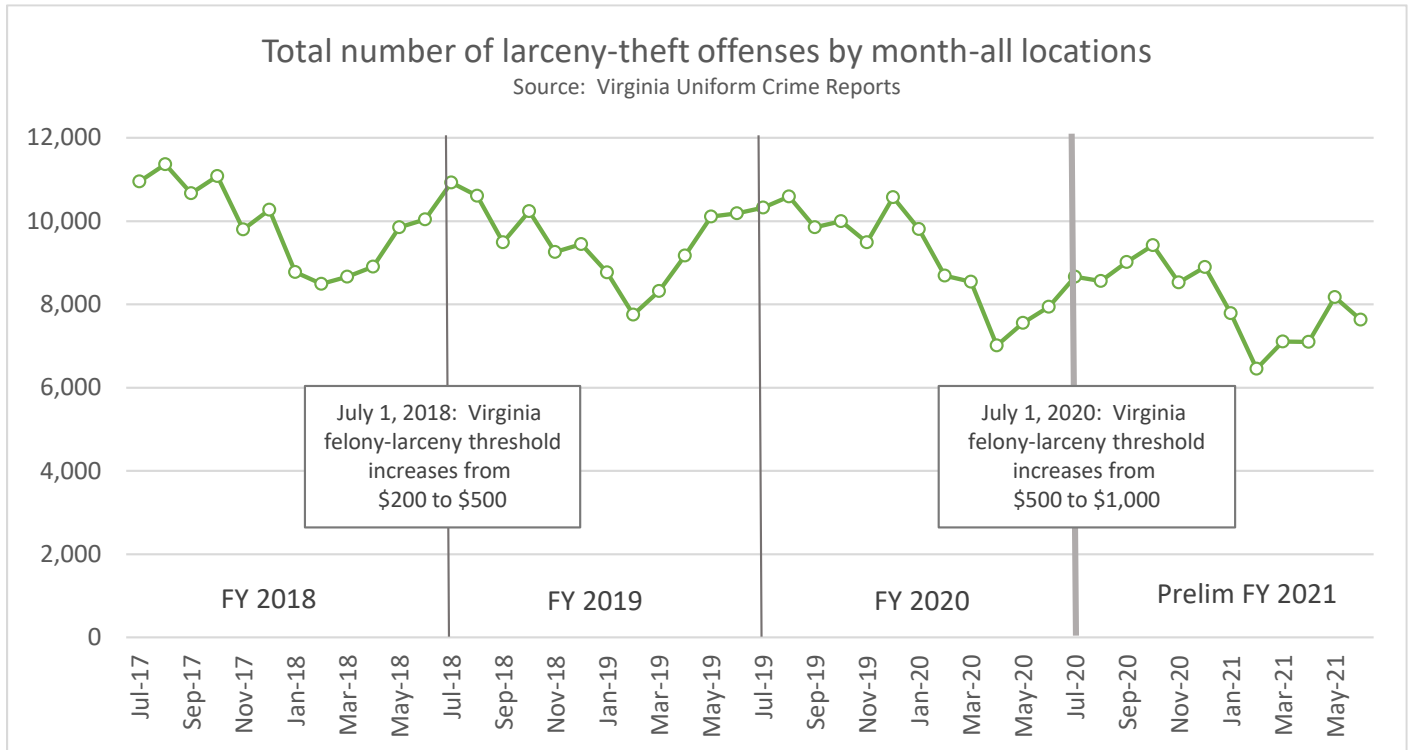


Figure 1 shows that there was a downward trend in the number of larceny-thefts reported during the three-year period prior to the threshold increase, and this decline continued in the first year after the threshold increase. In each year, there is a seasonal pattern of decreasing thefts from August through February (February being the annual minimum number of larcenies reported in all years shown except FY 2020²) followed by an increase from March through July/August. However, overall, there continues to be no indication of an increase in the total number of larceny-thefts following the threshold increase from \$500 to \$1000.

The downward trend in reported larceny-thefts is evident in Table 1 below, which shows the number and change in larceny-theft totals overall and by offense location from FY2018 through FY2021. As shown, most larcenies occurred at a residence, a retail location, or in a public area. Larcenies declined at all location

² April 2020, the first full month of the 73-day Covid-19 statewide public health emergency shutdown in Virginia, was the annual minimum for FY 2020.

types in the three-year period before the threshold increase, and continued to decline at all location types in FY2021.

The largest year-to-year decrease in the total number of larcenies (down 13,046 or 12%) occurred from FY2020 to FY2021. The lingering impact of the Covid-19 pandemic on criminal behavior is likely the reason for this large one-year decrease in larcenies. Ongoing social distancing, shuttered businesses, shortened business hours, and closed schools (note in Table 1 the significant decrease in thefts from schools) continued to limit opportunities for theft. Also, while only the final three months of FY2020 occurred during the Covid-19 pandemic, all of FY2021 (July 2020 through June 2021) was impacted by the pandemic.

Table 1

Number of Larceny-Theft Offenses Reported by Offense Location Type and Fiscal Year				
Location Type	FY 2018	FY 2019	FY 2020	Prelim FY 2021
Commercial	5,567	5,375	4,934	4,185
Government Facility	912	824	723	406
Other Location	4,445	4,150	3,995	3,747
Outdoors	1,148	1,125	1,113	1,054
Public Area	24,755	23,833	23,704	22,969
Residential	42,325	39,509	36,996	34,150
Retail	36,655	36,753	36,643	30,093
School/College	3,066	2,701	2,274	732
<i>Total Larceny-Theft Offenses</i>	<i>118,873</i>	<i>114,270</i>	<i>110,382</i>	<i>97,336</i>
Total One-Year Absolute Change	n/a	-4,603	-3,888	-13,046
Total One-Year Percent Change	n/a	-4%	-3%	-12%

Total Number of Larceny-Thefts at Retail Locations

Of particular concern during discussions on raising the felony-larceny threshold was whether this could lead to an increase in thefts that occur at retail locations. To examine this possibility, the analysis focus was narrowed to examine only those larceny-theft offenses reported at a retail location. A retail larceny-theft was defined as any type of larceny or theft (including shoplifting) reported at any of these locations:

- Convenience Store
- Department/Discount Store
- Drug Store
- Grocery/Supermarket
- Liquor Store
- Service/Gas Station
- Specialty Store (TV, Fur, Etc.)
- Shopping Mall

Figure 2 shows the total number of monthly larceny-thefts reported at retail locations in Virginia statewide during the three fiscal years before the felony-larceny threshold was raised to \$1,000, and during the first fiscal year after the threshold was raised to \$1,000. For the time period shown, retail larceny-thefts made up 32% of the total number of larceny-thefts reported in Virginia. Retail thefts also showed a seasonal pattern, with the highest number of thefts reported in December of each year.

Figure 2

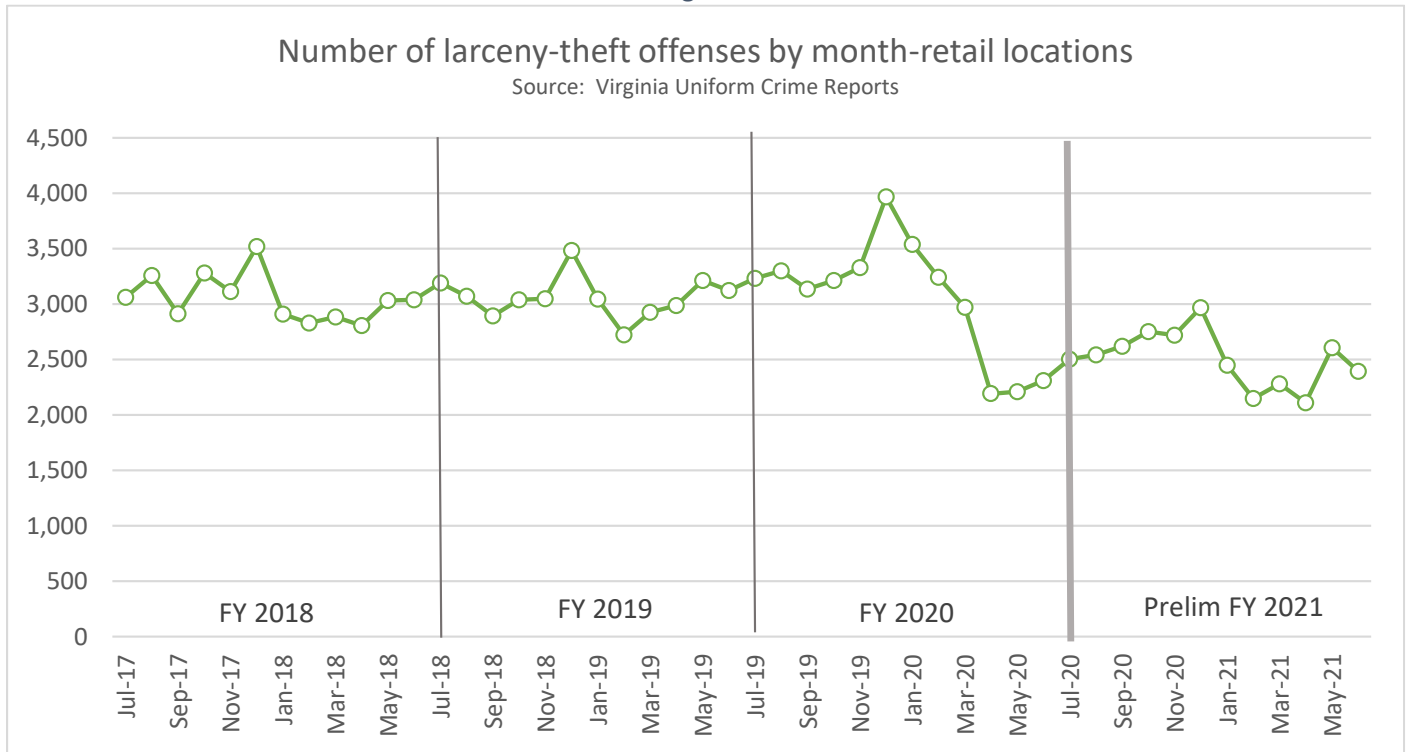


Figure 2 shows that the monthly number of retail theft offenses did not vary much from FY2018 through early FY2020, averaging around 3,000 per month. Retail thefts reached a four-year maximum in December FY2020, then began the seasonal decline in January 2020. The steepest drop in retail larcenies during the period shown occurred from March 2020 to April 2020. The 73-day statewide Covid-19 public health shutdown of non-essential retail businesses started in Virginia on March 30, 2020.

Table 2 shows that while the annual number of retail thefts remained consistent in each fiscal year from 2018 through 2020, ranging between 36,643 and 36,753, the number of retail larcenies was lower in FY2021, the first year after the felony-larceny threshold was raised to \$1,000, than it was in any of the previous three fiscal years.

Table 2

Total number of larceny-theft offenses by retail location and year				
Retail Location	FY 2018	FY 2019	FY 2020	Prelim FY 2021
Convenience Store	5,812	5,508	5,995	5,369
Department/Discount Store	15,672	16,251	14,928	11,461
Drug Store/Doctor's Office/Hospital	1,296	1,283	1,325	1,004
Grocery/Supermarket	4,493	4,627	5,314	4,672
Liquor Store	2,285	2,071	2,228	1,426
Service/Gas Station	1,675	1,635	1,828	1,769
Shopping Mall	2,387	2,405	2,185	1,637
Specialty Store (TV, Fur, Etc.)	3,035	2,973	2,840	2,755
<i>Total All Retail Locations</i>	<i>36,655</i>	<i>36,753</i>	<i>36,643</i>	<i>30,093</i>
Total One-Year Absolute Change	n/a	+98	-110	-6,550
Total One-Year Percent Change	n/a	+0.3	-0.3%	-17.9%

The number of larceny-theft offenses at each type of retail location was lower in FY2021, the first year after the felony-larceny threshold increased to \$1,000, than in the previous year.

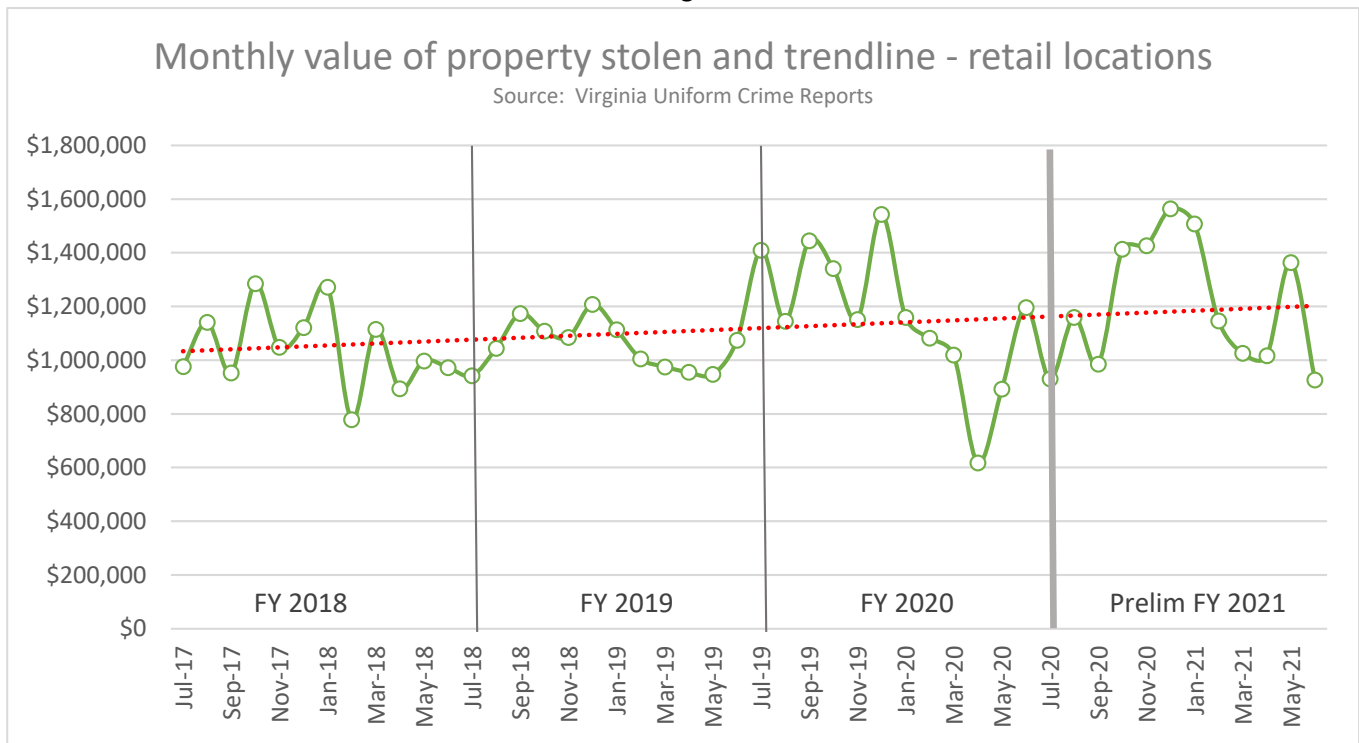
Overall, thefts at retail locations dropped by nearly 18% from 36,643 in FY2020 to 30,093 in FY2021. The greatest drops occurred at liquor stores (2,228 to 1,426, a 36% drop from FY2020 to 2021), shopping malls (2,185 to 1,637, a drop of 25% from FY2020 to 2021), and at drug store/doctor's office/hospitals (1,325 to 1,004, a drop of 24% from FY2020 to 2021).

The number of larcenies reported at grocery stores and gas stations was slightly higher in FY2021 than in FY2018 and FY2019.

Dollar Value of Retail Items Stolen

Figure 3 shows the total monthly dollar value amount reported for items stolen in larceny-theft incidents at retail locations for fiscal years 2018 through 2021³. In addition to a possible increase in the number of larceny-theft incidents, an increase in the value of items stolen in these offenses was cited as a possible negative effect of increasing the felony-larceny threshold.

Figure 3



As Figure 3 shows, the total monthly value of retail items stolen fluctuated between about \$600,000 to almost \$1.6 million in FYs 2018 through 2020, while FY 2021 the monthly value ranged between \$900,000 to almost \$1.6 million. While the end-to-end value of items stolen from retail locations trended downward over the 4-year period, the overall trend was up.

³ Five outlier retail larcenies with reported theft values ranging between \$400,000 and just under \$1 million were excluded from this analysis because including them would throw the total monthly value off of scale from the vast majority of other monthly values.

The overall trend in value of retail property stolen increased because, as shown in Table 3 below, the total annual dollar value of property stolen increased from year to year, with the largest increase in FY2021. The increase holds even after adjusting for inflation. This suggests that more expensive items were stolen in retail larceny incidents in FY2021, even though the number of these retail larceny incidents decreased by 18% from FY 2020.

Table 3
Value of items stolen in retail larceny-thefts, FY2018-2021

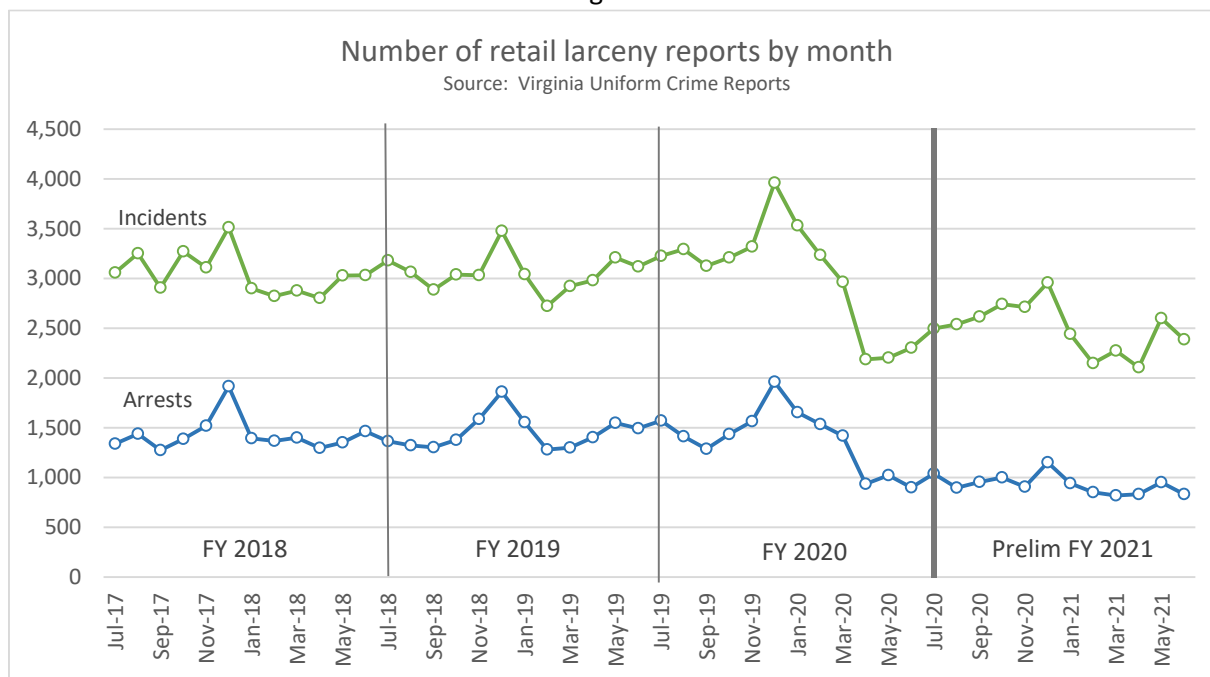
Virginia fiscal year	Annual total value of retail property stolen	Percent change in total value of retail property stolen	Total number of retail larceny-theft incidents	Percent change in number of retail larceny-theft incidents	Annual retail property value per incident	Annual retail property value per incident adjusted for inflation (2021 dollars)
2018	\$12,554,576	n/a	36,559	n/a	\$343	\$369
2019	\$12,631,046	+0.6%	36,665	+0.3%	\$344	\$364
2020	\$14,001,843	+11%	36,552	-0.3%	\$383	\$403
Preliminary 2021	\$14,463,660	+3%	30,013	-18%	\$482	\$482

The annual number of *incidents* shown in the 4th column of Table 3 is slightly lower than the annual numbers of *offenses* discussed in the previous sections of this report because a single incident may be comprised of multiple types of larceny offenses.

Number of Arrests for Retail Felony-Larceny Thefts

Figure 4 shows the number of arrests reported monthly by law enforcement for larceny-thefts at retail locations from FY2018 through FY2021. Monthly numbers of retail theft incidents reported are also shown for comparison.

Figure 4



As Figure 4 shows, while there were almost twice the number of retail larceny incidents as there were retail larceny arrests, the month-to-month trends track each other closely, through April 2020, with annual peaks in December of each year. The number of retail larceny arrests per month has been flat since April 2020 and throughout FY2021, compared to FYs 2018 and 2019.

Table 4 shows the number of retail larceny-theft arrests and incidents annually for FY2018-2021, and the annual percentage change in these numbers. As shown, the number of arrests was essentially unchanged in FY2019, declined by 4% in FY 2020, then declined significantly (down 33%) in FY2021.

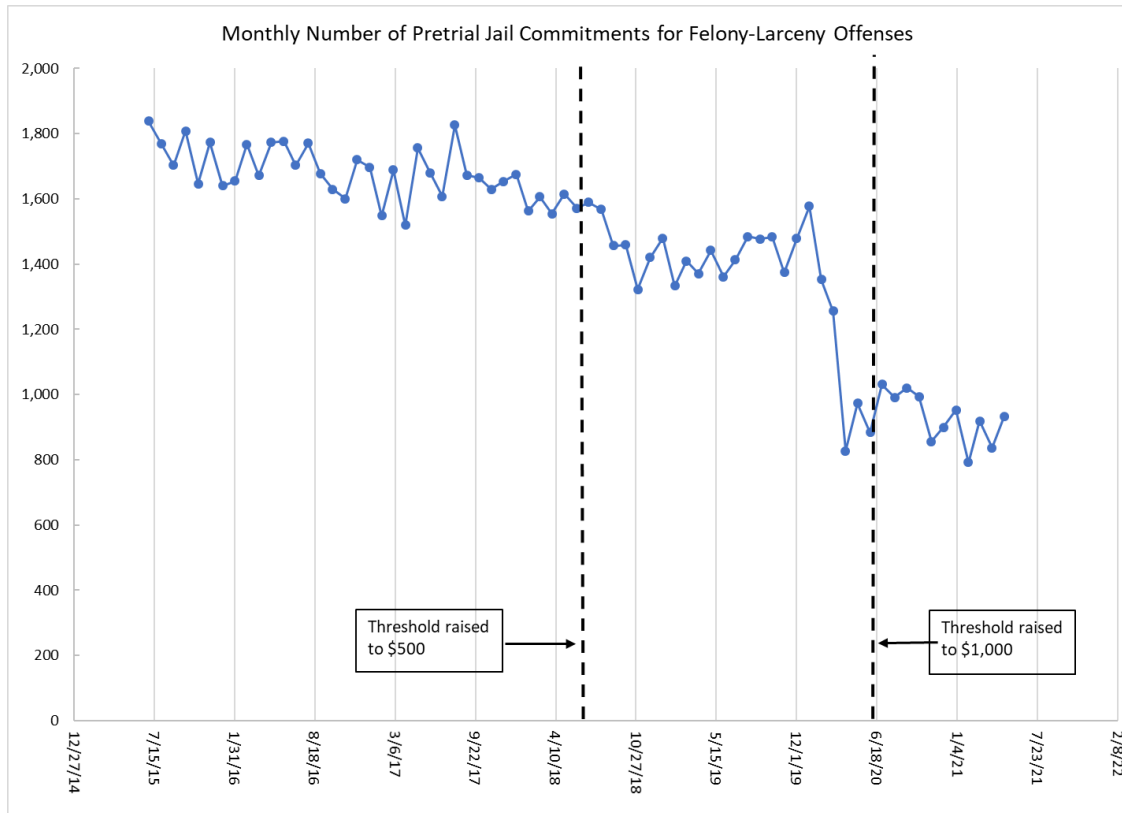
Table 4

Virginia fiscal year	Retail larceny-theft			
	Arrests		Incidents	
	Number	One-year percent change	Number	One-year percent change
2018	17,137	n/a	36,559	n/a
2019	17,389	+1%	36,665	+0.3%
2020	16,694	-4%	36,552	-0.3%
Preliminary 2021	11,169	-33%	30,013	-18%

Again, the large decreases in the number of retail larceny incidents and arrests in FY2021 are likely attributed to the ongoing effects of the Covid-19 pandemic on both criminal behavior and on law enforcement activity.

In addition to examining NIBRS data, DCJS also examined trends in pretrial jail commitments for all felony-larceny offenses before and during the periods when the felony-larceny threshold was increased from \$250 to \$500, and then again from \$500 to \$1,000. The pretrial admissions data did not allow for an examination of admissions due to larcenies committed at retail locations, so all felony-larceny offenses are included. Figure 5 shows the statewide monthly number of persons admitted to pretrial programs for these offenses.

Figure 5



As can be seen, pretrial commitments for these offenses were trending downward even before the threshold was raised from \$200 to \$500 effective July 1, 2018, and continued a downward trend following the increase to \$1,000 in July of 2020. As was the case with the NIBRS data, there was a significant drop in admissions beginning about March of 2020 when Virginia responded to Covid-19 pandemic. In March, Virginia began to actively reduce the numbers of persons admitted to jails and pretrial programs to prevent the spread of Covid-19 in these programs and facilities.

Summary

This analysis examined four years of NIBRS data on retail larceny-theft offenses to determine if there was evidence of an increase in these types of offenses after July 1, 2020, when Virginia raised its felony-larceny threshold from \$500 to \$1,000. This was the second recent increase in Virginia’s felony/larceny threshold.

Analysis of larcenies, retail larcenies, and related arrests after the July 1, 2020 increase showed that the overall annual number of larceny-theft offenses in Virginia decreased in the three years before the threshold was changed, and continued to decrease in FY2021, the first year following the second increase in the felony-larceny threshold. Total larcenies declined at all location types in the three-year period before the threshold increase, and continued to decline at all location types in FY2021. Similarly, retail larcenies and related arrests both decreased in FY2021. The ongoing impact of the Covid-19 pandemic on both

criminal opportunity and law enforcement activity likely accounts for much of the decrease in retail thefts and arrests in FY2021.

While the number of retail larcenies decreased in FY2021, the total dollar value of property stolen in FY2021 increased. There are indications in the data that higher-value items are being stolen, even adjusting for inflation. The annual value of property stolen per incident in FY2021, \$481, is still well below the felony larceny threshold of \$1,000, but is higher than the annual value of property stolen per incident in each of the three years before the larceny threshold was raised.