

RETAIL THEFT IN VERMONT USING COURT DATA

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Retail Theft Using Criminal Court Data

This memo addressed the questions on retail theft charge and case processing from 2018-2023. The data comes from the Judiciary and is maintained in CRG databases.

Summary

- The 2023 retail theft charge filings are consistent with pre-Covid years. There is an increase in the number of felony retail theft charges filed.
- Most felony retail theft charges are disposed as a felony.
- Case backlogs can occur at all stages of the process, including apprehension, scheduling, and disposition.
- 57.6% of repeat retail theft offenders are charged with a new retail theft offense within 30 days of their first offense.
- Restitution is ordered in approximately 8% of all retail theft cases.
- Straight sentences were the most common sentence for both misdemeanor and felony retail theft. The average minimum time for misdemeanor retail theft was .03 years (~ 11 days) and for felony was .64 years (~ 7.6 months).

How many charges of retail theft were filed from 2018-November 2023?

Table 1: Number of Retail Theft Charges Filed by Year

2018 - November 2023

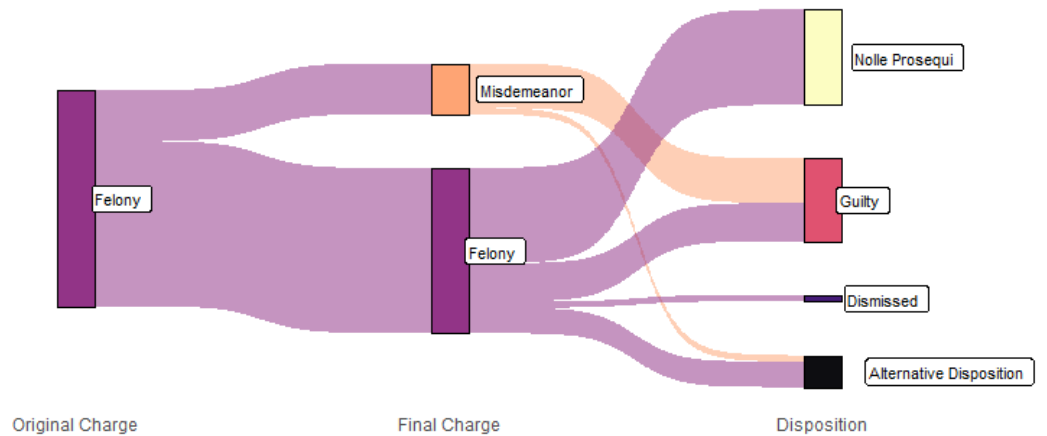
Offense Name	2018	2019	2020	2021	2022	2023
RETAIL THEFT \$900 OR LESS	860	1131	598	533	825	944
RETAIL THEFT GREATER THAN \$900	24	27	15	14	87	81
Total	884	1158	613	547	912	1025

Source: CRG Filings Database

Is the increase of felony charges due to overcharging in hopes of plea bargaining?

Probably not. In the pre-Covid period of 2018-2019 there were a total of 60 felony retail charges that were disposed (charges are not necessarily disposed of in the same year they were filed). Eight (13%) of those charges were reduced to a misdemeanor and eventually were found guilty or referred to an alternative disposition (diversion or treatment court). Figure 1 shows the flow of felony retail theft charges.

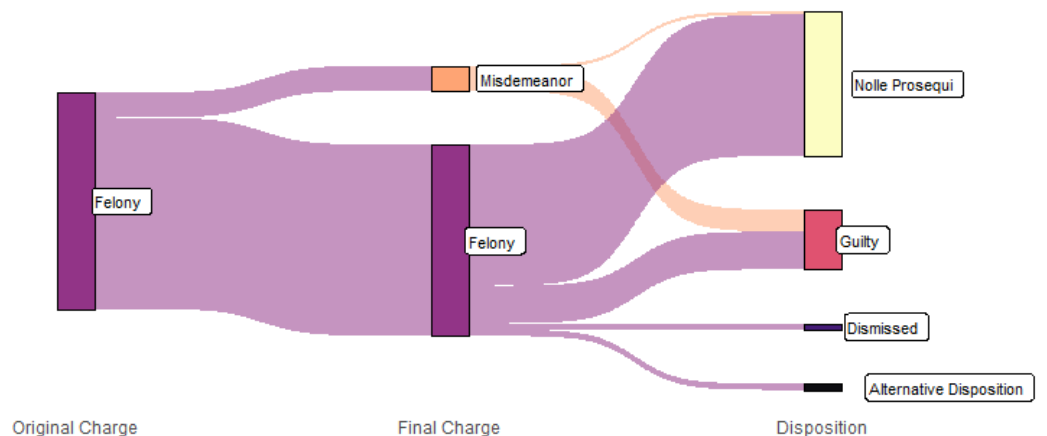
Fig. 1: Flow of Felony Retail Theft Disposed 2018-2019



Source: CRG Adjudication Database

In the post-Covid disposition years of 2022- 2023, there were 69 original felony retail theft charges disposed. Eight (11%) were reduced to misdemeanors. Figure 2 shows the flow of felony retail theft charges post-Covid.

Fig. 2: Flow of Felony Retail Theft Disposed 2022-November 2023

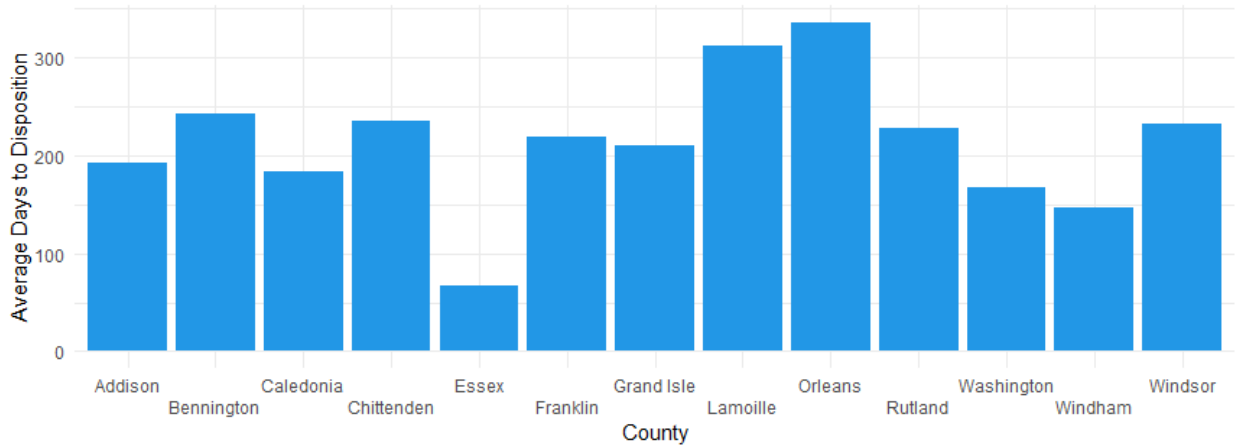


Source: CRG Adjudication Database

How long are retail theft charges taking to resolve (post-Covid)?

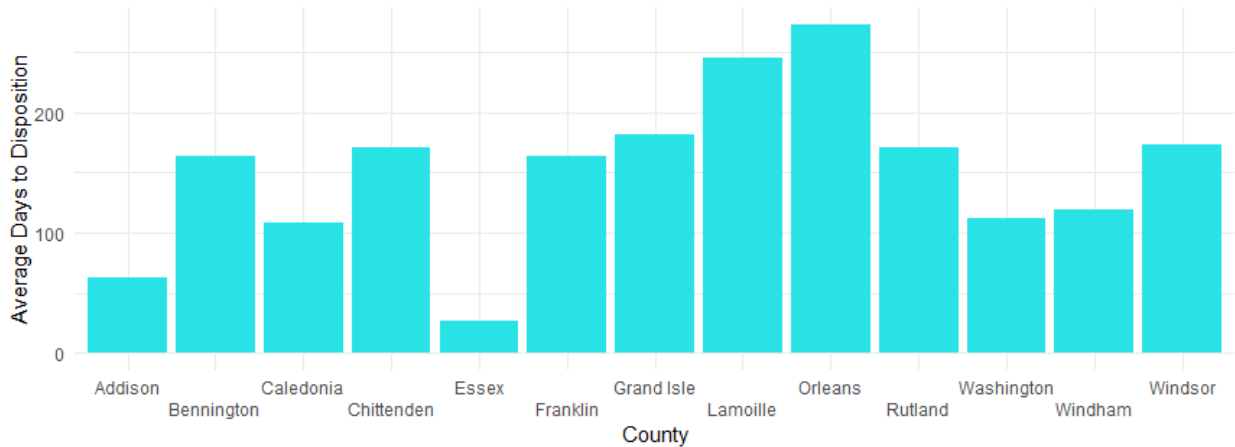
Figure 3 shows the average days to disposition from the date of the offense, for those offenses committed in 2022 or 2023. All counties are disposing of cases within 1 year of the offense. There is a difference however, between the the average disposition times from the offense and the arraignment. Figure 4 shows the average disposition times from arraignment. Addison county is able to dispose of cases in under 100 days after arraignment, compared to the almost 200 days to dispose of the case from the offense. This indicates that the delay could be in apprehending the offender or scheduling the first arraignment.

Fig.3: Average Days to Disposition from Offense Date by County
For Offenses Committed in 2022 or 2023



Source: CRG Adjudication Database

Fig. 4: Average Days to Disposition from Arraignment by County
For Offenses Committed in 2022 or 2023



Source: CRG Adjudication Database

How many charges have an order of restitution?

Statewide, only about 8% of retail theft charges have an order of restitution. Charges are not cases, and it is possible that ordered restitution is entered in only one charge in a case. However, as most cases are only one charge, the 8% is probably an accurate reflection of the use of restitution. Restitution usage varies by county, Essex had only 1 case during the time period and restitution was ordered. Lamoille and Windsor counties used restitution the most at 48.9% and 24% respectively.

Table 2: Percent of Guilty Retail Theft Charges with a Restitution Order

2018 - November 2023

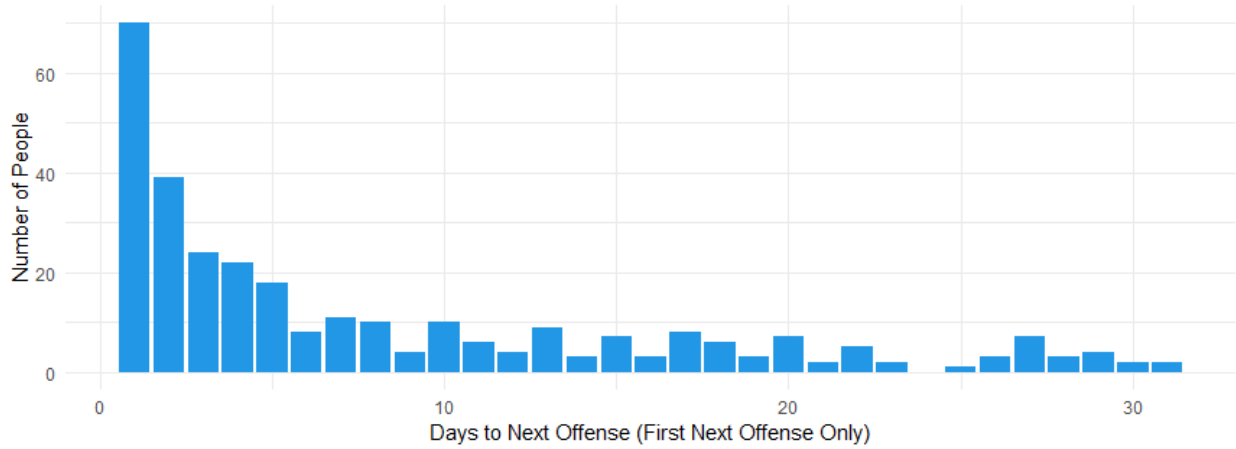
County	Not Ordered	Ordered
Addison	89.47%	10.53%
Bennington	93.55%	6.45%
Caledonia	92.21%	7.79%
Chittenden	95.37%	4.63%
Essex	0.00%	100.00%
Franklin	97.67%	2.33%
Grand Isle	90.91%	9.09%
Lamoille	51.06%	48.94%
Orange	100.00%	0.00%
Orleans	83.89%	16.11%
Rutland	100.00%	0.00%
Washington	92.20%	7.80%
Windham	95.98%	4.02%
Windsor	75.61%	24.39%
Total	91.91%	8.09%

Source: CRG Adjudication Database

How many people are repeat retail theft offenders in the cohort and when did they re-offend?

There were 526 unique individuals who committed a retail theft charge in 2018 or later where the charge was disposed of by November 2023. These individuals were charged with 3,458 charges of retail theft. Of the 526 individuals, 303 (57.6%) had a new offense within 31 days of their first offense during the study period. Most of the new offenses were within 10 days of the first offense.

Fig.5 Days to Next Retail Theft Offense
Offenses Committed and Disposed 2018-Nov 2023



Source: CRG Adjudication Database

What are the sentences for retail theft?

Straight sentences were the most common sentence for both misdemeanor and felony retail theft. The average minimum time for misdemeanor retail theft was .03 years (~ 11 days) and for felony was .64 years (~ 7.6 months).

Table 3: Sentences for Retail Theft 2018-October 2023

Sentence	Offense Name	Average Min in Years	Average Max in Years	Average Days to Serve	Total Charges	Average Fine
13V2575-1=F						
Deferred	RETAIL THEFT GREATER THAN \$900	1.33	1.33	0.00	3	NA
Fine Only	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	2	\$795.50
Probation	RETAIL THEFT GREATER THAN \$900	0.12	1.00	0.00	2	\$147.00
Split	RETAIL THEFT GREATER THAN \$900	3.00	5.00	90.00	1	\$147.00
Straight	RETAIL THEFT GREATER THAN \$900	0.64	3.04	0.00	15	\$196.00
NA	RETAIL THEFT GREATER THAN \$900	1.00	2.67	0.00	3	NA
13V2575-1=M						
Deferred	RETAIL THEFT \$900 OR LESS	1.23	1.23	0.00	39	NA
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	131	\$289.64
Probation	RETAIL THEFT \$900 OR LESS	0.08	0.36	0.00	66	\$173.24
Split	RETAIL THEFT \$900 OR LESS	0.08	0.38	29.34	8	\$147.00
Straight	RETAIL THEFT \$900 OR LESS	0.03	0.12	0.00	1042	\$160.79
NA	RETAIL THEFT \$900 OR LESS	0.06	0.19	0.00	85	\$305.33

What does an equity analysis indicate?

White defendants had a higher average number of retail theft charges filed on the same day against them (1.32 for white defendants vs 1 for all other races).

Female defendants had a higher average number of retail theft charges filed on the same day against them than men. Women had 1.75 charges filed against them vs. 1.15 for men.

Women were 39% of the defendants for retail theft. This is higher than the overall percentage of female offenders which hovers between 20 and 30%.

Table 4: Sentences for Retail Theft 2018-October 2023 by Race

Sentence	Offense Name	Average Min in Years	Average Max in Years	Average Days to Serve	Total Charges	Average Fine
13V2575-1=F - White						
Deferred	RETAIL THEFT GREATER THAN \$900	1.33	1.33	0.00	3	NA
Fine Only	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	1	\$294.00
Probation	RETAIL THEFT GREATER THAN \$900	0.12	1.00	0.00	2	\$147.00
Split	RETAIL THEFT GREATER THAN \$900	3.00	5.00	90.00	1	\$147.00
Straight	RETAIL THEFT GREATER THAN \$900	0.64	3.04	0.00	15	\$196.00
NA	RETAIL THEFT GREATER THAN \$900	1.50	4.00	0.00	2	NA
13V2575-1=F - NA						
Fine Only	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	1	\$1,297.00
13V2575-1=F - Black						
NA	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	1	NA
13V2575-1=M - White						
Deferred	RETAIL THEFT \$900 OR LESS	1.23	1.23	0.00	39	NA
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	115	\$289.17
Probation	RETAIL THEFT \$900 OR LESS	0.07	0.37	0.00	57	\$177.39
Split	RETAIL THEFT \$900 OR LESS	0.08	0.38	29.34	8	\$147.00
Straight	RETAIL THEFT \$900 OR LESS	0.03	0.12	0.00	984	\$159.65
NA	RETAIL THEFT \$900 OR LESS	0.06	0.20	0.00	80	\$305.33
13V2575-1=M - Black						
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	14	\$305.64
Probation	RETAIL THEFT \$900 OR LESS	0.14	0.22	0.00	3	\$147.00
Straight	RETAIL THEFT \$900 OR LESS	0.02	0.06	0.00	25	\$139.33
NA	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	4	NA

Sentence	Offense Name	Average Min in Years	Average Max in Years	Average Days to Serve	Total Charges	Average Fine
13V2575-1=M - Unknown						
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	2	\$204.50
Probation	RETAIL THEFT \$900 OR LESS	0.00	0.50	0.00	2	\$147.00
Straight	RETAIL THEFT \$900 OR LESS	0.00	0.01	0.00	8	\$186.75
13V2575-1=M - Indigenous						
Probation	RETAIL THEFT \$900 OR LESS	0.08	0.31	0.00	4	\$147.00
Straight	RETAIL THEFT \$900 OR LESS	0.01	0.01	0.00	1	NA
13V2575-1=M - Asian						
Straight	RETAIL THEFT \$900 OR LESS	0.02	0.02	0.00	2	NA
13V2575-1=M - Hispanic						
Straight	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	1	\$100.00
13V2575-1=M - Not Reported						
Straight	RETAIL THEFT \$900 OR LESS	0.04	0.09	0.00	18	\$200.00
NA	RETAIL THEFT \$900 OR LESS	0.08	0.33	0.00	1	NA
13V2575-1=M - NA						
Straight	RETAIL THEFT \$900 OR LESS	0.01	0.01	0.00	3	\$323.50

Table 5: Sentences for Retail Theft 2021-October 2023 by Gender

Sentence	Offense Name	Average Min in Years	Average Max in Years	Average Days to Serve	Total Charges	Average Fine
13V2575-1=F - Female						
Deferred	RETAIL THEFT GREATER THAN \$900	1.50	1.50	0.00	1	NA
Straight	RETAIL THEFT GREATER THAN \$900	0.08	3.00	0.00	1	\$147.00
NA	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	1	NA
13V2575-1=F - NA						
Fine Only	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	1	\$1,297.00
13V2575-1=F - Male						
Probation	RETAIL THEFT GREATER THAN \$900	0.08	1.00	0.00	1	\$147.00
Split	RETAIL THEFT GREATER THAN \$900	3.00	5.00	90.00	1	\$147.00
Straight	RETAIL THEFT GREATER THAN \$900	1.14	2.75	0.00	6	\$171.50
13V2575-1=M - Female						
Deferred	RETAIL THEFT \$900 OR LESS	0.50	0.50	0.00	3	NA
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	37	\$264.16
Probation	RETAIL THEFT \$900 OR LESS	0.06	0.28	0.00	25	\$176.40
Straight	RETAIL THEFT \$900 OR LESS	0.02	0.10	0.00	67	\$168.46
NA	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	17	\$190.50
13V2575-1=M - Male						
Deferred	RETAIL THEFT \$900 OR LESS	0.75	0.75	0.00	2	NA
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	57	\$306.62
Probation	RETAIL THEFT \$900 OR LESS	0.07	0.40	0.00	25	\$175.12
Split	RETAIL THEFT \$900 OR LESS	0.13	0.13	47.88	2	\$147.00
Straight	RETAIL THEFT \$900 OR LESS	0.02	0.18	0.00	126	\$158.67
NA	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	9	\$291.00

Table 6: **Retail Theft Charges Filed on the Same Day, by Gender **

	Average Number of Charges	Minimum Number of Charges	Max Number of Charges	Median Number of Charges	Total People
Female	1.09	1	2	1	187
Male	1.15	1	5	1	300

Table 7: Retail Theft Charges Filed on the Same Day, by Race **

	Average Number of Charges	Minimum Number of Charges	Max Number of Charges	Median Number of Charges	Total People
Asian	1.00	1	1	1	2
Black	1.09	1	2	1	47
Hispanic	1.00	1	1	1	1
Indigenous	1.00	1	1	1	5
Not Reported	1.00	1	1	1	19
Unknown	1.17	1	2	1	12
White	1.20	1	8	1	1307
NA	1.00	1	1	1	4

Table 8: Persons Completing Diversion for Retail Theft 2018-October 2023

Statute	Final Offense Name	Total Charges
Addison		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	35
Bennington		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	60
Caledonia		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	13
Chittenden		
13V2575-1=F	RETAIL THEFT GREATER THAN \$900	4
13V2575-1=M	RETAIL THEFT \$900 OR LESS	165
Essex		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	1
Franklin		
13V2575-1=F	RETAIL THEFT >\$900	1
13V2575-1=M	RETAIL THEFT \$900 OR LESS	59
Lamoille		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	19
Orange		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	7
Orleans		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	53
Rutland		
13V2575-1=F	RETAIL THEFT GREATER THAN \$900	1
13V2575-1=M	RETAIL THEFT \$900 OR LESS	134
Washington		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	105
Windham		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	10
Windsor		
13V2575-1=M	RETAIL THEFT \$900 OR LESS	62