

To: Representative Martin LaLonde, Chair, House Judiciary Committee
Representative Ela Chapin, Member, House Judiciary Committee
From: Robin Joy, Director of Research, CRG
Date: December 14, 2023
Re: Data Request on Retail Theft

This memo outlines sentencing and charges for the various subsections of retail theft in 13 VSA 2575. The tables presented are:

- Table 1: Sentences for Retail Theft
- Table 2: Sentences for Retail Theft by Race
- Table 3: Number of Charges per Person by race
- Table 4: Sentences for Retail Theft by Gender
- Table 5: Number of Charges per Person by Race
- Table 6: Number of People Completing Diversion by County

Highlights:

- 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).
- 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%.
- A small number (3) of people completed diversion for felony retail theft.

Table 1: Sentences for Retail Theft 2018-October 2023 (NA = Missing)

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 >\$900	0.00	0.00	0.00	3	\$795.50
Probation	RETAIL THEFT GREATER THAN \$900	0.81	2.50	0.00	4	\$147.00
Split	RETAIL THEFT >\$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
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	168	\$290.33
Probation	RETAIL THEFT \$900 OR LESS	0.09	0.35	0.00	114	\$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
13V2575-2=M						
Probation	RETAIL THEFT \$900 OR LESS-ALTER TAG	0.50	1.00	0.00	1	NA
Straight	RETAIL THEFT \$900 OR LESS-ALTER TAG	0.01	0.02	0.00	4	\$150.00
13V2575-4=M						
Deferred	RETAIL THEFT-ALTER RECEIPT/UPC CODE	1.05	1.05	0.00	17	NA
Fine Only	RETAIL THEFT-ALTER RECEIPT/UPC CODE	0.00	0.00	0.00	1	\$147.00
Straight	RETAIL THEFT-ALTER RECEIPT/UPC CODE	0.01	0.03	0.00	10	\$350.00

Table 2: 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 >\$900	0.00	0.00	0.00	1	\$294.00
Probation	RETAIL THEFT GREATER THAN \$900	0.81	2.50	0.00	4	\$147.00
Split	RETAIL THEFT >\$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
13V2575-1=F - Black						
Fine Only	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=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	148	\$289.97
Probation	RETAIL THEFT \$900 OR LESS	0.09	0.36	0.00	104	\$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
13V2575-1=M - Black						
Fine Only	RETAIL THEFT \$900 OR LESS	0.00	0.00	0.00	18	\$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



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 - Not Reported						
Probation	RETAIL THEFT \$900 OR LESS	0.08	0.33	0.00	1	NA
Straight	RETAIL THEFT \$900 OR LESS	0.04	0.09	0.00	18	\$200.00
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 - NA						
Straight	RETAIL THEFT \$900 OR LESS	0.01	0.01	0.00	3	\$323.50
13V2575-2=M - White						
Probation	RETAIL THEFT \$900 OR LESS-ALTER TAG	0.50	1.00	0.00	1	NA
Straight	RETAIL THEFT \$900 OR LESS-ALTER TAG	0.02	0.02	0.00	3	\$150.00
13V2575-2=M - Asian						
Straight	RETAIL THEFT \$900 OR LESS-ALTER TAG	0.00	0.01	0.00	1	NA

Sentence	Offense Name	Average Min in Years	Average Max in Years	Average Days to Serve	Total Charges	Average Fine
13V2575-4=M - White						
Deferred	RETAIL THEFT-ALTER RECEIPT/UPC CODE	1.05	1.05	0.00	17	NA
Fine Only	RETAIL THEFT-ALTER RECEIPT/UPC CODE	0.00	0.00	0.00	1	\$147.00
Straight	RETAIL THEFT-ALTER RECEIPT/UPC CODE	0.01	0.03	0.00	10	\$350.00

Table 3: Retail Theft Charges Filed on the Same Day, by Race

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	3
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	1.32	1	12	1	1339
NA	1.00	1	1	1	4

Table 4: 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 >\$900	1.50	1.50	0.00	1	NA
Fine Only	RETAIL THEFT GREATER THAN \$900	0.00	0.00	0.00	1	NA
Straight	RETAIL THEFT >\$900	0.08	3.00	0.00	1	\$147.00
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 >\$900	0.08	1.00	0.00	1	\$147.00
Split	RETAIL THEFT >\$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	54	\$260.38
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
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	66	\$306.10
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

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Table 5: Retail Theft Charges Filed on the Same Day, by Gender

Gender	Average Number of Charges	Minimum Number of Charges	Max Number of Charges	Median Number of Charges	Total People
Female	1.75	1	12	1	198
Male	1.15	1	5	1	301

Table 6: 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
13V2575-2=M	RETAIL THEFT \$900 OR LESS-ALTER TAG	2
13V2575-4=M	RETAIL THEFT-ALTER RECEIPT/UPC CODE	4
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
13V2575-2=M	RETAIL THEFT \$900 OR LESS-ALTER TAG	1
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