

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Susan Roenbaugh at _____
Chairperson

9:00 a.m./~~p.m.~~ on February 20, 1990 in room 423-S of the Capitol.

All members were present except: Representative Jenkins, excused

Committee staff present: Raney Gilliland, Legislative Research
Lynne Holt, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Representative Ron Reinert, Legislator
Ruth and Bob Hessman, Dodge City
Steven F. Kearney, Pete McGill & Associates
Dale Lybarger, Lybarger Oil Inc. and
Moran Oil Inc.
Charles Nicolay, Kansas Oil Marketers Assn.
Lori Montgomery, Director of Personnel and
Training, Kwik Shop Inc.
Mike Pitcher, Division Manager, KC-Metro
7-11 Stores

Chairman Roenbaugh opened hearings on HB 2914 - concerning convenience food stores.

Representative Reinert testified in support of HB 2914. He stated the issue here is public safety. HB 2914 addresses some requirements that can offer a measure of deterrence. (Attachment I.)

Ruth and Bob Hessman testified in support of HB 2914. Mrs. Hessman stated they are just concerned citizens who recognize the importance of security in these stores due to their own personal tragedy. Mr. Hessman stated the most controversial requirement of this bill is the two clerk ruling, but they feel that this is the most important of all. (Attachment II).

Steven F. Kearney testified in opposition to HB 2914 stating the requirement in this bill that all convenience stores employ two persons who are continuously on duty on the premises from 11:00 p.m. until closing or 7:00 a.m., which ever occurs first, is a questionable and highly cost prohibitive measure. He further stated the installation of security cameras in all convenience stores is also of questionable value. (Attachment III).

Dale Lybarger testified in opposition to HB 2914 stating this measure does provide several desirable features, however to mandate these provisions would effectively cause the majority of convenience stores to close during the proposed hours. He further stated his feelings were that the state could provide a service of information and recommendation as a better alternative to legislation in this matter. (Attachment IV). Mr. Lybarger furnished the committee with written testimony from Mr. John Carder, Carder Oil Company, Iola. (Attachment V).

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CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 9:00 a.m./~~p.m.~~ on February 20, 1990

Charles Nicolay testified in opposition to HB 2914 stating the Convenience Store Association of Kansas believes the stricter adherence to robbery prevention procedures, achieved through education, will lead to fewer robberies and more lives saved than will legislation. (Attachment VI).

Lori Montgomery testified in opposition of HB 2914 stating they feel there should be a consistency within the industry. In both training and regulations for the clerks safety in these environments.

Mike Pitcher, Division Manager, KC-Metro 7-11 Stores, testified in opposition to HB 2914 furnishing the committee with a study on Preventing Retail Violence and a Report of the Governor's Task Force on Retail Security, State of Maryland. (Attachment VII).

Due to the time constraint, there was no question and answer period.

The meeting adjourned at 10:00 a.m. The next meeting of the House Agriculture and Small Business Committee will be February 21, 1990, at 9:00 a.m. in Room 423-S, State Capitol.

STATE OF KANSAS

RON REINERT
REPRESENTATIVE, 115TH DISTRICT
FORD, GRAY, HASKELL,
MEADE AND CLARK COUNTIES
RT. 1, BOX 312
DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ECONOMIC DEVELOPMENT
GOVERNMENTAL ORGANIZATION
PUBLIC HEALTH AND WELFARE

To: House Agriculture and Small Business Committee
From: Rep. Ron Reinert
Date: Feb. 20, 1990

Honorable Chairperson and members of the Committee.
Thank you for the opportunity to appear before you this morning. I am here today to ask for your support of H.B. 2914.

On July 19 of last summer in Garden City, Ks. Mary Raines was taken from her work place at the Coastal Mart, murdered and left laying in a field north of town. On the same night across town Barbara Kochendorfer was abducted from the Dart Inn and she too was murdered and left laying in a field north of town. Mary was 28 and Barbara was 27. This is only part of the story.

The issue here is public safety. Nothing can change what already is, only what is to be. H.B. 2914 addresses some requirements that can offer a measure of deterrence. Mary Raines and Barbara Kochendorfer never really had a chance once their abductor was in the store. Had some type of alarm system been in place it might have made a difference. Had a video camera been in place a positive identification might have saved some other lives in those two or three days. Another person present could have made a difference.

Mary Raines parents are here this morning to ask for your help and share their intentions with you. I would ask you to consider on their part the absence of any malice or

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2-20-90
ATTACHMENT I

wish for revenge. Their effort is to somehow bring an end to these most unreasonable happenings. Their hope and direction is that no one should ever have to bear such a burden.

H.B. 2914 provides a reasonable deterrence to a totally unreasonable event.

Thank you,

Rep. Ron Reinert



STATEMENT BY RUTH HESSMAN ON H.B. #2914

FEBRUARY 20th, 1990

My name is Ruth Hessman, my husband and I live south of Dodge City. I am a homemaker and my husband is a farmer. We are the parents of seven adult children and we have twenty-three grandchildren. We are not speaking to you as professional lobbyists, we are just concerned citizens who recognize the importance of security in these stores due to our own personal tragedy. We ask your understanding and indulgence as we are not public speakers.

Our twenty-eight year old daughter Mary Mel Eesa Rains, herself the mother of three - Julia, seven, Allen, three, and Jessica, two, had taken a part-time job for the summer at Coastal Mart, a convenience store in Garden City. On July 19th, 1989, she was kidnapped from the store, taken to a wheatfield north of town, shot twice in the back of the head and left there to die. There were no alarm systems of any kind in the store where she worked.

Three hours earlier another young mother, Barbara Kochendorfer was taken from the Dart In, another convenience store in Garden City, beaten, raped and murdered in the same manner. Barbara was the mother of five children ages nine through two and she was just twenty-seven years old. That leaves eight young children motherless for the rest of their lives, some so young they will never know their mothers.

Our daughter, as you can see by the photograph was a beautiful person. She was a devoted wife and a wonderful mother. She also possessed an inner beauty that everyone who knew her enjoyed. She loved life, was a talented little artist, a substitute teacher in the Garden City school system during the fall and winter. Very active in her church and community she was everything a parent could have wished for in a daughter. She was a positive person and we want something positive to come from this.

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ATTACHMENT II

We have not come here looking for revenge and we don't believe in Capital punishment. We are seeking a way to prevent these tragedies. If this bill could help save just one young mother, then our daughter's death would not have been totally in vain.

The increase in the number of these robberies alone is staggering. The store where our daughter worked was robbed again on December 22nd, 1989. In one night in Dodge City, three convenience stores were robbed at gunpoint. Less than a month ago eight stores were robbed in just one night, again at gunpoint in Wichita. The fact that everyone knows these young women are alone and unprotected is like an open invitation to any criminal or nut on the street to "Come on in! Chances are good you'll get away with it!"

Our youngest daughter also worked the same late shift at a Love's convenience store in Dodge City in 1986. She was robbed at knifepoint, but was not injured. She used the alarm button as instructed. When no one came she called 911 and was told that the alarm was disconnected.

Members of our family have taken a survey of stores in Garden City, Dodge City and Cimarron. Talking with the employees we found in Garden City every Coastal Mart has improved their security since the murders there.

We subscribe to the Garden City newspaper and there has been a great increase in ads for employment at all convenience stores since last July. The same chain of stores in Dodge City have no security. Will Dodge City and every other town have to wait for a tragedy like ours, before the store owners offer these young people protection? Each employee we talked with said they are frightened and pray you will listen and act.

The Coastal Mart located on Eighth and Mary Streets in Garden City has had three attempted robberies since their alarm and cameras have been installed. All three robberies failed - no one was hurt, no money was taken and all three criminals were caught. We learned this information from an employee.

In Pratt, Kansas the clerk in the Love's store there, had worked there four years and in that time the alarm had not been connected.

In Cimarron the clerk said she has a panic alarm button to wear around her neck and she had been there four months and they had never put a battery in it.

Barbara Kochendorfer also had a panic alarm, it was found in the store. These alarms go off if the clerk is taken from the store while wearing the alarm. The employee there alone in the early morning hours must wait until there are no customers and then she must remove the alarm inside the store and go out and pick up trash on the lot. As there were no witnesses to Barbara Kochendorfer's kidnapping, maybe that's why her alarm was found inside of the store when they discovered her missing.

Another thing owners like to point out is the small amount of cash kept in each store, they say \$50 maximum. This is just not true. \$440 was taken from the store where our daughter worked. This was enough to help finance the trip Mr. Braun, the accused killer was taking across country to the next store in Pampa, Texas, where he is accused of robbing and killing Mr. Spurrier. Then on to Ardmore, Oklahoma, where he is accused of robbing and killing Gwen Miller and left two other women injured. Then on to Springer, New Mexico, where he stands accused of robbing and killing Mrs. Valdez.

Mr. Terry Presta is the owner of Presta Oil which operates the Dart In convenience stores in Southwest Kansas. Mr. Presta said quote, "Given the nature of the crimes, he isn't sure they could have been deterred by additional store security." Unquote.

At Braun's preliminary hearing in New Mexico, he himself said, "He was headed for Las Vegas." He also said the reason he killed his victims was "he didn't want to leave any witnesses."

Braun's statements prove to us, he was no drug crazed madman, that no amount of security could have stopped, like Mr. Presta would have you believe.

The requirement for 2 clerks on the 11pm to 7am shift is what I believe to be the most important part of this bill. At that time of night they do not need two clerks at the cash register so the other could take care of stocking shelves - cleaning and other chores in other parts of the store. Please note we are not requesting that they hire another executive at an over-rated salary - just 1 more clerk at minimum wage. Surely a human life is worth that.

Requiring 2 alarm buttons - one in the front of the store and one in the back - then either person could call for help. At the present, even the stores that have improved their security and have put a floor alarm and a register alarm in the same area; if the person who is being robbed could not push one alarm, because she was being watched - what good would 2 alarms in the same area do her?

As to the Video Cameras - they have been used in banks for several years, and everyone knows they have been a deterrent. A sign on a convenience store door which reads, "All customers will be photographed by a hidden camera", would deter more robberies than the present signs which read, "There is only \$50.00 cash in this store after 7:00p.m.". When everyone knows it's just not true.

Almost everyone I've talked with about this, has told me we would never succeed with this Bill, because big business controls every law passed. I hope this is not true for I still believe in our system.

Several of the store owners have commented, "This is a very emotional issue". I've tried very hard to stay with the facts and keep the emotional part private. I honestly feel everyone would benefit from such a law, the employee, law enforcement and in the long run even the convenience store owners. In fact, I've had many people tell me they are frightened to enter a convenience store at night because of so many robberies.

The owners should worry more about the safety of their employees; thereby making the customers feel safer.

The stores owned by the large corporations are the ones who will not want to see this Bill passed. They hire these women at the lowest possible wage. Then they want to wring a little more profit out of them by not furnishing them with even the least amount of protection. We do not claim this or any law would stop all violence, but it would give some of them a chance, which is more than our daughter had.

We will not give up on this, and we know it's too late to save Mel Eesa. We just don't want to see another family have to go through something like this. We hope and pray you can help.

I would like to thank you for giving me your time and attention.

Ruth Hessman

Rt #1 - Box 222

Dodge City, Ks. 67801

(316) 227-6426

Ironically my wife Ruth and I operated a "convenience store", thirty years ago. Back then they were called "Mom and Pop" grocery stores, but the goods and services were nearly the same. Fortunately in those days we had little fear of abduction, robbery or murder. But as the times change, we must also change.

The critics of this bill state that the cost of the added security measures would force some of the stores to close at night. So What! When our business thirty years ago dropped off during the late hours we would close earlier. We never stayed open all night.

To further prove my point, I would like to quote Jim Bloom's Editorial in the Garden City Telegram from February 9th, 1990. Quote "If the margins on all-night stores are so close, that adding an extra employee at minimum wage and installing two silent alarms, more lights in the parking lot and a video camera will break the owners, then we wonder why the stores are open twenty-four hours a day in the first place." Unquote.

Also quoting an article from the Service Station Management Magazine in September, 1989. Quote "A Two Clerk law during the time period, 7pm to 5am, has been in effect in Gainesville, Florida since February 1st, 1987. Gainesville police state that since the mandate went into effect, there has been a 64% reduction in convenience store robberies over a similar period of time in 1986.

Some members of the convenience store industry have already realized the value of these security measures. The following was taken from the December 19th, 1989, Wichita Eagle. Mr. Wyatt Phillips, Director of Marketing for Quiktrip Corporation stated that his firm would support laws requiring alarms, listening devices, cameras and drop safes.

Quiktrip which operates two hundred and seventy-five stores in five states, including Kansas has cut its robbery rate to 5% of what it was a decade ago by using such security measures. Phillips also stated, "It really doesn't have to be dangerous to work in a convenience store."

Another important fact is the cost of operation of a convenience store without protection when death is the end result. Last July 1989, when our daughter was abducted and murdered in Garden City, her employer responded.

Mr. Robert G. Skarecki, Vice-President of the Coastal Mart chain in Wichita came to Garden City. He was sympathetic and his firm covered the funeral and monument expenses amounting to approximately \$7,000. Mr. Skarecki made the following statement at that time - Quote "The Coastal Mart chain alone has one clerk per week murdered." Unquote.

Assuming they pay the costs of all of these funerals, that cost alone would amount to approximately \$364,000 annually. He also stated that the convenience store industry nationwide has a clerk murdered each day. This annual funeral cost accumulates to approximately 2.5 million. This money would go a long way toward covering the costs of security equipment and additional clerk's wages. These robberies also constitute a large amount of additional costs, such as actual money taken, equipment damage and business loss during the robberies and during the following investigations. These facts indicate to me that in our current society, we have our priorities in the wrong order.

Why should a profit margin be measured by the number of lives lost? The most controversial requirement of this bill is the two clerk ruling, but we feel that this is the most important of all. The often used term of "safety in numbers" certainly is true in these places of business.

Since the convenience store industry is not required to register with the state "Commissioner of Insurance" we were unable to gain information concerning security insurance costs. The industry should see a considerable savings in insurance premiums if they have this security equipment in place and in operation.

I also wish to thank you for this time to present my opinions.

Bob Hessman

Bob Hessman

Route #1

Dodge City, KS 67801

(316) 227-6426

TESTIMONY
PRESENTED TO THE
AGRICULTURAL AND SMALL BUSINESS COMMITTEE
BY
STEVEN F. KEARNEY
OF
PETE MCGILL & ASSOCIATES
ON FEBRUARY 20, 1990
RE: HB 2914

Ac. ? SB
2-20-90
ATTACHMENT III

Chairman Roenbaugh and Members of the Committee:

I am Steve Kearney with Pete McGill & Associates, and we are appearing here today on behalf of the Coastal Corporation. By way of background let me explain that the Coastal Corporation operates 122 Coastal Mart retail outlets in Kansas employing 835 Kansans. Coastal pays through its C-Mart operations approximately \$12 million in fuel tax and \$1,680,000 in sales and use tax per year to the state of Kansas. In addition to the Coastal Mart retail stores, Coastal Companies operating in Kansas include Coastal Derby Refineries, ANR Freight System Inc., ANR Pipeline Company, Colorado Interstate Gas Company, Jayhawk Pipeline, Coastal Oil & Gas Corporation and ANR Production Company. The Coastal Corporation has a strong commitment and investment in Kansas and Kansas citizens.

The Coastal Corporation shares in the concern of everyone about providing a desirable and safe work place for all of its employees. Coastal believes in taking all the necessary and reasonable precautions to provide adequate protection for the 835 employees in the C-Mart operations. Such measures as providing a clear and unobstructed view of the cash register and sales areas from the street, locating sales areas so the clerk and customers are visible from the street, conspicuous signs in the windows stating the cash register contains less than \$50, conspicuous signs in the windows which state the safe is not accessible to the employees, well-lit parking and work areas and, where appropriate, alarm systems are precautions taken by Coastal previously. While HB 2914 contains some of these well accepted and time honored practices that are based on solid empirical data for use by convenience stores for

detering crime, it also contains several provisions that are speculative in nature in their deterrent effect and very costly in their application.

The requirement in HB 2914 that all convenience stores employ two persons who are continuously on duty on the premises from 11:00 P.M. until closing or 7:00 A.M., whichever ever occurs first, is a questionable and highly cost prohibitive measure. The installation of security cameras in all convenience stores is also of questionable value. Several studies have indicated that two clerks on duty and hardware such as cameras are far less important factors in deciding where to rob, than the amount of money available, which continues to be the single most important factor.

We must maintain perspective concerning the type of crime and the situations we are attempting to eliminate while considering legislation such as HB 2914. The security measures already in place in convenience stores across the state, including C-Mart and others, are designed to deter robbery. Well lit areas and the small return for the effort of conducting a robbery are the best deterrents for such a crime. However, when confronted with a person who is intent on abduction and murder, neither two clerks on duty nor security cameras will stand in the way as a deterrent or as protection. It is good public policy to want to deter crime and protect our citizens. However, HB 2914 goes beyond good public policy and sets a precedent that would open the door for similar legislation in other business areas when an isolated and tragic incident occurs that involves a heinous crime.

In areas of rural Kansas where C-Mart locations provide necessary services and perhaps one of few locations in a given community to obtain gasoline during certain hours, the increase in expenses to the local convenience stores from HB 2914 could cause the demise of several retail outlets in areas where profitability is already marginal.

Ladies and gentlemen, as a former Special Agent with the Federal Bureau of Investigation and as an adjunct Professor of Criminal Justice at Washburn University, I can draw an analogy between two clerks and the old "two man" car concept for police work. While common sense would indicate that "two" would be safer than "one", it is a well established fact that "two" people take greater risks and take action inappropriate for a given situation due to false confidence. It is my belief that having two clerks on duty could serve to increase violence and victimization instead of the intended result.

Thank you for the opportunity to testify before you this day on HB 2914.

I would be happy to attempt to answer any questions you might have.

Mobil

Lybarger Oil, Inc.

Distributor of Mobil Products

BOX 99 6TH & MAIN

GARNETT, KANSAS 66032

February 19, 1990

Members of House Ag and Small Business Committee:

Subject: Testimony in opposition to House Bill 2914

This measure does provide several desirable features, however to mandate these provisions would effectively cause the majority of convenience stores to close during the proposed hours.

-Two people on duty does not guarantee safety from an armed robbery as multiple murders have been committed during such episodes.

-\$50.00 available cash does not provide adequate funds to make change for truckers who buy diesel fuel in sizeable quantities.

-A lighted parking lot is desirable but no mention is made as to distance from the store that lighting would be required.

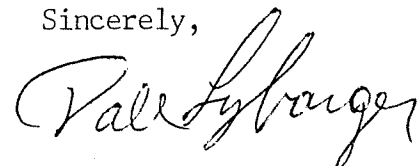
-Maintenance of a security camera, cost of film and storage of same also would be very expensive. Silent alarms in remote areas would not be very effective when police or sheriff's deputies may be ten to twenty miles away.

In summary, in most instances, stores are open during these hours as a service to the community and travelers rather than being profitable. These measures once mandated would cause more problems than they would cure. Enforcement would also be a nightmare for those affected by this legislation and be an expensive procedure for the agency responsible.

Are any provisions considered for the business owner to recover any of his cost of compliance? There is also some question as to the distinction between service stations, convenience stores and truck stops. Would all be subject to the same provisions?

I feel that the state could provide a service of information and recommendation as a better alternative to legislation in this matter.

Sincerely,



Dale Lybarger, Pres.
Lybarger Oil Inc.
Moran Oil Inc.

AC: SB
2-20-90
ATTACHMENT IV



CARDER OIL COMPANY

P. O. BOX 295

IOLA, KANSAS 66749

February 19, 1990

Dear Legislators,

The following is my written testimony in regard to proposed new regulations covering convenience store operations. I believe that such regulation would make it difficult if not impossible for the majority of convenience stores to continue to operate between the hours of 11 p.m. and 6 a.m. These hours are normally low profit and are primarily used for janitorial work and to provide an additional service for our customers. Additional manpower requirements would simply make it necessary to close during these hours. The inclusion of expensive additional equipment when coupled with new requirements under E.P.A. underground storage tank regulations may well force many convenience stores to close.

I understand the reasons behind consideration of the proposals, however, I do not believe that the emotional appeal of protecting the clerks during these periods is justified. Firstly, the real incidence of such crime is still quite low in Kansas. Even though, even one incident is a tragedy there is no clear proof that these hours of operation are the culprit. Any hour may be vulnerable when traffic is low or sound management techniques are not followed.

Another aspect that should be considered is that many convenience stores operate between 5 or 6 a.m. and 12 a.m. This is the case with the four stores that I own, and the first hours and the last hour of this time is usually a period of high traffic where there is little risk of danger. The regulations as currently considered would force me to expend thousands of dollars or close during these hours and face a severe loss of revenue.

The small locally owned convenience stores would suffer most, therefore, these proposals would discriminate against them. They are usually lower volume and lower profit than their big city, chain operated counterparts. These stores do provide a needed service in these communities and have not experienced high crime rates.

In summary, I believe that these proposals are not necessary and unduly burdens on industry already vulnerable due to underground storage tank regulations.

Sincerely,

John Carder

Ag. SB

2-20-90

ATTACHMENT V

STATEMENT
OF THE
KANSAS OIL MARKETERS ASSOCIATION
CONVENIENCE STORE ASSOCIATION OF KANSAS

BEFORE THE
HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE

FEBRUARY 20, 1990

HOUSE BILL 2914

Ac. & SB
2-20-90
ATTACHMENT VI

Madam Chairperson, Members of the Committee:

My name is Charles Nicolay. As executive director of the Kansas Oil Marketers Association and its affiliate - the Convenience Store Association of Kansas, I appreciate the opportunity to be here today to address House Bill 2914.

The Convenience Store Association of Kansas is acutely aware of the problems that this legislation sets out to correct. Preventing robbery and halting violent crimes in our workplace have always been primary concerns of our association.

But we believe the stricter adherence to robbery prevention procedures, achieved through education, will lead to fewer robberies and more lives saved than will legislation. As a representative of the industry, we must continue to convince store owners and managers that implementing measures to ensure the safety of their employees is essential. We must continue to teach employees proven methods of deterring would-be robbers. And, last, we must convince robbers that the enormous risk they are taking will net them next to nothing.

Attitudes change through education. The public, too, must learn that convenience stores are not easy targets for robberies. When the public is convinced through education that the convenience store is a safe place to work and to shop, robbers will not look to this industry as an easy target for criminal activity.

Some of the security measures called for in HB 2914 are proven methods of reducing robbery. For others, no scientifically acceptable research exists to support their effectiveness. But this much is certain, although legislation can have an impact, without a corresponding change in attitudes, the result is less than acceptable.

We need only look at the drug crisis in America as an example. Statistics show a widespread decrease in drug use among teenagers. This improvement is the result of peer pressure brought about by education, not tougher drug laws.

If education can make fewer teens want to use drugs, education can change the way the public (including robbers) perceives the convenience store.

We, as an industry, must do all we can to educate in this area. As part of our internal program, we can instruct C-store managers in ways to implement some of the effective methods called for in HB 2914. Part of the curriculum of our new convenience store managers certification program does just that (see Attachment).

In addition, we can work toward uniting the industry in this important challenge. When one convenience store is robbed of \$200, the deterrence efforts of every other convenience store employing the \$50-or-less practice is thrown out the window. We must achieve an industry consensus on security.

I can assure you that this is what we are working toward. If we honestly believed that the results we all desire would take place after HB 2914 were passed, then we would enthusiastically embrace this legislation. However we do not believe it is the answer we are seeking.

According to FBI statistics*, robberies at convenience stores decreased nearly 50 percent from 1977 to 1986. This record of success was accomplished voluntarily by the industry without government regulation. It came about because robbery prevention techniques were widely adopted by convenience store owners and employees.

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Our association is dedicated to continuing our efforts to protect everyone employed in the industry.

Thank you for allowing me to comment on this proposed legislation. I will try to answer any questions committee members might have.

Crow, W.J. and Erickson, Rosemary. *The Store Safety Issue: Facts for the Future*. Sioux Falls, SD: Athena Research Corporation, 1988.

**P.A.C. PROGRAM
PERSONAL ACHIEVEMENT COURSE**

**Certified Training Program for Convenience Store Professionals
Presented by the Convenience Store Association of Kansas**

Objectives of the program:

- Develop professional workers who are confident, able and effective
- Present new topics in the changing convenience store industry
- Build a commitment to excellence in a growing service economy
- Provide quality education for convenience store workers

1990 P.A.C. will include sessions on:

- 1. Personal productivity and motivation**
Merchandising
- 2. Controlling stress and problem solving**
Convenience store security/Robbery prevention
- 3. Dealing with difficult people**
Alcohol management
- 4. Working and communicating with others**
Loss prevention

Participants will be required to attend three of four sessions to receive certification from the P.A.C. Program. Each following year will require attendance of one session to maintain certification.

Completion of the P.A.C. Program should indicate a desire on the participants' part for new knowledge and know-how. The program aims at creating a new standard of professionalism in the convenience store industry and a new standard of excellence among managers and assistant managers, supervisors and employees.

Set Your Sights on Preventing Retail Violence

by W.J. Crow, PhD; Rosemary J. Erickson; and Lloyd Scott

AFTER HANDING THE ROBBER the money, the clerk reached under the counter for the gun that was kept there. The robber noticed the movement and fired twice. The shots were fatal to the clerk.

■ While the store owner was getting money out of the cash register, the owner's wife came through a swinging door from the back, startling the robber. The robber whirled around and fired, killing her instantly.

■ The clerk looked up in surprise as her ex-husband walked through the door. He shot her six times and then rifled the cash register to make the incident look like a robbery.

■ The clerk gave up the money easily, but the first robber ordered the clerk to the back room, had him lie on the floor, and shot him in the back of the head, killing him. As the robber left the store, he said to his partner: "He'll never talk."

As these four graphic scenarios indicate, homicides in commercial establishments have several causes. *Resistance* to the robber's demands or fighting with the robber is one cause for a homicide. When the victim does not resist and the robber intends no harm, fatal outcomes can occur by *accident*, through misunderstanding by the robber of the victim's sudden movement, or the unexpected entrance of a coworker or customer.

Murder can also occur when the business establishment is a *third party* because the perpetrator knows where the victim works and goes there because of a domestic problem, a love triangle, or a problem drug deal. Through confessions and the testimony of accomplices, we know that some robbers *premeditate* to eliminate wit-

nesses. Such persons may be mentally unbalanced individuals who derive sadistic pleasure from inflicting harm.

Recent robbery research provides important new information to guide security managers in reviewing policy, establishing training priorities, and communicating with proponents of restrictive legislation. Frank Zimring and James Zuehl in 1986 reported an unusually authoritative study of criminal homicide. Working closely with the Chicago Police Department, the researchers investigated murders as they occurred. They were therefore able to work with investigative officers to get information not ordinarily obtained and to verify facts with a high degree of accuracy.¹

The authors of this article have completed a study in which interviews were conducted with 181 armed robbers in five state prisons—Bordentown, NJ; Huntsville, TX; Joliet, IL; Chino, CA; and Angola, LA. Based on these studies, the following tendencies are evident.

Thinking Like a Robber

The robbers' view of a "good" robbery is one with "no hassle." Typically, they carry a gun to intimidate the victim—not because they intend to use it. They know that if the victim is shot, the "heat" will be on. The ensuing police investigation will be more aggressive, rewards may be offered, and there will be more prosecutorial zeal and judicial sternness. When capital punishment was resumed in the United States, twenty-four of the first thirty-eight executions were for robbery mur-

¹Frank Zimring and James Zuehl, "Victim Injury and Death in Urban Robbery: A Chicago Study," *Journal of Legal Studies*, Vol. 15, No. 1 (January 1986), pp. 1-39.

der convictions—and robbers know that.

When asked why people get hurt in robberies, robbers say "because they wouldn't give up the money, because they tried to fight, or because they tried to resist." When asked why people get hurt who don't resist, robbers appear puzzled. They say "I don't understand that" or "The robber must have been a psycho, a weirdo, or really stupid." In short, robbers view seemingly senseless killings in the same way most people do—as irrational acts unless the victim resists.

Robbers say they are as nervous as the people they are robbing. If victims knew that and knew that most robbers only want money, but are prepared to use violence to get the money, and also knew the terrible odds and frightful consequences of resistance, they might be able to overcome their natural tendency to resist or become angry and combative. Robbers say, "It isn't even their own money they're protecting."

Resisting Can Be Deadly

The study by Zimring and Zuehl indicates just how dangerous resistance to a robbery can be. Active resistance accounted for 82 percent of commercial robbery killings.² The Zimring and Zuehl study, for the first time, separated commercial robbery deaths into those in which the victim cooperated and those in which the victim offered resistance. The results were stunning. Victims who resisted were forty-nine times more likely to be killed than those who cooperated.³ This finding indicates that training efforts and an enforced policy of nonresistance may help reduce fatal outcomes of commercial robberies.

A policy of nonresistance is not con-

²Zimring and Zuehl.
³Zimring and Zuehl.



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ATTACHMENT VII

troversial. Resistance in other types of violent crime, such as rape, is arguable, but there is essentially universal agreement among law enforcement officials and criminologists that when faced with a gun in a commercial robbery, the victim should not resist. The public needs to learn that resistance against a gun is not an act of courage but a form of suicide.

The lesson for loss prevention managers is clear. They need to establish a policy of nonresistance and give it top priority in training programs. Failure to provide adequate training may expose employers to claims of negligence in providing a safe work environment.

The importance of nonresistance alters the commonsense approach that having two clerks on duty is safer than one. This policy may prove to be more dangerous if two people make resistance more likely. Though no direct study of this is known, a finding that could have relevance comes from the study of the San Diego Police Department by J.E. Boydston and others in 1977.⁴ The results of that study showed one-officer cars were more efficient and safer than two-officer cars because two officers took more risks in dangerous situations. While robbers may prefer to rob single victims, two people on duty apparently do not deter them.

In our interviews with robbers in prison, we asked, "When robbing a store alone and with a gun, how many people would you take on?" Ninety-one percent replied they would take on two or more people. When asked how many they would take on with a crime partner, 99 percent said they would take on two or more people. Sixty percent said they would take on five or more people when robbing with a partner. Related to the lone robber's confidence that he or she can control two people is the fact that 60 percent of robberies involve two or more robbers. Having two people on duty is highly unlikely to deter two robbers.

The robbers in our surveys were asked to rate eleven factors as to how important each was in the decision to rob a target. As shown in Exhibit 1, robbers do not rate the number of people present as very important. Requiring two people on duty could have permi-

⁴J.E. Boydston, M.E. Sherry, and N.P. Moelter, *Patrol Staffing in San Diego: One-or-Two-Officer Units* (Washington, DC: Police Foundation, 1977).

Exhibit 1
Target Attractiveness*

Factors	Average Rating
1. Amount of Money	1.27
2. Escape Route	2.33
3. Anonymity	2.76
4. Interference	3.02
5. Active Police Patrol	3.44
6. Armed Clerk	3.60
7. Number of Clerks	3.76
8. Number of Customers	3.80
9. Camera System	4.18
10. Alarm System	4.39
11. Video Recording System	4.79

*1 = most important,
5 = least important

cious effects as well for those robbery homicides that are premeditated or arise from psychological imbalance. If two people are on duty in those cases, the likely result is two homicides instead of one.

In addition to training people not to resist, it is also possible to reduce deaths by reducing the number of robberies that take place. Several studies indicate that as the number of robberies increase or decrease over the years, fatalities rise or fall comparably. One strategy for reducing robberies is to find out from robbers what factors make a potential target attractive and then change those factors if possible.

Target Attractiveness

For the robbers we interviewed, the most important factor in assessing a target's attractiveness was the potential amount of money. The robbers were

Robbery victims who resisted were 49 times more likely to be killed than those who cooperated, one study found.

asked what was the least amount of money they would rob for. The results are presented in Exhibit 2. Most robbers are interested in robbing a target when the amount of money is in excess of \$100. When the amount drops from \$100 to \$50, fully half the robbers lost interest. Clearly, reducing the amount of cash available can have a powerful impact on robbery rates. The amount of cash can easily be reduced through modern cash control methods, drop safes, and staff training. With the reduction of cash comes a reduction in robberies and a subsequent reduction in homicides.

Exhibit 3 presents the experience of the Southland Corporation's 7-Eleven stores for the past twelve years. The solid line plots the average dollar loss in robberies as measured by an audit, thus making it a reliable measure of the amount of cash available to robbers. Over the years, as training programs became more effective and the installation of Tidel Cash Controllers became more widespread, there was a steady decrease in the amount of money a robber could expect to get. The dotted line indicates the declining robbery rate during the same period. Note that as stores reduced the amount of available cash from \$100 to \$50, the robbery rate decreased by 37 percent—close to the 50 percent reduction predicted from the research results in Exhibit 2.

In addition to the control of cash, other procedures have proven effective over the past twelve years. These procedures involve physical surveys of business establishments and training of employees. Originally pioneered by the Southland Corporation, these procedures have been widely adopted in the convenience store industry. The principles have been adapted to many different types of businesses and have become standard practice for crime prevention officers.

Attention is paid to the view into the store, the position of the cash register, the adequacy of escape routes, the amount of lighting, the posting of signs regarding low cash, and other physical changes unique to a particular site. Other approaches are not recommended, either because they are not supported by research or experience, because they have potentially harmful consequences, or because they place undue burdens on business operations without adequate promise of beneficial results. These approaches are restrictions on hours of operation, requirements for multiple

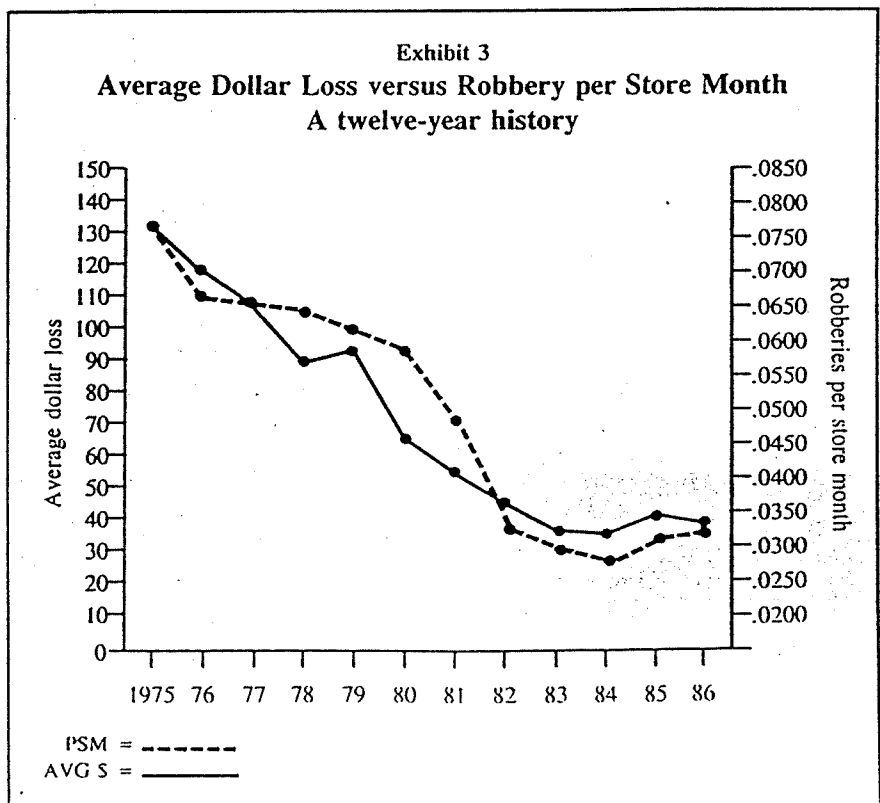
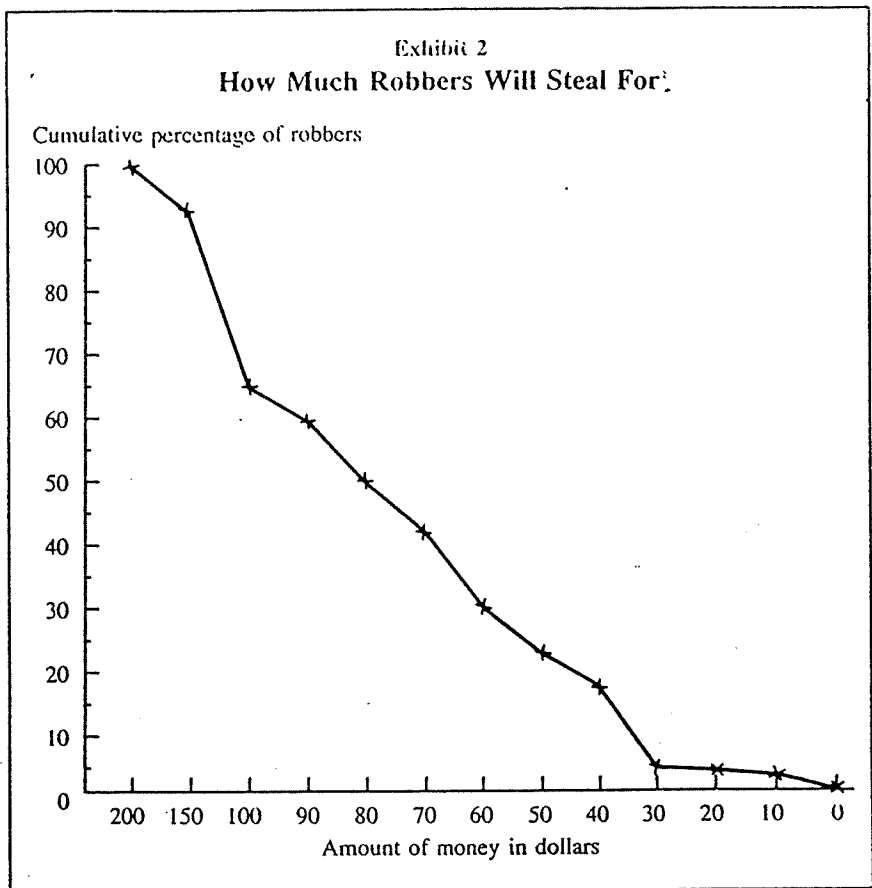
employees as discussed previously, and required security hardware.

Robbery is a predatory activity, and predators adapt their behavior to the behavior of their prey. Banks have had the most rapidly increasing robbery rate of any business, and their hours of operation are restricted. Bank robbers keep bankers' hours. The reason that restricted hours of operation are unlikely to reduce commercial murders stems from the phenomenon of displacement. If for any reason, a robbery target is made inaccessible or unattractive to robbers, their activity can be displaced to another time, another target, or another type of crime. Displacement can have harmful side effects. For example, a police crackdown on those who fence stolen property may make burglary appear less profitable or more dangerous to criminals who may then shift their activity to robbery. Robbery is a more dangerous crime than burglary because of the potential for injury and death.

Closing some businesses during certain hours, while others remain open, could have unanticipated results if robberies were displaced to other locations with less well-trained personnel. Attempting to reduce robbery-murders by restricting hours of operation does not seem to be an effective remedy because harmful effects are possible through displacement. In addition, the scant evidence that does exist indicates time is not a determining factor. More importantly, positive evidence or empirical studies indicating control of time reduces robbery violence are non-existent.

A pattern also seen in crime literature is to recommend security hardware, such as cameras and alarms, with no solid evidence to back up the recommendation. In experiments (the most rigorous test), the conclusion seems to be that no robbery deterrent effect has been consistently found. Robbers attach little importance to security hardware. As indicated in Exhibit 1, cameras, alarms, and video systems were ranked as the least important factors to robbers in selecting targets.

The effectiveness of legislation with regard to cameras and alarms can be judged from the experience of the banking industry. Such equipment was mandated by federal banking laws. Data adapted from a 1982 American Bankers Association report indicate that during the period when alarms and cameras were installed in 99 percent of financial



institutions, robberies increased by 300 percent, and apprehensions declined.³ Some, but not all of this, may be due to the increased number of branch banks. Robberies nationally increased by a lesser 59 percent during the same time period, according to W.J. Crow and Rosemary J. Erickson.⁴

When the major concern is saving lives, rather than the apprehension of criminals, weight must be given to the possible unwanted results. Clerks might unwisely activate an alarm in the presence of the robber and trigger retaliatory violence. Police response times are usually longer than it takes to complete a robbery, and if they do arrive before

³American Bankers Association, *A Pictorial Guide to Robbery Training*. (Washington, DC: American Bankers Association, 1982).

⁴W.J. Crow and Rosemary J. Erickson, *Cameras and Silent Alarms: A Study of Their Effectiveness as a Robbery Deterrent* (Jackson Hole, WY: Athena Research Press, 1984).

a robber leaves, it can create a hostage situation. Cameras and alarms cannot be recommended as a remedy for commercial homicide because research results and business experience do not support their effectiveness, and adverse consequences of their use exist.

In summary, this analysis of recent robbery research indicates that training commercial employees in what to do during a robbery is the remedy most likely to affect robbery homicides. Reducing the amount of cash available can reduce robbery rates as can store surveys. Regulating business hours, requiring two employees, or mandating security hardware are of questionable effectiveness or may actually be detrimental because of possible adverse effects.

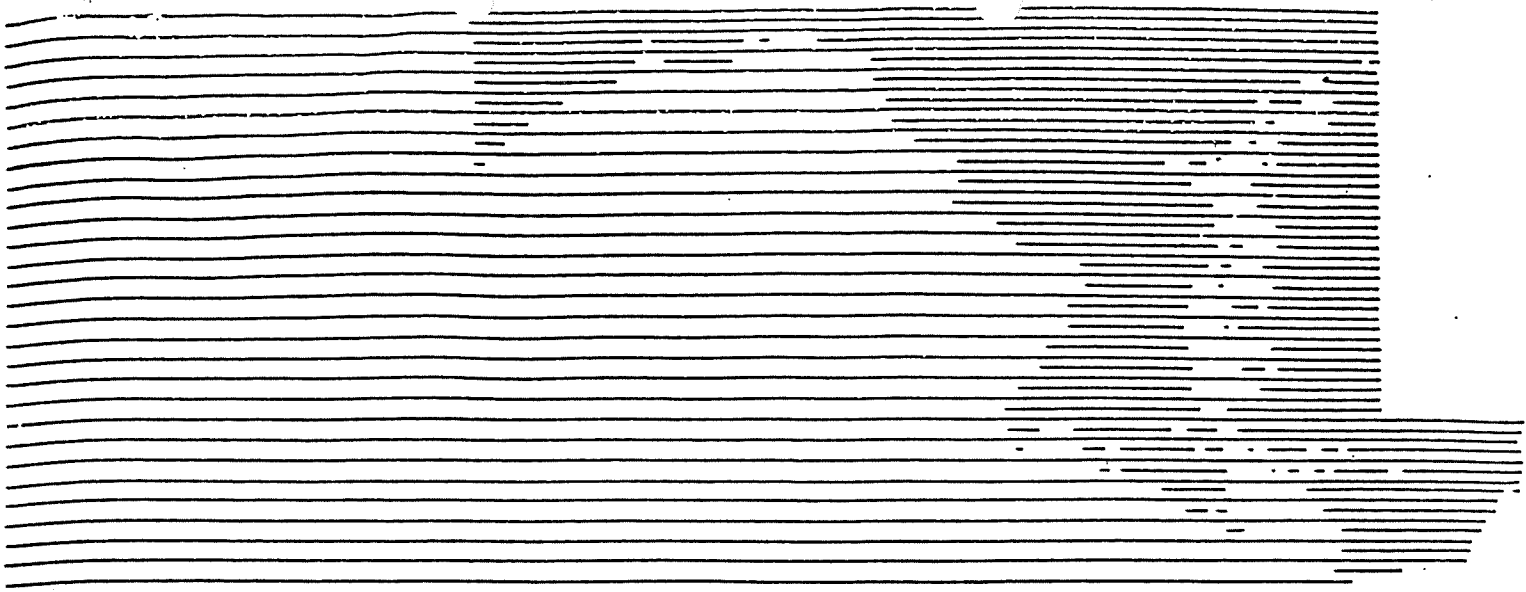
Well-intentioned people, horrified by senseless robbery-murder, naturally turn to commonsense solutions, often search or business experience. Therein

unsupported or contradicted by relies the challenge for loss prevention professionals—to bring together and put into practice what is known about preventing robbery-murders. If the challenge is not met, there is a real risk that already limited loss prevention resources will be diverted from known, effective remedies. ASIS

About the Authors . . . *W.J. Crow and Rosemary J. Erickson are science advisors with Athena Research Corporation in Jackson Hole, WY. Their organization advises corporations on robbery and violence prevention and crisis management. Crow and Erickson conducted the original Department of Justice study leading to the robbery prevention program now in effect in 7-Elevens.*

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STATE
OF
MARYLAND

William Donald Schaefer, Governor

GOVERNOR'S TASK FORCE ON

**RETAIL
SECURITY**



October 1988

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TASK FORCE ON RETAIL SECURITY

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Executive Department

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Mr. William Campbell
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EXECUTIVE SUMMARY

The Governor's Task Force on Retail Security was charged by the Governor to address the safety and security of retail store employees, the security and safety of all retail store employees. Meeting regularly over the past year, the Task Force organized its deliberation by obtaining information in three areas: crime data, research information and relevant crime prevention techniques including physical security and liability issues.

Based on the information presented to the Task Force and after review and discussion, the following recommendations are offered as a common sense approach to ensuring the safety and security of retail business employees and customers.

Recommendation #1: Retail employees working in establishments which are vulnerable to robbery should be provided with generally acceptable crime prevention training. The training program must include the policy of non-resistance during a robbery. Refresher training should be provided on an as needed basis.

Recommendation #2: Low cash availability during nighttime hours should be a key procedure with regard to the business's operation. And this should be a well advertised fact, prominently displayed with signage or other media displays.

Recommendation #3: Retail establishments operating at night should install "cash drop" safes or other similar protective devices in order to ensure that low cash availability is maintained.

Recommendation #4: A comprehensive security program should allow for installation of security hardware in retail establishments where appropriate and feasible to afford protection.

Recommendation #5: There should be established an Institute for Research on Business Crime funded by contributions from businesses, trade organizations and the State.

Recommendation #6: A State level symposium on prevention of business crime should be established so that continuing discussions between business, trade organizations, employee associations, and law enforcement can talk out problems, find possible solutions, and exchange information.

Recommendation #7: A State Clearinghouse should be established for crime prevention techniques, procedures, and other relevant information which businesses can draw upon to train employees and managers in crime prevention procedures.

FINAL REPORT OF THE
GOVERNOR'S TASK FORCE ON RETAIL SECURITY

I. INTRODUCTION

The Retail Security Task Force was established by the governor in September 1987 in order to review a number of issues emanating from the Governor's veto of House Bill 589. The Bill would have prohibited a distributor of gasoline products from requiring a service station dealer to keep open a service station for more than eighteen (18) hours a day, notwithstanding any marketing agreement, unless the distributor installed a cashier's booth that was constructed in a certain manner, and equipped with specified security devices.

The Governor vetoed the Bill for several reasons. First, it was unclear whether a fortified cashier's booth would provide for increased safety of attendants over other available means. Second, it was not clear that the Bill applied in a uniform fashion to all service stations. Finally, there was a need to examine the possible inclusion of other retail establishments within the scope of the Bill.

TASK FORCE CHARGE

Being extremely sensitive to the concerns the Bill was to address, namely the safety and security of service station employees, the Governor designated a Task Force to review this matter and prepare a report with recommendations to him addressing the security and safety of all retail store employees.

TASK FORCE ORGANIZATION

In order to provide a basis from which to prepare and submit recommendations to the Governor with regard to retail security and the safety of retail employees, the Task Force organized its deliberations by obtaining information in three areas: crime data, research information and relevant crime prevention techniques, including physical security; and liability issues.

First, the Task Force reviewed relevant crime statistics associated with retail or business crime. In particular, data from the FBI's Uniform Crime Reports (UCRs) showing both Maryland and national business crime trends were assembled and presented to the Task Force. Second, expert witnesses were identified and requested to make presentations before the Task Force. These witnesses included researchers in the area of retail store crime deterrence, experts on bullet resistant enclosures, and sources familiar with training and procedures needed for crime prevention programs in retail establishments. Finally, the Task Force considered the liability of an employer to an employee for injuries sustained during a robbery.

This Task Force Report reviews the data presented to the Task Force, summarizes the expert presentations, and provides an overview of the legal issues. The concluding section of this report provides the Task Force's recommendations. Appendixes are attached providing supplemental and supporting data.

V. TASK FORCE RECOMMENDATIONS

The following recommendations were developed based on the information reviewed by the Task Force members and are offered as a common sense approach to ensuring the safety and security of retail business employees and customers against retail violence.

Recommendation #1:

Retail employees working in establishments which are vulnerable to robbery should be provided with generally acceptable crime prevention training. The training program must include the policy of non-resistance during a robbery. Refresher training should be provided on an as needed basis.

Discussion:

This recommendation has, for the most part, been implemented by most large retail businesses or chains. However, such a training program must be available to all retail establishments that are especially vulnerable to robbery. The metropolitan jurisdictions provide such training programs and for those jurisdictions that do not, the Maryland State Police as a statewide law enforcement agency should be called upon to provide such training. The issue of a sanctioned program is one that ensures that the program developed by a business is consistent with the generally acceptable principles for robbery deterrence and to ensure that the policy of non-violence is a priority in that program.

Recommendation #2:

Low cash availability during nighttime hours should be a key procedure with regard to the business's operation. And this should be a well advertised fact, prominently displayed with signage or other media displays.

Discussion:

The amount of cash available is obviously what attracts robbers. While it is no guarantee that a robbery will not occur, information reviewed by the Task Force indicated that reduced cash levels considerably reduce the number of robberies.

Recommendation #3:

Retail establishments operating at night should install "cash drop" safes or other similar protective devices in order to ensure that low cash availability is maintained.

Discussion:

This recommendation is linked to the recommendation on low cash availability where such safes would provide a secure place to deposit cash in excess of the amount determined to be needed consistent with robbery prevention procedures.

Recommendation #4:

A comprehensive security program should allow for installation of security hardware in retail establishments where appropriate and feasible to afford protection.

Discussion:

This recommendation does not speak to the value of security hardware such as bullet resistant kiosks in service stations; in some cases these kiosks may be necessary to safely operate the business in certain areas. However, a general mandate requiring security hardware provides a false sense of security unless accompanied by robbery preparedness training and on-going review with employees of robbery prevention procedures. Furthermore, it is the business type and location that determines the need for such hardware. This determination can be made in conjunction with the local police or the Maryland State Police who can provide information on crime trends in the business area.

Recommendation #5:

There should be established an Institute for Research on Business Crime funded by contributions from businesses, trade organizations and the State.

Discussion:

The Task Force learned that there is little formal research which evaluates crime control techniques, including security hardware, with regard to businesses. Proposals, such as limiting store hours, two employees on duty at certain hours, store cameras, and electronic alarms, have been advanced to control robbery of retail businesses; but there is no empirical evidence or data to show that such techniques will reduce retail robberies or minimize the violence to employees. Furthermore, while not a charge to the Task Force, there is other business crime, such as

employee and customer theft, and other loss prevention issues that should be researched as to what are the most appropriate and effective techniques for dealing with them.

However, there is no on-going research and evaluation to develop or improve upon crime prevention techniques in the business setting. The value of such research should be apparent. For example, in the medical field \$35 is spent per citizen on medical research, but only 8 cents per citizen is spent on public safety research. The results of such research can have immediate consequences for ensuring the safety and security of both employees and customers.

Recommendation #6:

A State level symposium on prevention of business crime should be established so that continuing discussions between business, trade organizations, employee associations, and law enforcement can talk out problems, find possible solutions, and exchange information.

Discussion:

A continuing dialogue between the groups noted in the recommendation is a way of dealing with business crime problems before they become unmanageable. The first task of the symposium would be to develop the research mechanism as outlined in Recommendation #5.

Recommendation #7:

A State Clearinghouse should be established for crime prevention techniques, procedures, and other relevant information which businesses can draw upon to train employees and managers in crime prevention procedures.

Discussion:

A Clearinghouse would provide an additional resource to employers and employees for ensuring that information is always available for training in crime prevention techniques. In addition, the Clearinghouse could provide equipment (audiovisual, easels, charts, etc.) on a loaned basis to support the training. Such a Clearinghouse could especially assist small businesses which do not have the in-house capabilities for developing training programs.