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RFID chips could be used on retail merchandise to prevent attempts to steal, mistake, and inadvertence in the retail stores of our nation.

The prevention of the crime of "shoplifting" with this new technology would be in the interests of the people and in the interests of the retail corporations because the retailers would be fairly paid for their merchandise and the people would not have to use their commissioned police and their lower courts in the cities to continue to subsidize the American retail corporations. MIT, who developed this technology, has made conflicting statements; i.e. that RFID chips could prevent thefts and that RFID could detect thefts.

Most Americans, however, are not aware of the quiet subsidy given to the corporate retailers over the past twenty to twenty-five years. When the cities changed the law through new case law in the lower courts to render apprehended shoplifting the completed crime of larceny, it was not necessary to consult the people.

Shoplifting had been an attempt to steal, generally prosecuted by city and town ordinances upon the complaint of the owner(s) or the legal agents of the owner(s) for over 200 years in the law. The prosecution of apprehended shoplifting (attempts) was not cost effective for the retailers. Prosecutions by the retailers for the purpose of "deterrence" of future attempts to steal were risky for retailers because if the prosecutions failed, they opened themselves to suits for false arrest and malicious prosecution. Normally, they suffered no actual losses because the suspects either paid for the merchandise or the merchandise was recovered and returned to stock.

The cities used the administrative authority granted by the states to license UNIFORMED security guards for the purpose of protecting private property and to keep the peace to license SECRET security police in the corporate retail stores of America with the power of arrest and recovery on and immediately off of store property. Retail security personnel wear no uniforms or badges to deter or prevent attempted thefts.

In doing this, the cities assumed the responsibility for the arrests and any prosecutions of shoplifting and the corporate retailers are protected from civil suits for false arrest and malicious prosecution.

Retail security personnel no longer stop or prevent attempts to steal. They permit suspects to pass final checkout points without stopping them to request payment, and, then, these suspects are stopped and arrested outside for completed larcenies. The suspects' exiting of the stores without paying for the merchandise provides "the criminal intent" to steal and new case law, first in the lower courts and then in the higher courts has established this conduct as a completed larceny.

These arrests are not arbitrary. Innocents are sacrificed to expediency. Trial de novas are frustrated and dismissed out of

court on technicalities. There is no involvement in the arrests by corporate retail management. The double-agent secret security person has absolute discretion and stops and arrests on behalf of the city who licenses him/her.

The manipulation of the criminal law and the new civil law and the manipulation of the principles of diligence, agency, and restitution to give the subsidy to the corporate retailers is un-American and unconstitutional but it is the status quo in our country today.

This ugly status quo could be changed if our government requires the retail corporation to practice ordinary diligence in the conduct of their businesses.

The use of RFID chips on retail merchandise to prevent attempts to steal, mistake, and inadvertence would be in the interests of the American people. It would remove the taint from our courts. It would mean that we would not have to use our commissioned police to travel to the malls and discount stores to protect the retailers and provide the fulcrums for their legalized extortion's. It would mean that we would not have to punish our poor and disadvantaged and give them criminal records that destroy their lives. It would mean that we would not have to punish the rich and the famous and the notable, etc., unusually and cruelly to provide publicity to brainwash the American people into believing that the crime of "shoplifting" is prosecuted fairly in our courts.

Because the cities closed the courts to any defense against a ticket for "stealing", all persons arrested outside of the stores by city licensed retail security are presumed guilty by the lower courts after the commissioned police who come to the security offices of the retail stores finalize the arrests by writing the suspects city tickets for "stealing".

This is very cost effective for the cities in one sense because no warrants or summons are necessary. These are "on view" or "probable cause" arrests made by city-licensed security personnel and finalized by city uniformed and commissioned police of the cities.

The cities have rationalized the provision of "deterrence" of shoplifting for the retail corporations with the explanation that this subsidy of our police and our lower courts is in the best interests of the people -- for the public good. That is, if shoplifting can be deterred, the cost of merchandise to the public will be reduced.

But, perhaps they went too far when the retailers went to the legislatures across the country and passed new civil law called "civil demand" and "civil recovery". With these statutes, retailers can demand punitive damages (recently they are calling them "restitution") from the millions of persons who are being arrested and ticketed for "stealing" by the cities. These punitive damages that the retailers call restitution for the "attempts" against their merchandise range from MINIMUMS of \$25.00 in Vermont to \$200.00 in states like Florida and Washington. These new statutes also allow attorney fees and permit letter demands to ex-defendants for civil damages under the THREAT of prosecution for shoplifting under the civil statute of the state.

Because the lower courts (generally not courts of record) had to be closed to any defense to a ticket for "stealing", the cities PREMEDITATED the arrest and ticketing for stealing of millions of persons who would be DIVERTED from the courts into rehabilitation or other arrangements so that the city prosecutors could dismiss the tickets out of court when these defendants signed releases to the cities for their criminal arrests.

After the defendants sign releases for their arrests and are dismissed out of court, they are set up for the demand letters

for the punitive civil damages.

This looks and feels like government-assisted extortion. All of the new statutes DO NOT require a criminal conviction for "shoplifting", i.e. larceny, to demand and collect these civil damages. Therefore, it is obvious that the statutes were written with the view that there would be millions of arrests and tickets and diversions from the lower courts. These civil damages would be difficult to collect without the fulcrums of the arrests and tickets for "stealing.". This is big business in our country today bringing in millions, perhaps billions of dollars for the retailers and their collection attorneys.

The intimidation of the arrests and tickets for "stealing" guarantees that even innocent defendants will opt for rehabilitation ----and, of course, will not talk about their arrests because a charge of "moral turpitude" can be so damaging to your reputation and livelihood if it becomes public. This was an intended result that insured that there would be no PAC to protest this subsidy.

It is obvious that these somewhat new statutes and the concept of "civil demand" and "civil recovery" would not have been possible unless the event of apprehended shoplifting had been changed in the law from an attempt to steal to the completed crime of larceny. The cooperation of the cities and the states with the special interests is frightening and dangerous to our democracy when it involves tainting our courts.

RFID technology could end this ugly status quo. More than one ugly status quo has been changed in the history of our great nation because of those people who believed in government of the people, by the people, and for the people.

Respectfully submitted.

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