

*Crime At Wal-Mart: An Introduction To The Issue*  
(taken from "Slam Dunking Wal-Mart" by Al Norman)

Crime at Wal-Mart is not that different than crime at any other mall. Most malls attract criminals. When towns are considering the cost impact of a mall on their local budget, they will factor in the added cost of increased police patrols at shopping centers. Typical of such calculations are these comments from Economic and Planning Systems, a Berkeley, California land use consultant: A recent fiscal analysis conducted by EPS of a major new regional shopping center in the Bay Area indicated that the local police department reported an average of 50 calls for service per month, or about 1.5 calls per 1,000 square foot of retail space annually after the shopping center opened for business.

Because of Wal-Mart's enormous scale, the issue of crime is a very visible concern in many communities. The best symbolic evidence of the growing crime problem at Wal-Mart is their sponsorship of police "substations" inside Wal-Mart stores. When I was speaking recently at an anti-Wal-Mart rally in Stratham, New Hampshire, residents there told me that the Wal-Mart in Somersworth, New Hampshire actually has a police substation inside the store. This is government efficiency at its best: it saves the town wear and tear on police cruisers, and puts police right in the lap of crime center. It also suggests that there is enough crime activity to warrant a police presence right in the store, although Wal-Mart denies the police substation is there because of crime. Similar police substations have been reported in Tennessee and other states as well. In Somersworth, the substation was explained by Captain Dan Donovan this way:

When (Wal-Mart) expanded to the grocery division and almost doubled their size, we tried to get as much out of it as we could. Because of the type of work that the officers have to do, it would be nice if we had a room for the Police Department where we could go and talk to the people. They (Wal-Mart) did us one better. They gave us an office in the front of the building. It saves a heck of a lot of time.

When asked about the nature of crime at the Somersworth Wal-Mart, Donovan said it was the same as in other plazas, with shoplifting at the top of the list. "When you get a lot of people in one area," he told *The Exeter Newsbusting Letter*, "crime increases...But because of Wal-Mart being there? No. It could be anybody, actually."

The logo doesn't matter. Crime is crime. And large parking lots bring together "a lot of people in one area." Donovan admitted that "we may have no (Wal-Mart) calls in a given day, and other days we may have four or five calls. With a big place like that, you have a lot of people going in there." He said the Somersworth Wal-Mart does "have a lot of thefts out in the parking lot, kids looking for cash for cigarettes. We had a couple of assaults there, but they were minor."

Just how safe are you when you step out into one of those multi-acre parking lots at the local mall? For that matter, how safe are you inside a Wal-Mart? Unfortunately, malls attract more than just shoppers. Wal-Mart knows that consumers are beginning to pay attention to crime at big malls. Here is what Wal-Mart told the people of San Leandro:

Wal-Mart stores are safe. The store provides its own in-store security and does not allow loitering in the parking lot. Surveillance cameras deter criminals. Money transported from the store to the bank is guarded by a local security agency. Hundreds of Wal-Mart stores now patrol their parking lots with

golf carts that further deter crime. These voluntary measures greatly reduce the burden on the police department.

What could be a clearer admission of the problem of crime at superstores You don't put golf carts in your parking lots unless enough people have been victimized to require such protection. Unfortunately, crime stories from malls are easy to find:

On September 7, 1990, a 37-year-old woman went shopping at a Wal-Mart in Memphis, Tennessee. As she was returning to her car around noon, she was abducted at gunpoint and forced into her car by a 16-year-old man from Chattanooga. The woman was raped, and later forced into the trunk of her car, where she suffocated. She was found a day later in an Arkansas field by hunters. Her abductor was convicted of kidnapping, rape and murder, and hanged himself with a bed sheet after being sentenced to life in jail. The victim's husband sued Wal-Mart on behalf of himself and his three children. In his suit, he claimed that Wal-Mart and the shopping center were negligent in failing to provide security measures for the parking lot, and that their negligence resulted in his wife's death.

The Tennessee trial court that first heard the case ruled in favor of Wal-Mart, because prior court rulings in the state said that shop owners are not responsible for the criminal acts of third parties unless the owner knew, or should have known, that acts were occurring, or were about to occur, that would pose an imminent probability of harm. When the husband appealed to the Tennessee Court of Appeals, the judgment in favor of Wal-Mart was affirmed. The plaintiff then pursued his case to the Tennessee Supreme Court.

In the Supreme Court case, the judge pointed out that "parking lots in particular have provided fertile ground for crime, because customers usually possess money or recently purchased merchandise." She also noted that most courts have ruled that businesses do have a duty to take reasonable precautions to protect customers from foreseeable criminal acts. The judge set a new negligence standard for Tennessee that the "foreseeability of harm and the gravity of harm must be balanced against the commensurate burden imposed on the business to protect against that harm." She said this standard "recognizes the national trend that businesses must justifiably expect to share in the cost of crime attracted to the business."

During the case, the husband presented records from the Memphis Police Department which showed that during a seventeen month period leading up to his wife's abduction, 164 criminal incidents had occurred on or near the defendant's parking lot. The crime reports included a bomb threat, 14 burglaries, 12 reports of malicious mischief, 10 robberies, 36 car thefts, 9 larcenies, and one attempted kidnapping on an adjacent parking lot. One nearby business even posted guards in five watch towers in its parking lot. The manager of the Wal-Mart store testified that he would not hold sidewalk sales at his store, except for "dirt," out of fear the merchandise would be stolen.

Wal-Mart in its defense argued that the parking lot attack was neither foreseeable nor preventable. Wal-Mart added that providing security was prohibitively expensive, and had little impact on preventing crime. However, the plaintiff produced an article written by Dave Gorman, Wal-Mart's vice president of loss prevention, published in *Security Management* magazine in March of 1996, in which Gorman boasted that Wal-Mart's security measures in parking lots had produced "outstanding" results. In another interview in the June 1996 issue of *Parking Security Report*, Gorman admitted that "the biggest issue for us when we first started talking about it was the fact that we were having a lot of crime on the lots. The huge majority of it was crimes against property." After new security measures began, Gorman says that "crime went down dramatically. It just dropped." Gorman further contradicted Wal-Mart's claims in court that security measures were expensive. "The cost of doing it wasn't quite as expensive as what we had been doing. So we saved a little money and did much more effective work."

On October 28, 1996, the Tennessee Supreme Court ruled that the risk of injury to the plaintiff's wife was reasonably foreseeable, and that a jury could conclude that Wal-Mart's negligence was a substantial factor in bringing about the harm. The case was sent back to the Trial Court for a trial by jury. The response from Wal-Mart's lawyer? "Crime is here to stay, unfortunately, and this (ruling) is putting it over on businesses instead of the police department. Are businesses in high crime areas going to be required to put an army outside their door?"

About six months ago, I had coffee with the Chief of Police in Tappahannock, Virginia. I asked him to tell me honestly what he felt about the 24 hour Wal-Mart that had opened a couple of years ago in his small town in the Northern Neck of Virginia. He told me that police records in Tappahannock indicate that the supercenter has been responsible for 21% of all criminal offense records over the past 21 months in that community. "It's been a drain on our resources," he said. The Chief told me he would be happy to see the store close and move to some other location. He said the major mistake was letting the store stay open all night. People gather there at night because there are very few other places to go.

Citizens in Mesa, Arizona who are battling a Wal-Mart sent me a report from the Chandler, Arizona police department. It's a "call type summary" of police reports from one address: 800 West Warner Road, the location of the Wal-Mart store. The police report shows that in 1998 alone there were a total of 434 police calls at Wal-Mart, including the following reports:

**Call Description Call Total**

Accident/non-injury/hit and run 11  
Disorderly Conduct 11  
Forged Checks 63  
Shoplifter in custody 101  
Shoplifter combative 8  
Theft Report 24

The list includes a narcotics report, a sex offense, domestic fights, found juvenile, indecent exposure, mentally disturbed person, missing juvenile – everything from abandoned vehicles to bomb threats. A total of 434 police calls, which means that in Chandler, you not only get low, everyday Wal-Mart prices, but everyday police calls as well. You'll find it all at Wal-Mart.

My analysis of police reports in Rohnert Park, California over a seventeen month period shows that police had to respond to 614 calls, or more than one call daily to the Wal-Mart plaza. Ninety reports resulted in arrests.

In a similar situation, the Town Administrator in West Boylston, Massachusetts testified before his Zoning Board that the Wal-Mart in town should not be permitted to remain open 24 hours a day — even if only to restock shelves at night. He noted that Wal-Mart generates the most police calls of any retail establishment in town, and that if the company was allowed to stay open all night, they should be required to hire a special police detail during its extended hours.

Wal-Mart may tell residents in towns like San Leandro that "safety is a top priority" precisely because crime has become a top priority at stores like Wal-Mart. Here are some examples of the top priority cases that made it into the newspapers:

- As the 1999 New Year began in Monroe County, Michigan, the sheriff's deputies were busy searching for a man they believe raped an Exeter Township woman last November, and who attempted to rape a Wal-Mart employee just

after Christmas. The 26-year-old Wal-Mart employee told police she was sitting on a bench right in front of the store, taking a work break around 8:30 P.M. when a man approached her, grabbed her and lifted her up, and began fondling her. The man attempted to drag the worker into a field just north of the store, but the worker hit him with a box cutter, and drew blood. The woman ran back to the store, and police followed a trail of blood into a nearby apartment building, but found no suspect.

- There was some trouble at a Home Depot parking lot in Clay County, Florida in December of 1998. Investigators from the County Sheriff's department indicate that a woman by the name of Jing Jerky was coming out of a Home Depot to her car when she was approached by two men who hit her, forced her into her car, and then drove off with her. Jerky managed to pull open the front door of the car, and rolled out of the moving car. In the process she broke her pelvis. Ironically, Jing Jerky happens to be a Home Depot employee who was going to her car for some food during a break. The newspaper report stated that the Home Depot "lot is well lit, but has no security guards." According to Home Depot, the manager of the Orange Park store told the media that the company will walk employees to their cars on request. Jerky's car, and the suspects, still have not been located. Jerky was listed in fair condition at the hospital following the abduction.

- On November 12, 1998, two girls, ages ten and eleven, were approached by a man at 2:00 P.M. in the afternoon inside the Home Depot on Shields Boulevard in Oklahoma City, Oklahoma. The man told the girls he was a Home Depot security guard, and he informed them that they were under arrest for shoplifting. He then took the two girls into a Home Depot rest room and molested them. The man was described as being between 30 and 40 years old, white, wearing a black leather jacket and blue jeans. What has authorities concerned even more is that similar attacks have taken place at Wal-Mart locations in Norman and Moore, Oklahoma. On October 16, a ten-year-old girl was reported fondled at the Wal-Mart store in Norman. On the same day, a man attempted to molest a girl at the Wal-Mart in Moore. Two days later, another attempted attack was made in the Moore Wal-Mart. The previous August, a third girl reported being molested at the Moore store. All of these attacks took place inside the Wal-Mart and Home Depot stores, during the middle of the day. The attacker would seem hard to miss: he was six feet tall and weighed around 300 pounds.

- At 9:30 P.M. on the night of April 17, 1995, Mitchell Skinner and Patrick Patterson drove to the Wal-Mart supercenter in Searcy, Arkansas, and parked their vehicle in a space close to the door. For thirty minutes or more, the two sat in their car smoking marijuana and methamphetamine. Later, both men left the car and proceeded to the front of the store, where Skinner watched as Patterson pretended to make a phone call and play a video game. Patterson carried a twelve-inch knife in his pants, which created a huge bulge in his pocket. After the two had pretended to make a phone call and play video games for ten minutes, they sat down on a bench in front of the store. They were there for ten to fifteen minutes, during which time Patterson made comments of a sexual nature about various women as they entered the store. Skinner was shaking due to his consumption of methamphetamine, and he returned to the car. Around 10:15 P.M., Carla Willmon Jones arrived at the Wal-Mart supercenter, parked her car, and entered the store. While she was shopping, Skinner and Patterson moved

their car to a parking space near Jones'. When Jones returned from shopping, Patterson approached her and asked her for assistance in starting their car. When Jones refused, Patterson shoved her inside her car, and the two men drove her car to a nearby business and forced her into the trunk. The two men returned to Wal-Mart to pick up their vehicle. Later that evening, Skinner and Patterson raped and murdered Carla Jones. Her father, Roy Willmon, brought a wrongful death action against Wal-Mart for negligently failing to implement feasible precautions and failing to use ordinary care to maintain store premises in a safe condition.

- On July 30, 1993, 46-year-old Larry McDonald and a female friend were returning to their car after shopping in a Wal-Mart store in Jacksonville, Florida. A gunman approached McDonald and shot him in the head. McDonald sued Wal-Mart, and after a five-day jury trial, he was awarded \$1.5 million. Wal-Mart was found 75% negligent in the 1995 case.

- In 1994, "Jane Doe" was kidnapped from a Wal-Mart parking lot in Beckley, West Virginia and raped. Her abductor had kidnapped another woman from a Wal-Mart parking lot the year before. Wal-Mart denied they had any responsibility for the parking lot, since they only leased the store, and not the lot itself. The company famous for putting the customer first told the court they owed no "duty to any customer after the customer leaves the building."

- Terri Reinholz, a Wal-Mart employee, was forcefully and brutally raped by her Wal-Mart supervisor while she was at work in the early morning hours of February 19, 1995. The supervisor who raped Terri had been working for Wal-Mart for more than ten years. Terri was employed as an assistant customer service clerk at the automotive department at a Wal-Mart store in the Tulsa, Oklahoma area. Her duties included opening and closing the automotive store, securing the cash register, and conducting inventory assessments. Her assailant had made sexual advances toward her for more than a year. She was raped in the automotive store at Wal-Mart on a morning when her supervisor knew she was scheduled to open the store, and would be there alone for several hours.

- On November 21, 1998, at the Wal-Mart in Conyers, Georgia, Chris Jernigan and his friend Nick Jones were standing in line, when Russell Jackson and David Hill were apparently overcome with Wal-Rage. Jackson and Hill clipped the shopping cart of Jernigan and Jones, who took offense and suggested that the four men settle their argument out into the parking lot. Once outside, Jones hit Hill with a tire iron, Jackson pulled a gun and shot 20-yearold Jernigan in the face. The police were called in and arrested Jackson, 28, and charged him with aggravated assault and battery.

- Jean Santino of East Haven, Connecticut was shopping in the toy section of Kmart when a hooded robber knocked her over with a cart and ripped the purse from her hand. "It makes me so angry," Santino said. "For that to happen inside the store with so many children around is unbelievable." The expansive parking lot of the new Kmart Super Center has been targeted by thugs since opening in October of 1995. Police were called to the store 54 times in December, and 88 times in just three months.

- Bill Enright, selectman in the town of Avon, Massachusetts, has a new

120,000 square foot Wal-Mart in his town. There was little opposition to the store, but Enright says today: "If we had to do it over again, I don't know." According to Enright, "We've had a lot more than our share of police problems down there." The local police chief says, "We're down there all the time," and estimates they make three or four arrests a week.

- Kidnapping in 1995 from Wal-Mart stores in rural areas, and the subsequent rape of two women and the murder of another have raised questions about the safety of stores. In the fall of 1995, three women and an eleven-year-old girl were abducted from stores in Conway, Morrilton, and Jasper, Alabama. According to Department of Justice and FBI crime reports, robberies at supermarkets, department stores, and discounters are up 19% from 1989 to 1993 (while robberies at convenience stores dropped 13%). If a Wal-Mart superstore comes before your community, the cost of the additional demand on your local police department should be weighed against any benefits Wal-Mart claims it will produce.

The logical extension of building sprawl and generating crime is explained by the former Mayor of Hailey, Idaho, Keith Roark, as quoted in "Smart States, Better Communities" by Constance Beaumont: "The emphasis is all on getting those jobs, creating that growth. But then later, after you've got all that growth, you also have a lot of sprawl, a stressed infrastructure, things are breaking down everywhere, and you look around and wonder: Why is crime so high? The next response is to build more prisons."

In April, 1999, a District Court Judge in Jefferson County, Texas fined Wal-Mart stores \$18 million for a "pattern of false and misleading discovery answers." Discovery is the pre-trial process during which both parties in a lawsuit try to get information out of the other side to promote their case. In the Texas lawsuit, a woman named Donna Meissner sued Wal-Mart for "premises liability" after she was kidnapped in a Wal-Mart parking lot, and then raped. She charged that Wal-Mart had not taken the steps necessary to protect customers in the store's parking lot. During the course of discovery, Meissner's lawyer tried to get Wal-Mart to produce a copy of a company study that had been reportedly conducted in 1993, showing that 80% of crimes at Wal-Mart occur in their parking lots. When the court pressed Wal-Mart to produce the study, the company tried to argue that the study was just a survey. When Wal-Mart failed to produce the report, the Judge said that the company had a "corporate policy" of undermining the discovery process, and he fined Wal-Mart one-thousandth of its net worth (\$18 million), saying: "I hope the stockholders do learn about this, and I hope some pressure is applied to Wal-Mart to make it behave as a responsible corporate citizen."

Wal-Mart reportedly has a legal staff of somewhere around thirty in-house lawyers, plus another one hundred law firms that it retains across the nation. These lawyers are managing as many as 10,000 legal cases against the company. The May 1999 issue of the *National Law Journal* quotes another Texas judge as saying of Wal-Mart: "Rarely has this court seen such a pattern of deliberate obfuscation, delay, misrepresentation, and downright lying to another party and to a court."

*(For further information, see "The Case Against Wal-Mart" by Al Norman)*