

Employees, stores caught in no-win situation as shoplifters become more brazen

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ALBUQUERQUE, N.M. — Leonard Zubia-Chavez had no idea when he began his workday at an Albuquerque grocery store in March 2018 that he would end up on an operating table for a stab wound to his heart.

The knife attack occurred after Zubia-Chavez, then 20, confronted a suspected shoplifter he saw put a bottle of alcohol under his jacket and move toward an exit at Lowe's Neighborhood Market at 11th and Lomas NW, according to a criminal complaint.

During the confrontation that followed, the man pulled a knife and stabbed Zubia-Chavez in the chest.

The knife penetrated three centimeters into Zubia-Chavez's heart, requiring open-heart surgery at University of New Mexico Hospital, said his attorney, Bruce Thompson. Zubia-Chavez is now suing his former employer, arguing, in part, that his encounter left him with life-long damage to his heart.

He's not the only one suing over the incident. The man arrested for the stabbing is also seeking damages from Lowe's, illustrating the difficult predicament retailers find themselves in and why many have policies that forbid employees from confronting shoplifters.

Police agree that workers shouldn't intervene. They say shoplifters have become more brazen in recent years — particularly during the COVID-19 pandemic — and are more likely to be armed and to use or threaten violence.

Possible solutions include greater police presence at retail stores, improved surveillance technology and better communication and networking between retail stores, police and prosecutors.

The lawsuit Zubia-Chavez filed in March alleges that Lowe's management directed him to pursue shoplifters stealing liquor and "always get the bottle."

The stab wound "cut into his heart, so he is going to need cardiology review for the rest of his life," Thompson said.

Douglas Short, 56, who was arrested in connection with the stabbing, filed a lawsuit, also in March, asserting that he had intended to purchase the alcohol when Lowe's employees confronted him inside the store. Short contends he feared for his life and acted in self defense after employees pinned him to the floor and later chased him out of the store.

Short was holding the knife in self defense when Zubia-Chavez “inadvertently impaled himself in the chest,” according to the lawsuit filed in 2nd Judicial District Court.

A jury acquitted Short in 2018 of felony aggravated battery in the stabbing of Zubia-Chavez, court records show. The jury also acquitted him of tampering with evidence for allegedly hiding the knife that wounded Zubia-Chavez.

Charles Archuleta, manager of Lowe’s Neighborhood Market, declined to comment about the incident and referred questions to Joel Griffith, Lowe’s human relations director. Multiple phone messages left for Griffith, for Lowe’s corporate office and for Timothy Hale, Lowe’s attorney, were also not returned.

Although larceny crimes in Albuquerque are down overall, shoplifters appear more likely to use or display weapons, said Luke Languit, commander of Albuquerque Police Department’s investigative bureau, which handles theft and shoplifting crimes.

This trend often blurs the line between shoplifting and robbery, Languit said.

“When they’re confronted, they pull a weapon out,” he said. “From there we have a robbery or aggravated assault charge because they introduced that weapon.”

Languit said he attributes the trend to the prevalence of drug use in Albuquerque.

“When you are in the drug game these days, you are armed,” he said.

Beaten and attacked

Sylvia Sorrelhorse, a former Smith’s Food and Drug store employee, said she was beaten and attacked with pepper spray by shoplifters in January.

A 12-year employee of Smith’s, Sorrelhorse said she has observed shoplifters over time become bolder and more prone to use violence.

“You have people strolling out with full carts of food,” said Sorrelhorse, 49, who said she was fired after her encounter with two shoplifters stealing alcohol.

Like many retailers, Smith’s requires employees to sign a policy that forbids them from confronting shoplifters. These policies often allow employers to fire workers who violate the policy.

Sorrelhorse said she was trying to prevent two women from exiting the entrance door in violation of the store’s COVID-19 protocol.

“I didn’t even know they were shoplifting,” Sorrelhorse said.

One woman tried to push Sorrelhorse out of the way by shoving her with a bottle of Jack Daniel’s whiskey.

“I grabbed the bottle because she pushed me with it,” she said.

One of the women then kicked Sorrelhorse and sprayed her with pepper spray.

Two days after the Jan. 3 encounter, she was fired for confronting shoplifters in violation of Smith's policy, she said.

Sorrelhorse said she believes shoplifters have become brazen, in part, because they know employees aren't allowed to confront them.

Sorrelhorse has filed a grievance through her union, the United Food and Commercial Workers Union, Local 1564, in an effort to get her job back.

Multiple voice and email messages left for Smith's spokeswoman Aubriana Martindale were not returned.

Greg Frazier, president of the UFCW Local 1564, said Sorrelhorse is one of two union members who were fired this year after encounters with shoplifters. Both are seeking reinstatement of their jobs through arbitration. And both were sprayed with pepper spray by shoplifters during the encounters, he said.

The local represents 4,400 workers at 54 New Mexico grocery stores.

Frazier said the style of shoplifting appears to have changed in recent years, particularly during the pandemic. He agrees that shoplifters appear more likely to steal merchandise in bulk and to use or threaten violence.

"Members tell me often that thieves fill baskets and then just run toward the door," he said. "It's not hidden theft anymore.

"The bad guys know that employees are not allowed to approach them. They also know that customers, good Samaritans, are afraid of getting killed."

Grocery chains need to hire off-duty police officers in marked vehicles to guard stores, he said. Frazier plans to include the demand in future contract negotiations.

A public-private partnership

APD Cmdr. Languit said the presence of off-duty police officers outside stores can be a powerful deterrent for shoplifters.

Other effective practices involve improved surveillance technology and better information sharing between retailers, law enforcement and prosecutors, he said.

To that end, Albuquerque police and prosecutors have formed a public-private partnership called the Albuquerque Retail Assets Protection Association that uses networking technology to share information about criminals and crime trends.

ARAPA includes Target, Wal-Mart and most shopping mall tenants and locally owned business. The group was recently revitalized after pausing during the pandemic, Languit said.

But as a rule, employees should avoid confronting shoplifters, especially because shoplifters are showing a greater likelihood to carry weapons, he said.

Employees can play a more effective role as the “good witness,” Languit said. “Get that identifying information from a distance. Get that license plate information. Provide it to police.”