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**No. 57**

**SHOPLIFTING**

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**INSTITUTE OF CRIMINOLOGY  
SYDNEY UNIVERSITY LAW SCHOOL**

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**INSTITUTE OF CRIMINOLOGY  
SYDNEY UNIVERSITY LAW SCHOOL**

**Proceedings of a Seminar on**

**SHOPLIFTING**

**CHAIRMAN:**

The Honourable Mr Justice J. A. Lee,  
A Justice of the Supreme Court of New South Wales

29 June 1983

State Office Block, Sydney

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## FOREWORD

*The Honourable Mr Justice Lee,*  
Deputy Chairman, Institute of Criminology

Shop-lifting—and I use that expression throughout to include theft by employees—is big business in New South Wales and, according to Mr R. M. Lawrence, Executive Director of the Retail Traders' Association of New South Wales, it accounts for losses between \$40 million and \$75 million a year. None of the papers presented at this Seminar have sought to minimize the magnitude of the property involved. This makes this Seminar all the more remarkable, I think, because one might have thought that some fairly clear practical solutions to the problem might have emerged. Nothing of the kind has happened and I do not think that I have ever attended a Seminar where there have been so many divergent views expressed as to causes of and solutions to the problem of shop-lifting. "Contradictions in society", "capitalist and worker", "the struggle" between employer and employee, "social justice", how to keep young people on the straight and narrow are but some of the matters that have been raised in the papers submitted and the discussion that has come from the floor. Some question whether shop-lifting—and this as I have said includes theft by employees—should be a crime at all, some resent the term "shop-lifting" because it disguises the fact that it is the crime of stealing, some see shop-lifting as a means of redistribution of wealth, some see it as a means of supplementing an inadequate income. Some suggest it is taken too seriously by traders because they pass their losses on to the consumer in any event. Some complain that it is of little consequence against the cheating of the public that traders indulge in. Some think that teaching young people that it is unjust for people to have less than others encourages the belief that it is just to take the property of others. Some think the police should give little attention to the matter of protecting the property of great and powerful trading institutions. Some think that prosecutions should be discriminatory, others think that all who are caught should be prosecuted, irrespective of the circumstances. Some think that much shop-lifting is explicable by reference to the kinds of people who are caught—pensioners and unemployed. Some think that the modern retailing methods invite theft and that much could be done to make it less easy for the crime to be committed. Some looked at psychiatric research to see if there was a discernable connection between psychiatric illness and crime. Shop-lifting by young people was raised and we were told of a project, the Newtown Care Force Youth Programme, designed to reduce shop-lifting amongst juveniles. There was much more and many other varied views and information put before us.

The Seminar was notable also because it dealt with the problem not only in New South Wales but in the United States, United Kingdom and Sweden and in addition a number of the speakers came from outside New South Wales—we heard from a private company security consultant from New Zealand and an Inspector of Police from Victoria.

One wonders why such a simple facet of the law of larceny, as shop-lifting of course is, should give rise to so many viewpoints as to causes and treatment. We live in a world where standards of morality are changing. Honesty and dishonesty do not have the same meaning they had 30 to 40

years ago. We were told of a woman who some time ago committed suicide rather than face a court on a charge of shop-lifting. The prevalence of the offence and the willingness of many to excuse it, suggest that shop-lifting has come to be regarded as a less discreditable form of dishonesty than other forms of larceny and if this be so it would seem unlikely that attempts to control it by prosecution of offenders will have any effect. But shop-lifting is still dishonesty—no society can openly condone dishonesty on a grand scale in one segment of its commercial operations without having dishonesty infect other segments. The Seminar proves that the solution to the problem is elusive.

## THEFT FROM RETAIL STORES—AN OVERVIEW

*Dennis Challenger, B.Sc., M.A., M.Phil. (Cantab.),*  
Chairman, Department of Criminology, University of Melbourne

Theft is only one of the many crimes from which retailers suffer, however it is the crime that undoubtedly causes them greatest financial loss. At present Australian retailers lose at least \$600 million annually as the result of crimes against them. These include thefts through fraud using stolen credit cards or bad cheques (costing at least \$5 million a year), the apparently innocuous but nonetheless expensive theft of shopping trolleys (at least another \$3 million a year), or thefts occurring as a result of burglary (say \$25 million) or robbery (\$1.5 million). However over 95 per cent of the above losses are accounted for by thefts committed by customers and employees.

In practical terms there is some difficulty in distinguishing between customer theft (colloquially known as shoplifting) and internal theft by retail employees. The ratio of the value of thefts in each category was found in the recent victim survey of Victorian retailers to be 60 per cent internal to 40 per cent customer.<sup>1</sup> This ratio is consistent with findings in other countries although some estimates for staff theft go as high as 80 per cent of all inventory shortage. While customer-theft remains the main focus of this paper it is necessary to say something initially about internal or staff theft.

### Internal Theft

Retail employees are in a particularly good position to steal from their employers. Daily they see a variety of goods passing by them and they are often handling money in a less controlled situation than, for instance, required in a bank. If it is known that a certain amount of shrinkage is expected by the retailer, employees can ensure that that particular level of stock loss is invariably reached. And when stock losses generally become known only at stocktaking time, if needs be, a dishonest employee has plenty of time to cover his tracks.

Straightforward theft of goods or money is but one way for retail staff to steal from their employer. More circuitous ways include under-charging, customer-accomplices, adjusting delivery dockets, under-ringing, fiddling shrinkage records, and deliberately damaging goods to buy at staff discount. Other methods of stealing not unique to the retail sector include using company time and facilities for personal projects, increasing creditors' invoices and keeping the difference, warehouse or store replacement of perfect items with seconds and conspiracies between middle management employees.

It is fair to say that workplace theft is widespread in these many forms and all affect business profitability. There is probably little that can be done

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<sup>1</sup> D. Challenger, *Retailers as Victims of Crimes* (Melbourne, 1982). Retail Traders' Association of Victoria.

about what the Americans describe as time theft where employees steal about 3.5 hours of paid time from their employers each week. But more tangible thefts of cash and merchandise can be tackled.

A local retail executive estimated that at any time 10 per cent of his company's staff were honest, 10 per cent would steal no matter what was done and the other 80 per cent would steal if given the opportunity. A major Australian retailer has recently revealed that 450 employees were dismissed in 1981 for stealing from the company. That gives the company a dishonesty rate amongst staff of 1 in 140. As there is no reason to believe these employees any more or less dishonest than in any other company, this indicates a hefty level of internal theft Australia-wide.

But why such high levels of theft? The thrill of it, antagonism towards employers, need, greed and conforming to workplace norms have all been suggested in the literature. The sweeping "moral laxity" argument is less persuasive. But there is a good chance that the juvenile thief whose activity is committed in public view may be absorbed in the workforce where he continues his stealing into adulthood but in the private arena.

A recent American survey of 3 540 retailers found that 46 per cent of them reported a problem with employee theft.<sup>2</sup> And the Victorian retailer-victim study found that 20 per cent of retailers admitted they had suffered thefts at the hands of staff in the previous year. It is probable that the figure for all Victorian (and Australian) retailers is much higher since many of the shops in the study were small family or one-man businesses employing few, or no, outside staff. The average reported financial loss from an internal theft in Victoria was \$133 while the more common customer theft averaged only \$18, so in financial terms internal theft constitutes a far greater economic strain. But despite this, the internal thief is unlikely to find himself in police hands. Why?

There are many explanations. Firstly tolerating theft *may* be cheaper in the long run than doing anything about it. An employee who is doing well at a job for which he has been trained, is an expensive asset to replace. His salary plus his financial gain through thieving may be far less than the cost of replacing him and the dislocation of business that may subsequently occur. Secondly, the bad public image that may develop from a large company "hounding" an employee may turn out to be expensive in business terms. Or shareholders may be unimpressed by hearing that a company is so badly managed that it has thieves and company shares may fall.

The final suggestion for employers not proceeding against either internal (or for that matter external) thieves is that thieving is so much part of life today that it is to be expected. Certainly the readiness with which many apparently law abiding citizens snap up a bargain offered to them in a pub or souvenir small items of hotel property would support this notion. In the workplace, where ownership of property can become slightly blurred, many employees seem to think that one of their "perks" is the removal of odd pieces of property.

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<sup>2</sup> National Coalition to Prevent Shoplifting, *National Research Report, 1981 Summary* (Atlanta Ga., mimeo.).

But in the current economic climate all businesses are looking at how to keep costs down and profits up. And an obvious way to keep gross profit healthy is to reduce stock loss through illegal activity. This is particularly true for retailing where profit margins are often of the order of 2 per cent. Thus to make good a theft of a \$2 item a retailer must sell another \$100 worth of stock, so it is obviously sound business practice for a retailer to reduce the level of his losses through theft.

### **Reducing Internal Theft**

A starting point for reducing internal theft is for management to make clear to employees that theft, no matter how euphemistically described by the thieves, can no longer be tolerated. Next, increased supervision of employees is necessary. So many thefts currently occur because junior staff are left in vulnerable situations without supervision. Opportunities for stealing can be decreased through such simple action as certain keys being held only by management, cupboards being kept locked, certain areas being out of bounds and cash registers being operated only by certain staff.

The quality of staff too is an area for attention. Employers should always call for references before employing new staff. Generally speaking an employee who has been dismissed from a retail store for theft is not a casual or impulsive thief and, at very least, should be well supervised in a new position. The Americans have resorted to lie-detector tests and psychological testing to try and screen potential thieves. Australian retailers should at least find out something about job applicants by contacting their last employer.

There is also some evidence for a relationship between job satisfaction and employee theft. Employees with a reasonable level of salary, with some responsibility and variety in their day to day tasks may well be more contented and less likely to "rip the boss off". It has been suggested that variety of work and opportunity for advancement increases the quality of the work situation and allows employees to use their creativity and initiative for the company rather than against it. Certainly satisfied employees can develop increased loyalty with its obvious advantages to the company.

The company's interests can be very well served by retailers making clear to employees that they are concerned about theft and that they intend to do something about it. As most thieves would prefer not to get caught, increasing their belief about the probability of detection may be more likely to deter them than making an example of, and dismissing, one of their workmates. Thus publicity and an increase in visible store security may provide a disincentive to staff theft as well as tackling customer theft.

### **Customer Theft**

Customer theft is far more likely to involve the police as it is a public arena offence. The latest crime statistics from the Victoria Police indicate that customer theft (or theft from shops) accounted for 16.4 per cent of all reported thefts, that is 7.3 per cent of *all* reported major crime in 1982. Further it is the offence for which the Victoria Police most frequently come into contact with young offenders. Roughly 30 per cent of all formal police contacts with juveniles relate to theft from shops.

But despite the gravity of these figures, the official police statistics still understate the true extent of the problem. To estimate the extent of that understatement is well nigh impossible but three additional sources of information indicate that there is no doubt that thieving from shops is far more common than the police statistics portray. These are, *Self Report Surveys* which ask random samples of people about their own offending behaviour; *Victim Surveys* which ask random samples of people about their experiences at the hands of thieves and other offenders; and *Random Shopper Surveys* which involve researchers following customers through a store to establish whether they steal while in that store. Each of these will now be considered in detail.

### *Self Report Surveys*

These surveys are invariably conducted on samples of young people (usually because of ease of access) but they suffer from many problems including those of recall and honesty. A typical study is that conducted by Warner with 15 year old Tasmanian school children.<sup>3</sup> She established that 54 per cent of the boys and 44 per cent of the girls in the sample admitted stealing from a shop in the preceding three years. The National Coalition to Prevent Shoplifting (see page 12) has published data from surveys of almost 50 000 American students in 1979–80, over 100 000 in 1980–81 and over 76 000 in 1981–82.<sup>4</sup> These show over these three years respectively that 49 per cent, 49 per cent and 43 per cent of those students had shoplifted. (And worse, 17 per cent, 30 per cent and 19 per cent intended to continue shoplifting.)

Generally speaking most self report studies of youth do indicate considerable shoplifting activity although that activity is not restricted to members of lower socio-economic groups as seems to be the case for some other offences. As an example, a recent American study of middle-class youth produced the results shown in **Table 1**.<sup>5</sup> This work is consistent with other research and it also shows two interesting things. First, younger males appear to be far more active than younger females, although girls "catch up" as they get older. Secondly, these are high rates of offending which indicate that youthful shop-theft is far from uncommon.

Richards' work suggests that as males get older they are less likely to be active in shoplifting and this is supported by the Victorian victim survey which found the average age of detected female shop-thieves to be 26.4 years compared with the males' average age of 19.4 years. Farrington's work provides further evidence of males shop-theft activity decreasing over time.<sup>6</sup>

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<sup>3</sup> C. Warner, "A Study of the Self-Reported Crime of a Group of Male and Female High School Students", *Australian and New Zealand Journal of Criminology*, 15 (1982), pp. 255–272.

<sup>4</sup> National Coalition to Prevent Shoplifting, *op. cit.*

<sup>5</sup> P. Richards, "Quantitative and Qualitative Sex Differences in Middle Class Delinquency", *Criminology*, 18 (1981), pp. 453–470.

<sup>6</sup> D. P. Farrington, "Delinquency From 10 to 25", Paper given at the Society for Life History Research meeting on Antecedents of Aggression and Antisocial Behaviour, Monterey, California (1981) (mimeo.).

His longitudinal work with a sample of 400 London males shows a self-reported shoplifting rate of 39 per cent (at age 10–14), 16 per cent (at 15–18), 7 per cent (at 19–21), and 4 per cent (at 22–24). However, this may be less a product of boys maturing and more a result of them visiting shops less often as they get older. Indeed it may well be that males transfer their stealing activity into the workplace where it is less likely to come to official attention. But females, for whom there is no similar longitudinal data, probably spend more time in shops as they get older and may simply continue their theft in that location.

**Table 1**  
PERCENTAGE OF MIDDLE-CLASS USA YOUTH ADMITTING  
SHOPLIFTING

	<i>Grade at school</i>			
	7th and 8th		9th to 11th	
	Male	Female	Male	Female
Minor shoplifting (under \$5) .. ..	36	26	33	37
Major shoplifting (\$5 and over) .. ..	17	8	15	15

### *Victim Surveys*

Victim surveys allow respondents to indicate whether they have been the victims of offences over some period of time, whether in fact those offences have been reported to the police or not. Of course there are problems with respondents forgetting, inventing, wrongly defining or purposefully failing to report crimes to an independent researcher. But the guarantee of anonymity and a belief that it is more useful than not to answer honestly can counteract these difficulties. (For a discussion of the many methodological difficulties with victim surveys see Skogan.<sup>7</sup>)

During 1981 over 5 000 questionnaires were distributed to Victorian retailers and details about their experiences in the preceding year as victims of burglary, vandalism, internal theft, bad cheque passing and theft by customers were collected. These particular offences were used because they were thought to be fairly frequent (relatively speaking) and were most likely under-reported in police statistics.

The 2 203 retail outlets for which responses were provided to the questionnaires indicated that 36 per cent of them had actually detected customer thieves in the previous year. However the questionnaire did not ask simply whether the retailer had been the victim of customer-theft. In a subsequent smaller face-to-face victim survey of 155 small retailers, 45 per cent indicated they had lost stock to customer thieves and a further 31 per

<sup>7</sup> W. Skogan, *Sample Surveys of the Victims of Crime*. (Cambridge, Mass., Ballinger, 1976.)

cent had detected such offenders. This nett figure of 76 per cent victimization compares well with the 1982 American Coalition's retailer survey which produced a rate of 61 per cent.

### *Random Shopper Surveys*

These surveys involve following random shoppers and observing whether they steal or not. No such survey has been conducted in Australia and despite the doubts as to their value in the U.S.A. where they are more common, they do provide interesting statistics.

In 1971 Astor's study found that 109 of 1 647 shoppers randomly followed in four different stores had stolen.<sup>8</sup> This 1 thief in 15 shoppers statistic has been criticized by some commentators. In particular Cobb points out that the shoppers were followed by persons untrained in store detection techniques, who may therefore have observed incidents which were not really thefts.<sup>9</sup> Cobb used professional store detectives to follow 392 random customers of whom only 5 were positively identified as thieves and a further 5 were described as acting suspiciously. At best then Cobb's study provides a ratio of 1 thief to 40 shoppers.

But even this figure gives cause for some concern when it is considered that a large city emporium expects a customer throughput of many thousand potential customers each day. There is simply no doubt that a large number of shop-thieves exist within the community and never come to the official notice of the police.

### **Observations about shop thieves**

Given the obvious inadequacies of currently existing data about theft from shops it is not possible to unequivocally identify particular features of the problem which might be tackled. However, the previously described data from, and about, detected shop-thieves do identify potential trouble spots or areas that need rationalization. The following four topics are such issues.

#### *The Young*

The young are frequently described as constituting the bulk of shop-thieves and the self report studies referred to earlier do indicate considerable youthful activity in this area. But youth has always been a time for acting out and the opportunities provided by shops make them an obvious target for adolescent experiments. It is important to bear in mind that the current population of young people have never experienced other than self-selection type of shopping so may not readily appreciate that the retailer is a real person providing a real service.

<sup>8</sup> S. D. Astor, "Shoplifting Survey", *Security World* (March, 1971), pp. 34-35.

<sup>9</sup> W. E. Cobb, *The Economics of Shoplifting* (Ph.D. Thesis, 1973), Virginia Polytechnic Institute and State University, Ann Arbor (University Microfilms).

In the Victorian victim survey many retailers made comments about the problems they faced with young people stealing from them. One stated:

I am constantly plagued with young people who spend time in my shop with the obvious intention of shoplifting. Vigilance by my staff and myself keep shoplifting to a minimum, however, we do lose a considerable amount of stock in this way. The usual practice is for many, 8 or 10 or so to enter the shop and to disperse to various parts of the shop and to handle the stock and create a degree of confusion for the staff.

Another stated:

We have kept a tighter watch out for the group we thought to be responsible and have now confirmed our views that the young girls shoplifting, even though they must have been aware of our attitude and counter measures, still took the goods and the risk regardless.

These sorts of comments are consistent with the notion that shoplifting is predominantly a juvenile offence. But if adults are cleverer or more sophisticated thieves they may be a lot less likely to be caught or even noticed. Further if adult thieves are caught, they may be slick enough to talk their way out of their situation or be more ready to pay (with or without a surcharge) to avoid police being called.

However, the 1982 Victoria Police crime statistics do not show young people to be the main shop-theft offenders. They show that only 41 per cent of those persons proceeded against for shop-theft in 1982 were juveniles; 47 per cent of the 4 718 male shop-thieves and 36 per cent of the 6 155 females. This is in contrast to the Victorian victim survey where thieves detected by retailers were 61 per cent juvenile and a lesser percentage of juveniles (23 per cent) were referred to the police than were adults (39 per cent). In the Victorian situation at least juveniles are considerably under-represented in the official police shop-thief population.

May has shown how young people from lower socio-economic groups are more likely to receive retailers' and then police attention, so this indicates a further bias in the police statistics.<sup>10</sup> And Rojek's study plainly found that shop-thieves referred to the police were significantly different from those dealt with at the in-store level.<sup>11</sup> While it is plain that stealing from shops is a practice engaged in by many youths of both sexes, it is not known whether that stealing is a transient phase of adolescence, or the start of a career. If the former, the community can probably write such offending off as part of the growing-up experience, but the problem is that unless accurate central records are kept, no-one will know for certain whether a detected young shop-thief is a first offender or a persistent offender detected

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<sup>10</sup> D. May, "Juvenile Shoplifters and the Organization of Store Security: A Case in the Social Construction of Delinquency", *International Journal of Criminology and Penology*, 6 (1978), pp. 137-160.

<sup>11</sup> D. G. Rojek, "Private Justice Systems and Crime Reporting", *Criminology* 17 (1979) pp. 100-111.

for the first time. Individual retailer action effectively allows a persistent young offender to be given as many "chances" as he is caught and when he finally does make it into the police system he will be to all intents and purposes, a first offender. It is particularly important that persistent thieves are subject to rigorous treatment and the police provide the only central recording system to ensure that repeat offenders can be identified. For this reason it is essential that young shop-thieves be brought to police attention.

### *Sex Differences*

Traditionally it has been thought that females provided the bulk of customer thieves and this notion is apparently supported by the 1982 Victoria Police statistics which show 57 per cent of persons proceeded against in that year were female. However the Victorian victim survey found that only 45 per cent of shop-thieves actually detected by retailers were female. These two conflicting results confuse the issue.

But Cobb provides persuasive data concerning this issue, by extending the analysis of Astor's random shopper survey, which found 1 thief in every 13 female shoppers followed, compared with only 1 in every 20 males.<sup>12</sup> As it has been found that female shoppers tend to spend longer periods of time than males shopping in a store, Cobb re-adjusted Astor's figures to accommodate that and found that "the number of female shoplifters per female customer-minute spent in the store is 1.23 times the number of male shoplifters per male customer-minute". That difference was significant and indicates that there is a greater propensity for females to steal from shops. This may of course be related mainly to the question of opportunity—males having greater opportunity for workplace theft.

### *Action Against Shop-Thieves*

The action that retailers take against shop-thieves is plainly critical. Yet the information that is available shows, despite retailers' claims to the contrary, that all detected shop-thieves are *not* dealt with by court action let alone referred to the police. The actual practices adopted by particular retailers, may as they become known, actually disadvantage those retailers in that many thieves may quite happily suffer the indignity of a dressing down or pay for their stolen goods in order to continue stealing.

The disposal of shop-thieves actually detected by retailers in the Victorian victim survey is shown in **Table 2**.

The differences between different retailer-types and the way they dealt with their detected shop thieves is primarily a function of the age of the shop thief and the value of the goods taken. The last is that factor which is best related to action taken: the average value of goods stolen when thieves suffered police action was \$39 compared with \$11 for those receiving

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<sup>12</sup> Astor, *op cit*.

Table 2

ACTION TAKEN BY RETAILERS AGAINST  
DETECTED SHOP-THIEVES

Shop type	Percentage dealt with by			
	Police action	Some action	Minor action	No action
Chemist .. .. .	20	19	44	17
Newsagency .. .. .	20	25	40	15
Hardware .. .. .	25	18	50	7
Luxury .. .. .	47	9	35	9
Clothing .. .. .	61	7	23	9
Homeware .. .. .	50	5	21	24
Supermarket .. .. .	33	13	39	15
Mixed Business .. .. .	12	22	47	18
Department Store .. .. .	66	13	17	4
Total .. .. .	29	18	39	14

NOTE: *Some action* notification of parents, other family or school.

*Minor Action* includes reprimands, banning from shop, retrieving or demanding payment for stolen goods.

minor action \$9 for no action and \$8 for some action. One pragmatic retailer indicates why this might be the case:

The unfortunate part of shoplifting with regards to prosecution is that if they strike during peak trading periods one is tempted not to notify the police if the value of the goods taken is relatively small. The time taken in holding the person concerned until police arrive causes the security officer to be off his job for up to one hour and during this time many other offences can go undetected.

With respect to age, 27 per cent of juveniles fell into the "*some action*" group where parents or school were notified and only 23 per cent were referred to the police. The American situation as reflected by the National Coalition's 1981-82 data shows that of the 17 per cent of students caught stealing from shops, 47 per cent had their parents contacted and only 14 per cent were handed to the police. (Somewhat paradoxically 36 per cent of students agreed that "store personnel, police and judges are too soft on shoplifters" and 71 per cent agreed that "most shoplifters are never caught".)

It may well be that contacting parents is a very effective way of dealing with an individual young shop-thief and the knowledge that that is the most likely action may deter the thief's peers. However, it would allow a persistent thief to continue his activities safe in the knowledge that no central record (such as the police would keep) can identify him. A retailer's calling the police to deal with a shop-thief is not only sound from his own point of view but also from the point of view of restricting the victimization of his fellow retailers by persistent thieves.

The extent to which informal disposal of shop-thieves is practised is brought home by Conner's data collected from 1 301 legally classified first offenders.<sup>13</sup> Collectively they admitted having been caught by retailers 2 485 times before they were finally arrested by police. The extent to which this approximates the Australian situation is debatable. But even if the situation here is only half as bad that still indicates retailers condoning (and even encouraging) offending at a substantial level.

If retailers are to continue dealing with detected shop-thieves within their stores, Conner suggests that they do not provide "instant comfort" to soft-core (i.e., amateur) shoplifters by deciding immediately after apprehension to deal with them in-store. He wants retailers to build upon the general discomfort and apprehension thieves invariably suffer after detection and to let them leave the store not knowing whether or not the police will be involved. Described as "controlled release", Conner's suggestion involves giving the shop-thief a letter of the following sort:

(Name of shoplifter), our action in releasing you at this time does not mean we have waived our right to file a criminal complaint charging you with a violation of the Pennsylvania Crimes Code (3939), title Retail Theft.

Our review of the facts in this case will be completed by the close of business on (Date, 60 days later). If we decide to initiate prosecution you will be notified on or before the above date by the police or the court in which case you will be informed of the fingerprinting provisions and told when and where to appear.

Do not call the store to discuss the details or inquire about the status of this matter. Store policy prohibits anyone from discussing the matter with you while the case is under review.

This action would be allowable under Victorian law and a retailer could argue that 60 days provides the time he needs for consideration of the facts of the case. But there are obviously problems with the trauma or undue hardship that apprehended "amateurs" might experience during the waiting period. And there is no evidence to suggest that such action would do any more than cause such distress, although monitoring such a scheme might prove most worthwhile.

### *Frequency of Offending*

A most interesting suggestion made by Conner based on his data collected from convicted shop thieves is his concept of the "shoplifting addict". His 1 301 "soft-core shoplifters" provided the data in **Table 3** in response to his asking them "to reveal the frequency of their (shop) thefts". That over 50 per cent of them steal at least once a month causes Conner to say that this data proves "what a lot of security people have suspected for a long time—"many shoplifters are developing a stealing habit"".

This result has to be treated cautiously as Conner himself points out that "shoplifters are notorious liars", and the representativeness of his sample is not known. However, the distribution of responses indicated in **Table 3** has apparently not varied significantly over the three years for which these

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<sup>13</sup> L. Conner, *Keep Watching*, Number 2 (1981) (Aston Pa. mimeo.).

data have been collected. While Conner's conclusion that "shoplifting has an addictive potential" may be putting it too strongly, the low detection rate indicated in Table 3 certainly makes shop-theft an attractive proposition for a dishonest person and provides additional support for police being notified by retailer-victims.

### Reducing Customer Theft

It should be plain that the current situation with shop-theft is not reliably known. Individual retailers have their own data and practices which if pooled would allow better definition of the problem and consequently strong targeted programmes to deal with it. This lack of definition has not restricted attempts of various sorts to deal with the problem and some of these are now discussed.

#### *Concerted Action*

In Australia local retailer organizations have mounted occasional anti-shop-theft programmes mostly involving bulk publicity through posters, press coverage, radio spots and so forth. These have never been evaluated in any rigorous way and to some extent they constitute a rather half-hearted attempt to draw attention to the problem, rather than to really attacking it.

In other countries, more aggressive campaigns have been undertaken and various claims made for them. Most recently the Swedish Retailers Association have engineered a mass saturation campaign that included almost every retail outlet in Sweden displaying material on one particular day. A Government evaluation of this programme declared it highly successful. And in the United States there are many locally based programmes aimed at reducing shop-thefts. These include Philadelphia's STEM (Shoplifters Take Everyone's Money) programme, Missouri's programme featuring "Shoplifting Is V.D.—Very Dumb" posters, and Illinois' "Teenagers Beware, Shoplifting is a Crime" programme. These last two programmes emphasized the negative aspect of theft from shops, but it has yet to be shown that such scare tactics have any lasting impact on the problem.

Table 3

#### ADMITTED SHOP THEFT FREQUENCY BY CONVICTED AMERICAN SHOPTHIEVES

(N = 1301)

<i>Frequency</i>	<i>Number</i>	<i>Percentage</i>
Once a lifetime .. .. .	122	9.4
Once every ten years .. .. .	114	8.8
Once every five years .. .. .	67	5.1
Once every two years .. .. .	79	6.1
Once a year .. .. .	140	10.8
Twice a year .. .. .	73	5.6
Once a month .. .. .	253	19.4
Once every two weeks .. .. .	110	8.5
Once a week .. .. .	172	13.2
Once a day .. .. .	171	13.1
Total .. .. .	1 301	100.0

A more recent trend is the appearance of fairly formalized organizations directed toward reducing retail theft. Three organizations in particular indicate how concern above the prevalence of retail theft is being approached.

The *Association for the Prevention of Theft in Shops* was established by around sixty leading English retail companies in 1977. Its creation reflected concern by major retailers in the Oxford and Regent Street shopping areas of London. Its objects are: "to foster, promote, develop, maintain and encourage by all lawful means local and central action and legislation to prevent theft, fraud, dishonesty and violence as they affect the business of retailers".

The Association achieves its objectives through:

- *Informing*: through newsletters, seminars, conferences and training courses;
- *Communicating*: through the press, trade journals, radio and television;
- *Co-operating*: with local anti-theft groups, crime prevention officers, magistrates, teachers, social workers, retail staff and security officers;
- *Liaising*: with Central Government through the Home Office Standing Committee on Crime Prevention, with Members of Parliament in both Houses and with Embassies and High Commissions.

In fact the Association has been heavily involved in facilitating the formation of active community-based anti-theft groups throughout England some of which have employed full-time co-ordinators to liaise with retailers, police and schools in apparently successful programmes to reduce juvenile shop-thefts. Such programmes are described and other information published in a Newsletter which also gains publicity for the area. The Association has not undertaken any major research into the area as this is not seen as one of its objectives.

The *National Coalition to Prevent Shoplifting* was formed in 1979 by the American Retail Federation, the Distributive Education Clubs of America and the General Federation of Women's Clubs joining together in a loose coalition, the main purpose of which was "to conduct a well organized, action-oriented programme to reduce shoplifting in the nation". To do this the Coalition identified its major emphasis as being "aimed towards educating youth to the fact that shoplifting is a crime". Its specific objectives were:

1. To educate youth as to the seriousness of the crime and potential consequences.
2. To educate adults to the realization that consumers pay for the losses incurred from shoplifting.
3. To educate merchants as to techniques used by shoplifters and proper procedures for apprehension and prosecution of those caught shoplifting their stores.
4. To gain the co-operation of law enforcement and the courts insuring that shoplifters when apprehended are not treated lightly.

While originally funded by the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention, these Federal Funds have recently been withdrawn and the Coalition is now trying to raise its \$250,000 budget privately. The first public donation to the Coalition was from K-Mart of America who estimated their own losses through shoplifting in 1980 to be \$24 billion. They donated \$5,000 to the expenses of the Coalition.

The Coalition's work to date has had two main thrusts. The first has involved general public awareness type activities; the development of various posters, bumper stickers, bookmarks and so forth with their own distinctive logo. A model code for shoplifting was developed in 1981 and provision of this literature continues to be an important part of the Coalition's work. The second part of their work involves research oriented enterprises. Most notably, member clubs of DECA and GFWC have engaged in some sort of competition whereby member clubs of those organizations have collected data from groups of students and groups of retailers, using standard questionnaires, as well as developing activities within their own communities in an attempt to make the public aware of the perils and costs of shop-theft. So far there have been three surveys for the fiscal years 1980, 1981 and 1982, some results have already been mentioned in this paper even though neither the students nor retailer groups are necessarily representative.

The results from such surveys are valuable and cause one to reflect on the sorts of responses that would emerge from surveys of Australian students and retailers. There is a strong argument not only for establishing community and retailer norms locally, but for also monitoring their change over time especially when various action is taken to tackle the problem.

The non-profit American organization, *Shoplifters Anonymous*, makes a point of not accepting "tax dollars or contributions from retailers" but raises income from providing training programmes for both shop-thieves and retail staff. Most of the shop-thieves who undertake Shoplifters Anonymous programmes are referred from some particular courts where a magistrate decides that a person is "a soft-core shoplifter", and suspends a sentence of imprisonment in favour of two months probation during which the offender undertakes the programme. The programme generally consists of two ninety minute cassette tapes and a thirty-page workbook and roughly speaking explains the legal consequences of shop-theft and teaches its social and economic implications. (Larry Conner, the Director of Shoplifters Anonymous, indicates that the programme is basically geared towards pointing out that "shoplifting is stupid".) A formal notice is sent to the court after a shoplifter successfully completes the programme, and if he fails the magistrate can reimpose the original sentence. The programme has attracted much publicity and has now been broadened to accommodate voluntary enrolments from concerned shop-thieves.

Apart from buying and completing their packaged home study programmes shoplifters who are dealt with in this way have also provided Conner with much data about their activities, some of which has already been described in this paper. The valuable data that Conner has collected causes him to extrapolate and suggest that America faces a massive problem with "a large well-trained army of consumer thieves poised to strike in the coming decade". There is simply no comparable Australian data of this sort

but there is no doubt that convicted or admitted shop-thieves constitute a source of information that must be tapped to provide useful intelligence with which to mount serious action against their fellow thieves in the future.

### *Physical Security*

One of the immediate ways to tackle customer theft is to improve physical security thereby restricting opportunities for theft. But even this is no foolproof solution. Jewellers' shops for instance keep their merchandise physically secure but still suffer thefts at the hands of professional thieves the role of whom should certainly not be underestimated.

There are two main reasons why retailers do not install some of the vast array of anti-shop-theft equipment currently available. The first is the cost involved and the second concerns repelling customers.

Basically most small retailers do not invest in security equipment because the cost of doing so would far exceed the losses they believe they suffer at the hands of customer thieves. In addition there is little support for their investing in equipment. One Victorian retailer bemoaned the ridiculous reduction of \$2 he would earn in insurance premiums when investing \$2,000 in equipment. He said "I feel that institutions such as insurance companies often encourage shoplifting and theft by discouraging small stores such as ours from putting in sufficient security systems". Many small retailers believe that helpful and pleasant staff provide a better way to counter the problem. One retailer, who supported this personal way of handling the problem pointed out that "people feel inhibited in a close security type atmosphere, I want people to feel at ease shopping here". But recent work by Hastings indicates that shoppers are less concerned about security oversight than may be thought.<sup>14</sup>

### *Staff Training*

According to Conner "the most reliable equipment available to catch shoplifters is a unique set of very sophisticated optical scanning devices. They are called 'eyes' and come as standard equipment with each employee".<sup>15</sup> And the role of retail staff is most important; much can be gained through improved staff training and motivation.

It is generally agreed that more attentive and interested staff will provide an environment less amenable to customer theft, but it must also be remembered that such staff will probably also be better employees. A local retail executive believes retail sales could be boosted 10 to 15 per cent "if the customer were properly treated on the (shop) floor and the information needed about the product were forthcoming". In addition staff fully conversant with the merchandise they are selling will spot wrongly-priced or price-tag switched goods putting an end to another popular ruse of the thief. Adding to the value of the additional sales made by an enthusiastic sales-

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<sup>14</sup> G. B. Hastings, "Customer Attitudes Towards Security Devices In Shops and Preparedness To Report Shoplifting", *Criminology and Penology Abstracts*, 20, pp. 639-642.

<sup>15</sup> L. Conner, *Keep Watching*, Number 7 (1981) (Aston Pa. mimeo.).

person, the value of stock protected from theft by them and the value of stock they now refrain from taking (because of high motivation), provides a strong argument for positive staff training. In addition, the responsibility of other staff to prevent theft is also important. As it is, many retail employees today seem to show little interest in prevention. A recent correspondent to the Melbourne Age wrote:

We are often told about supermarket pilfering. My experience is that staff in these stores just couldn't care less. I've told cashiers about children pilfering and have been greeted with shrugs. Trolleys near my home remain uncollected, despite numerous calls, and their indirect cost to the consumer is enormous. This last comment is pretty indicative of the gap today between retailers' and customers' views as far as retail crime is concerned. Customers now realize that they do pay more because of the dishonesty of other citizens. But they expect those immediately involved in that dishonesty, retailers, to act positively to counter it. It appears that at the level of the retailer those notices which indicate that the retailer was properly watching out for them.

### Education

Education programmes in schools and the community (some involving joint police-retailer co-operation) can make some progress towards de-glorying shop-theft. But it is debatable whether that should be a primary aim of education programmes. The American Coalition's student survey has consistently shown that over 90 per cent of students agreed that "shop-lifting is a crime", and that around 165 per cent agreed that "stores pass the cost of shoplifting on to consumers". This indicates that the "facts" about shop-theft are known and do not need further teaching; more action-oriented programmes seem desirable. An "anti-shoplifting week" in a Canadian city achieved some reduction in apprehended shop-thieves after a saturation campaign described by Hiew.<sup>17</sup> Prior to that week, students in local schools were given lectures, participated in an essay contest, designed posters for later use and completed questionnaires about shop-thefts. During the week itself, posters were prominently displayed in shops, employees in those shops wore special buttons, 20 000 placemats were distributed to restaurants and 10 000 bookmarks to book stores and libraries. Radio jingles, TV interviews, talks to service clubs, local newspaper articles and a display in the local shopping centre were all implemented in order to saturate the local community.

And concentrated programmes within stores have also been shown to have some success. McNees' recent work utilizing a "Jaws" theme for primary school children and using actual stock shortage as a measure of stealing is sound.<sup>18</sup> In that experiment it was found that stealing (i.e. unexplained stock

<sup>16</sup> *The Age* (Melbourne), 1 November, 1982.

<sup>17</sup> C. C. Hiew, "Prevention of Shoplifting: A Community Action Approach", *Canadian Journal of Criminology*, 23 (1981), pp. 57-68.

<sup>18</sup> M. P. McNees, M. Kennon, J. Schnelle, R. Kirchner, and M. Thomas, "An Experimental Analysis of a Program to Reduce Retail Theft", *American Journal of Community Psychology*, 8 (1980), pp. 379-385.

shortage) was reduced during the six weeks that the programme was in full swing but increased after its conclusion. This caused the authors to suggest that continuous programmes might be necessary although they warn that the generalizability of this result to other situations might not be possible. Their call for both more evaluation of reduction attempts and utilization of existing retailer resources should be heeded in Australia.

### *Signs*

All the above programmes involve the use of printed signs or posters which are of course fairly cheap and potentially effective. However evaluation of their use is necessary. In one American experiment it was found that by placing general signs about shop-theft around a high-risk (woman's clothing) selling area, there was a reduction in stealing from it, as measured by stock loss rather than by numbers of detected shop-thieves.<sup>19</sup> Particular identification of high-risk goods by large and prominent signs on display stands holding such goods were found to have an even greater reducing effect on the level of theft. It appears that potential thieves were deterred by those notices which indicate that the retailer was well aware of potential thefts and, by implication, was probably watching out for them.

Another experiment however, concluded that signs might encourage rather than discourage theft.<sup>20</sup> It found that disappearance of cigarettes from a supermarket increased when the sign "CIGARETTES are the items most often SHOPLIFTED in this store" was displayed over the cigarette carton display. It was suggested that young shoppers may have seen that sign as a challenge, but an equally viable explanation is that internal thefts increased in the belief that customers were the focus for security staff's attention.

These conflicting studies indicate that retailers need to evaluate just what it is they are doing even by such an apparently simple move as hanging up a few signs. One move which is of limited use is to display warning signs threatening police action or a court appearance when no such action would be contemplated. An apprehended shop-thief who is informally dealt with in a store displaying such a sign may feel that his belief that his theft is fairly unimportant or inconsequential has been vindicated by his treatment. He (and his friends) may then continue stealing in such stores re-confirmed in their beliefs about the trivial nature of their offending and with readiness to accept an uncomfortable (but minor) episode if they're caught.

### *Legal Remedies*

Legal remedies to the increasing occurrence of shop-theft are possible. In West Germany the increasing numbers of detected shop-thieves caused the Government to adopt new methods of dealing with them. Huber describes how the Public Prosecutor there is able to decide not to take an offender to court with an option of himself levying a monetary penalty against such an

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<sup>19</sup> M. P. McNees, D. S. Egli, R. S. Marshall, J. F. Schnelle and T. R. Risley, "Shoplifting Prevention: Providing Information Through Signs", *Journal of Applied Behavior Analysis*, 9 (1976), pp. 399-405.

<sup>20</sup> S. Thurber and M. Snow, "Signs May Prompt Anti-Social Behaviour", *Journal of Social Psychology*, 112 (1980), pp. 309-310.

offender.<sup>21</sup> Most Australian police forces do have an option of formally cautioning some offenders (usually young but sometimes old) but they do not, nor should they, have the option of inflicting some particular penalty. Critics of the German system have argued that shop-theft and other petty forms of criminality with low danger to society, should be taken out of the criminal law and transferred into the realm of administrative infractions. As Huber points out:

Probably the most important difficulty would be where and how to draw the line between decriminalized shoplifting handled by administrative authorities with non-penal sanctions and the crime of theft from a shop, punished by a court.

The English parliamentarian Adley has long been a critic of modern-day retailing methods and has pointed out the correlation between the increase in the number of self-service stores and the number of shop-thefts. In a Report in which he particularly considers the plight of the "unintentional" shop-thief he recommends the introduction of a separate complaint of "taking goods from a shop without authority and without making payment", in addition to the criminal offence of theft.<sup>22</sup> He describes this new procedure as a:

civil complaint leading to a finding of complaint proved. It would not amount to a criminal conviction or an offence of dishonesty and an intention to steal would not be a necessary ingredient of the proof required. The sanction would be an order for the return of goods to their rightful owner together with an order for the payment of costs against the respondent.

An obvious objection to Adley's recommendation is that it could open the floodgates to shop-thieves by ensuring that, at least initially, they would not render themselves liable to a criminal conviction. But in a situation where, as has been shown, the majority of detected shop-thieves are not dealt with in any formal criminal jurisdiction anyway, that argument lacks strength. Having such a complaint proven would become relevant to any future prosecution for shop-theft, and would certainly be considered by the court at that time.

Adley's main concern is that innocent but absent-minded or forgetful shoppers are caught in an inappropriate criminal net. But the percentage of all shop-thieves who could be described as unintentional must surely be low. As retail security staff and police personnel consider all cases before proceeding to court it is not unreasonable to expect them to exercise appropriate discretion with a thief who they believe really is unintentional.

Adley's suggestion has the effect of introducing another filter into the criminal processing procedure, and in effect it has much in common with the "Alternative Draft for an Act Against Shoplifting", mentioned by Huber.

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<sup>21</sup> B. Huber, "The Dilemma of Decriminalization: Dealing With Shoplifting in West Germany", *Criminal Law Review* (1980), pp. 621-627.

<sup>22</sup> R. Adley, M. Drummond, P. Savage and P. Strachan, *Take It . . . Or Leave It?—Report of Study Group on Shoplifting*. (Privately published, London, 1979.)

That involves punishing an offender:

only if he has committed his third shoplifting offence within 2 years or if the value is (substantial) . . . For the first two thefts the victim can charge by way of restitution demanding an amount up to the price of the stolen goods . . . If the offender wants to keep the goods the victim can demand double the price for it.

That suggestion is virtually reducing shop-theft to minor deviance, and it is getting close to suggesting on-the-spot tickets for shop-thieves. As most Australian States currently have such devices for speeding motorists and litterbugs it is very possible that this suggestion might be made seriously in the future. But that would be a bad move. Shop-theft is after all theft, and to officially condone small, or first, thefts would create a most unhealthy society.

A simple change to the legislation relating to theft might be worth consideration. In the manner of some American legislation, adopting concealment as sufficient proof of intent to steal from a shop might be a useful way to help retailers with the issue of intent. Thus, any customer who conceals goods for which he has not paid would be seen as having the intention of stealing them from the shop. The majority of shoppers do not conceal by placing in bags or pockets, goods for which they intend to pay. Absent minded or unintentional shop-thieves (for whom Adley has such concern) may also not necessarily conceal goods for which they might presently be charged with stealing. Thus, an old man who wanders absent mindedly out of a store whilst holding in his hand goods for which he had every intention of paying would not be proceeded against for theft. Obviously concealment itself needs careful definition to allow, say, a super-market customer to use her own shopping bag in preference to a heavy trolley, and retailers would have to publicize the situation to shoppers. But considered legislation of this sort might clarify this difficult issue and give retailers added confidence to proceed against thieves in their shops.

### *Overcoming Retailer Reluctance*

Many reasons why retailers are reluctant to use the formal criminal justice system to deal with detected shop-thieves were raised in the Victorian victim survey. Firstly many retailer-victims seem to have little confidence that the police are interested, effective or likely to do anything about a theft reported to them. And many have no wish to be entangled in a later time-consuming, costly and possibly traumatic court hearing.

Some retailers expressed negative views about the police and the courts and the capacity of the criminal justice system to deal with shop-thieves and that helps explain the low referral rate to the police. Others believed that calling the police was an over-reaction in particular, to a juvenile thief; their preferred action was to call the thief's parents or school. Other factors were the fear of litigation for false arrest or such like, the bad public relations that could affect future business, a wish to avoid ridicule in a public forum (the court) and dissatisfaction with what they see as inappropriate penalties.

Many retailers made negative comments about their experiences in court when their shop-thieves were being prosecuted. The following two comments are typical:

The police did prosecute one of my customers with myself as witness. However, having been made to feel that I was such a monster and terrible person, while the confessed shoplifter was such an innocent victim of circumstances, going back to such things as her daughter's fall off a swing at school, etc., I vowed never again to go to court over shoplifting.

And

The last time I charged a person for shoplifting he was convicted after ten previous convictions and let go with a warning. It cost me \$80 to put a manager in my business while I appeared in court. I vowed I would never prosecute again. What is the point?

The last retailer is also reflecting the view of many retailers who feel that court penalties are altogether too lenient. Another said:

The penalties imposed by courts for shoplifting or *stealing* are too often a "don't do it again you naughty boy or girl" type and make a mockery of the effort involved and risks taken to apprehend these offenders by shopkeepers, police, etc.

But the small group of shop-thieves who do end up in court may not be at all representative of the shop-thief population. Currently the chance of a shop-thief ending up in court is fairly low. Shoplifters Anonymous figures show that for every 100 shop-thieves, 17 will be caught, 2.7 "arrested" by police (the others being dealt with in-store), and 1.2 taken to court. Even if the Australian figures are not quite as bad as this, there is little doubt that shop-thieves at court are a select group, not only of the shop-thief population but also of the shop-thieves actually detected by retailers. Sentencing requires consideration of the individual offender and it is not reasonable to expect sentencers to ignore that and rigorously deal with these selected offenders merely to appease those who've selected them to appear in court. But despite that, light sentences are resented by retailers and sentencers, including those in Australia, are placed in somewhat of a dilemma.

Other complaints by retailers about the court process could be tackled. For instance, streamlining the court process and reducing retailer-victims' financial losses should be possible through such measures as better court scheduling and compensation schemes. And allowing photographic evidence of stolen goods to be used and not insisting upon witnesses' attendance at court unless the offender pleads not guilty (in which case a further hearing is scheduled) are two further moves that would alleviate some retailers' aggravation with the current system.

Obviously then there are numerous moves that could have some effect on the levels of theft from shops. But the absence of solid data about the extent of shop-theft, the motives behind it and the characteristics of shop-thieves make it virtually impossible to measure the utility of most of these moves. Until the provision of substantial data defining the problem, any move will only be able to be subjectively evaluated.

But some action is necessary and that should have specific objectives and be able to be monitored to see they are achieved. The American experience indicates that retailers have little chance of out-selling the effects of shop-theft. Concerted action by retailers, police, courts and the public is effectively the only way to ensure success in this area. The formal organizations described in this paper indicate such action and Australian retailers now seem to appreciate this and are starting to approach the problem seriously. It behoves the rest of our community to join with them in tackling an offence for which we all pay and of which we are therefore all victims.

## PRESENTATION OF PAPER

*Dennis Challenger*

My paper is somewhat lengthy because the brief I was given was to provide an overview of an area in which, in past years, there has been an increasing amount of both research and speculation on the part of many people. But as Peter Grabosky points out in his commentary, it is very hard indeed to generalize about stealing from shops in any way. There is no simple description of a shop thief, let alone of a thief; there is no simple explanation for a large number of thefts that occur in shops, and there are certainly no simple ways to deal with these problems. I hope, in fact, that in reading my paper you would not have come to the belief that I did believe there were simple solutions.

My paper starts with reference to *internal theft*; i.e., theft that occurs within the retail area as a result of employees. This is a very important area and I mention it at the start, even though the title of this seminar is "Shoplifting", because in monetary terms there is no doubt that a large amount of the shrinkage, or the losses that retailers suffer, result from the actions of their own staff. The National Mass Retailing Institute in America last December published the results of their fourth survey of loss prevention in shops. They have data relating to 33 000 shops whose total losses were estimated in one year to be \$1,730 million. That currently exceeds by far the Australian estimates for losses of this sort but, more significantly, those retailers indicate that they believe that 50 per cent of the theft indicated by that figure is in fact the result of staff theft, 30 per cent is a result of customer theft (commonly called shoplifting), and 20 per cent results from what they call poor paper work control. Note that most loss is internal to the organization; only 30 per cent of these losses are committed by outsiders—by members of the public. I might add, in passing, that the latest American figures relating to the area of food retailing and supermarkets show that they have different problems with respect to theft by customers. The figure for staff theft in food outlets is, in fact, 65 per cent and food retailers suggest that only 22 per cent of thefts in food outlets result from customer stealing.

The importance of this is that for many years retailers have publicly been pushing the idea that shoplifters, or customer thieves, comprise the bulk of the problem with unexplained losses. What we now see is that retailers are, and I say to their credit, publicly acknowledging that this is not the case. They are acknowledging this not only in rhetoric but also with respect to various changes relating to internal controls within their companies, the way they select staff and through staff education and training programmes. If one looks at the total retail turnover, retailers' estimates and the latest American figures substantiate a figure of 2 per cent of retail turnover being unexplained losses. Half a per cent of retail turnover in monetary terms is now being spent in America, on security expenditure of some sort but the bulk of that expenditure is in fact oriented towards theft by customers. The reason for that is basically that while the dollar value of thefts by staff far exceeds the dollar value of theft by customers in the ratio I have already indicated, there are numerically more incidents of customer theft than of staff theft. The simple fact is that when staff steal they tend to steal a lot more in terms of value of goods than do customers. In my paper (pages

14-16), I have indicated how studies of self report surveys, victim surveys and random shoppers' surveys plainly indicate the level of stealing from shops by customers or by non-staff members. The paper then goes on to look at the action that is taken by retailers with respect to customer thieves whom they catch.

I will concentrate now mainly on *customer thieves*. This latest American report indicates that 48 per cent of those customer thieves detected were in fact prosecuted and, of those who were prosecuted, 77 per cent were convicted. Within this sample which covers these 33 000 American retail outlets only 35 per cent of those shops prosecuted all customers and only 28 per cent of them prosecuted all staff, 43 per cent of them prosecuted cases on a case-by-case basis. Those figures raise the hoary question of whether prosecution of customer thieves is always necessary. The papers presented at this Seminar and the literature that exists at the moment plainly indicate that there are special cases with respect to prosecutions, the most notable ones being young and old thieves. There are notably differential treatment practises like official police cautions for young thieves and in places like Queensland where elderly shoplifters are now being warned by the police instead of taken to court there are obviously differential treatment practises for the old. The problem in dealing with the young and the old in a special way, of course, raises the issue of "half price justice". If you are young or old you get a concession or half price fare on the trains, in the case of shoplifting it now seems that in some places you are most likely to be dealt with in a concessional way. That is you are less likely to go to court than if you come within what is generally recognized as the adult age range.

The question of prosecution is often dealt with somewhat pragmatically, at least in practice by retailers. The cost of prosecution is a feature of decision making to which David Brown makes some comment in his paper (page 53, para. 7). A year ago in Victoria a lawyer defending an aged lady on account of stealing \$3.40 worth of plastic toys from one of Melbourne's shops suggested that in terms of police, court time and legal aid that case, in fact, had cost of the order of \$1,200. And if it is a very expensive proposition to prosecute everybody and if that cost does by far exceed the cost of the losses that are suffered by retailers, there is a pragmatic argument on a merely economic basis (which is after all how most retailers work) to suggest that prosecution is in many cases unnecessary. The work that we have done in Melbourne indicates quite plainly that the chances of an offender being taken to court rise as the value of the goods that are stolen by that offender rise.

But there are, of course, alternatives to prosecution and I have tried to outline some of them in the paper. On page 20 I have referred to an American practice which it is suggested would be a good idea to implement if the store or retail outlet is not going to immediately charge an offender. Retailers could, in fact, send that offender home with one of these curious letters which says "Whilst we have not waived our right to prosecute you, we are actually thinking about it for 60 days". That is based on the rationale which has to do with learning by experience, to which point the psychiatrists on the panel have made some comment in their papers. Thus a shop thief is sent from the store not completely discharged and still somewhat apprehensive and wondering about what, in fact, might happen to him. A further benefit I can see in engaging in a practice such as that is that it

might allow for a check of persistent shop thieves to be made. **Table 3** (page 21) in my paper indicates from an American author who is now very active in running programmes for shop thieves and the actual persistence of stealing by detected shop thieves. He points out that those shop thieves who appear in court as to all intents and purposes first offenders are, in the majority of cases, not first offenders at all.

A further issue is the displacement phenomenon all too well known by those who are active in the retail security industry. A typical illustration of this occurs when a customer thief is detected in one store and indicates that this is the first time he has shoplifted from that particular store. He would have done it next door he says but next door have suddenly installed increased security and whilst that, in fact, guarantees to some extent the safety of that store against thieves, all that has happened is not that the thief has been deterred from stealing but simply deterred from that particular store—one retailer is simply passing on the problem to another retailer!

The latter part of my paper deals with retailers' programmes aimed at educating detected shop thieves to the folly of what they have done or geared towards educating consumers to the fact that they eventually pay for the activities of their colleagues who steal from stores. I might add that by instancing what retailers are doing I am in no way an apologist for retailers. In fact, I find some of their practices objectionable. Let me mention just two: firstly, the practice which is not unknown of retailers using merchandise that they later want to sell to the public. Thus if the staff toilet needs cleaning you go and use a bit of Harpic off the top of the bottle because the customer who later buys that Harpic is unlikely to weigh it and see that it is the correct weight. Secondly, the practice of encouraging short change giving at tills, where if the consumer notices that short change has been given the staff turn around and say "I am sorry about that". These seem to me to be practices for which retailers earn no credit. Whether or not they are universal the point about such practices is that if the public believe they go on and if, in fact, the public have evidence that they go on, it is very hard for retailers to expect the public to treat seriously their concern about the thefts that they suffer. I would suggest that while I do not subscribe to the "gulf theory" between retailers and their customers I think that it is important that retailers are seen as being serious in what they are doing, and it is important that all of us, retailers and consumers alike, pay some attention to this particular offence which is certainly causing some economic burden to everybody who shops.

**RESPONSES TO SHOPLIFTING: BEYOND THE LIMITS OF THE  
LAW**

*Dr P. N. Grabosky, Ph.D.,*  
Head, Research and Projects, Law Foundation of N.S.W.

As is the case with many social phenomena, it is difficult to generalize about shop-theft. One would be hard pressed to identify any other form of behaviour, defined as criminal by the state, which involves such a broad cross-section of the public. From the fragmentary evidence provided by retailers and criminal justice agencies, one learns that shoplifters include males and females, juveniles and geriatrics, the affluent and the poor and, in the words of Dennis Challinger, both hard-core and soft-core perpetrators. Moreover, retail establishments themselves vary from the corner "mom-and-pop" grocer to massive retail chains employing tens of thousands of persons.

Because of the broad diversity of potential victims and offenders, it is quite difficult to make simple pronouncements in response to the two questions underlying Mr Challinger's paper—how to prevent shoplifting and how to deal with those persons who have been detected shoplifting. I shall endeavour to float a few relatively unconventional ideas on how these problems may be confronted.

**Employee Theft**

It is perhaps surprising, but nonetheless significant, that the paper begins with a discussion not of shoplifting, but of theft by employees. Indeed, we learn that losses from employee theft actually exceed those from customer theft, at least with regard to large retail establishments. Moreover, a considerable amount of customer theft has been attributed to the nonchalance of employees. All this suggests a substantial degree of antagonism against employers. I shall not dwell upon the degree to which this antagonism may be justified, or upon the sorry state of industrial relations in Australia generally, but I do wish to suggest some alternatives to industrial warfare as reflected in inventory loss.

I do not advocate adopting the elaborate screening procedures, including polygraph tests, used by some employers in the United States. Whilst one may wish to speculate on the efficacy of such preventive measures, intrusions of this nature can only be even more alienating from the perspective of the employee.

Consider, as an alternative to such Orwellian approaches, the extent to which employee loyalty might be developed by providing employees themselves with the opportunity to acquire equity in the enterprise. Of course, employee ownership may not be suited to all retail establishments and is by no means a panacea. Indeed, the history of commerce is replete with examples of owners who have milked or otherwise run down their companies, deliberately or through negligence. It nevertheless could be suggested that

employees owning a share of their company are not likely to be any less loyal to the firm or less accountable to each other. At the very least, as Mr Challenger suggests, some degree of job enrichment may have a salutary effect on employee conduct. I would go further and suggest that industrial democracy and employee equity are worth a try.

### Sanctions against Shoplifters

Some have argued that existing responses to shop theft pose an insufficient deterrent threat and advocate that the full resources of the criminal justice system be brought to bear on the problem. Thus, one commonly voiced recommendation calls for the mandatory invocation of the criminal sanction and for the imposition of more severe penalties upon those convicted.

Such a posture may well satisfy our retributivist inclinations, but tends to overlook certain important issues. First, of course, is the question of deterrence. As long as the risk of detection remains low, increasing the probability of charges being laid against those who are detected, increasing the probability of convicting those who are charged and increasing the severity of penalties imposed upon those who are convicted, will have only a marginal effect. The heightened threat toward the end of the criminal process will be discounted by the low detection rate at the beginning.

Moreover, formal criminal sanctions are often regarded, by retailers and public officials alike, as inappropriate for many shoplifters. In the case of young offenders, who perhaps comprise a majority of shop-thieves, a significant proportion are motivated by peer group pressure or by a bit of youthful adventurism. To invoke full criminal sanctions against a young first offender runs a significant risk of reinforcing what sociologists term a deviant self-concept. Overseas research suggests that young offenders who are exposed to police contact report *more* subsequent shoplifting than those who were handled by store personnel alone.<sup>1</sup> Prosecution may be counter-productive.

For this reason, some jurisdictions go to great lengths to avoid formal charges against young first offenders, preferring instead to develop a system of panels to provide a reprimand combined with counselling.

By contrast, a significant proportion of adults facing shoplifting charges are quite elderly. During 1980, nearly 300 persons in New South Wales and nearly 200 in South Australia aged sixty-five and over were charged with shoplifting.<sup>2</sup> Whilst some of the accused may have sought to exploit their advanced age for criminal purposes, others may have been suffering from the psychological disabilities of old age. Indeed, a seminar convened by

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<sup>1</sup> Klemke, L. W., "Does Apprehension for Shoplifting Amplify or Terminate Shoplifting Activity?" *Law and Society Review*, Vol. 12, No. 3 (1978), pp. 391-404.

<sup>2</sup> Grabosky, P. and Rizzo, C., "Dispositional Disparities in Courts of Summary Jurisdiction: The Conviction and Sentencing of Shoplifters in New South Wales and South Australia, 1980" *Australian and New Zealand Journal of Criminology* (forthcoming: September, 1983).

this Institute two years ago called attention to the infirmities which characterize many shoplifting defendants.<sup>3</sup>

The fate of being poor in an affluent society is not a happy one. Although few Australians are forced to resort to theft in order to survive, it is understandable that those among the most disadvantaged will occasionally succumb to the temptations which are the essential underpinnings of mass market retailing. In South Australia during 1981, 40 per cent of adult shoplifting defendants were either unemployed or pensioners. Another 20 per cent were housewives, presumably with no (or limited) independent income.<sup>4</sup> One need not condone shop theft to argue that the full weight of the criminal sanction might be inappropriate for many of these individuals.

Those who advocate the augmentation of police resources to combat shoplifting should be reminded that police resources are now very expensive. The cost of deploying one patrol car, staffed by two officers, around the clock, for a full year, now exceeds one-quarter of a million dollars. It could be argued that there are greater risks to life and property than those posed by shop-thieves and that our limited law enforcement resources should be allocated accordingly.

Indeed, this was recognized over a decade ago in Sweden, where police standing orders were amended to discourage them from acting on complaints of theft where the value of goods alleged to have been stolen is less than a threshold amount.<sup>5</sup>

### Community Education

Public education regarding shoplifting could play an important role in controlling theft. Our knowledge of the effectiveness of information programmes in the Australian context is practically nil, however. It has been suggested that one factor which contributes to theft from large retail chains is the impersonal nature of the establishment. All else equal, those individuals with some semblance of a social conscience will more readily steal from a faceless multinational entity than from a local greengrocer. The jargon of my day termed it "ripping off the system". It should have been obvious, however, that the costs of shop theft are passed on to the consumer and that these costs bear disproportionately upon the disadvantaged. Future anti-shoplifting campaigns, particularly those on behalf of large retailers, could perhaps emphasize the regressively redistributive nature of shop theft. Prospective offenders might be more responsive to messages based on appeals to altruism.

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<sup>3</sup> Pike, I. H., "The Aged as Offenders" *Syd. Inst. Crim. Proc.* No. 47 (N.S.W. Govt. Printer, 1981), pp. 11-16.

<sup>4</sup> South Australian Office of Crime Statistics, *Shoplifting in South Australia* (S.A. Govt. Printer, 1982:5).

<sup>5</sup> Gurr, T., Grabosky, P. and Hula, R. *The Politics of Crime and Conflict* (Beverly Hills, Sage Publications, 1977), pp. 293-4.

## **Toward an Experimental Approach**

Large retailers, those with many stores and hundreds or thousands of employees, are ideally situated to experiment, in a true scientific sense, with various means of controlling inventory loss. Whether the introduction of industrial democracy or of employee equity schemes would enhance employee honesty is an empirical question which could be tested, rigorously and systematically, with a simple experimental design.

What might this involve? Select, from a retail chain, four stores matched as far as possible in terms of size of workforce, sales volume, security measures, inventory loss and as many other characteristics as possible. Without revealing motives, introduce an industrial democracy scheme in the first, an employee equity scheme in the second, both schemes in the third, and leave the fourth as is. Observe whether the level of inventory loss changes subsequent to the introduction of the various experimental treatments.

The strategy of target hardening also deserves thought and experimentation. Short of returning to the days when a merchandise was stored behind a counter, it should be possible to devise ways in which displays could be made less vulnerable, but no less attractive. Moreover, the relative vulnerability and attractiveness of displays could be systematically observed and assessed.

I join Mr Challenger in his call for rigorous evaluation of shoplifting countermeasures. The efficacy of most of the suggestions proffered at this seminar could be assessed by means of systematic experimentation. Retailers, who collectively spend millions of dollars on advertising, would be wise to spend a few thousand dollars on research.

The gist of my argument is that we should no longer look to the criminal justice system to provide solutions to the problem of shop theft. The various agencies of the criminal justice system are very imperfect and increasingly expensive instruments of social control. Moreover, their efficacy as agents of control varies directly with the heinousness and inversely with the prevalence of the behaviour which they seek to contain.

Let me hasten to reassure you that I am not advocating the decriminalization of theft. What I am suggesting is that the criminal sanction should remain available and should continue to be employed on a selective basis. However, it should be recognized that the first line of defence against shop theft, indeed, against all crime, lies outside the criminal justice system. Retailers, who by virtue of their marketing methods, have played a role in the growth of shop theft, must continue to bear major responsibility for its prevention.

## PRESENTATION OF PAPER

*Dr Peter Grabosky*

I would like to make three brief points: First, the institutions and agencies which comprise the criminal justice system are very imperfect instruments of social control. Second, these institutions are perhaps least effective in suppressing relatively minor transgressions which are practised by a wide cross section of the public. Third, these institutions have become very expensive and their cost is likely to increase. The cost of deploying one police patrol car, fully staffed, on a 24-hour basis exceeds \$4 million per year. Dennis Challenger has already made mention of the cost of prosecution; imprisonment, largely because it is so labour intensive, is also very costly. By my rough calculations every two prisoners require the employment of one prison officer. The cost of incarcerating the average prisoner in New South Wales is thus approaching \$20,000 per year.

I made the point in my paper that increases in rates of arrest and conviction and in the severity of penalties imposed on convicted offenders, are not likely to have much of an impact on the incidence of shop theft, given the low rate of detection. It would seem then that the first line of defence against shop theft is to increase the threat of detection.

Retailers themselves must continue to bear major responsibility for the security of their inventories. They should recognize the limitations of the law in assisting them to achieve this end and should look to the disciplines of design, planning and management science for guidance. Mr Challenger has made the point that employee theft takes a great toll on inventory. How much employee theft could be averted if management were to embrace basic principles of industrial democracy and perhaps adopt employee equity schemes? I also refer in my paper to the physical design of retail establishments with a view towards reducing the vulnerability of merchandise (page 37).

My final suggestion is an encouragement to experiment. Whether a particular innovation works or not, the extent to which it achieves desired goals can and should be tested systematically and rigorously. We need hard-headed evaluation. Until we embark on this path consumers and taxpayers alike will continue to pay for unimaginative and costly reliance on conjecture.

## THE RETAIL TRADERS' PERSPECTIVE

*R. M. Lawrence,*

Executive Director,  
The Retail Traders' Association of New South Wales

It is hardly necessary to say that shoplifting is increasing and is a menace which will sooner or later have to be seriously tackled by retailers. Already large houses have their own detective staffs in an endeavour to protect their businesses but this means is altogether inadequate.

Thousands of pounds are yearly lost in Sydney by retail houses through shoplifting and this loss has to be passed on to the public who are made to suffer by the prevalence of this evil.

The matter has been before the Council of The Retail Traders' Association from time to time and effort has been made to point out to the proper authorities the very great latitude that is given under the *First Offenders Act* to persons convicted of deliberate acts of theft. The suppression of names, in the case of females, no reports of cases dealt with in the Courts, and the general light penalties given by reason of the said Act are reasons for the great increase in this crime. The prospect of gaol to offenders—if only a possibility—will do more to repress this crime than anything else. In a large number of cases it has been the custom to call thieving from a draper's shop "a lift" or some equally gentle term, but after all such thieving is robbery and should be treated as such.

*Journal of R.T.A., August, 1923.*

Yes, shoplifting has been a problem for retailers for decades. Every retailer, large and small, department store or specialist store, owner operated or managed, loses property to thieves in the guise of customers. The reaction varies from one of anger ranging through to acceptance of the inevitable. Any mood of acceptance quickly disappears when the year's results emerge showing his losses.

Retail turnover in Australia will exceed \$40,000 million this year and literally hundreds of thousand of transactions take place each day. Gross profit margins before tax range from 1 per cent to 5 per cent of turnover. Retailing with its inherent competitive nature operates with a fine line between acceptable profit and loss—cost of theft must be passed on in high prices.

## Costs of Shoplifting

The losses due to shoplifting cannot be precisely calculated and depends upon an estimate of the share of shrinkage losses due to customer theft, as against other forms of theft. Shrinkage, for the purposes of the non-retailer, can best be explained as the difference between goods received from suppliers and goods sold to customers. (The calculations each year or each half-year are carefully made following physical stock-takes, etc.).

In 1979, the Association joined with the Commonwealth Department of Productivity in a survey designed to identify high risk areas and security trends within the retail industry. As part of this study, 240 representative retailers in both metropolitan and country areas were surveyed. A response rate of 70 per cent was achieved demonstrating the importance of the subject matter to the industry.

We include a table from this Report:

**Shrinkage as a Percentage of Turnover**

Industry sector	Respondents not answering this question.	Range of shrinkage estimates	Mean shrinkage estimates*	Median shrinkage rate
Large Retailers .. .. .	per cent 22	per cent 0.50- 3.00	per cent 1.51	per cent 1.50
Metropolitan Retailers— Small to Medium .. .. .	18	0.01-15.00	1.64	1.00
Country Retailers— Small to Medium .. .. .	32	0.00- 4.00	0.95	0.75

\* The mean shrinkage rate as calculated above is a simple arithmetic mean. That is the shrinkage rate for each retailer in each class is given uniform weighting. A correct average for the whole retail industry would, however, be weighted on sales volume. It is not possible to do this from the information supplied by the survey.

The survey indicates that New South Wales shrinkage losses may be reliably taken as between 1 per cent to 1½ per cent of turnover. This applied to New South Wales retail sales of \$15,000 million approximately between \$150 million and \$225 million. (For the purpose of further illustration we will use however the \$150 million estimate.)

The causes of shrinkage were identified in the survey and respondents asked to rank the risk areas contributing to shrinkage.

The industry-wide ranking of risk areas is:

1. Customer theft;
2. Employee theft;
3. Delivery shortages;

4. Break and enter;
5. Stock accounting;
6. Others.

The only difference between the risk rankings was that large retailers ranked customer theft and employee theft as equal first.

All responses indicated that the major concern in relation to shrinkage is theft by customers, employees or employees in collusion with customers. In this context and taking into account other studies, the Association has no hesitation in estimating *current losses to retailers in New South Wales from shoplifting at between \$40 million and \$75 million a year* using the lower estimate of total shrinkage.

### **What Retailers do to combat Customer Theft**

#### *Equipment*

The retailer is aware (hopefully) that equipment systems are sold to him as the answer to all his problems. The most commonly used are:

Closed Circuit TV: A monitor located in departments.

Signs: Two types of signs are used; one warning that prosecution is automatic and the other, "This area is monitored by closed circuit TV", or the like.

Convex Mirrors (provided the mirrors are placed so that staff, not the thief, are aided).

Electronic Tagging: An expensive but effective deterrent which receives its share of customer complaint.

Loop alarm pressure pads.

Locked showcases, chained articles, etc.

#### *Personal Surveillance*

It is accepted that management and staff surveillance and interest in the customer is the most effective means of deterring theft. Naturally labor costs and resultant pressures on staff create problems, whilst management responsibilities in today's complicated society have increased.

Some smaller stores have introduced, successfully they claim, financial rewards for reporting thefts. Most stores believe that staff encouragement involved in the financial success of the store should be sufficient for attention being given to customers in the shop.

#### *Security Staff*

A security manager or other management person is employed in the larger retail operations to cover the field of store security, including the apprehension of shop thieves. Both plain clothes and uniformed staff are employed, usually in different situations. Uniformed staff can be in a non-aggressive or non-offensive way, a strong deterrent to would be thieves.

## **Other Means taken to combat Customer Theft**

The Retail Traders' Association has examined the problems of combating shoplifting since its earliest days. Both the Council of the Association, i.e., chief executives of various sized stores and the Security Executive Group, i.e., operating security managers, discuss the problem and suggest answers. In recent years the following measures are some that have been taken:

### *School Education Programmes*

These take the form of regular mailings to schools of poster material and information on the problem, with the request to the Headmaster that it be used. The New South Wales Education Department supports our approach, but it is left to the individual school to determine if and how to use the material. On many occasions the school principal has contacted us and commented how useful is the material and added that it is used in conjunction with anti-stealing talks in schools. Apparently both school and shop property is taken by the dishonest pupil.

In addition, films and videos are available for use in schools. From time to time, the Association makes available, on request, a speaker for a school assembly, particularly when the school becomes a problem school, i.e., gangs are formed to steal from shops.

### *Advertising Programmes*

The Association has used television, radio, printed media, bus-sides and outside posters with various messages to the public at large.

These messages are self-explanatory and include:

“Don't be dumb and steal from shops—you will be sorry.”

“A can of beans can cost you \$1,000.”

“Shoplifting is a crime . . .”

“My Mum always trusted me . . . Until I was caught shoplifting.”

Unfortunately these are costly programmes and to be effective need continuing change of theme.

It is accepted that the most effective campaign against shoplifting by juveniles is an advertising campaign using Heroes or Anti-Heroes to give the message. This has had a dramatic effect as it attacks the “dare” reasons for stealing.

### *Training Programmes*

The Association makes every effort to assist in the training of managers and owners of smaller stores who do not have experienced security staff. The theme of the training material is, Prevention, Detection and Apprehension, with material available for management and staff.

Separately from the printed material, the Association conducts seminars by the security consultants to the Association.

## Criticisms by Retailers

Retailers are similar to all property owners and expect action to be taken against persons who take their property. We resent the inference that we ask for it by displaying our merchandise openly and attractively. The retailer is the interface between the supplier and the customer and it is essential in our form of political economy that goods in the largest quantities possible be sold at the lowest price possible.

The selection of goods is an individual judgement and it is proper that customers be allowed to move unhindered amongst merchandise even if it means moving from department to department. Surely the retailer can expect the customer to pay for the goods selected before leaving the store.

It is in the light of this belief that retailers cannot understand the comment by some observers and sometimes even by magistrates, that the retailer puts temptation in the way of the customer and therefore the customer should not be blamed if he takes without paying.

Retailers believe that heavy penalties can be a main deterrent to stealing from shops. For example, suburban areas, when local publicity is given to penalties and magistrates' threats to punish properly, experience an immediate down-turn in shoplifting. In reverse we can quote cases where leniency in punishment has had no effect and in some, the reverse on the tendency by individuals to steal.

The term "shoplifting" also bothers the retailer, as it seems to soften the fact that the offender is a thief. It suggests that a shop thief is something less than a thief in different circumstances. At a recent seminar on "Retailers as a Victim of Crime" we were reminded that car stealing was once called "joy-riding" in the common parlance. The term "joyride", as with shoplifting, seemed to gloss over the fact that the unauthorized takers of cars were in fact thieves. A recent meeting of our Security Executives Group resolved to try to have shoplifting as a description replaced by shop-stealing.

Another attitude that riles the retailer in his fight against shopstealing is that the suggestion that there should not be prosecution in many cases. If the item is low-priced or the thief elderly or in apparent need, the suggestion is that the retailer take upon himself the functions of not reporting the crime. At the same time, the retailer accepts that special procedures should be worked out with the Police and other authorities to deal with some situations. Certainly the industry co-operates in every State, in respect to juveniles, and is working with authorities in respect to the elderly.

And how about excuses? Some examples recently given were:

1. "I couldn't get anyone to serve me. I needed the goods and I got impatient and left without paying."
2. "I forgot to pay for it, because after picking it up I went to another department and was delayed there."

3. "I was in the store yesterday and bought a dress for \$100. Today I saw it for \$60 and I figure the store cheated (or robbed) me yesterday."
4. "Last week bought . . . and when I got home it was broken (or rotten) and I had to throw it out."

We suspect that sometimes excuses such as 3 and 4 are accepted too readily by the magistrate and the community. If this continues it will eventually tend to dissuade the retailer against spending time and energy in the public good to reduce shop stealing.

It is the majority of shoppers who pay for their goods who in fact pay for those goods taken by a few without paying. This year between \$40 and \$75 million will be added to customers' bills to cover shop stealing. The problem deserves support from all sections of the community not criticism from some.

## PRESENTATION OF PAPER

*Roy Lawrence*

I was asked to write on the aspect of the retail traders perspective and I believed that it was most important to bring before this seminar the businessman's point of view.

When I looked through the files in preparation of the paper I found our earliest files were back in the early twenties. So quite deliberately I commenced the paper by referring to the problem as business people saw it in the early 20's. Business people, who are the prime employers in this country and who provide most of the taxation income in this country see that they have an important role as retailers to sell as much of the product as possible, and, therefore, as retailers, they need stock. They put out their money to purchase stock and strangely enough when they put out their money they believe that they own it. The majority of that stock is purchased by customers and quite clearly, from the figures shown in the paper (page 40) and every supporting figure, the vast majority is, in fact, sold but there is a percentage which is lost. The retailer calls that figure "shrinkage".

I deliberately did not raise in the paper the problem of employee theft. There certainly is a problem of employee theft. In the paper it is estimated the value of shrinkage in New South Wales as at least \$4,000 million worth of goods that goes out of the stores that is not paid for. These figures are based on percentages of the gross sales. There is no position of insurance against thefts of this nature and there are no taxation benefits as suggested in one paper unless, of course, a taxation benefit comes about by that retailer making a loss. Certainly the more that is stolen from his shop the less profit he is going to make and the less tax he is going to pay. Then perhaps that is not necessarily a good thing for the economy.

In their papers Dennis Challenger and the commentator discussed the cost of prosecutions. There is no doubt, as Mr Brown suggests in his comment, it is possible for shoplifting to be a means of re-distributing the income and the wealth of the country. Certainly if one does allow shoplifting to go apace it is a wonderful way for the unemployed, for the young and the old to achieve a re-distribution of income. But I do not believe that is really what we are about in a country like ours. In practice, whilst the costs of prosecution may appear to be substantial to the retailer they are justified in our view. We find, for example, that every time there is a successful campaign which receives publicity then almost automatically in that area the losses fall. Therefore, in our belief, it is important that there is a prosecution mechanism, that people are punished, because that does reduce losses quite dramatically for a short period of time at least whilst the message is understood.

I am certainly sorry that Dennis Challenger has been buying short quantity Harpic lately and I am certainly sorry he is going to the wrong shops and not receiving the right change. I would have thought a man of his capacity would have counted his change before he left the store.

Retailers have been looking at the whole world scene. Although we have not spent any time looking at the GUM situation in Moscow as it did not seem to us to be quite relevant. We have had a look at comparable communities such as the States. We are most interested in the present time in what we are loosely calling the "Swedish experiment". Sweden to our mind in the past has had certain connotations of freedom to do all types of things and, as the government and the retailers recognized two years ago, that freedom was in fact costing the community a lot of money. It has been rather fascinating that the Swedish government initiated a study three years ago as to how means could be found to reduce the cost to the public of shoplifting. There is no doubt that the business person who is running a store unless he makes a profit he closes down, does not employ and has to do everything possible to reduce all his costs. Certainly the losses from customer theft are a substantial part. In the Swedish experiment every retailer with government help has conducted the most intensive campaign imaginable to reduce shoplifting and it has been dramatically effective—from figures of around 3-4 per cent losses it is down to 1 per cent. They are almost back to where we are and they hope to continue to reduce the losses by very heavy campaigning.

I believe that this is really what we have to do. I accept the fact that we are dealing with large numbers of social problems, but the retailer, as a business person, sees that those social problems tend to be away from his business. It was in that context that my paper was written, the paper really speaks as retailers see their problem. In that context one is not only commenting about the large major retailers who are becoming fewer but about the hundred thousand smaller retailers that operate around the country and who suffer greatly from losses of this description.

## COMMENTARY

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I'm all lost in the supermarket,  
I can no longer shop happily,  
I came in here for that special offer.

The Clash, *London Calling* C.B.S. 1979.

### Introduction

To start with disclaimers: I claim no special expertise in the area; nor do I claim familiarity with all the literature. Also time has been short in the preparation of this commentary. Rather than a detailed critique of Mr Lawrence's brief paper I will raise a number of issues, questions, contradictions, some emerging directly from his paper, some of a more general nature. My commentary will attempt to be broadly critical, for if the criminologist has any role it is to challenge "common-sense" and its complex construction. I thus take my point of departure from Mr Lawrence's last sentence "The *problem deserves support* from all sections of the community *not criticism* from some". I would say rather that the issue deserves analysis and such analysis must be critical if it is to serve any constructive purpose other than a blind defence of received moral, political, economic and legal categories and relations.

### The Hidden Abode of Production

It is as well to remind ourselves that this debate over shoplifting is taking place in a particular historical context, in a specific society with a certain form of economic, social and political arrangements, not in some vacuum of universality. And in particular it is worth recalling that the form of appropriation we are discussing (shoplifting) takes place in the "noisy sphere" of exchange: the appropriation from retail outlets of commodities without payment or exchange.

But of course these commodities have a pre-history, they do not appear on supermarket shelves by magic. They are the products of a particular form of production process, a process in which labour power, having been forcibly separated from access to the means of production, is exchanged against capital. The capital exchanged for a portion of the commodity labour power is itself a product of previous expropriations of surplus value from labour power in the process of capitalist production:

The relation of exchange between capitalist and worker becomes a mere semblance belonging only to the process of circulation, it becomes a mere form, which is alien to the content of the transaction itself and merely mystifies it. The constant sale and purchase of labour-power is the form; the content is the constant

appropriation by the capitalist, without equivalent, of a portion of the labour of others.<sup>1</sup>

Hence the importance of parting the veil, of peering behind the "realm of Freedom, Equality and Bentham" at the "hidden abode of production". For the commodities being appropriated without exchange by shoplifters are hardly chaste. Quite simply, they already embody stolen surplus value, they already embody the capital/labour relation, they already embody a fundamental relation of exploitation.

So while much of our discussion must be pitched at the level of exchange let us not be overcome by commodity fetishism. For in the current clamour of "national reconciliation" and "consensus" it is all too easy to assume we can reconcile irreconcilables, for example, that we can achieve social justice without undermining the right to private property.

### The Struggle in Language

An issue emerging clearly not only in Mr Lawrence's paper, but also in most of the papers given at the Canberra Institute of Criminology Conference on Shoplifting in November 1982 is that of the struggle in language. Thus Mr Lawrence argues (p. 43):

The term "shoplifting" also bothers the retailer, as it seems to soften the fact that the offender is a thief . . . A recent meeting of our Security Executives Group resolved to try to have shoplifting as a description replaced by shopstealing.

The quotation from the 1923 issue of the Journal of the Retail Traders Association prefacing Mr Lawrence's paper (p. 39) raises the same issue: "It has been the custom to call thieving from a draper's shop 'a lift' or some equally gentle term, but after all such thieving is robbery and should be treated as such".

Mr K. E. MacDonald, Executive Director of the Retail Traders' Association of Victoria refers throughout his paper to the Canberra conference to "shopstealing".<sup>2</sup> Mr B. R. Brown, S.M., at the same conference stated: "In my view the use of the word 'shoplifting' to describe the stealing of an article from a retail store is highly inappropriate. It is a softening of the fact that a person who so steals is a thief . . ."<sup>3</sup>

To adequately address this struggle in and over language and meanings would require a semiotic analysis beyond the capability of the author in the time limitations. At a crude level there is a tension between the legal and

<sup>1</sup> Marx, K. *Capital* Vol. 1. (Progress Publishers, 1954). p. 739.

<sup>2</sup> MacDonald, K. "Public Education in Retail Security in Australia". Paper presented to Australian Institute of Criminology, Canberra, November, 1982.

<sup>3</sup> Brown, B. R. "Retailers as Victims of Crime". Paper presented to Australian Institute of Criminology Seminar, Canberra, 1982, p. 4.

moral connotations of the terms theft and steal and the colloquial terminology of shoplifting. As Mr Lawrence's own example from 1923 illustrates, the colloquial usage "lift" for "steal" seems to have a long heritage. Such culturally embedded usages cannot be legislated away overnight by retailers and magistrates, as is clear from the significance attached to a specific campaign against use of the term shoplifting by retail organizations.

One difficulty faced by such campaigns is the contradiction between insisting on the label "theft", and shortly thereafter discussing "shrinkage" and "stock shortages". Similar difficulties and contradictions arise in the area of employee theft with the notions of "pilferage" and "perks".

There are instructive links and parallels here with the moral economics of pre-capitalist societies such as customary rights of access to common land, to pasturage, turfs, winnowing, timber, gaming, etc. As historians like Thompson, Hay and Linebaugh have shown, the struggle to dispossess the peasantry of access to the means of subsistence and reproduction other than wage labour was prolonged and bitter. And as with Rude's classic discussion of the struggle over the legitimate use of the food "riot" to express political discontent over grain prices and hoarding, these struggles have their resonances in our discussion today partly because they were conducted not only in actions, but in and through language.

For language is not merely a descriptive of clear-cut categories of action, behaviour motivation. Usages contain historically constituted relations, scored by struggle. Consider for example the mantle of "accident" used to characterize occurrences resulting in injury or death in factories and work places. The attribution "accident" serves effectively to obscure other than immediate precipitating factors and thus deflects or prevents a wider consideration of social responsibility for such occurrences.

Usages of "dishonesty" are the source of considerable struggle between contending classes and groups as is the further question of what forms of dishonesty are to be classified "theft". It is only in very recent times that massive expropriations from consumers, dwarfing traditionally defined "theft", have, as a result of struggle, become conceived as forms of dishonesty, if not theft. The economic, political and ideological powers of the forces of capital are not only manifest in material forms, they penetrate deeply into the possible frameworks of thought available to us, deeply into the historically and culturally constituted usages of language, deeply into the forms and structures of language itself.

### **"Thieves in the Guise of Customers": The Triumph of Moral Indignation**

A connected issue is the image of the "thief", the "shoplifter", the "dishonest pupil" (p. 42) which emerges in Mr Lawrence's and others' papers. Redolent with the imagery of a moral crusade, shoplifting is "a menace" and "an evil" (p. 39) requiring "war against shop thieves".<sup>4</sup> Phrases such as

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<sup>4</sup> Challenger, D. "Reflections on Retailers and Crime". Paper presented at Australian Institute of Criminology, Canberra, November, 1982, p. 16.

"*thieves in the guise of customers*"<sup>5</sup> (emphasis added) and "legitimate shoppers"<sup>6</sup> are clear illustrations of conceptualizations of "thieves" as belonging to a pre-defined, identifiable status category.

The "thief" is clothed with a clear moral identity prior to and independent of any actual act of theft. It is not possible, it seems, for a subject to be both thief *and* customer, rather the thief must adopt "the *guise* of (a) customer". Perhaps employees who engage in theft at work are similarly not employees but thieves in the guise of employees?

Such formulations illustrate an essentialist and moral absolutist approach to the issue of crime in general and theft in particular that is at odds with both criminological theory and the weight of empirical evidence in the area. As Dennis Challenger shows in his paper, drawing on self report studies, victim surveys and random shopper surveys, shoplifting is widespread and massively undetected and employee theft even more so.

It may be more comforting to some to conceive of this mass activity as being due to the deprivations of a clear-cut pre-defined group of "thieves", "dishonest persons", etc., but this simply does not square with the weight of evidence that (the professional shoplifter aside) shoplifting is largely a function of opportunity, illustrated nicely by the retail executives comment in Dennis Challenger's paper (p. 12) that "80 per cent (of company staff) would steal if given the opportunity".

#### **"If it Can't be Stolen it Won't be Sold": Display Techniques and the Social Psychology of Temptation**

There is a considerable literature across a number of disciplines addressing the artificial creation and stimulation of "needs" and "demands" for commodities in capitalist political economies. Under capitalism commodities are produced for exchange rather than use. The extraction of surplus value, the rate of exploitation and capital accumulation are central dynamics in the reproduction of capitalist relations.

Sophisticated knowledges, techniques and practices have been generated, particularly in advertising and marketing, to convince consumers into conspicuous consumption and impulse buying.

The historically recent shift to self-service retailing is in part a response to these new techniques, as well as being a saving on labour costs (the shedding and deskilling of labour). The social psychology of temptation has received dramatic impetus in the service of increased sales, higher turnover and increased profits. A number of writers report a clear economic calculus that too low a shoplifting rate indicates insufficiently alluring display and marketing techniques.

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<sup>5</sup> See Lawrence, p. 39.

<sup>6</sup> Challenger, *op. cit.*, p. 17.

Mr Lawrence argues against such connections: "We resent the inference that we ask for it by displaying our merchandise openly and attractively" . . . "retailers cannot understand the comment by some observers and sometimes even by magistrates, that the retailer puts temptation in the way of the customer . . ." (p. 43).

It seems however that Mr Lawrence's confrere, Mr MacDonald from the Retail Traders of Victoria, is not quite so coy. In a revealing paragraph in his Canberra paper he states:

One of the first slogans I learned in retailing nearly 19 years ago was that "*If it can't be stolen, it won't be sold*". In other words, it would be good to put all merchandise behind locked glass cupboards from a security point of view, but not much merchandise would be sold that way. It is important in retailing that the customer enjoy the *tactile* and other *sensory feelings* associated with *handling the merchandise* and getting *an actual feeling of ownership*. All that remains in the selling process is the payment and that can be cash, layby or credit. It is the fourth way we are trying to minimize!<sup>7</sup> (emphasis added)

Such clear acknowledgments of the links between display techniques, a social psychology of temptation ("tactile" and "sensory feelings") sales and theft seem a sounder basis for discussion and analysis than attempts to deny the links.

### The "Hidden Cost": "Stealing from the Community"

An interesting development in the retailers' campaigns against shop-lifting is the movement from moral condemnation to claims of "community interest" in the form of the hidden cost of shop-lifting. Thus Mr Lawrence: the "cost of theft must be passed on in high prices" (p. 39), "it is the majority of shoppers who pay for their goods who in fact pay for those goods taken by a few without paying" (p. 44). Similarly Mr McDonald: "We say that stealing from a store is stealing from the community—it is the community that pays".<sup>8</sup>

While we may accept the general proposition that stock shrinkage through customer theft has a tendency to lead to increased prices, it is interesting that this proposition is merely asserted. It would be most instructive to see the specifics of this tendency clearly spelt out in detail. Some obvious questions spring to mind, questions avoided by the level of generality adopted. For example, there is the issue of *insurance*. Are stock losses through employees and customer theft covered by insurance? If so what are the rates of claims? What are the premium levels? Do they differ according to stock? Is there an equivalent to the no-claim bonus? Do insurance companies take an interest in display techniques, security procedures, etc., in the same way they do with private household insurers?

<sup>7</sup> MacDonald, K., *op. cit.*, p. 5.

<sup>8</sup> *Ibid.*, p. 7.

Then there is the issue of **Tax Deductability** for losses through employee and customer theft. Section 51 of the *Income Tax Assessment Act* would appear to allow tax deductability for losses incurred through customer theft and s. 71 similarly in relation to employee theft. What are the levels of claims for deductions under these sections? Are insurance payments always declared as assessable income as required under s. 26?

The point is that stock losses through employee or customer theft do not automatically translate into higher prices, there are a host of other mediating considerations such as insurance, taxation policy, etc. Before the "hidden cost"/"stealing from the community" argument can be accepted it will be necessary for retailers to spell out the details, to descend from generality to specificity, to specify the exact mechanisms and accounting practices which justify their "hidden cost" arguments.

A second and different point under this heading is the question of the socialization of shoplifting. For behind the retailers' argument that "it is the community who pays" is the view that shoplifting is being socialized. In formulating a response to this I would want to make some sort of differentiation between the pensioner/unemployed/low wage earner supplementing a meagre existence with petty shoplifting of mainly food, clothing and other staples and professional or semi-professional individuals or gangs shoplifting expensive luxury items for resale through pubs, fences and "fell off the back of a truck" outlets. In relation to the former group I would suggest that some measure of socialization may well be legitimate response in the absence of a substantial increase in pension and benefit levels and in the absence of subsidization and rigid price control of staple foods and clothing. And to some extent an unofficial socialization is already apparent, if not clearly articulated, in the prosecution policies of some retail traders. Clearly, however, the same justifications do not apply to the professional group, nor would they apply to many of the upper wage and income level middle class shoplifters.

This leads to a connected point, that it may well be unhelpful to think of shoplifting as a unified discrete activity. Grabosky points to the "broad diversity of potential victims and offenders" (p. 34). In the same way that we have argued elsewhere that there is no "crime problem" as such but a series of specific behaviours and actions open to varying definition and response" so it is arguable that it is unhelpful to conceptualize shoplifting as a unified, coherent, discrete form of activity or behaviour.

## Conclusion

The above are merely a few issues arising out of Mr Lawrence's paper and the wider debate. Given more time there are a number of other issues I would have liked to examine. These include:

- (1) The call by retailers for heavier penalties and the assumption that these would have a deterrent effect.

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<sup>9</sup> Boehringer, G., et al. "Law and Order for Progressives? An Australian Response" *Crime and Social Justice*, No. 19, 1983 (forthcoming).

- (2) The clear class bias operating to produce the highly selective group eventually filtered out for prosecution.
- (3) The deskilling and shedding of labour produced by modern display, layout and shop management techniques, the increased use of electronic security devices and their implications for employment (unemployment).
- (4) In relation to employee theft, the extent to which "the persistence of workplace crime indicates that it constitutes an important supplement to the wage-in-the-pocket and, along with restrictive practices and industrial sabotage, a means by which workers retain some control over the daily operation of the shopfloor"<sup>10</sup> or a "legitimate means of redressing an exploitative contractual situation."<sup>11</sup>
- (5) Similarly, the extent to which "fiddling as a 'collective' enterprise of worker resistance, not only derives out of the daily confrontation of classes-in-struggle, but can become incorporated and contained within the formal processes of wage-bargaining"<sup>12</sup> so that unofficially condoned pilferage and fiddling "provides a strong and manipulable contract facility for capital".<sup>13</sup>
- (6) An estimate of the total amount expropriated from customers annually through short-changing, over-charging, the sale of broken or faulty goods, the sale of underweight, stale, date stamp expired items, goods not of merchantable quality, etc.
- (7) An estimate of the costs to the public purse in police and court time of prosecutions for shoplifting and consideration whether such costs should be borne by the retailer through a system of private prosecutions.

The raising of such issues and questions even in so bald and attenuated a form, may assist in undermining some of the common-sense assumptions in the field. To the extent that common-sense can be deconstructed, particularly in its claims to represent "shared" understandings, "moral" standards, "national", "community" and "public" interests, so the critical thrust of this commentary raised in the introduction, will have been at least partially successful. And that special offer? Guaranteed Personality.<sup>14</sup>

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<sup>10</sup> Scraton, P., and South, N. *Capitalist Discipline, Private Justice and the Hidden Economy*. Occasional Paper No. 2, May, 1981 (Middlesex Polytechnic), p. 25.

<sup>11</sup> Mars, G. "Dock Pilferage" in Rock, P., and McIntosh, M. (eds), *Deviance and Social Control* (Tavistock, 1974), p. 226.

<sup>12</sup> Scraton, P., and South, N., *op. cit.*, p. 40.

<sup>13</sup> *Ibid.*, p. 47.

<sup>14</sup> The Clash, "I'm all Lost in the Supermarket", London Calling, C.B.S., 1979.

## BIBLIOGRAPHY

- Braverman, H., *Labour and Monopoly Capital*. (Monthly Review Press, 1974).
- Hay, D., et al., *Albion's Fatal Tree*. (Allen Lane, 1975).
- Henry, S., *The Hidden Economy*. (Martin Robertson, 1978).
- Linebaugh, P., "Karl Marx, the theft of wood and working class composition: a contribution to the current debate", *Crime and Social Justice*. (Fall, 1976).
- McIntosh, M., *The Organisation of Crime* (MacMillan, 1975).
- Martin, J. P., *Offenders as Employees*. Cambridge Studies in Criminology, Vol. XVI. (MacMillan, 1962).
- Rude, G., *Ideology and Popular Protest*. (Lawrence and Wishart, 1980).
- Sutton, A. J., "Shoplifting offences heard in New South Wales Courts of Petty Sessions". Paper presented to Australian Institute of Criminology Seminar. (Canberra, 1982).
- Taylor, L., and Walton, P., "Industrial Sabotage: Motives and Meanings" in Cohen, S. (ed.) *Images of Deviance*. (Penguin, 1971).
- Thompson, E. P., "The Moral Economy of the English Crowd of the Eighteen Century", *Past and Present*, No. 50. (May, 1971).
- Thompson, E. P., *Whigs and Hunters*. (Allen Lane, 1975).

## PRESENTATION OF COMMENTARY

*David Brown*

I would like to speak briefly to the section at the end of my commentary which I did not have a chance to elaborate in the paper itself. To reiterate the point that I made in the introduction, I do not regard myself as an expert in this area in the same way perhaps as Dennis Challenger who is on top of all the empirical material. When Kevin Anderson asked me to make a comment on the paper he was expecting a more general, critical analysis.

Turning to p. 52, the first point under the conclusion is a reference to the call that we frequently see from retailers for heavier penalties and the assumption that these would have a deterrent effect. Deterrence is obviously a complex issue. It is dealt with in some of the other papers. Given that the likelihood of getting caught is widely recognized in the literature as having the major deterrent effect and given the massive levels of undetected shoplifting, then I think it is clear that the call for harsher penalties is a call for scapegoating and victimization of a few unrepresentative defendants and, as such, is just vindictive and punitive moralizing with little actual effect.

The second point about the class bias operating on those who are filtered out for prosecution is shown by the New South Wales Bureau of Crime Statistics and Research Statistical Bulletin No. 19. Figures show that about two-thirds of prosecuted shoplifters were in the categories; pensioner, unemployed, unskilled and domestic (see **Table 6**, p. 103). A clear class bias at work then; not peculiar to shoplifting, common to most other areas in the criminal law.

Thirdly, on the point about the de-skilling and shedding of labour, Braverman's work is obviously a classic in this area and there are some instructive passages in a paper by the Victorian Retail Traders' President, Mr MacDonald, given to the Australian Institute of Criminology in November, 1982. I think there is a crying need for further social histories of the very rapid changes in shop selling, layout, employment, work organization and techniques, because these changes that we have seen are really very, very recent.

Fourthly, in relation to employee theft I mentioned some English work, not yet picked up in Australia, discussions by a whole range of sociologists of work and social anthropologists stressing the extent to which employee theft is often seen by the employees themselves as some supplement to inadequate wages, in the words of Mars "a legitimate means of redressing an exploitative contractual situation". I remember myself as a young solicitor in a mitigation plea arguing on behalf of a seaman who was charged with the theft of half a can of paint and a used paint brush that he regarded this pretty much as a "perk" and I was interrupted very vigorously by the magistrate who was very angry to hear that and said he wasn't going to hear any mention of "perks" in his court. A nice example in a sense of an attempt to suppress the sociological realities, an attempt to suppress the popular discourse. I suggest that increasingly in other areas we see we

are getting a recognition of "perks"—recognition of the company car, the grog cabinets, the expense accounts, the tax deductions and so on which apply to those in upper stratas and I think studies such as Mars suggest the high levels of employer toleration of employee theft is at least a partial recognition of it as a supplement to low wages. In many cases the employers prefer to tolerate that, rather than to see it channelled into demands for increased wages and forms of industrial militancy, which in a sense leads on to the fifth point.

The possibility arises for those kinds of "perks" to be tolerated, unofficially condoned in the forms of private justice, which is very clearly the predominant form in this area of employee theft, providing another area for bargaining.

Sixthly, the point that Dennis Challenger touched on, that it would be interesting to see, in fact, some sort of estimate of the total amount expropriated from customers through short changing, overcharging, faulty goods and so on. I have tried to think back the number of times over the last few months when I have arrived home and found that the packet of muffins or whatever is covered in mould. Obviously you are not going to bother tracking all the way back to the supermarket to return it and you are not going to try and bring some sort of contractual action or whatever. There is a failure to litigate or pursue a lot of these claims because they are too small or they are not worth the trouble. Added to that are weak price surveillance mechanisms, unilateral contractual situations, standard form contracts. It may well be that the total amount expropriated from customers in a whole variety of such ways may exceed the amount stolen in the form of shoplifting.

The seventh point in terms of public cost of prosecution has been picked up by other speakers, and it is interesting that that is not only raised by academics. I would like to quote from the former Police Commissioner of London Metropolitan Area, Mr McNee, in a submission to the Phillips Royal Commission on criminal procedure:

It seems to me that this policy of leaving shoplifting in the hands of large stores so that the time and cost burden of such prosecution falls on them rather than through the police and the public purse is not unreasonable. Some of these companies have chosen presumably from a wish to reduce staff costs and for the more effective sale of their goods to display them openly in such a way that provides a high degree of temptation and facilitates theft.

And this is a very hard line, anti-civil liberties Police Commissioner talking.

To touch on the last point and the "hidden cost" argument or "stealing from the community". Despite what Mr Lawrence said I still hold to my overall point that we can't accept the "hidden cost" argument just on the basis of assertion. We need to see further figures about how those losses are achieved. I would still want to look and see whether those losses are mediated by insurance and issues such as taxation and so on. What I am calling for is some kind of balance account of the claim that these losses have to automatically be passed on to consumers in the form of higher

prices. I just do not accept that. I accept that it is a component but I would like to see a breakdown and see that case properly made out rather than merely asserted.

And finally, for those not familiar with contemporary rock and roll (and I venture to say that there are a few in this audience not so attuned to that important popular cultural form) you may have been a bit mystified by the "I'm all lost in the supermarket" quote introducing and concluding my paper. It is from a song by "The Clash". I chose it because it raised for me in that delightfully suggestive, open and ambiguous way such popular cultural forms do, the issues of commodity fetishism, of subjectivity and personality of self image under capitalist social relations. "That special offer", the "guaranteed personality" is in an obscured but nevertheless real way embodied in every purchase of commodities that we make in a society based on the production of commodities for exchange. We are all partly constituted as subjects, we perceive ourselves, our personhood, our personality, are hailed or addressed by others as consumers. In short the depth and volume of our hip pocket or purse, cheque book or credit card goes not only to constitute our economic power, our social power and our political power, but also more subtly to constitute the way we view ourselves, see ourselves as individuals, as autonomous people; to contribute to the way we are seen by others through our ability to stride successfully or unsuccessfully through the vicissitudes of life providing ourselves and others with those commodities that are held out as being essential to the satisfaction of our desires and needs.

I suggest it is all too easy for people like myself on an above average wage, I suspect like many others here, or others here that are actually living off capital, living off profits and dividends, to forget not only the direct material want, deprivation and hardships suffered by a sizable and increasing proportion of the Australian population (and the Poverty Commission estimated that around about a fifth of the Australian population were below a fairly austerely drawn poverty line) not only the lack of economic, political and social power that goes with an empty pocket or purse, but the shaking and tearing effects of the empty pocket on the construction of subjectivity, of personality, and on the complex psychology of self image.

**MENTAL HEALTH ASPECTS OF SHOPLIFTING**  
**A RETROSPECTIVE ANALYSIS OF 135 REFERRALS TO**  
**BONDI JUNCTION COMMUNITY HEALTH CENTRE**

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Shoplifters and psychiatrists generate a lot of public interest. To some, they are both terms of opprobium, and there may be debate as to which is the greater menace. By and large, we avoid one another. Rarely do people voluntarily seek curbs on their "boosting and snitching" skills, unless or until they are apprehended. Then it is usually in the hope of a mitigating pre-sentence report, rather than a genuine desire to understand or modify their behaviour. Intuitive defenders, magistrates or probation officers commonly initiate referrals to help them better understand their client's motives. Most shoplifters want their cases settled quickly, quietly and secretly in the best traditions of their craft, and a psychiatric referral may be seen as a double disgrace—not only to be caught, but to be considered mentally abnormal as well.

Those few shoplifters that are referred usually have obscure motives, bizarre behaviour or gross psychopathology, and have already passed through a number of filters. Yet psychiatrists often see people with other disorders, where shoplifting is a common or incidental clinical feature, and who do not seem to be referred from the courts. Judging from the medical literature of recent times, psychiatrists and other clinicians have adopted a casual or a benign disinterest in shoplifters, and do not encourage other referrals.

This paper will suggest some answers to the following questions:

- \* Why do people steal?
- \* Who gets referred to Bondi Junction Community Health Centre, why and by whom?
- \* What psychiatric problems do they have?
- \* Who doesn't get referred, and probably should?
- \* What is kleptomania? Has it been abolished, or just discredited?
- \* What factors do psychiatrists take into account when assessing shoplifters?
- \* What are the implications of the above for the merchants and their security staffs, the police and the criminal justice system?
- \* What contributions can a psychiatrist make to the management of shoplifters?

Hopefully this seminar will clarify these suggestions and contribute solutions to the last two questions.

In an accompanying paper (pages 78–82), Robert Glassick, a social worker at Bondi Junction Community Health Centre, has collected data on 128 of the shoplifters who have been referred to him since 1977 for presentence reports from either Waverley Court or neighbourhood solicitors. I have added a further 7 people who were referred directly to me since 1981. In each case, I have made an assessment of the medical and psychiatric features and attempted a psychiatric diagnosis. Whilst this may be unsatisfactory in many respects, in that the series is neither consecutive nor complete, and the clinical data have not always been collected systematically, there are some surprising findings which merit discussion and comment.

### Why Do People Steal?

Whether they have a psychiatric disorder or not, the vast majority of shoplifters steal for personal gain, be it financial, neurotic, or both. Motives are often complex, and multiple, and may be unconscious; but in young offenders, the reasons seem clearer. For once, the hyperbole of the advertising industry is not to blame.

In a recent book dealing with shoplifting by juveniles,<sup>1</sup> the author, L. B. Taylor, cites many reasons for theft from stores by teenagers. Briefly, excitement, peer pressure, alienation, rebellion, moral decline and revenge, coupled with boredom, impatience and temptation were seen as the common motives. Many people are not aware it is a crime, and regard it as an anti-social misdemeanour. For some it is a game, and an entree into a respected clique who defy authority in a less debilitating way than drug or alcohol abuse.

Early disciples of Freud averred that such theft was a disguise for psychosexual anxieties, or as a repressed wish to be dependent: taking served as a denial of the wish to be given things. Later writers concentrated on the aggressive aspects of theft and the usual indifference, or lack of empathy, of the thief towards the victim (e.g., a large, impersonal store).

For some people, shoplifting is a form of moral suicide and their actions are aimed at hurting, embarrassing or punishing either themselves, for some real or imagined fault, or some other important person in their life. This is commonly associated with depressed mood and committing some obvious sin and being caught may in some way assuage some of their guilt, or provide a tangible excuse to continue their guilt and miserable suffering.

A more colourful explanation has been offered by a Californian analyst Castelnuovo-Tedesco.<sup>2</sup> He likened the motives and behaviour of some shoplifters to the moral imperative and vengeful sadism displayed by the Count of Monte Cristo, "The Monte Cristo Complex". In the story, the Count uses the fabulous treasure-bequeathed to him by his fellow prisoner in the

<sup>1</sup> Taylor, L. B. *Shoplifting*. (Franklin Watts, N.Y. 1979).

<sup>2</sup> Castelnuovo-Tedesco, P., "Stealing, Revenge and the Monte Cristo Complex," *Int. Journ. Psycho-Anal.*, 55 (1974), pp. 169–78.

Chateau d'If, the Abbe Faria, to pursue and destroy his enemies. Whilst some stealing may seem to be an expression of rage and acting out directed at some other powerful person known to the thief, I would have preferred my boyhood hero to have been left out of it!

### Who Gets Referred to Bondi Junction Community Health Centre and by Whom?

Since 1977, 1 800 people have been arraigned in court on charges of shoplifting. An unknown number more must have been detected but either escaped, were cautioned or not prosecuted for other reasons unknown to me. Unfortunately, we do not have accurate figures of how many of these were referred to Bondi Junction Community Health Centre for pre-sentence reports, but this present series deals with 135 people who were referred, and on whom detailed reports were prepared by the health professional staff.

The majority were referred by public solicitors, but significant numbers were referred by probation staff and several magistrates. I am also unaware of how many others were referred directly to private practitioners or other health agencies, but because of the well established liaison between Bondi Junction Community Health Centre staff and Waverley Court it is probable that the great majority were referred to Bondi Junction Community Health Centre. Of these, 128 were seen initially by Robert Glassick, the senior psychiatric social worker (*see* Discussion Paper 2, pages 78 to 82).

The reasons for referral are obscure, but common problems seemed to be mild/moderate depressive symptoms, with or without financial problems; acute or chronic relationship difficulties; seemingly motiveless thefts; psychosomatic or physical illnesses; those intoxicated or confused; socially isolated or obviously distressed; and those with a past history of psychiatric illness. It was my retrospective impression that many of those referred elicited an empathic, sympathetic or bewildered response in the referrer, i.e., "a gut feeling from experience", rather than any objective criteria.

### What Psychiatric Problems do they have?

Psychiatrists have only seen 37 of the 135 people in this series. However, by reviewing the case notes of all it was possible to categorize the 135 into the following groups:

Personal Gain (including 2 professional thieves) 43 12 Males

#### Depression—35:

Primarily Reactive Depression .. ..	14	2 M
Unresolved Grief .. ..	8	
Anniversary Reactions .. ..	8	
"Mid-life Crisis" .. ..	5	

#### Neurotic Problems—29:

Primarily Relationship Stress .. ..	22	1 M
Social Isolation .. ..	7	2 M

Intoxicated—7:						
Alcohol	..	..	..	..	4	2 M
Barbiturates	..	..	..	..	1	
Anti-histamines	..	..	..	..	2	1 M
Physical Illness—5:						
Neurological Disorder	..	..	..	..	2	
Cancer	..	..	..	..	2	
Thyroid Disorder	..	..	..	..	1	
Dementia	..	..	..	..	3	1 M
Kleptomania	..	..	..	..	3	
No Apparent Motive	..	..	..	..	10	2 M

Of interest were 5 people who were themselves victims of theft or burglary within the week before their offence (see Coakley).<sup>3</sup> Many people had more than one problem, and the above table is a forced oversimplification of what, in my opinion, was the main physical/psychiatric/psychological or social factor which led them to shoplift. Hence the apparent discrepancy between my figures and those of Mr Glassick.

Quite striking by their absence from this table are people with psychotic illnesses, schizotypic spectrum disorders and major affective illness, the developmentally disabled and those with personality disorders, especially sociopathy. Presumably this reflects an enlightened attitude by merchants or the police in not pressing charges against people who are grossly disturbed or deluded, and the acknowledgment of psychiatric impotence to moderate established dyssocial behaviour. The prevalence of personality disorders may be disguised by the nature of the pre-sentence report, which does not necessarily provide a complete, objective record of past behaviour.

Of the 37 referred to psychiatrists, their diagnostic pattern was:

Depression—20:						
Primarily Reactive	..	..	..	..	10	
Unresolved Grief	..	..	..	..	2	
Anniversary Reactions	..	..	..	..	4	
"Mid-life Crisis"	..	..	..	..	4	
Personal Gain	..	..	..	..	3	
Relationship Stress	..	..	..	..	2	
Kleptomania	..	..	..	..	3	
Dementia	..	..	..	..	3	
Intoxicated	..	..	..	..	2	
Physical Illness	..	..	..	..	4	

<sup>3</sup> Coakley, D., Woodford-William, E., "Effects of Burglary and Vandalism on the Health of Old People", *Lancet* (ii) (1979) pp. 1066-7.

All of these referrals were appropriate, and the majority needed some form of psychotropic medication or specialized counselling.

A further 23 people were referred to other health professions.

Gynaecologists	..	..	..	..	..	..	6
Neurologist	..	..	..	..	..	..	1
General Practitioners	..	..	..	..	..	..	4
Psychiatric Social Workers	..	..	..	..	..	..	6

Everyone else was offered follow up support and counselling at the health centre on completion of their court appearances, but 75 failed to take advantage or did not wish to avail themselves of this service.

One of the implications of these figures is that psychiatrists only get to see the most disturbed, who are severely depressed or have obvious pre-existing psychopathology, and who clearly need initiation or alteration of pharmacotherapy. Their diagnostic and assessment skills seem only to confirm a prior judgment, and only 2 per cent of the total number of offenders have the benefit of a psychiatric consultation and assessment. My concern is that a large number of psychologically disturbed people who shoplift are being overlooked.

In the only major prospective follow up study of shoplifters (Gibbens *et al*)<sup>4</sup> 8.4 per cent of 525 female shoplifters convicted of shoplifting in 1959, had at least one psychiatric admission to hospital in the next decade. (The actual percentage was probably much higher because no information on admissions was available for the first 5 years of the follow up period 1959-1964). A further 1 per cent were known to be receiving regular psychiatric outpatient treatment. Of first offenders, 6.6 per cent, and of second offenders 16 per cent, required subsequent psychiatric inpatient admission. The mental state (or degree of distress) at the time of the offence was not a reliable guide to subsequent psychiatric outcome.

Two other groups were followed in the same series. Of 234 male shoplifters in 1959, 6.5 per cent had subsequent psychiatric hospital admissions; and of 202 women, who were imprisoned for shoplifting in 1959, 15.4 per cent had psychiatric inpatient treatment. Of a sample of other female thieves, 22 per cent were also subsequently admitted to a psychiatric hospital.

There was a strong correlation between prior psychiatric treatment (before the offence) and subsequent hospitalization. Of the original series of 525 women, 18 per cent were diagnosed as suffering from "chronic nervous tension"; nearly half of these were subsequently admitted to a psychiatric hospital at least once in the next decade. The admission rate for middle-aged female shoplifters, based on age-specific statistics, was three times that expected from the general female population.

<sup>4</sup> Gibbens, T. N., Palmer, C., Prince, J., "Mental Health Aspects of Shoplifting", *Brit. Med. Journal* iii, (1971) pp. 612-5.

This suggests that shoplifting may not just be a benign, temporary aberration of little clinical significance, but an important precursor of major psychiatric illness in 6–10 per cent of offenders, if these figures can be applied to an Australian population in 1983.

### Who don't get referred for Medical Assessment and probably should?

Bulimia, or binge eating with or without self-induced vomiting or purging, is becoming increasingly recognized as a common symptom. Although the prevalence is not known two recent studies (Halmi *et al.*,<sup>5</sup> Fairburn and Cooper)<sup>6</sup> indicated a prevalence of 13 per cent in a normal college student population, and 2 per cent in a sample of women attending a family planning clinic, respectively. Other studies of bulimic populations (Casper *et al.*),<sup>7</sup> Crisp *et al.*,<sup>8</sup> Pyle *et al.*)<sup>9</sup> showed that shoplifting (or "kleptomania" in the U.S.A.) of either food, cosmetics or clothing occurred in as many as 80 per cent. Episodic voracious overeating is rarely complained of and usually is a closely guarded secret. The afflicted may be of any weight, but may be overweight or have other symptoms consistent with anorexia nervosa.

To my knowledge, there have been no reports of how prevalent it is amongst young shoplifters, nor of how often bulimics who shoplift get caught. High calorie foodstuffs especially chocolate, biscuits, cakes and ice-cream are their preferred choice, but there are individual preferences for peanut butter, cheese and alcohol. During a binge, seasoned eaters can consume over \$50 worth of food in a very short period of time, interspersed with furtive "relief" stops. There is a strong association with alcohol abuse in themselves and in their first degree relatives (parents and siblings).

Although it most commonly occurs in single women under the age of 24, it can occur in men and in much older women. In the latter, binging episodes may have continued since adolescence. Bulimia is a symptom and not a disease. Its presence in a shoplifter may make the theft understandable, but not justifiable. If detected, psychiatric or psychological referral is indicated, when there is a willingness to stop, as present behavioural and medical treatments are quite effective. People with bulimia are usually cunning and secretive and may only reveal their habit once a trusting relationship, e.g., with a probation officer, has been established. In this current series of referrals, there were no detected cases of bulimia, but this does not seem to have been systematically inquired after.

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<sup>5</sup> Halmi, K. A., Falk, James and Schwartz, E., "Binge Eating and Vomiting: A Survey of a College Population", *Psychological Medicine*, 11 (1981), pp. 697–706.

<sup>6</sup> Fairburn, C. G., and Cooper, P. J., "Self Induced Vomiting and Bulimia Nervosa: An Undetected Problem", *Brit. Med. Journal*, 284 (1982), pp. 1153–5.

<sup>7</sup> Casper, R. C., Eckert, E.D., Halmi, K. A. *et al.*, "Bulimia", *Arch. General Psychiatry*, 37 (1980), pp. 1030–5.

<sup>8</sup> Crisp, A. H., Hsu, L. K. G., Harding, B., "The Starving Hoarder, and Voracious Spender: Stealing in Anorexia Nervosa", *Journal of Psychosomatic Research*, 24 (1980), pp. 225–31.

<sup>9</sup> Pyle, R. L., Mitchell, M. D., Eckert, E. D., "Bulimia: A Report of 34 Cases", *Journal of Clinical Psychiatry*, 42, 2 (1981), pp. 60–4.

Gibbens<sup>10,11,12</sup> has often suggested that in his experience all second offenders, particularly in middle life or later, should be referred for assessment. All of the 40 per cent at Bondi Junction Community Health Centre were repeat offenders.

If the results of his 10-year follow up<sup>11</sup> are transposable, then the following criteria could be used as a guide to psychiatric or psychosocial referral:

- \* Those with a past history of parasuicide; treatment for persistent anxiety or depression; alcohol or drug abuse; inpatient psychiatric admission; compulsive gambling; anorexia nervosa with or without bulimia.
- \* Those with a family history of psychiatric illness especially psychosis, depression, alcoholism, drug abuse, suicide or compulsive gambling.
- \* Those currently experiencing persistent dysphoric symptoms, i.e., anxiety, tension, insomnia, depression; or psychosomatic symptoms, e.g., migraine, dermatitis, indigestion, as a result of ongoing relationship problems.
- \* Those currently receiving treatment for chronic medical illnesses, e.g., neurological disorders, epilepsy; arthritis, diabetes mellitus; hypertension and vascular disorders; particularly when actually receiving drug treatment. (This list is not exhaustive.)

As a result of our incomplete survey, people who are recently bereaved, or who have unresolved grief symptoms or an apparent anniversary syndrome, should also be referred. Whilst there may be little urgency for referral in the majority prior to court appearance and sentencing, it is my opinion that a thorough medical assessment by a G.P. or specific consultant should be recommended in many during their probationary period.

Court appearance and publicity for many offenders generates shame, guilt and remorse out of all proportion to the gravity of the offence. Many will be familiar with the tragic outcome of Lady Barnett, a well known London magistrate, doctor and TV personality, who electrocuted herself rather than face arraignment for shoplifting. One 67-year old man in our series drowned himself on the morning of his court appearance, to save his family the shame of adverse publicity. In retrospect, perhaps his circumstances should have alerted us to his vulnerability.

### **What is Kleptomania? Has it been abolished? Or just discredited?**

Whilst reading a recent text<sup>13</sup> which dealt with 65 shoplifters in Exeter, U.K., I was mystified to read that kleptomania had been abolished some-

<sup>10</sup> Gibbens, T. N., "Shoplifting", *Med.-Leg. Journal* (Camb.), (1962), pp. 6-19.

<sup>11</sup> Gibbens *et al* (1971), *op. cit.*

<sup>12</sup> Gibbens, T. N., "Shoplifting", *Brit. Journ. Psych.*, 138 (1981), pp. 346-7.

<sup>13</sup> Walsh, D. P., *Shoplifting: Controlling a Major Crime*. (MacMillan, London, 1978), p. 36.

time in the 1960's. Apparently it had never existed either. I looked carefully through the rest of the book to see where it had gone, but to no avail. A more enlightened chapter appears in a dated book by Edwards<sup>14</sup> which specifically deals with kleptomania. Psychiatrists certainly accept that kleptomania exists and, like many emotive psychiatric labels, will outlive its obituarists. However, the clinical features have undergone refinement since it was first coined in the early 19th century.

Kleptomania is a recurrent failure to resist impulses to steal objects, neither for immediate use nor for their monetary value. The objects taken are either given away, returned surreptitiously, or are kept and hidden. In common with other disorders of impulse control, e.g., gambling and firesetting and some forms of violence, there is an increasing sense of tension before the theft, which is then accompanied by tension reduction, pleasure or gratification, with or without feelings of guilt, remorse or depression. The stealing is done alone, without assistance and without premeditation by people who usually have adequate funds to pay for whatever they steal. When the object stolen is the goal, the diagnosis is not kleptomania: in kleptomania, the act of stealing itself is primary.<sup>15</sup>

In our series, there were three people with multiple offences who were classified as kleptomaniacs and were referred for specialized behaviour therapy, with excellent outcomes. One case is particularly illustrative:

A middle aged woman with twenty-eight convictions over twenty years was arrested on returning a previously stolen article to a store. She had had countless other undetected thefts, and on visiting her home, police found many thousands of dollars worth of unused goods, all wrapped and labelled. She had experienced a great deal of family and domestic stress over many years, and her compulsive sprees corresponded with peaks of guilt and tension, which abated once she stole something.

Although the incidence of compulsive stealing is unknown, it is very uncommon. The sex ratio is also unknown, but women seem to be more commonly referred for treatment. Men, however, seem to steal useless objects more often. There is no evidence that pathological stealing is more common premenstrually and no woman in our series offered that as a defence.

There is some evidence that kleptomaniacs have a family history of other disorders of impulse control, especially pathological gambling.

<sup>14</sup> Edwards, L. E. *Shoplifting and Shrinkage Protection for Stores* (Charles Thomas, Illinois, 1958), pp. 52-60.

<sup>15</sup> Winer, J. E., and Pollock, G. H., "Disorders of Impulse Control". *Comprehensive Textbook of Psychiatry*: III, eds Kaplan, H. I., Freedman, A. M., Sadock, B. J. (Williams and Wilkins, Baltimore, 1980), pp. 1820-1.

McConaghy *et al*<sup>16</sup> from the Prince of Wales Hospital in Randwick, have recently reported significant improvement in compulsive gamblers, using an intensive behaviour therapy programme similar to that used for compulsive thieves.

### What factors do psychiatrists take into account when assessing shoplifters?

Apart from making a careful appraisal of the *mens rea*, or intention to steal, which may be impossible to determine in the majority, a psychiatrist is primarily concerned with identifying biopsychosocial factors which may be causing symptoms independent of the shoplifting. Many of these factors have already been mentioned, but there are some physical disorders which could rarely alter judgment, which must be excluded especially hypoglycaemia, epilepsy and narcolepsy.<sup>17</sup> A complete drug history is essential, including tobacco, alcohol and caffeine intake. Psychotropic drugs, anti-hypertensives, antihistamines, thyroid supplements, analgesics, corticosteroids, anticonvulsants can also cause confusion either whilst being taken or in the early stages of withdrawal.

Twenty-eight people in our series had significant physical illnesses, and seventeen were taking some psycho-active substance which may have impaired their alertness and concentration. In the majority, however, these factors were incidental, and not exculpatory. In women, menstrual, obstetric and gynaecological history is important, and miscarriages and terminated pregnancies are a common origin of anniversary reactions in later life. Three women in our series were in the last trimester of pregnancy when their offence was committed.

In the light of Gibbens' study<sup>18</sup> past psychiatric disorders are clearly relevant both in the person being assessed, and in their families. Phobic anxiety states, particularly agoraphobia or claustrophobia, could cause afflicted people to escape from crowded or enclosed parts of stores in a panic, whilst still in possession of unpaid for goods. Men with sexual disorders especially fetishism, could conceivably steal bizarre objects or women's clothing, but it is very uncommon. There is no clear evidence to my knowledge, that homosexuality predisposes shoplifting, but there may be a subgroup who do. There were none of these problems identified in our series.

The time, date and place of the alleged offence may be helpful in establishing an anniversary reaction link. Clearly, recent losses or threatened losses may be very important. Whilst grief is not an illness, many people are significantly impaired in their social and intellectual life because of a failure to mourn adequately. The list of "loss" life events is extensive, but

<sup>16</sup> McConaghy, N., Armstrong, M. S., Blaszczynski, A. and Allcock, C., "Controlled Comparison of Aversive Therapy and Imaginal Desensitisation in Compulsive Gambling" *Brit. Jour. Psych.*, 142 (1983), pp. 366-72.

<sup>17</sup> Zorick, F. J., Salis, P. J., Roth, T. and Kramer, M. "Narcolepsy and Automatic Behaviour", *Journ of Clin. Psychiatry*, 40 (1979), pp. 194-7.

<sup>18</sup> Gibbens *et al* (1971), *op. cit.*

loss of physical and cognitive capacities; status and role in life; pets and important body parts are all to be considered. Loneliness was the major factor in seven people in our series, three of whom were recently arrived migrants, who had no social contacts outside their family circle; two were elderly pensioners living alone, for whom "visiting the shops" was their only vicarious social contact.

### **What are the implications of the above for those concerned with prevention?**

Shoplifting is as old as shopkeeping and its incidence is a reflection of the social, economic and moral climate of the period. It is not a medical or a psychiatric problem, although possibly 10 per cent of shoplifters as a whole have an organic or a psychological component which has impaired their honesty to a greater or lesser degree. Eighty-two people of our series of 135 referrals (60 per cent), or about 4.5 per cent of the entire shoplifting cohort in Bondi Junction since 1977, have had major psychiatric or physical problems which have affected their judgment and mitigated their offence, in my opinion. (These figures are approximations for the reasons given).

There is a need for more intensive, systematic prospective research into the psychosocial backgrounds of a consecutive cohort of all shoplifters. To my knowledge, this has never been done. There are now available standardized interview schedules, and rating scales to detect psychological morbidity and to quantify life events, which could have important preventative applications. Social and economic factors are beyond the influence of psychiatrists, but these are the most relevant in over 90 per cent.

Of the 525 women followed up by Gibbens *et al*<sup>9</sup> for 70 per cent it was their one and only offence; 10 per cent of first offenders re-offended, whereas 50 per cent of second or more offenders had subsequent convictions within the next 10 years. This suggests that for the majority the shock of arrest and court appearance has a beneficial deterrent effect. What needs to be done is to establish objective criteria for picking the potential re-offenders. As I have outlined, people with some forms of mental disorder are likely to re-offend. In my opinion, greater use could be made of medical or psychiatric assessment as a condition of probation.

### **What Contributions can Psychiatrists make to the Management of Shoplifters?**

Psychiatrists are less concerned with why people shoplift, than with whether there are clinical features of mental distress and disorder, which are amenable to treatment or intervention. A major problem is the reluctance of shoplifters to accept referral beyond settlement of their case, especially when they identify psychiatric assessment with the punishment process, and regard psychiatrists with awe and suspicion anyway. Psychiatrists, too will have to show greater interest in accepting shoplifters for assessment and treatment. That will mean resolution of our ambivalence towards shoplifters, and a more realistic attitude to our role in the legal process.

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<sup>9</sup> Gibbens *et al* (1971), *op. cit.*

## PRESENTATION OF PAPER

*Dr F. P. Hume*

I would like to begin today by thanking the Institute of Criminology for the opportunity to talk on this subject. To borrow one of Dennis Challenger's terms, I am a "soft core" psychiatrist. As I don't have much expertise in the assessment of shoplifters, I am a relative amateur. Nevertheless, there are a number of points that I would like to make about shoplifters from my paper.

The *British Medical Journal* is a fairly sober medical journal, but in 1976 it had a leading article on shoplifting,<sup>1</sup> which began by saying that "shoplifting is a very common occurrence. If in doubt, reminisce or ask your friends." This is not a confession, nor am I saying that psychiatrists are the only ones who have shoplifted. Shoplifting is very common and may be part of the Australian heritage. I am sure that those in the audience who can trace their roots back to the first fleet, will be aware that many of the original convicts and settlers who came here to populate Australia in the last 1700's and early 1800's were in fact shoplifters. In those days, the cut-off point, I think, was sixpence. Anything over sixpence was a capital offence. Below that they were "offered" transportation to Australia for varying periods.

My paper should be read in conjunction with the submission by Mr Glassick, to whom I am indebted for much of the material. I deal with the question of "What psychiatric problems do shoplifters have?" At Bondi Junction Community Health Centre, we have seen at least 135 people in the last six years. This is out of a population of about 2 000 shoplifters who have appeared in Waverley Court during that period. I am not sure how many others were referred for psychiatric or social assessment, but the majority would have been referred to the Community Health Centre. Only 37 of that 135 (or 27 per cent) have been seen by psychiatrists. However of the 135, I would like to emphasize that the vast majority stole purely for financial or personal gain. Whilst many of these people presented to the health centre with symptoms of depression or depressive illness, their "depression" disappeared when it was explored or when their social circumstances were more thoroughly evaluated. Many were depressed because they had been caught, or their depression was coincidental: they were depressed *and* they shoplifted. They did not shoplift because of depression. However there was a group of 35 people in whom depression seems to have been the explanation of their shoplifting. I would like to highlight some of the characteristics of this group with depression.

The table on page 60 in my paper shows my assessment of the major psychiatric problem, if any, of each of the 135 people in the sample. The unresolved grief category comprised eight females, of whom four were married. Their average age was 36½ years. Three of them were migrants; six were first offenders; all of them had lost close relatives suddenly, unexpectedly and often violently. Road accidents had claimed three rela-

<sup>1</sup> "The Absent Minded Shoplifter", *British Medical Journal*, 1975 (1), p. 675.

tives, two had committed suicide, one had been murdered and one had been drowned. Six of these tragedies had occurred in the six months prior to the offence. All of the group with unresolved grief had stolen personally useless items. Many were still consumed with guilt over the death of their loved one.

The second category I wish to consider is those suffering from "Anniversary Reactions". An anniversary reaction is a time specific, psychological or physiological reaction, that occurs or recurs at specific anniversaries, in response to a past crisis or trauma, that the individual has not effectively dealt with or mastered. The person attempts to master or control the trauma by reliving the experience either through symptom formation, in their dreams, or in overt behaviour such as shoplifting, without being consciously aware that an anniversary reaction is occurring. It is usually accepted that anniversary reactions result from incomplete or pathological mourning.

There were again eight females amongst this anniversary reaction group. Two of them were married, two were widowed and four were single. Their average age was 48, all of them were first offenders; all of them stole impulsively with no prior intention to steal. They all had plenty of money in their possession at the time of the offence. Five of the women shoplifted on the first anniversary of the death of their closest relative. One shoplifted on the 50th wedding anniversary and one on her deceased son's "name-day". One had had recurrent anniversary reactions at the time of her mother's death for the previous eight years: She had had car accidents and had failed exams. At the time of the offence, all of them were pre-occupied with thoughts of the deceased and some of the items that were taken had a connection with the deceased person.

The last category I want to elaborate on is the group who had no apparent motive. There were ten people in this group, eight of whom were female, and whose average age was 32 years 4 months. There were four migrants; seven of the group had tertiary qualifications; seven were first offenders, and two were second offenders. All of them had plenty of money with them at the time of the offence. They all denied any intention to steal. They had made no attempt to conceal their actions and they stole unnecessary or personally useless items. All were puzzled and bewildered by the experience.

Some had possibly mitigating explanations, for example, minor physical upsets, respiratory infections, headaches or recent insomnia. The majority of them readily accepted psychological counselling in order to clarify the reasons for their theft.

I would like to stress that the majority of people who were seen for reports were offered follow-up and psychological counselling. Of them, 75 failed to take advantage of follow-up or referral to other agencies and this is one of the major problems that the health centre staff have had in trying to offer a service to a group who may well benefit from counselling.

On page 63 in my paper I talk about bulimia, or "binge-eating". This is becoming increasingly prevalent and better recognized in the community as a fairly widespread symptom. Bulimia literally means to have "the appetite

of an ox", and in college populations it has been found to have a prevalence of about 13 per cent or 2 per cent in the population at large. There is suggestive evidence that the vast majority of people with bulimia, also shoplift. They need to, because they can consume large quantities of food in a very short period of time. Amongst several psychiatric studies of bulimia, it seems that 80 per cent to 90 per cent shoplift. However, bulimia does not figure as a diagnostic category amongst the population who shoplift, who are referred for psychosocial assessment. That may be because people are unaware of it.

Bulimia usually occurs in single women under the age of 24, but it can occur in men and in much older women. It usually begins in adolescence and it can continue right throughout life. If bulimia is detected or suspected, psychological or psychiatric referral is indicated, because the treatments that are available can be quite effective.

Kleptomania does still exist, despite its obituarists. Psychiatrists certainly accept that it does, but use the term cautiously and rarely. Its actual incidence is unknown, but it is very common. On page 65 in my paper I give a fairly widely used definition. We had three kleptomaniacs in our series. One case is fairly illustrative and I outline that on page 65.

I do not have time to discuss in detail the factors that psychiatrists take into account when assessing shoplifters. However, I would like to make the point that many of the people who were referred had significant physical illness which may have been a mitigating factor. Arthritis, insomnia, indigestion, headache, respiratory illness and severe skin eruptions all featured prominently in the medical histories of some of the referrals. Of these people, 17 were taking some psychoactive medication which may have impaired their alertness and concentration.

No woman in our series used premenstrual tension as a defence, although a number of the women were pre-menstrual at the time of their offence. Three women in our series were in the last trimester of pregnancy when their offences was committed.

Shoplifting is as old as shopkeeping and its incidence is simply a reflection of the social, economic and moral climate of the period. It is not usually a medical or psychiatric problem, although about 10 per cent of shoplifters who are arrested, seem to have an organic or a psychological component which has impaired their honesty to a greater or lesser degree. In our series 82 people of 135, or about 4 per cent of the entire shoplifting cohort in Bondi Junction since 1977, have had major psychiatric or physical problems which have affected their judgment. There is a dearth of useful research in this area and there is certainly a need for much more systematic prospective research into the psychosocial backgrounds of a consecutive cohort of all shoplifters. Sadly, apart from the study by Gibbens in 1962<sup>2</sup> and again in 1971,<sup>3</sup> there has not been a major prospective study of shoplifters to my knowledge.

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<sup>2</sup> Gibbens *et al* (1962), *op. cit.* (footnote 10).

<sup>3</sup> Gibbens *et al* (1971), *op. cit.* (footnote 4).

## COMMENTARY

*Dr Peter Shea*

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 Lecturer in Forensic Psychiatry, Institute of Criminology

In considering the relationship between shoplifting and psychiatric illness, it is worthwhile reminding ourselves of three things. Firstly, shoplifters usually only get to see psychiatrists after they have been caught. Secondly, the referrals are usually for either the specific purpose of obtaining a psychiatric report, which, depending upon who requested it and what it contains, may or may not subsequently be used in court, or the referral may be for treatment of the psychiatric illness from which the shoplifter is considered to be suffering. The referral for treatment may sometimes be a condition of the sentence handed down by the court. So when we are considering the relationship between shoplifting and psychiatric illness, we are looking at a highly selected sample of shoplifters. Thirdly, we are looking at a highly specific form of theft. Shops generally display their goods as openly and invitingly as possible. There is a whole psychology concerned with the selling of goods. It involves making them as attractive and accessible as possible. I would like to suggest, in passing, that there may be a relationship, as yet unexplored in any depth in the literature, between the psychology of selling and the psychology of stealing and that what, for one person, may be an invitation to buy, may, for another person, be an invitation to steal.

Rather than go over the material Dr Hume has so ably presented, I would like to look at some of the general problems that surround and enmesh the use of psychiatric evidence in court, in cases of theft generally and in cases of shoplifting in particular. I think it is important to do this to remind ourselves from time to time that however persuasively or convincingly psychiatric evidence may be presented, there are a vast number of unresolved problems associated with its use.

### **Psychiatric Assessment: Use of Psychiatric Labels**

The first set of problems is concerned with the psychiatric assessment itself and with the use of psychiatric diagnoses or labels. There are a number of points that could be made but I am going to confine myself to four.

#### *Diagnostic Labels*

There is the problem of finding common ground amongst psychiatrists as to what the diagnostic labels in general use actually mean. There are, for example, at least two diagnostic classifications in common use in the world today—the D.S.M. III, which is the Third Revision of the Diagnostic and Statistic Manual of the American Psychiatric Association, and the I.C.D. 9, which is the Ninth Revision of the International Classification of Disease. These are, in many ways, quite different classifications, both conceptually and in terms of actual usage. Each has been the subject of a great deal of criticism, the I.C.D. 9 more than the D.S.M. III, but then the D.S.M. III has only been with us for three years. I would doubt that the time will ever

come when there will be universal agreement about the meaning of psychiatric labels. All classifications are necessarily a compromise.

To compound this problem not all psychiatrists necessarily accept what the standard classifications or even what the major textbooks say a particular label means. There have been a number of studies in which groups of psychiatrists have been asked to say what they mean by certain diagnostic labels (such as schizophrenia and psychopathy) and the differences of opinion, even among psychiatrists trained in the same school of psychiatry, have been significant; in some cases, very significant. I don't mean to imply by this that psychiatrists invariably disagree about the meanings of the terms they use. Far from it: they are far more likely to agree than disagree. It is just there is always a possibility, and it is a possibility worth canvassing, that when two psychiatrists use the same diagnostic label, they may not always be talking about exactly the same condition.

Nor can psychiatrists, like other doctors, look to a sophisticated range of diagnostic tests to help them reach a diagnosis. The main tests available are psychological tests and these are of limited use only.

### *Observer Variation*

Related to the problems of finding common diagnostic ground is the problem of observer variation. There have been a number of studies on this, some involving the use of standardized case histories and video tape interviews and the results have revealed significant areas of disagreement, especially between psychiatric experts from different countries. And in case anybody doubts whether this applies within Australia, I would suggest that they should look at some of the case history files of patients who have had several admissions to psychiatric hospitals over the years and note the differing diagnoses that appear before a diagnosis is finally settled on. Or, they could attend court cases where psychiatric evidence is being presented by both sides, and pay attention to the unedifying spectacle of eminent psychiatrists talking about the same patient or prisoner but presenting totally differing points of view and giving different diagnoses. In some cases one wonders whether the two or more psychiatrists giving evidence are even talking about the same patient.

### *Time of Assessment*

There is the problem of the time at which the psychiatric assessment is carried out. Usually it occurs after the theft and sometimes a considerable time after the theft. The psychiatrist can take a history and seek corroborative evidence to support the history, and I will deal with some of the problems of history taking later, but the mental state assessment must be based on what the psychiatrist discovers at the time of the examination. It can't be carried out retrospectively. Now the patient's mental state may not have changed between the time the offence was committed and the time they are seen by the psychiatrist. On the other than, it may have changed—and either for the better or for the worse. It is simply not possible for a psychiatrist who sees a patient several days or weeks after a shoplifting episode to make any valid comment on the patient's mental state at the time of the offence.

### *Role of Client*

Related to the problem of the accuracy of the psychiatric assessment, is the possibility of the psychiatrist being misled by a client and there are three factors here worth mentioning:

- (a) There is the problem of role play and role expectations. Any patient being psychiatrically assessed will have certain expectations of what his or her role, as a patient, should be and these expectations will vary according to the patient's previous exposure to psychiatric treatment and according to the purposes for which the assessment is being carried out. The patient will also have certain expectations of what a psychiatrist is and of what a psychiatrist does. These expectations and the conventions that surround them will inevitably influence what the patient says or does in the interview situation. This, of course, is a hazard in any professional interview. It is not confined to psychiatric interviews.
- (b) Any interview that is based solely on what the patient says and that does not seek corroborative evidence from outside sources (for example, from the patient's family, friends, workplace, existing police and court reports, etc.), will be a screened interview. In other words a psychiatrist, however astute or clinically brilliant he or she may be, may only glean a limited amount of information from the patient. And even that information may be subject to distortion. Without corroborative evidence from outside sources, and there may be occasions when it is impossible to obtain, the psychiatrist is forced to rely entirely on what the patient says. Assessing the truth of what the patient is saying under these circumstances can be very difficult. With regard to the history, the psychiatrist may suspect that a story is not true if it is very fanciful or if it is internally inconsistent, but he can't be certain. And I'm sure that all practising psychiatrists have had the experience of listening to a story that sounds not only fanciful but positively bizarre only to learn sometime later, that the story was true. And there is always the strong possibility of course that a story may be a mixture of fact and fiction. As far as the criterion of internal consistency goes, inconsistency is probably no more common in stories told by people with psychiatric illness than it is in stories told by people who are not suffering from psychiatric illness. And when we move from history taking to the eliciting of the patient's symptoms we move even further into the realm of material that is difficult to verify. A patient with a psychotic condition, for example, may be hearing voices telling him to steal something from a shop or he may feel that he is no longer in control of his own body but under the control of external forces forcing him to steal against his will. And this may indeed be true; but the psychiatrist has no independent way of verifying this. He cannot get inside the patient's head and "read his mind".
- (c) There is the possibility of the patient intentionally misleading the psychiatrist, especially when the psychiatrist's report is based on only one or two interviews. Anybody who is naive enough to

doubt whether it is possible to mislead a psychiatrist should read the literature of pseudo-patients, especially the work of Rosenhaw<sup>1</sup> at Stanford University and the work of Owen<sup>2</sup> and Winkler<sup>2, 3</sup> in Australia.

## CASE HISTORY

Let me give you a case history of a patient I treated some years ago. Mrs Jones was a 50 year old woman who had been charged with stealing a dress from a shop. She was referred by her lawyer for a psychiatric assessment. The initial assessment was carried out by a psychiatrist at the outpatient department of the hospital. The history he obtained and the assessment he made were along the following lines:

There was no indication that Mrs Jones had ever shoplifted in her life before. She was in her late middle age and living in reasonably comfortable circumstances though not rich. Prior to her marriage in her mid twenties she had worked in a secretarial position in a busy insurance company. She had not worked since her marriage which as far as could be determined, had been reasonably happy, though not very eventful. She had had three children in rapid succession, all of whom had grown up, married and left home. Two had children of their own, whom she rarely saw. The psychiatrist who first saw her was of the opinion that she was starting to feel some of the stresses of late middle age, especially the isolation, loss of physical attractiveness (she had always taken a great deal of pride in her appearance) and loss of contact with her children. In the month prior to the shoplifting episode her sister and one of her close friends had died. The sister had been ill for some time and her death was expected and in some sense a relief to the family. The friend's death was quite unexpected. The dress Mrs Jones stole from the shop wasn't the sort of dress she would normally wear herself and it wasn't even her size. She couldn't explain why she had taken the dress and in fact she had some difficulty remembering exactly what had happened.

The psychiatrist who saw her thought she may have had a masked depression. She was admitted to the ward in which I was working and subsequently became my patient. She was in hospital for three weeks and attended small group sessions daily. At the sessions she repeated the same story she had given to the psychiatrist who first saw her and her repetition of the story was always consistent and convincing. Because of the possibility of depression she was given some anti-depressant medication. After three weeks in hospital she was discharged at her own request. She was seen as an outpatient for three months and the medication was gradually tapered off. I didn't see her again for four years. The next time she presented she had a clear cut and severe depression which appeared to have been precipitated by a mild heart attack. Her depression lifted with medication.

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<sup>1</sup> Rosenhaw, D. L., "On being sane in insane places", *Science* (1973), 179, p. 250.

<sup>2</sup> Owen, A. and Winkler, R., "General Practitioners and Psychosocial Problems: An Evaluation using pseudopatients", *A.M.J.* (1974), 2, p. 393.

<sup>3</sup> Winkler, R. C., *Research into Mental Health Practice using pseudopatients*, *A.M.J.* (1974), 2, p. 399.

She was in hospital on this occasion for six weeks. As her depression lifted she gave me quite a different story about the shoplifting incident. She had, she claimed, been shoplifting most of her life. It started in her childhood, which was rather impoverished, as a way of obtaining things she couldn't afford to buy and it continued intermittently into adulthood. It was one of the few activities in her somewhat dull married life that gave her a degree of excitement. The things she stole in later life were mostly clothes. They were not usually for herself but for her children, her grandchildren and sometimes friends. When she was giving them to her friends she would say things like "this dress is too small for me" or "not my style" and so on. She rationalized her activities on the ground that the goods she stole were mainly for others. She knew that it was wrong to steal. The store in which she was finally caught was a shop from which she had stolen on several occasions before. It was not that she had grown suddenly careless. Her *modus operandi* was quite sophisticated and for many years quite successful. It was just that the store had changed its security procedures.

To be honest, I don't know to this day which of the two stories she gave me was the true one. We cured Mrs Jones of her depression but she had a second and more severe heart attack a few months later and died. When people are severely depressed small peccadilloes, real or imagined, can become mountainous great sins and guilt can become delusional in intensity and require expiation.

Now I'm not suggesting that Mrs Jones' story was a typical one. I think it was probably atypical. But it does exemplify some of the problems I raised earlier and leads me into the next two sets of problems. The first is the relationship between psychiatric illness and crime. The second is the outcome if such a relationship is established to the court's satisfaction.

### **Relationship between Psychiatric Illness and Criminal Behaviour**

The relationship between psychiatric illness and criminal behaviour is a very complex relationship indeed. The first thing to get clear is that the majority of people with psychiatric illness, however severe, do not commit crimes. So if a person with a psychiatric illness shoplifts, can we say with any certainty that the psychiatric illness caused the person to shoplift? And if we do say that, what justification could we have for saying it? I don't want, at this point, to enter into a general discussion of the philosophical problems concerning causation, although it doesn't do any harm to bear these problems in the back of one's mind; I just want to look at the logical issues involved. So let me dissect the problem a little. As good scientists, before making any statement about the relationship between, say, depressive illness and a shoplifting incident, we should try to find out, first of all, whether the incidence of shoplifting among depressed people is higher than in the population at large. As we don't know the incidence of shoplifting in the population at large, or the incidence of shoplifting amongst depressed people, or, for that matter, the incidence of depression in the population at large, we can't answer this. So let's hypothesize. Suppose the incidence of shoplifting was slightly higher, in terms of statistical significance, amongst depressed people than in the population at large. This is something, incidentally, that I doubt. But suppose it was. What would this demonstrate? Well, it could suggest that depression

causes some people to shoplift. But it doesn't cause all depressed people to shoplift so presumably there is an additional factor involved. It may be, for example, that depressed people who shoplift have personalities that predispose them to shoplifting behaviour. Or, it could suggest that depression makes people who shoplift regularly, careless. Or, it could suggest that when people who shoplift become depressed they either consciously or unconsciously set out to get caught. And it could mean a whole range of other things. The simple fact, if indeed it was fact, and as I have already suggested I remain to be convinced of this, that shoplifting was commoner among depressed people than in the population at large, would not, of itself, tell us much about the individual shoplifter. It would merely tell us that depression is just an additional factor that would need to be taken into account when assessing the complex reasons why a particular person, at a particular point in space and time, indulged in the psychologically complex act of shoplifting.

### Outcome

And this brings me to the next point I want to consider—the outcome. The courts sometimes take psychiatric evidence into account when considering the sanctions they impose. Now this is a very complicated area and it is one that raises all sorts of jurisprudential problems. I don't want to go into these in this seminar but I might point out that it opens up such problems as intent, responsibility, including diminished responsibility, and the defence of insanity. To avoid entering into a general discussion of jurisprudential issues I will confine what I have to say to one example of what I consider to be an unsatisfactory outcome of accepting psychiatric illness as an excuse, and I use the word excuse deliberately, for criminal behaviour.

There are two groups of people—the moderately mentally retarded and the chronic schizophrenic patient—who take up quite a large number of beds in psychiatric hospitals.

It has been my experience over the last twenty years in psychiatry and certainly over the last ten years as Medical Superintendent of Callan Park Hospital, Gladesville Hospital and, more recently, Rozelle Hospital, that when patients who are mentally retarded or who have chronic schizophrenia steal something from a shop, there has been a marked reluctance on the part of the police to lay charges against them. On the several occasions I have discussed this with the police I have been told that they feel there is little point in charging them. Now this raises some problems. Many of these patients are people whom the hospital is trying to rehabilitate and place in the community. The rehabilitation process often involves extensive behaviour therapy, both of a specific nature (to remove specific socially unacceptable behaviours in individuals) and of a general nature (for example, token economy systems to improve patients' living habits generally). The fact that the programmes are in existence and that they *do* work, demonstrates very clearly, that such patients respond to a learning situation. What do they learn when they steal something from a shop and they get off scot-free simply by saying that they live at Gladesville Hospital or Rozelle Hospital? They learn that such behaviour carries virtually no negative sanctions. In learning behaviour terms their shoplifting behaviour has

been positively reinforced. Now I am not suggesting that patients with chronic mental illness or mentally retarded patients should be treated in exactly the same way, if they shoplift, as other people in the community. Far from it. All I am suggesting is that there is too large a gap between getting off scot-free (and having unacceptable shoplifting behaviour positively reinforced) and between being arrested and charged. Some alternative approach is needed to bridge the gap. I am not sure what alternative approach should be used. I don't have any answers at this point. I am merely highlighting the fact that a problem exists.

## Conclusion

Just to sum up what I have said, there are problems in making a psychiatric diagnosis, there are problems in establishing the exact nature of the relationship between psychiatric illness and shoplifting behaviour, and there are problems in the practical outcome of determining, however tentatively, that such a relationship exists. These are problems which have not, to date, been adequately or satisfactorily addressed by either the police, psychiatrists, or the court.

In saying all this I am not trying, in any way, to suggest that psychiatric assessments are a waste of time or that psychiatric evidence should be discounted. In many cases I think that psychiatric evidence can be enormously valuable in assisting the courts to understand, in terms of one psychological theory or another, some of the psychological motives underlying complex behaviours, such as shoplifting, or, for that matter, any other criminal act. There is a difference, however, between using psychiatric evidence to assist in understanding behaviour and using psychiatric evidence to justify or "excuse" behaviour. The first is a legitimate activity. The second, given our present state of knowledge, is far from legitimate.

## DISCUSSION PAPER 1

**A SAMPLE OF 128 SHOPLIFTERS INTERVIEWED AT THE BONDI JUNCTION COMMUNITY HEALTH CENTRE***Bob Glassick,*

Social Worker, Bondi Junction Community Health Centre

One hundred and twenty-eight people have been referred to the Bondi Junction Community Health Centre since 1977 following shoplifting charges. With one or two exceptions, all of these people appeared at Waverley Court. The majority of these referrals were directed from the Public Solicitor's Office, Bondi Junction, however, an increasing number are being referred by private solicitors, the Adult Probation and Parole Service and from magistrates directly.

Figures available from the Bureau of Crime Statistics and Research for the year ending 1981 indicate that 324 persons appeared at Waverley Court on shoplifting charges. Of these, 71.1 per cent were resident in the local areas of Waverley, Woollahra and Randwick. These 324 cases represent 6 per cent of the State's total figure of 5 370 (1981). Waverley Court consequently ranks fourth-highest for shoplifting appearances, behind Central 10.2 per cent, Blacktown 9.8 per cent and Parramatta 6.8 per cent.

A number of variations are apparent when comparing the Bureau of Crime Statistics computer printouts for Waverley, with the total State figures. For example, 29.3 per cent of people appearing at Waverley were unemployed compared with 16.2 per cent for the State. A breakdown for male/female ratio indicates Waverley had 53.7 per cent male offenders and 46.3 per cent female, compared with male 45.4 per cent, female 54.6 per cent, for the State.

From these few variables alone it is apparent that a sample drawn from the Waverley population will not necessarily be indicative of the total population. Furthermore my own sample of 128 cases is not representative of the total Waverley sample, in that it is neither consecutive nor random. Referral to this Centre seems dependent on the distress displayed by the client to his solicitor, or the bizarreness of the offence. Being a female and/or a first offender also seems to increase the probability of referral.

Data has been extracted retrospectively from my own copies of court reports. I have not systematically recorded data on new cases until quite recently. Consequently scores for some variables may be low because records did not provide appropriate information. For example, variable 14 (prescribed drugs), shows 28 people indicated they were using medication at the time of the offence. All people however were not asked this question, so that real numbers could be expected to be considerably higher.

Although the Centre probably sees the largest number of first offenders on shoplifting charges from the area, this sample of 128 cases, seen over a period of 6-7 years, represents only about 5 per cent of the total numbers appearing at Waverley Court in the same period. The following observations

are consequently not intended to be representative of the total population and need to be interpreted on the basis of the sample size and its subjective nature.

### Waverley Court—Bondi Junction CHC—Sample

#### 1. Total Population

128 (100 per cent).

#### 2. Sex

Males—19 (14.8 per cent).

Females—109 (85.2 per cent).

The disproportionate size of this female sample is emphasized by comparison with figures for the total Waverley population (1981): males, 174 (53.7 per cent); females, 150 (46.3 per cent).

I can only speculate that referring solicitors, etc., assume males are motivated to shoplift for different reasons than females, for example, they are motivated by personal gain compared with more obscure reasons for females (i.e., psychological, social and health related factors).

#### 3. Age

18–20	..	..	..	..	12 ( 9.3 per cent)
21–25	..	..	..	..	20 (15.7 per cent)
26–30	..	..	..	..	14 (11.0 per cent)
31–40	..	..	..	..	28 (21.8 per cent)
41–59	..	..	..	..	40 (31.3 per cent)
60 plus	..	..	..	..	14 (10.9 per cent)

#### 4. Marital Status

(1) Single	..	..	..	..	47 (36.7 per cent)
(2) Married/Defacto	..	..	..	..	53 (41.8 per cent)
(3) Separated, divorced and widowed	..	..	..	..	28 (21.9 per cent)

#### 5. Country of Birth

43 per cent (55 people) reported they were born outside of Australia. However, a considerable number of people indicated they have been residents for more than 20 years.

#### 6. Number of Offences

1st—78 (61 per cent).

2nd—31 (24 per cent)..

3 plus—19 (15 per cent).

It would seem that the Bondi Junction Community Health Centre is the agency to which the largest number of first offenders are referred for court reports, and that people with previous convictions are increasingly referred to the Probation and Parole Service for pre-sentence reports.

### 7. *Psychiatric History*

31 per cent (40 people) reported that they had consulted a psychiatrist at least once prior to their current appearance. This was most commonly for problems associated with depression and/or relationship difficulties, several following suicide attempts. One person, to my knowledge, was successful in his suicide attempt on the day before his court appearance. Several people thought themselves to be "kleptomaniacs", however, only two were considered to have a compulsion to steal as indicated by a reduction in anxiety following theft. One of these cases incidentally had some forty previous convictions. Only one person indicated a history of psychotic illness (manic-depressive psychosis).

### 8. *Relationship Problems*

53 per cent (68 people) indicated that they were experiencing problems in their relationship with spouse, parent, significant other, at the time the offence occurred.

### 9. *Does Spouse or Significant Other Know*

59 per cent (75 people) indicated that they had not informed spouse or significant other about their apprehension or court appearance. A majority of these had not discussed the offences with anyone prior to Health Centre Interview.

56 per cent (72 people) further advised that they did not intend to inform their spouse or significant other. Apart from the court appearance itself, the possibility of others finding out, seems the source of greatest anxiety.

### 10. *Impulsivity*

73 per cent (94 people) indicated that their actions were impulsive rather than premeditated, i.e., they had not entertained the idea of shoplifting prior to entering the store.

66 per cent (85 people) could not provide a logical account for their actions, indicating their behaviour to be atypical. Within this group people commonly reported feelings of dissociation from their actions, as if they were watching a 3rd person. Similarly a large number report feelings of anxiety and/or excitement, while others indicate a feeling of being watched and an expectation of being apprehended.

### 11. *Finances*

76 per cent (97 people) indicated that when apprehended they had either sufficient cash to pay for the articles stolen, or a store credit card or bankcard.

## 12. *Usefulness of article*

46 per cent (59 people) indicated that articles stolen were of little or no practical use to them. Extreme examples include a vegetarian stealing meat, middle age women taking baby clothes and people stealing clothing several sizes too small or large for practical use.

## 13. *Depression*

While most people interviewed reported symptoms of acute anxiety or depression while awaiting a final court appearance, 40 per cent (51 people) reported symptoms indicative of a depressive illness prior to the offence. These include characteristic problems with sleep and appetite, and significant weight loss or gain, apathy, forgetfulness, confusion, uncontrolled crying, suicidal feelings. The majority of this group would have been referred for psychiatric assessment. A further 49 people reported feeling depressed, however this seemed more the result of their shoplifting and apprehension.

## 14. *Medication*

22 per cent (28 people) indicated they were on prescribed medication at the time of the offence. A further 13 per cent (17 people) indicated they were under the influence of alcohol or a drug (not prescribed) when the offence occurred.

## 15. *Physical illness*

31 per cent (40 people) indicated they were undergoing some form of medical treatment at the time of the offence.

## 16. *Company*

81 per cent (104 people) advised that they were alone when the offence occurred. Of the remainder, eight advised they were accompanied by their children.

## 17. *Bereavement*

In the 12 months preceding the offence 12 per cent (15 people) indicated a family death. 13 per cent (17 people) indicated a divorce or separation.

## 18. *Significant date*

5 per cent (6 people) advised that the offence occurred on a significant date, e.g., anniversary of a death.

## 19. *Not previously apprehended*

17 per cent (22 people) advised that they had stolen (shoplift) previously without being apprehended.

9 per cent (11 people) indicated that they had stolen with the deliberate intention of being apprehended and 12 per cent (15 people) who reported a feeling of relief when apprehended.

## 20. *Dementia*

4 per cent (5 people) were thought to be suffering from dementia. All but one of these was in the 60 plus age group category. The question of criminal responsibility for people with organic illness (dementia) or for that matter with severe depression, where memory impairment is both real and profound, seems an issue of concern and worthy of further investigation. While people often assume responsibility for their actions when confronted with goods in possession, close questioning in interview often reveals a genuine ignorance of their actions leading to apprehension.

The likelihood of these factors being significant can be expected to increase with age. From the State total figures for the year ending 1981, 550 people, representing 10.2 per cent, were over sixty years of age. This is further emphasized by the fact that shoplifting represents well over 50 per cent of appearances for all offences by persons over 60 years of age presenting at the Court of Petty Sessions in New South Wales.

## **Conclusion**

In conclusion, a number of features emerge from this sample that may have a causal relationship with shoplifting. These include depression, physical illness and problems experienced in interpersonal relationships. This would account for the numbers of people reporting previous psychiatric history, and subjects avoidance of discussion of shoplifting particularly with their spouses.

The large percentage of people reporting their shoplifting to be impulsive and atypical, together with their stated financial circumstances, and the "inappropriateness" of articles stolen, has implications for the question of motivation for shoplifting. Personal gain does not always seem to be the dominant factor.

From my own perspective the term "reckless behaviour" would best summarize the actions and attitudes of the majority of people interviewed, in similar fashion to the recklessness commonly demonstrated in driving, gambling and risk related behaviours.

A more systematic and extensive study would be necessary to establish whether trends indicated by this sample also relate to the larger population.

## PRESENTATION OF DISCUSSION PAPER

*Bob Glassick*

I would like to add some brief comments to the written paper previously circulated. My own involvement with shoplifting is more specifically concerned with the effects of shoplifting, rather than with cause or prevention. For the majority of people I have interviewed, apprehension for shoplifting precipitates a major life crisis.

From the computer printout (1981) supplied by the Bureau of Crime Statistics and Research, 5 370 people appeared before courts of Petty Sessions in New South Wales for shoplifting offences. From the same source it seems that only 6.2 per cent of this group were referred to the Probation Department for pre-sentence reports (variable 18 pg. 50). It also seems significant that in the same year 60.2 per cent of this group had their cases determined on the day of their first court appearance (variable 35 pg. 94).

I make this point because assessment of shoplifting behaviour for people in my own area of work is difficult without access between the time of the offence and the conclusion of the court case. Because of reluctance to discuss shoplifting with family or friends, it would seem many shoplifters do not have an opportunity to discuss their offence with people other than the police or perhaps a solicitor.

The above figures are in dramatic contrast to the Waverley Court figures, the source from which Dr Hume's and my own cases have been drawn. In contrast to New South Wales figures, half the numbers, i.e., 29.9 per cent, of people appearing for shoplifting at Waverley Court have their case determined at their first court appearance. This is possibly a reflection of the high rate of legal representation at Waverley, 99.4 per cent, and the close liaison between the Bondi Junction Community Health Centre and the local Public Solicitor's Office (Bureau of Crime Statistics and Research, computer printout, Waverley Court, 1981).

Understanding shoplifting will not be possible without research and access. I would consequently like to suggest that consideration be given to longer periods of remand, up to four weeks. While this may prove expensive in terms of legal costs, I think it would have three main advantages:

- (1) It may reduce recidivism. This hypothesis could be easily tested.
- (2) It would provide the opportunity to assess whether shoplifting is part of a broader pathological process.
- (3) It may assist in a better social/psychological adjustment to a crisis precipitated by the shoplifting offence.

**THE NEWTOWN PROJECT****A Proposed Programme intended to reduce Juvenile Shopstealing Behaviour**

*Tony Buon,*

Youth Counsellor, Care Force, Inner City Team

**Introduction**

Shoplifting or shopstealing has become an ever increasing problem in our society. One particular aspect of shopstealing that is of interest to the Newtown Care Force Youth Programme is the area of youth/juvenile stealing.

It is clear that despite all the security precautions utilized by the retail traders and the processing of these young people through the criminal justice system, the rate of shopstealing does not decrease. This is not to imply that we should stop these present controls, only that something more is required.

For many years it has been believed that a large number of young people experiment with shopstealing and generally do not proceed on to other crimes, they simply "grow out of it". However this has not been verified by any research into Australian juvenile shopstealing. Furthermore it is vague as to why some people re-offend and others do not. This draws attention to a further problem in that little research has been conducted in this country looking at juvenile shopstealing patterns.

It is proposed that a programme be developed to supplement the present criminal justice system and that this programme will contain within its boundaries a research component. Working on the premise that both positive and negative values and attitudes are learned in the early stages of maturation; and that the family and the peer group are the milieu in which these values are ingrained into the youth's personality; it becomes clear that any programme that is intended to influence negative attitudes and values should involve intervention at an early age and should involve the family and the peer group. It is intended that the programme will use social group work methods with an emphasis on youth and parental education and behavioural contracting. This intervention will take place immediately following the apprehension/observation of the young person shopstealing.

**Programme Methodology**

The location for this programme will be the Sydney suburb of Newtown and its surrounding areas. The target group will be first time juvenile offenders under the age of sixteen years and their parent(s). The proposed group work intervention will involve three 1½ hour sessions over a period of three weeks. It is intended that these sessions will take place within

the Newtown Youth Centre. It is suggested that the components of the programme be; the youth counsellor from Newtown Care Force, a police officer from the New South Wales Police Department and a community solicitor from the Redfern Legal Centre or from within the target area. The programme will also include audio visual presentations and will encourage discussion and an exchange of opinion and information.

The objectives of the programme are as follows:

- (1) To assist in the development of parent/child responsibility both to themselves and their community.
- (2) To have a positive effect on the rate of recidivism amongst juvenile shopstealers.
- (3) To evaluate success/failure by using a control and experimental group and by using participant questionnaires to evaluate programme effectiveness.
- (4) To demonstrate a cost-effective alternative to the punitive approach.

In line with the policy of a voluntary "Shoplifting Reduction Program" run by the Juvenile Probation Department in San Jose, California (Casey and Shuman, 1979)\*, separate records will be kept of the programme participants and will be destroyed after a period of two years. It is also intended that like the San Jose programme the Newtown project will be voluntary, and that participants may choose to be processed through the normal system rather than the shopstealing programme. To this end it is hoped that referral will take place at the police "official cautioning level". Discussions to this effect have been held with the New South Wales Police Force, though at this point in time no commitment has been made. Discussions continue. It is envisaged that referral will be made by the local police who will offer the programme to the young person and his/her parent(s) or guardians. Referrals for this programme may also be accepted from other youth and legal services.

## Conclusions

The San Jose programme has stated that after one year of operation the programme was over twice as effective in reducing recidivism as the "traditional methods". Further more the programme has reported a cost saving of 57 per cent of prior departmental costs, police have reported time saving and the participants "feel" the programme is effective. It is suggested that similar results may be experienced from the Newtown project.

Support for this programme has been given in principle by the New South Wales Juvenile Crime Squad, the local police, Dennis Challenger (Melbourne University), the Redfern Legal Centre and various youth programmes in the city area. Assistance in data collection has been given by the Department of Youth and Community Services (O.I.C. Statistics)

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\* *Crime Prevention Review* vi. (2) (Jan. 1979).

and the Police Planning and Research Branch. It is also intended that assistance and funding be sought from the Law Foundation of New South Wales to assist with this project. It is hoped that a modest report may be published on the findings/methodology of the programme. If after the evaluation period the programme is meeting its objectives it would be intended that a similar format be tested with other offences; for example, drug offences such as glue/solvent abuse.

It is hoped that those who read this proposal will feel free to comment on the proposed project and objective discussion is encouraged. The programme will start operation as soon as negotiations with the New South Wales Police Commissioners Office are finalized. This hopefully will be in the near future. It is intended that this programme should be flexible and adaptable and could be readily used in other areas. The benefits from this type of programme could be of enormous benefit to the community, the criminal justice system and the young people and their families.

**PRESENTATION OF DISCUSSION PAPER***Tony Buon*

Firstly, I would like to thank the Institution for this opportunity to bring this small paper before this audience for general discussion. The proposed programme which is listed at the moment as "The Newtown Project" has not yet officially started, although I have received some referrals from legal centres and from one or two of the children's courts. It is hoped that the first group will start sometime in August.

One of the comments I made in the paper was that I was waiting for the Police Commissioner's Office to approve the referral process at the police official cautioning level. This week, the Police Commissioner has appointed a liaison officer to consult with myself so this should happen very shortly.

I did not mention in the paper that referrals for this project will be coming from not only the courts and the police but also from the retail stores and the young people themselves. It has been mentioned by quite a few of the speakers that shoplifting has a cost. It is very expensive to deal with. I am sure that you can see that this proposed juvenile shoplifting programme may be very cost efficient. Further I hope that this programme may become a model that can be used in other areas possibly also with other offences.

The advantage of operating this type of programme is that my particular agency has many services so that when a young person is referred to the programme and it becomes very clear that the shopstealing is because they are living in totally impoverished conditions where the shopstealing is a means of surviving then we can refer them on to other resources such as material aid, financial counselling; similarly if we see a connection between the shopstealing and drug addiction then we can also see about drug and alcohol counselling.

I would like to close by saying that I would hope that any interested person at this seminar should feel free to discuss this programme with me. I would value your comments. I, like some of the other speakers, am by no means an expert in this area and I would certainly value any objective criticism or comments on this programme, and any offers of assistance or guidance would be greatly appreciated.

## DISCUSSION PAPER 3

SOME REFLECTIONS OF A LONG-DISTANCE  
PROBATION OFFICER*Ms Di Kerrigan, B.A., Dip.Crim.,*

Probation and Parole Officer

Our knowledge of the nature of female criminality is still in its infancy. In comparison with the massive documentation on all aspects of male delinquency and criminality, the amount of work carried out in the area of women and crime is extremely limited.

These words begin a book entitled "Women, Crime and Criminology" by Carol Smart.

This statement is true. There is little knowledge, research or documentation on female criminality. There is, however, sufficient myth and folklore about shoplifters to distort what knowledge there is and to put opinions about them within the reach of all.

That a shoplifter is a woman is folklore to be considered against knowledge as follows:

Table 1\*

## Sex and Age of Shoplifters

	18-24	25-29	30-39	40-49	50-59	60+	Total	
	per cent	per cent	per cent	per cent	per cent	per cent	Number	per cent
Males	43.2	34.5	33.3	42.0	40.7	51.2	937	40.1
Females	56.8	65.5	66.7	58.0	59.3	48.8	1 401	59.9

\* N.S.W. Bureau of Crime Statistics and Research, *Statistical Report 7, Series 2, Court Statistics, 1975*, (Govt. Printer, N.S.W.) p. 41, Table 5.3.

Table 2\*

## Persons Found Guilty of Shoplifting per 100 000 of Population

Year	1969	70	71	72	73	74
Males	72	80	89	94	94	120
Females	83	87	92	93	90	111

\* Carol Smart, *Women Crime and Criminology*. (Routledge Kegan and Paul 1976) p. 9.

These tables do not show that the shoplifter is a woman, although women are well represented. To ignore the contribution of men would be to discount almost half of the offences committed.

Myth, and folklore also has it that the shoplifter is not only a woman but a middle-aged menopausal woman.

**Table 3\***  
Age of Shoplifters

Years	Number	per cent
18-24 .. .. .	609	26.0
25-29 .. .. .	322	13.8
30-34 .. .. .	288	12.3
35-39 .. .. .	210	9.0
40+ .. .. .	909	38.9

\* N.S.W. Bureau of Crime Statistics and Research, *op. cit.* p. 40 Table 5.2.

The over-represented group here are those in the 18-24 age group. If juvenile figures were added to this group to balance the fact that the last group is 40+, the middle-aged menopausal shoplifter of folklore would be eased of some of the burden of guilt now heaped on her.

I believe it is misleading to think in terms of a stereotypic shoplifter and have reproduced the above tables to make this point. However, I do think our culture generates stereotypic pressures on women, release from which is sought by some in shoplifting.

Appended are case histories of two such women. Neither Ellie or Marion are actual persons but the dynamics described in each case are drawn from actual cases and are represented accurately.

## CASE HISTORY 1. ELLIE

### *Offence*

Steal from retail store grocery items of small value.

### *Method*

On selecting goods, some were placed in the shopping trolley and some in her shopping bag. On passing through the check-out only those goods in the trolley were presented for payment. No skill was involved and there was no particular effort to avoid detection.

### *Previous Offences*

Five similar over a period of five years. This offence was the third in the past year. First and second offences were dealt with by way of fines.

The third by way of imprisonment for three months. The fourth and fifth by way of recognizance to be of good behaviour without probation supervision. Probation is now called in for this, the sixth offence.

All offences involved the theft of several grocery items of small value. Nothing of particular significance in the type of goods stolen.

### *Childhood*

Ellie was then aged 52. Born and reared in Ireland, eldest of fourteen children. Vivid memories of a happy secure childhood and of material poverty overcome through the emotional strength and resourcefulness of her mother. She recalled with pride white linen beautifully laundered and expertly re-made hand-me-down clothing.

### *Education*

Formal schooling in the basics of literacy and numeracy from aged seven to eleven at a convent school.

### *Employment*

Remained assisting her mother until her early thirties, with occasional periods of factory work.

### *Religion*

Ellie and her family held strongly to the beliefs and values of traditional conservative Catholicism.

### *Marriage*

At age thirty-two to an accountant also aged 32, of non-conformist religion and born in England. Ellie and Jim migrated to Australia immediately after their marriage.

### *Circumstances at time of Offence*

Jim was in partnership in a modestly prosperous accountancy practice. He was a member of a Lodge and a local service club.

Their three sons were married and living independently of the parental home. There was one grandchild, a daughter, of the marriage to the eldest son. This child, then aged 5, was mentally retarded.

### *The Marital Relationship*

Jim was rigid and orderly in his habits. A large-framed man of severe countenance. He and Ellie did not share social life outside the home. His interest was in his work and his clubs.

Ellie was a small, talkative clear-eyed woman. She saw her role as wife and housekeeper in terms of duty. She submitted to the sexual relationship as she saw it as her duty and she similarly serviced the household in dutiful fashion.

Increasingly Ellie sought to avoid the sexual side of her marriage but as she did so she increasingly harboured guilt, conflict and self-doubt about this. She saw this avoidance as a failure in her duty; she also felt a conflict between duty and the notion that sexual activity was for procreative purposes only.

She began to become apprehensive at Jim's arrival home from work, punctually at 6 p.m. He expected his meal to be ready immediately on his arrival. She felt she was becoming less and less competent and began to worry excessively that the meal would be late, or not to Jim's particular specifications.

Since the birth of the retarded granddaughter, Ellie has worked tirelessly for a local care organization.

#### *Events immediately prior to offence*

Ellie overstayed at "the centre" and rushed home to get Jim's meal. She forgot to get a green vegetable and, in her panic, substituted tomatoes. "A meal has to have greens" Jim had always demanded. On seeing the tomato Jim said "Are you stupid. Tomatoes aren't green". He demanded she go to the shops and get a "green". The next day Ellie shoplifted. It was her sixth offence.

#### *The Arrest*

Ellie wanted to talk about her feelings when she was caught. She said she didn't feel ashamed or guilty or frightened. She puzzled greatly about not having the kind of feelings she thought she should have.

It had become customary for the police to phone Jim to come to the station to bail her. He felt the shame and damage to his reputation keenly. Ellie, however, said she "felt good".

#### *The Dynamics of Ellie's Shoplifting*

Jim, always emphasized his view of Ellie as "childlike" in the good times but in recent years he more frequently said she was "stupid". He was "educated" and Ellie was not. His predominant values related to his social standing as an accountant, his reliability as a provider and his office bearing in his clubs.

Ellie felt she had done well in marriage, especially as she was single until the age of thirty-two. However, the values that Ellie had absorbed in a large family where there was emotional warmth and pride in overcoming poverty with dignity, were not relevant to her life with Jim. So grew in Ellie a sense of being unworthy of Jim and a sense of failure as a wife. Into this then, the catalyst of a retarded grandchild.

That she was herself retarded and therefore responsible for the disability of the child was the nightmare thought which began in Ellie's mind five years previously. The thought grew until she became haunted with it. The more it pre-occupied her, the less competent she became and the more Jim referred to her as "stupid".

## Conclusion

Ellie's shoplifting can be seen as both an act of defiance and an act of defeat. Ultimately it was a successful tactic but that is another story about the techniques of intervention by way of probation.

## CASE HISTORY 2. MARION

### *Offence*

Steal from retail store various items of womens clothing of considerable value and one bottle of French perfume.

### *Method*

Items selected and taken into the fitting room, tags removed, then wrapped in plain paper bags and place in the bottom of her large shopping bag. An indoor plant was then selected and presented for payment at the checkout. Marion said she knew the store detective had seen her and was watching but that she seemed unable to stop.

### *Previous Offences*

Nil.

### *Childhood*

One of two and only girl of a loveless, competitive marriage. Parents in business, pre-occupied with it and successful. A materially affluent and emotionally barren home. Both parents in and out of extra-marital relationships.

### *Education*

As a day pupil at an exclusive girls' school. To School Certificate level. Average to below average results. Then completed a secretarial course.

### *Employment*

Office typing clerical position at age eighteen. Sick with nerves each morning before work. Lacked confidence.

### *Marriage*

Married on becoming pregnant at age eighteen. Saw marriage and motherhood as a way out of work and as security.

Husband aged 25, an electrician. They moved into rented accommodation.

### *Circumstances at time of offence*

Daughter aged three. Marion devoted to and absorbed with the child. Husband working at his trade by day and as a barman six nights weekly.

### *The Marital Relationship*

Marion's husband had become sexually indifferent to her. She began to feel insecure about the marriage. She put energy into making herself more attractive and invested more and more of her self-esteem in her identity as a mother. The suspicion that her husband was having an affair with another woman nagged at her consciousness.

She began to worry that she would not be able to support herself and her child should her husband leave her. She had a distant and strained relationship with her mother and no confidant or close friend. She became very depressed. She could see no solution other than to "win her husband back".

### *Events immediately prior to offence*

Marion had checked and found Bill was not at work that evening. He came home very late with an unlikely excuse. She had feared previously to voice her suspicions but did so on this occasion. He denied seeing another woman but said that he did not find her attractive anymore.

### *The Arrest*

Marion was in shock, tearful, depressed and expressing suicide thoughts. She told Bill that evening. He was neither supportive nor concerned. He told her he was leaving her for another woman. He later told the Probation Officer that it seemed like a good time to break the news to her.

### **The Dynamics of Marion's Shoplifting**

Marion was trying to deny what was becoming undeniable. She was reaching the point of considering suicide as the only possibility if her husband left her and she acted, I believe, out of panic. This story has a happy ending too, as a consequence of Marion discovering as Ellie did, that she also had "true grit".

## DISCUSSION PAPER 4

*Peter Connelly*

Acting Executive Officer  
N.S.W. State Council of Youth

### **Tinsel Town Palaces—Who owns them?**

The modern shopping centre complex is often the main place for people to meet. This is more likely to be the case in those newer suburbs where few community facilities exist. Compared with routine monotony of those endless streets with those endless rows of houses, the tinsel town palaces of self-service offer "bulk excitement" for young people and no doubt the oldies too. At any centre there is a "shopping centre" youth—culture. It's the place where loose groups of young people congregate. These groups have their own way of viewing the world, their own way of organizing (or not organizing) their time, their own practices and attitudes. It is not uncommon for them to claim particular areas as *their* own space—the place where they "hang"—the fast food shop, a particular table, stairwell or well. The centres, while *owned* in the legal sense by corporations, are owned in the cultural sense by the people who frequent them. These are two functions of these centres:

1. A place where goods are sold; and
2. A central location where people do get together.

### **Consumers without means**

Young people are an economic social and political minority. The whole concept of youth is socially constructed. Because of their inferior and dependent status many young people are often denied access to much of what society has to offer. This is particularly the case where they have an inadequate income, e.g., those under 16 years of age who have left school (ineligible for the dole); those 16–18 who receive \$40 per week or less than half of the poverty line figure; those from low income families or those who are working but can only obtain part-time jobs.

Young people are strongly encouraged to become consumers—much of the fashion and music industries are geared for the "youth market". The products of these and other industries are blatantly promoted among young people. However, many young people are not in an economic position to participate in a world so heavily dominated by commercials: They are expected and encouraged to be consumers, but not given that economic means to do so. Both the advertising and retail industries must bear some responsibility for the way in which they present products aimed at the youth market. With constant pressure to consume and without the money to do so, it is not surprising that some young people will engage in "five finger discounting" or shoplifting. In any case it is seen as a rage!

## Youth facilities

The provision of services to young people is totally inadequate. In New South Wales the State Youth Grants fund was a paltry \$649,000 last year. This fund includes expenditure on—

- Youth workers' salaries, oncost, and administration;
- Local Youth Projects;
- Short-term Experimental/Research Projects;
- Subsidies to State-wide and peace bodies;
- Youth Camps;
- Youth information systems;
- Training courses for youth workers and youth leaders.

A total of eighty-three projects were part funded. With the wide variety of project categories it is not surprising that the funds are spread very thinly. There is an urgent need for more youth services so that young people have places where they can go and be involved in a range of activities.

The amount of money at present available for funding youth facilities is miniscule compared to the financial loss suffered by retailers through shoplifting, i.e., \$649,000 compared with \$40–\$70 million. It would surely make practical good sense for retailers to consider making a contribution to youth services in this State by taking some responsibility themselves to initiate youth facilities in those shopping centres used as a central meeting place by the local young people—and at the same time reduce their own losses!

## Implications for the shop lifting problem

Discussions about shoplifting by young people must be placed in an overall context of their life situation and the pressures on them. Firstly, I have attempted to outline how young people view and relate to our large shopping centres and the major social role of these centres. Secondly, I have pointed out that young people are expected to be consumers but do not have the economic means. The third issue covered was the lack of youth services and facilities.

These three factors are all inter-related with the shoplifting problem. To put it another way the shoplifting problem of young people is a symptom of broader problems and contradictions facing young people in our society. To make any significant impact on the problem we must examine the underlying causes. To do this we must begin at the level of the daily experience or reality of young people, that is at the level of youth culture. While some young people may shoplift because of mental illness or personality problems, to suggest that this is the primary cause, simply and conveniently reduces the problem to one of personal inadequacies and denies the social and economic context in which these actions take place.

To begin to find solutions to the shoplifting problem, we must look at the way products are sold, the financial position of young people, the social role of shopping centres and the lack of services available to young people. Rather than introducing punitive programmes and expensive surveillance equipment, retailers and shopping centre management would do well to consider what provision they make for providing youth services and centres. For example a multi-point access youth centre could be located in a shopping centre complex. Such a centre could provide both positive and structured recreational facilities at moderate cost as well as information and referral services (employment, health, housing, crisis counselling). The level of experience of young people would be drastically changed. Rather than just "hanging" they would have things to do in an environment they controlled. While this proposal would of course not overcome the income and consumer pressure problems, it would be a start in the right direction. We should all give consideration to the development of a pilot programme. I'm sure the Council would welcome an opportunity to be involved in the planning and monitoring of this type of scheme.

## DISCUSSION PAPER 5

*Dr A. J. Sutton,*

Director, N.S.W. Bureau of Crime  
Statistics and Research

*Statistical Bulletin No. 19* summarizes statistics regarding appearances in courts of Petty Sessions in the State, and clearly is concerned only with adult appearances and not with juvenile appearances. Particularly in view of the kinds of figures which are reported by Dennis Challenger on non-reporting and on effective diversion by shopkeepers of people caught shoplifting, we are dealing here with a set of figures which relates to the bureaucratic process, i.e., that process which concerns itself with the courts. The statistics should be understood as that rather than as references to general trends in the community.

There could be changes from 1975 to 1981 in the processing of people through the courts which are connected more with the attitudes of retailers or with arrangements with respect to police, rather than through general trends in the amount or otherwise of shoplifting. So, of course, that has to be taken into account. On the other hand, it represents a sizable number of people, and their characteristics are spelled out with respect to age and sex. Shoplifting is one of those offences in which psychological and social factors seem to be given more prominence than for most other crimes. For instance, there is no question about the criminal aspect of, say, an armed robbery on a bank, and yet when we come to shoplifting we are in that kind of boundary where we get into the public order offences—almost where there is a lot of consideration given to individualized sentencing and concerns about the particular characteristics of the people involved.

It should be noted that there are two problems. One of them concerns the adults for whom *Statistical Bulletin No. 19* describes the process and the other concerns the juveniles. Unfortunately juvenile statistics are not collected by the Bureau, and the classification used by the collecting agency does not permit the separation of shoplifting from larceny. So, we have no idea of the number of people who go through the juvenile courts, the outcomes or how they are dealt with with respect to shoplifting. This is obviously an enormous gap. There are clearly opportunities for research in New South Wales on this. One could hope we might have a chance to do this in the future depending on resources which regrettably are getting thinner all the time.

For instance, if we looked at diversion programmes, such as the programme suggested for Newtown, if it involved court referrals it could be compared with the drug diversion programme and drink driver diversion programme which we evaluated at an earlier stage in two previous reports. It would be quite interesting to look at the same thing with respect to this particular offence. Looking at diversion programmes would permit looking at penalties and looking at the way that people are dealt with. You would certainly have to get beyond the court process to look at it properly, and

there would need to be co-operation and arrangements with retailers to look at the ways in which shoplifters are dealt with. I know there are manifold problems in that, but in order to get at the issue I am sure that that would be absolutely necessary. It would enable you to have at least a bit of leverage on what I think David Brown called "private justice" which is, of course, incredibly important in this area, and particularly relevant in view of the kind of consumer oriented pressures which are inherent in the displays of retailers.

## STATISTICAL BULLETIN No. 19—JUNE 1983

### Shoplifting Offences heard in N.S.W. Courts of Petty Sessions 1975–1981

*Bureau of Crime Statistics and Research, N.S.W. Department of the Attorney General and of Justice*

The following data concerning shoplifting refers only to appearances in N.S.W. Courts of Petty Sessions, statistics for which are collected by the N.S.W. Bureau of Crime Statistics and Research.

It is important to bear in mind that in all probability only a small percentage of shoplifting offences are detected and of those that are detected not all may be reported to the police. Many that are reported may be committed by juveniles and hence will appear in N.S.W. Children's Courts or will receive official police cautions. Statistics on juvenile offenders are maintained separately by the Department of Youth and Community Services. Unfortunately, these statistics do not identify shoplifting from other larceny offences.

The term "shoplifting" is a purely colloquial expression for a particular form of larceny and persons appearing in N.S.W. courts for stealing from shops are charged with larceny under section 177 of the Crimes Act, 1900. For this reason it is difficult to strictly differentiate shoplifting from other forms of larceny.

However, the N.S.W. Bureau of Crime Statistics and Research has adopted the approach that there are sufficient clear cut cases of shoplifting for it to be practicable to collect separate statistics on this type of larceny based on the description of the charge contained in court papers.

In 1981, there were 5 370 appearances in N.S.W. Courts of Petty Sessions for shoplifting. This represents 50 per cent of all appearances for larceny offences of all types. **Table 1** shows the number of appearances for shoplifting for the year 1975 to 1981 and indicates that appearances increased from 2 367 in 1975 to a peak of 5 792 in 1979, an increase of 144 per cent. The number of appearances decreased by 4.6 per cent in 1980 and a further 2.8 per cent in 1981.

**Table 1.** Shoplifting appearances in N.S.W. Courts of Petty Sessions 1975–81

	1975	1976	1977	1978	1979	1980	1981
	2 367	3 320	4 910	5 510	5 792	5 523	5 370
Per cent change ..		+40.3	+47.9	+12.2	+5.1	-4.6	-2.8

The sex distribution of shoplifting offenders for the years 1975–1981 is shown in **Table 2** and indicates that females have constituted the majority of those convicted in all years, although this percentage has decreased from 60 per cent in 1975 to 55 per cent in 1981. This is in contrast to other offences heard in courts of petty sessions where the majority of offenders are usually male. In 1981 only 19.1 per cent of appearances for all offences were by females.

**Table 2—Sex of shoplifting offenders 1975–1981—appearances resulting in a finding of guilt**

Sex	Year													
	1975		1976		1977		1978		1979		1980		1981	
	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent
Male	887	39.8	1 224	39.2	1 813	39.0	2 232	42.6	2 245	41.4	2 172	41.8	2 293	45.0
Female	1 376	60.2	1 900	60.8	2 835	61.0	3 010	57.4	3 176	58.6	3 018	58.2	2 803	55.0
Total	2 263	100.0	3 124	100.0	4 648	100.0	5 242	100.0	5 421	100.0	5 190	100.0	5 096	100.0

Table 3—Age of shoplifting offenders 1976–1981—appearances resulting in a finding of guilt\*

Age	Year											
	1976		1977		1978		1979		1980		1981	
	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent
18 years .. ..	136	4.4	202	4.4	255	4.9	238	4.5	239	4.7	256	5.3
19 years .. ..	117	3.8	153	3.3	233	4.5	227	4.2	241	4.7	231	4.6
20–24 years .. ..	486	15.7	730	15.9	803	15.5	809	15.1	781	15.3	831	16.6
25–29 years .. ..	423	13.7	598	13.0	653	12.6	636	11.9	620	12.1	627	12.5
30–39 years .. ..	655	21.2	923	20.1	1 065	20.6	1 100	20.6	1 090	21.3	1 076	21.4
40–49 years .. ..	533	17.2	808	17.6	811	15.7	839	15.7	793	15.5	759	15.1
50–59 years .. ..	491	15.9	755	16.5	827	16.0	881	16.5	823	16.1	719	14.3
60–64 years .. ..	145	4.7	217	4.7	270	4.9	277	5.2	265	5.2	244	4.9
65 plus .. ..	109	3.5	198	4.3	255	6.4	340	6.4	267	5.2	265	5.3
Total .. ..	3 095	100.0	4 584	100.0	5 172	100.0	5 347	100.0	5 119	100.0	5 017	100.0

\* Excludes cases where age unknown.

**Table 3**, which shows the age of shoplifting offenders from 1975–1981, indicates a similar age distribution for each year. In 1981, for example, approximately 25 per cent of shoplifters were aged under 25 years, 33 per cent between 25 and 39 years, 30 per cent between 40–59 years and 10 per cent were aged 60 years or over. This is markedly different from the age distribution for “other” offenders convicted in the courts of petty sessions, as is illustrated in **Table 4**, where there were more young people and a lesser proportion of persons aged 40 years or more. In 1981, persons under 25 years of age accounted for 52 per cent of convictions for “other” offences compared to 26 per cent of shoplifting convictions, while persons over 40 years of age accounted for 14 per cent of “other” convictions compared to 40 per cent of shoplifting convictions.

**Table 4.** Age of shoplifting and “other”\* petty sessions offenders 1981.

Age	Shoplifters		“Other” offenders	
	per cent		per cent	
18 years .. ..	5.3		10.3	
19 years .. ..	4.6		10.4	
20–24 years ..	16.6		31.8	
25–29 years ..	12.5		15.9	
30–39 years ..	21.4		17.7	
40–49 years ..	15.1		8.0	
50–59 years ..	14.3		4.1	
60–64 years ..	4.9		0.9	
65 years plus ..	5.3		0.9	
	100.0		100.0	

\* “Other” offences include all appearances in petty sessions excluding shoplifting, drink-driving and drug offences.

An examination of the age distribution of male and female shoplifters in 1981 reveals that a slightly greater percentage of males were under 20 years of age (11.9 per cent) than was the case for females (8.2 per cent), whereas, 66.7 per cent of females were aged between 25 and 60 years compared to 59.4 per cent of males. Interestingly, 7.1 per cent of males were aged 65 and over compared to 3.8 per cent of females. (See **Table 5**).

**Table 5.** Age and sex of shoplifting offenders 1981—appearances resulting in a finding of guilt\*

Age	Sex			
	Male		Female	
	Number	per cent	Number	per cent
18 years .. ..	152	6.7	113	4.1
19 years .. ..	117	5.2	114	4.1
20–24 years ..	377	16.7	454	16.5
25–29 years ..	258	11.4	369	13.4
30–39 years ..	465	20.6	611	22.1
40–49 years ..	335	14.8	424	15.4
50–59 years ..	284	12.6	435	15.8
60–64 years ..	109	4.8	135	4.9
65 years plus ..	161	7.1	104	3.8
Total .. ..	2 258	100.0	2 759	100.0

\* Age unknown in seventy-nine cases.

**Table 6** indicates that 50.5 per cent of males found guilty of shoplifting were employed; in sales, small business, clerical, skilled trades or unskilled jobs. A further 23 per cent were unemployed and 18 per cent were pensioners. In contrast 49 per cent of females found guilty were occupied with domestic duties. A similar percentage of females (17.4 per cent) and males were receiving pensions; while 12.5 per cent were employed in sales, small business, clerical or skilled trades and 12.0 per cent were unemployed.

**Table 6.** Occupation of shoplifters by Sex\*—appearances resulting in a finding of guilt 1981

Occupation	Males		Females	
	Number	per cent	Number	per cent
Professional/managerial .. .. .	5	0.2	3	0.1
Semi-professional middle management ..	72	3.2	75	2.7
Sales, small business, clerical, skilled trade ..	606	27.2	341	12.5
Unskilled .. .. .	520	23.3	111	4.1
Student .. .. .	40	1.8	67	2.5
Pensioner .. .. .	396	17.8	476	17.4
Domestic .. .. .	81	3.6	1 336	48.9
Unemployed .. .. .	509	22.8	325	11.9
Total .. .. .	2 229	100.0	2 734	100.0

\* Excludes 133 cases where occupation unknown

**Table 7** shows that for all petty sessions appearances resulting in a finding of guilt in 1981, excepting drink/driving and drug offences, 63.1 per cent of the 2 247 persons engaged in domestic duties were found guilty of shoplifting. Similarly, of the 2 122 pensioners found guilty 41.1 per cent were convicted of shoplifting, as were 35.4 per cent of students, 17.0 per cent of semi-professionals and 20.0 per cent of professionals or managers.

**Table 7.** Occupation by offence—appearance resulting in a finding of guilt, 1981\*

Occupation	Offence				Total	
	Shoplifting		"Other" offences†		Number	per cent
Professional/managerial .. .. .	8	20.0	32	80.0	40	100.0
Semi-professional/middle management ..	147	17.0	720	83.0	867	100.0
Sales, small business, clerical, skilled trade ..	947	12.2	6,796	87.8	7 743	100.0
Unskilled .. .. .	631	7.8	7 423	92.2	8 054	100.0
Student .. .. .	107	35.4	195	64.6	302	100.0
Pensioner .. .. .	872	41.1	1 250	58.9	2 122	100.0
Domestic .. .. .	1 417	63.1	830	36.9	2 247	100.0
Unemployed .. .. .	834	12.5	5 826	87.5	6 660	100.0

\* Excludes cases where occupation unknown.

† Excludes drink-driving and drug offences.

Information on whether defendants had a previous criminal record for any offence was collected for the years 1975 to 1979. In 1975 and 1976 available information was recorded from court papers for all cases, whereas in subsequent years only 1 in 5 cases were sampled. The data in **Table 8** suggests that 20 per cent to 30 per cent of those appearing had a previous conviction for some offence. In 1978, 37 per cent of those cases sampled had a criminal record, however, it is possible that this higher figure is due to sampling variance.

**Table 8.** Previous criminal record by shoplifting appearances 1975-1979 year\*

Previous criminal record	1975		1976		1977		1978		1979	
	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent
Yes .. .. .	515	21.8	819	24.7	251	29.0	334	37.2	313	27.0
No .. .. .	1 852	78.2	2 501	75.3	616	71.0	565	62.8	809	69.9
Unknown .. .. .	0	0.0	0	0.0	0	0.0	0	0.0	36	3.1
Total .. .. .	2 367	100.0	3 320	100.0	867	100.0	899	100.0	1 158	100.0

\* One in five appearances sampled for previous criminal history except in 1975, seventy-six where previous criminal history provided by the court.

In each of the years 1975 to 1981 nearly 90 per cent of defendants pleaded guilty to the charge of shoplifting, as is shown in **Table 9**. Pleas of not guilty have increased slightly over the years from 7.4 per cent in 1975 to 10.3 per cent in 1981 with a peak of 11.9 per cent in 1980, which may be a result of the greater percentage of people being legally represented. (See **Table 12**).

**Table 10** indicates that the percentage of not guilty pleas increased with the age of the defendant. Less than 4.0 per cent of under 20-year olds pleaded not guilty compared to 13.1 per cent of 50 to 59-year olds and 17.1 per cent of defendants 65 years of age or over.

The court outcomes for shoplifting offences for 1975-81 are shown in **Table 11**. A fine was the most common result in all years. Approximately two-thirds of appearances resulted in this sentence each year. A further 10 per cent to 14 per cent of cases resulted in a recognizance with or without probation or a fine, and 10 per cent to 12 per cent resulted in a s. 556A recognizance or dismissal. Under s. 566A of the Crimes Act the court can, where it finds the charge proved, dismiss the charge or discharge the defendant conditionally on his entering into a recognizance to be of good behaviour without proceeding to a conviction. Generally s. 566A dismissals or recognizances are only given to first offenders with no previous convictions. The percentage of shoplifting cases resulting in s. 556A outcomes is about twice the rate for all other petty sessions offences.

Table 9—Plea for shoplifting appearances, 1975–1981

Plea	Year													
	1975		1976		1977		1978		1979		1980		1981	
	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent
Guilty .. ..	2 139	90.4	2 932	88.3	4 353	88.7	4 907	89.1	5 053	87.2	4 744	85.9	4 747	88.4
Not Guilty ..	174	7.4	283	8.5	428	8.7	472	8.6	565	9.8	656	11.9	553	10.3
Ex-parte .. ..	1	0.0	0	0.0	10	0.2	6	0.1	6	0.1	14	0.3	9	0.2
No plea .. ..	53	2.2	105	3.2	119	2.4	125	2.3	165	2.8	107	1.9	58	1.1
S. 75b .. ..	0	0.0	0	0.0	0	0.0	0	0.0	1	0.0	0	0.0	0	0.0
Unknown .. ..	0	0.0	0	0.0	0	0.0	0	0.0	2	0.0	2	0.0	3	0.0
Total .. ..	2 367	100.0	3,320	100.0	4 910	100.0	5 510	100.0	5 792	100.0	5 523	100.0	5 370	100.0

Table 10—Age and Plea for Shoplifting appearances, 1981\*

Plea	Age																	
	18 years		19 years		20-24 years		25-29 years		30-39 years		40-49 years		50-59 years		60-64 years		65 plus	
	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent
Guilty .. ..	261	96.3	224	95.3	784	90.5	588	89.4	1 006	89.1	687	85.3	670	87.0	231	87.5	232	81.1
Not Guilty .. ..	8	3.0	9	3.8	69	8.0	61	9.3	110	9.7	110	13.7	91	11.8	30	11.4	49	17.1
Ex Parte .. ..	0	0.0	0	0.0	2	0.2	1	0.2	4	0.4	1	0.1	0	0.0	0	0.0	1	0.3
No Plea .. ..	2	0.7	2	0.9	11	1.3	8	1.2	9	0.8	7	0.9	9	1.2	3	1.1	4	1.4
Total .. ..	271	100.0	235	100.0	866	100.0	658	100.0	1 129	100.0	805	100.0	770	100.0	264	100.0	286	100.0

\* Excludes cases where age or plea unknown.

Table 11—Court Action for Shoplifting Offences, 1975-81

Court Action	1975		1976		1977		1978		1979		1980		1981	
	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent
Not guilty .. .. .	40	1.7	81	2.4	104	2.1	122	2.2	182	3.1	187	3.4	178	3.3
Withdrawn/dismitted .. .. .	22	0.9	29	0.9	52	1.1	42	0.8	89	1.5	97	1.8	83	1.5
Recognizance forfeited .. .. .	42	1.8	86	2.6	106	2.2	107	1.9	100	1.7	49	0.9	13	0.2
S. 556A dismissal/recognizance .. .. .	240	10.1	341	10.3	597	12.2	556	10.1	655	11.3	676	12.2	632	11.8
Rising of the Court .. .. .	5	0.2	17	0.5	14	0.3	36	0.7	28	0.5	17	0.3	21	0.4
Fine .. .. .	1 624	68.6	2 289	68.9	3 355	68.3	3 797	68.9	3 924	67.7	3 701	67.0	3 571	66.5
Recognizance with/without probation/fine .. .. .	344	14.5	378	11.4	514	10.5	625	11.3	602	10.4	643	11.6	710	13.2
Periodic detention/Community Service order .. .. .	..	..	..	..	..	..	..	..	..	..	23	0.4	37	0.7
Imprisonment .. .. .	50	2.1	99	3.0	168	3.4	255	4.1	212	3.7	130	2.4	125	2.3
Total .. .. .	2 367	100.0	3 320	100.0	4 910	100.0	5 510	100.0	5 792	100.0	5 523	100.0	5 370	100.0

Table 12—Legal Representation for shoplifting appearances 1975–1981\*

Legal representation	Year													
	1975		1976		1977		1978		1979		1980		1981	
	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent	Number	per cent
Yes	598	25.3	1 006	30.3	2 448	49.9	3 017	54.8	3 127	54.0	3 252	58.9	3 343	62.4
No	1 769	74.7	2 314	69.7	2 462	50.1	2 493	45.2	2 663	46.0	2 268	41.1	2 014	37.6
Total	2 367	100.0	3 320	100.0	4 910	100.0	5 510	100.0	5 790	100.0	5 520	100.0	5 357	100.0

\* Excludes cases where legal representation unknown.

Table 13—Age and Court Action for Shoplifting Offences 1981\*

Court Action	18 years		19 years		20-24 years		25-29 years		30-39 years		40-49 years		50-59 years		60-64 years		65 plus	
	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent
Not guilty .. .. .	2	0.7	2	0.9	22	2.5	19	2.9	38	3.4	33	4.1	31	4.0	14	5.3	13	4.5
Withdrawn/dischmssed ..	4	1.5	2	0.9	9	1.0	11	1.7	14	1.2	9	1.1	17	2.2	6	2.3	8	2.8
Recognizance forfeited ..	0	0.0	0	0.0	4	0.5	1	0.2	1	0.1	4	0.5	3	0.4	0	0.0	0	0.0
S. 556A dismissal/recog- nizance .. .. .	28	10.2	20	8.5	56	6.5	41	6.2	88	7.8	88	10.9	109	14.2	69	26.1	124	43.4
Rising of the Court ..	3	1.1	1	0.4	3	0.3	1	0.2	5	0.4	4	0.5	0	0.0	2	0.8	1	0.3
Fine .. .. .	179	65.3	170	72.3	617	71.2	487	74.0	784	69.4	543	67.5	491	63.8	136	51.5	109	38.1
Recognizance with/with- out probation/fine ..	53	19.3	33	14.0	115	13.3	81	12.3	165	14.6	103	12.8	96	12.5	31	11.7	25	8.7
Periodic detention/Com- munity Service order ..	2	0.7	3	1.3	7	0.8	2	0.3	8	0.7	7	0.9	5	0.6	0	0.0	2	0.7
Imprisonment .. .. .	3	1.1	4	1.7	33	3.8	15	2.3	26	2.3	14	1.7	18	2.3	6	2.2	4	1.4
Total .. .. .	274	100.0	235	100.0	866	100.0	658	100.0	1 129	100.0	805	100.0	770	100.0	264	100.0	286	100.0

\* Age unknown in 79 cases.

Table 14—Age and amount of fine for shoplifting appearances resulting in a finding of guilt, 1981\*

Amount of Fine \$	Age																		Total	
	18 years		19 years		20-24 years		25-29 years		30-39 years		40-49 years		50-59 years		60-64 years		65 plus			
	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent	No.	per cent		
1- 50 ..	22	12.1	15	8.5	46	7.2	44	8.7	57	7.1	50	8.9	54	10.6	29	20.6	26	23.0	343	9.4
51-100 ..	65	35.7	59	33.5	219	34.5	158	31.1	266	33.0	175	31.0	197	38.8	54	38.3	48	42.5	1 241	34.1
101-200 ..	72	39.6	72	40.9	255	40.2	224	44.1	362	44.9	250	44.3	198	39.0	47	33.3	29	25.7	1 509	41.5
201-300 ..	11	6.0	21	11.9	70	11.0	57	11.2	78	9.7	55	9.8	42	8.3	7	5.0	7	6.2	348	9.6
301-400 ..	8	4.4	4	2.3	24	3.8	15	3.0	22	2.7	19	3.4	9	1.8	3	2.1	0	0.0	104	2.9
401-500 ..	4	2.2	5	2.8	18	2.8	8	1.6	12	1.5	11	2.0	4	0.8	1	0.7	2	1.8	65	1.8
500+ ..	0	0.0	0	0.0	3	0.5	2	0.4	10	1.2	4	0.7	4	0.8	0	0.0	1	0.9	24	0.7
Total ..	182	100.0	176	100.0	635	100.0	508	100.0	807	100.0	564	100.0	508	100.0	141	100.0	113	100.0	3 634	100.0

\* Excludes cases where age unknown.

Sentences of imprisonment increased from 2.1 per cent of court outcomes in 1975 to 4.1 per cent in 1978, before falling to 2.3 per cent in 1981.

Findings of not guilty increased over the years 1975–81 from 1.7 per cent to 3.3 per cent. This may be attributable to increases in the percentages of persons legally represented. **Table 12** shows that legal representation has increased from 25.3 per cent of cases in 1975 to 62.4 per cent in 1981.

**Table 13** shows the court outcome for shoplifters in 1981 by the age of the defendant. The most notable feature of the table is the greater percentage of persons over 50 years of age receiving s. 556A dismissals or recognizances. Whereas 11 per cent or less of persons under 50 years of age received this outcome it was the result for 14.2 per cent of 50–59 years olds, 26.1 per cent of 60–64 year olds and 43.4 per cent of those 65 years and over.

Similarly, the percentage of not guilty findings increased with the defendants age. Less than 1.0 per cent of under 20 years olds were acquitted compared to 4.0 per cent or greater of those aged 40 years or over. Conversely, young offenders received recognizances more often.

Fines were the most common result for all age groups with the exception of those 65 years of age or over. As indicated in **Table 14** fines of between \$51 and \$200 accounted for three-quarters (75.6 per cent) of all fines imposed in 1981. In general the amount of fine was less for persons 60 years of age and over, but there was little difference between the other age groups.

In the majority (77.4 per cent) of shoplifting cases in 1981 defendants were on bail at their final court appearance (See **Table 15**). In a further 12.2 per cent of cases the person was allowed at large pending their hearing and in the remaining 10.4 per cent of cases they were in custody. This last figure may be misleading as most persons appearing in custody for these offences would normally appear in court on the same day as they were charged.

**Table 15.** Bail at final appearance for shoplifting appearances 1981\*

Bail condition	Number	per cent
In custody .. .. .	554	6.4
On bail .. .. .	4 124	77.4
Allowed at large .. .. .	647	12.2
<b>Total</b> .. .. .	<b>5 325</b>	<b>100.0</b>

\* Excludes forty-five cases where bail condition unknown.

**SHOPLIFTING—A BRIEF TRANS-TASMAN VIEWPOINT**

*Trevor Morley,*

Director, N.Z. Security Consultants and Investigations Ltd, Wellington,  
New Zealand.

Retail Security Consultant to the N.Z. Retailers' Federation (Inc.).

I am currently visiting Australia under the auspices of the Anzac Fellowship Award scheme, having been awarded a Fellowship by the Australian Government to study security systems/methods and investigative techniques. As a retail security consultant I am naturally paying close attention to this aspect of security during my studies, and welcome the opportunity to attend this seminar. I have found the papers presented so far to be most interesting, and some could even be described as provocative. In this regard I refer in particular to the paper by David Brown.

For your benefit, let me state that the situation in New Zealand in regard to the retail sector of business and the crime that is committed in that sector is very similar to that which occurs here in Australia. That is to say that retailers there are suffering losses to customers and staff which are in the main undeterminable in their extent and cost, but which are nevertheless very serious.

As some of the other papers have mentioned, employee theft is now being considered to be a greater area of loss than customer theft, and from my own experiences I would agree with this. After all, your staff have access to your money as well as your merchandise, whereas your customers are, in the main, limited to access to your merchandise only. However, customer theft does pose a serious problem for retailers, and it is a problem that retailers in New Zealand are endeavouring to do something about. Let me add that I do not see myself as an apologist for retailers and see them as entirely blameless in this situation. I believe that a lot of them are at fault for not even taking some basic steps in the field of retail security and the way some of them conduct their businesses is atrocious in this regard. However, unlike Mr Challenger, I have certainly never had the experience—either here or in New Zealand—of deliberate short changing or finding the “Harpic” a bit short when I get it home.

There are many things that a retailer can do to protect his staff and his stock, and I believe that some of the suggestions made here today at this seminar, particularly in regard to further research are very laudable, and will certainly lead to a greater understanding of the problem. On a parochial note, let me suggest that New Zealand, due to its size but great diversity, would make an ideal place for research to be conducted in this field.

The New Zealand retailer has also had language problems with regard to the use of the word “shoplifting”. It is a word that I personally dislike, and one that I deliberately try not to use. Whilst it has been around for centuries—there was, at one time, a Shoplifting Act on the statute books

in England—New Zealand retailers, as a body, have formally decided to use the words “shoptheft” or “shopstealing” instead. By so doing, they are clearly signalling to the public that they are calling this act exactly what it is—that is that it is theft—and that theft is a crime under the *Crimes Act*, 1961, in New Zealand law.

Following on from that, the New Zealand Retailers' Federation (Inc.), as a body representative of retailers throughout our country, have a policy that retailers should report *all* shopthieves to the police. They do not believe that any exceptions should be made. Retailers do not see themselves as arbiters of the social conscience. Nor do they seem themselves as being in a situation of trying to decide whether a customer who is aged or infirm, or is of tender years, should or should not be reported to the police. They report them all to the police and leave it to them, as the agency that our society has created for this task, to decide whether there are extenuating circumstances which should dictate a course of action other than prosecution. As regards theft by staff, retailers in New Zealand follow a similarly hard line. In these cases, the New Zealand police almost invariably do prosecute the employee concerned.

I was very interested in the statistics that Mr Challenger produced in his paper (Table 3, p. 21) in respect to the admitted shop theft frequency. It is an old adage of the police that people never get caught the first time. Less than 1/10th claimed to have only stolen once in their whole lifetime, whereas over one-quarter (26.3 per cent) admitted theft on a daily or weekly basis. So much for the offender who claims when he was caught that it was his “first time”.

Finally, I thank the Institute for the opportunity of attending and addressing you today, and I look forward to meeting many of you during the course of my Fellowship studies over the next 4 to 6 months.

**THE PROFESSIONAL SHOPLIFTER—THE POLICE ROLE**

*Detective Senior Constable J. T. Carroll,*

Special Breaking Squad,  
Criminal Investigation Branch,  
Police Department, N.S.W.

I would like to thank the Institute for inviting me to address the seminar. Part of the duties performed by members of the Special Breaking Squad is to investigate "professional/organized" stealing from retail stores. Being the Liaison Officer representing the New South Wales Police Force with the Retail Traders' Association in this State on professional shoplifters I propose to restrict my comments to that subject.

**What type of people** are considered to be professional shoplifters? I suppose one could describe a professional shoplifter as being a person who habitually steals for a living. From experience I can say that "professionals" certainly plan what they are going to steal and how they are going to go about it. They rarely work alone and in many instances the theft occurs whilst members of the staff have been distracted by other members of the team or gang. It is not uncommon for the professional to have convictions recorded against them in most States of Australia and indeed several countries overseas. Whilst numerous motives may be put forward for the offence of shoplifting I suggest that the only motive by the professional is financial gain.

**Investigation of the Professional**

The method of investigating the offence of shoplifting in New South Wales is basically on-the-spot detection, either by trained security staff employed by retail stores or by members of the Police Force. In rare instances it is by information supplied to either of the above by members of the public. Up until approximately eight years ago, in this State, shoplifting offenders were handled by detectives, however, since that time the basic run of shoplifting offenders have been taken over by the uniform branch of the service. As far as the professional is concerned, this type of offender is usually investigated by a detective. From time to time "special operations" are mounted by detectives throughout the State on this type of offender. In the past, these operations have met with success resulting in arrests and convictions for this type of offender. However, without discussing the economic situation, I am sure that you can appreciate that these operations are quite costly and require the appropriate number of experienced detectives to carry them out successfully. Once a professional has been arrested in this State it is general practice that his home be searched. However, I can indicate that police rarely have success in finding stolen property at the home of the professional which indicates of course they have a ready made market to dispose of the goods they steal. The task of interviewing the professional is usually handled by an experienced detective. Professionals rarely sign statements admitting guilt, even if they are caught

in the act. The police case often relies heavily upon the observations/and/or/conversations made at the time by trained security staff if a successful prosecution is to be made against this type of offender.

### **What amount of property stolen from retail stores is attributable to the professional**

In the book *Shoplifting—Controlling a Major Crime* by D. P. Walsh, with regard to the professional shoplifter the author states:

It is said that the number of professionals is high and increasing. It is true that well organized habitual shoplifters will steal more than occasional shoplifters.

One might well question the author on the latter part of that statement, that well organized habitual shoplifters will steal more than occasional shoplifters. They may well steal more often, but in monetary value I feel the occasional shoplifters total would by far outweigh that of the professional, although I do not think there is any way that either theory could be positively proved, the main reason being that numerous offenders both professional and occasional are not apprehended.

### **Identification of Stolen Property**

One of the biggest problems we have as police officers is to identify stolen property once it has been located. In many instances the thief is unable to or will not divulge where he stole property from. This results in the property in due course being sold at auction. This, of course, is of no help to the retail stores in recouping losses caused through shoplifting. Some of the stores are now recording serial numbers of electrical items such as videos, expensive cameras and colour T.V.'s, etc. This is a giant step in the right direction, making it easier for the police to investigate crime and, of course, is most favourable to the respective retail store when property is returned to them by police.

### **Steps taken in this State in conjunction with the Retail Traders' Association to curtail the activities of the Professional**

Most of the security officers employed by the major retail stores in the metropolitan area of Sydney know a vast majority of the professional shoplifters by sight. It was with this thought in mind and as a result of discussions with the members of the Retail Traders' Association in Sydney on the subject of professional shoplifters, an early warning system was implemented. The system basically works by all of the various security officers employed at the participating retail stores forming a shoplifting information circle. Each participant communicates with the next two participants in the circle should any information come to light regarding the activities of these professional shoplifters which could be of interest to other retailers including any details of the arrests of known shoplifters. As a result the information is passed around in

due course to all those who are involved in the circle. This information is also passed on to myself as liaison officer. It has a twofold purpose:

- (a) It alerts the other members of the circle to be on their guard in case the professional leaves the store he is in and goes to another and,
- (b) the information is passed on to police for further investigation.

### **Identification of Suspects**

To assist with the identification of professional shoplifters, the Special Breaking Squad has prepared identification photos of 300 males and 120 females whom we consider to be the most active professional shoplifters in New South Wales. They are similar photos to those maintained at the Modus Operandi Section with the exception that these particular photos measure approximately 10" x 8", which is more than twice the size of the normal police special photograph. These books are available to assist in the identification of suspects who have been seen to steal from retail stores.

### **Conclusion**

In conclusion, I suggest to you that the attitude of the general public to shoplifting is really one of indifference. The general opinion of the public seems to be that if \$50 million was lost by the retailers last year through shoplifting, they will only lift prices to cover the loss. It is really a carefree attitude, and I think that, if we are going to succeed in controlling the offence of shoplifting, positive action has to be taken now with a view to changing the public image of the actual term shoplifting.

## DISCUSSION PAPER 8

## SHOPSTEALING IN VICTORIA

*Inspector B. P. Edwards*

Management Services Bureau, Victoria Police Department

The Victorian Police Force is concerned at the huge increase in the number of shopstealing offences being reported and the heavy demand that this is placing upon our resources. Generally operational police feel that processing shopstealing offences is time consuming and reduces the visible police presence to such an extent that there is often little benefit to the complainants, the offenders, or the community at large, or the police.

The problem confronting police is how best to deal with the problem in a manner consonant with the planning consideration of the Force that require us to set priorities to optimize the use of our limited resources. At the direction of the Chief Commissioner in Melbourne the Management Services Bureau examined current procedures for dealing with shopstealing offenders and after considering a number of alternatives we decided to evaluate a system whereby we would issue on-the-spot warnings to some first offenders. The supporting data and the research has been reproduced in the attached paper titled "Shopstealing in Victoria".

The procedure is designed to reduce the processing time so that police and security staff at stores can devote more time to the apprehension of regular and professional shopstealers. The system will operate in the following manner. Firstly, we will have to establish a separate index from the criminal records file at the criminal records section. When the offender is detected the retailer will contact the nearest police station and if possible supply the offender's name and date of birth. The police unit will be despatched to the shop and while it is in route the radio operator will access the criminal records, firstly to see if the person has been warned previously. They will then check the general criminal records file to ascertain if they have been convicted of an offence. It would make a warning inappropriate. Generally we are talking about offences of dishonesty for other more serious indictable offences would preclude them. With relatively minor offences—offensive behaviour and that type of thing—the warning would still be able to be given.

The attending police will have that information by the time that they arrive at the store. When they arrive there their first job is to establish the identity of the offender. Generally that can be done at the store but it may be necessary to take the offender back to the police station so that the appropriate inquiries can be made. Providing that the offender does not have any conviction that would preclude a warning being given the member at the shop will then have to evaluate the situation. The following criteria will be applied and if it is justified a warning will be given. Firstly there must be an admission of guilt by the offender. The offence must not be one of a related series. The offender must consent to be warned. The total value of the stolen property must be low. We are not suggesting any maximum amount there

because of the relevant differences between retailers. For instance, in one store a \$20 item may be considered low but that is a considerable taking to the small milk bar or newsagent. There must be no aggravating circumstances. We are thinking there about assault on the shopkeeper, abusive language, anything of that nature would make the warning inappropriate. If the criteria is satisfied the warning will then be given to the offender at the shop. It will be fully documented. He will be given a copy of the warning notice. In the case of juveniles the warning notice will be delivered to the parents and the parents can then, if they wish, avail themselves of the opportunity to contact the police to discuss the situation further.

The pilot scheme we are conducting to evaluate this programme started in Ballarat on the 1st June, 1983.

We plan to run it for a minimum of three months and it has the support of the Retail Trading Association of Victoria. It is too early at this stage to give you a detailed evaluation but at the present time we are cautioning approximately two out of every three offenders who have been detected. You may be interested to know that the average value of the property involved has been \$7. Indications are that the procedure is saving considerable police time and security staff time and will no doubt ease the trauma of detection for certain first offenders.

I would like to close by emphasizing that this system does not indicate a softening of attitude towards shopstealing offenders. By actively encouraging retailers to report all the offenders detected and then recording them on a central recording system we are confident we will be able to identify the persistent offender at a much earlier stage than we are now.

# SHOP STEALING IN VICTORIA

1 April, 1983

*Management Services Bureau,  
Victoria Police*

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## SUMMARY

*The Problem*

1. Shopstealing cases are time-consuming and reduce the visible police presence for extended periods, often with little benefit to complainants, offenders, the community at large or the police.

Ref.: P. 1.

*The Statistics*

2. During the decade 1970–1979, the number of shopstealers proceeded against by police increased each year by an average of 11.9 per cent. By comparison the average annual increase for the number of persons proceeded against for Major Crime Index offences was only 3 per cent.

Ref.: P. 2.

3. Of all persons proceeded against by police for shopstealing, 80 per cent are first offenders.

Ref.: P. 3.

4. In 1980, 41 per cent of all shopstealing offenders were juveniles and 51 per cent of shopstealing offenders were female.

Ref.: P. 3.

5. The vast majority of shopstealing offenders reported to police come from ten major retailers who maintain significant security staffs. Although retailers generate considerable amounts of work for police, the number of shopstealing cases they report is only “the tip of the iceberg”. During the three year period 1976 to 1979 major retailers affiliated with the Retail Traders’ Association of Victoria reported to police only 62 per cent of the offenders they actually apprehended. A recent study indicated that retailers were reporting only 20 per cent detected shopstealers to police.

Ref.: P. 5–7.

6. The value of the property stolen by offenders reported to police ranged from as low as 5 cents. Nearly 60 per cent of these cases involved property values less than \$10.

Ref.: P. 6.

*The Law*

7. The Crimes (Classification of Offences) Act proclaimed on 1st September, 1981, repealed the offences of misprison of felony and compounding a felony and replaced them with the offence of “concealing serious indictable offences for benefit”. This Act facilitates the introduction of streamlined procedures for handling shopstealing offenders. Retailers are now no longer under any legal obligation to involve the police, however once an arrest is made, the provisions of the Crimes Act, section 458, are clear.

Ref.: P. 9.

*The New South Wales Alternative*

8. The New South Wales Police have for the last 15 years been operating a system of "store" cautioning of unrecorded juveniles apprehended for stopstealing. This type of cautioning was considered here, however the implications of store personnel undertaking a police role, and the dubious legality of detention by persons (other than police) who then administer a caution were seen as undesirable.

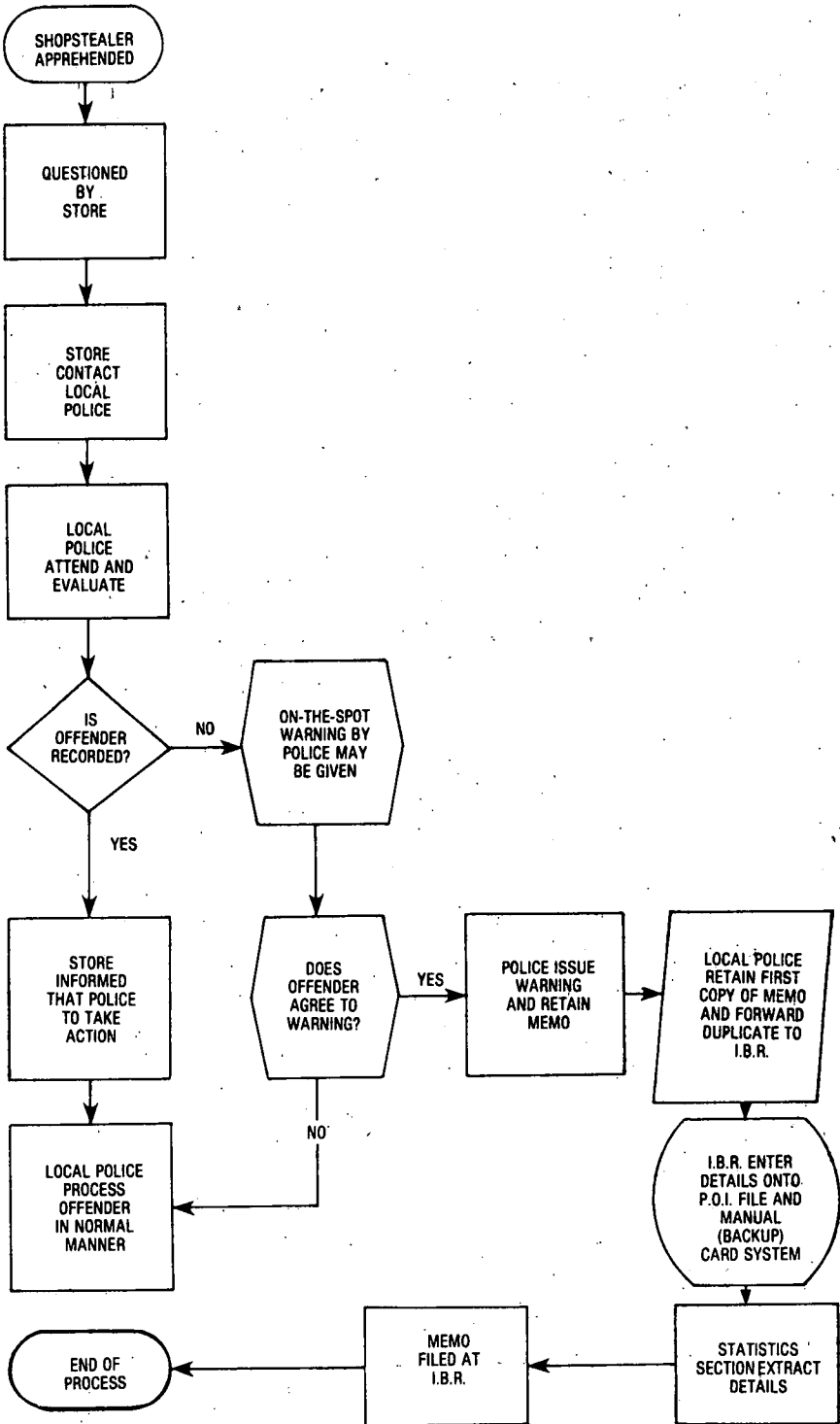
Ref.: P. 11.

*An Alternative for Victoria*

9. Within Victoria a system for warning stopstealers could operate along similar lines to the New South Wales system, but should involve police presence and apply to shopstealers of any age who satisfy certain criteria. These include—

- (a) Admission of guilt by offender;
- (b) The offence is not one of a related series;
- (c) The offender must consent to being warned;
- (d) The total value of the stolen property must be low;
- (e) The total number of individual items stolen must be low; and
- (f) There must be no aggravating circumstances.

Ref.: P. 16.



## SUMMARY OF RECOMMENDATIONS

1. The Force should advise the Retail Traders Association of Victoria (R.T.A.V.) that the cautioning programme discussed with them in February, 1983, will not proceed in that form because of legal implications raised by the Government.

2. The R.T.A.V. should be further advised that a system of "on-the-spot" warnings administered by police is to be tested, which will be based upon the discretion exercised by police and which will shorten the process of shopstealers.

3. The introduction of such a system should be approved in principle.

4. The warning system as outlined in the following paragraphs should be introduced for testing:

- (a) The system embraces persons of any age and is not restricted to juveniles;
- (b) Police attending a call involving shopstealing will assess the situation at the scene and be encouraged to issue a warning if the offence comes within the guidelines;
- (c) Police will maintain a separate computerized record within the Persons of Interest (P.O.I.) file;
- (d) All records in that separate P.O.I. file will be automatically expunged five years after the date of warning if the person has not again come under notice; and
- (e) The warning system is not designed for use in more serious or unusual cases—conventional process should then be instituted.

## INTRODUCTION

At the Metropolitan Superintendents' Conference held on 28th October, 1980, the Metropolitan Co-ordinator raised the matter of police involvement in shopstealing cases. Particular discussion took place as to the amount of police time devoted to such cases and the eventual outcome of the proceedings. Generally, it was felt that shopstealing cases are time-consuming and reduce the visible police presence for extended periods, often with little benefit to complainants, offenders, the community at large or the police.

As a result of this discussion, the Chief Commissioner requested that the Management Services Bureau appraise present procedures for handling shopstealers and consider alternatives.

Earlier in 1980, the Management Services Bureau commenced a study of methods of policing regional shopping complexes. This study arose as a consequence of Management Services Bureau district surveys in "Q" and "Y" Districts, where special problems were perceived with regard to policies relating to the policing of large suburban shopping complexes.

In view of the overlap between the existing project and the Chief Commissioner's request, it was decided to amalgamate the two studies and approach on a broad scale the subject of shopstealing in Victoria. This report is part of the result of that broad-based research project.

### EXTENT OF THE PROBLEM

The disquiet expressed by operational police about the workload generated by involvement in shopstealing cases is not without justification. Petty pilfering from shops in Victoria is common and widespread and places heavy demands upon police resources. The past decade has seen a dramatic increase in the number of shopstealing offenders<sup>1</sup> proceeded against by police, the consequences of which have been exacerbated by concurrent changes to procedures for handling them.

TABLE ONE

Number of shopstealing offenders per 10 000 population proceeded against by police each year between years 1970-1982

Year	Number per 100 000 population	Total for Year
1970	103.4	3 559
1971	126.0	4 438
1972	133.0	4 750
1973	139.5	5 052
1974	162.5	5 966
1975	188.0	6 976
1976	195.2	7 301
1977	179.8	6 799
1978	219.8	8 377
1979	245.8	9 465
1980	201.4	7 828
1981	300.5	11 865
1982	272.2	10 873

(Source: Victoria Police Statistical Review of Crime, 1970-1982)

During the decade 1970-1979 the number of shopstealers proceeded against by police increased by 165.9 per cent. This was an average annual increase of 11.9 per cent. By comparison, the overall percentage increase in the number of persons proceeded against for Major Crime Index (M.C.I.) offences, not including shopstealing, was 30.5 per cent; an average annual increase of 3 per cent.

Shopstealers comprise the largest single category of M.C.I. offenders proceeded against by police; in 1982, 40 per cent (10 873) of all M.C.I. offenders proceeded against were shopstealers. There are twenty-four sepa-

<sup>1</sup> Throughout this paper, wherever the expression "offender proceeded against" is used it refers to all persons proceeded against for shopstealing whether by being charged to appear at court or formally cautioned by an officer of police.

rate categories of theft listed in the Statistical Review of Crime. In 1982, 15 634 persons were proceeded against by police for various types of theft and 70 per cent (10 873) were for shopstealing.

In terms of police manpower and resource use, the problem of how best to handle shopstealers is an ever-increasing and significant one.

### CATEGORIES OF OFFENDERS

The basic figures and rate of increase of shopstealing offenders proceeded against are of themselves matters of concern. However, these figures only delineate the extent of the problem in statistical terms; underlying the bald facts are a number of additional features pressing for attention.

- (i) *First Offenders*—Of all persons proceeded against by police for shopstealing, 80 per cent are first offenders. During the decade 1970–1979 the percentage of shopstealing offenders previously known to police has ranged annually from 18 per cent to 22 per cent.

In 1980, 25 per cent (1 955) of all those proceeded against for shopstealing were previously known. By comparison for burglary the figure is 61.1 per cent, serious assaults 65.1 per cent and robbery 81.1 per cent. Thus, compared to other M.C.I. offences shopstealing is committed significantly by people who are not previously known to the police and the majority of those do not come under notice again.

- (ii) *Juveniles (under 17 years)*—Thirty per cent of all juvenile offenders proceeded against by police for M.C.I. offences in 1980 were shopstealers, and 41 per cent (3 213) of all shopstealing offenders were juveniles.

The import of such figures upon the police workload is amplified by the special requirements in Standing Orders for interviewing juveniles. The need to locate parent(s) and have them present at interviews, is seen by operational members as the most significant single time delay involved in proceeding against juvenile shopstealers.

- (iii) *Females*—Although females comprised only 20.7 per cent of all M.C.I. offenders proceeded against in 1980 they comprised 51.5 per cent (4 035) of shopstealing offenders. This is the only M.C.I. category of offence where the number of females proceeded against is greater than that for males.
- (a) 75 per cent of all juvenile female offenders proceeded against for M.C.I. offences were shopstealers;
- (b) 72.3 per cent of all adult female offenders proceeded against for M.C.I. offences were shopstealers.

- (iv) *Foreign Migrants*—Of all those proceeded against in 1980 for shopstealing, 26.2 per cent (2 053) were foreign migrants.<sup>2</sup> By comparison that group comprise only 7.9 per cent of people proceeded against for burglary, 6.0 per cent of people proceeded against for motor vehicle theft and 8.0 per cent of people proceeded against for theft offences other than shopstealing.

Although the “foreign migrant” classification does not mean that all these people do not speak English, it does indicate that a sizeable number of shopstealing offenders interviewed may not in fact do so. Certainly, the experience of operational members is that interpreters are required for the interview of many foreign migrant shopstealers.

Like the protracted procedures necessary for the interview of juveniles, interviews of non-English speaking offenders require substantially longer periods of police time than those whose native language is English. Difficulty is often experienced in locating and obtaining the services of suitable interpreters, particularly on Thursday and Friday late shopping nights and during Saturday morning. Time spent waiting for the arrival of interpreters at police stations is almost totally non-productive, as often even the most rudimentary details cannot be obtained until an interpreter arrives.

## RETAIL TRADING IN VICTORIA

Shopstealing is a crime rarely detected by police. More often it is a crime detected by retail traders and/or their staff, who then call upon the police to continue proceedings against offenders. The police role is essentially procedural and prosecutorial. Proactive shopstealing prevention and detection are largely, in practice, the responsibilities of individual retailers. As a consequence of this system, the involvement of police in shopstealing cases and the workload thereby generated, are directly related to the policies and practices followed by individual retailers with respect to shopstealing. As an example, in 1976, the Northland Centre Management altered the deployment of their store security personnel which resulted in 42.8 per cent reduction in offenders handed to police. This meant that the number of shopstealing briefs prepared at the East Preston police station during 1976 was 247 less than during 1975.

- (i) *Reports to Police*—*Source*—In 1974 the Australian Bureau of Statistics conducted a census of retail establishments in Victoria and at that time the total number of retail traders in the State was 36 147. Based upon this figure, it could be said that less than one shopstealer per retailer per year is reported to the police. However, in reality, the vast majority of shopstealing offenders reported to police come from ten major retailers who maintain significant security staffs. Most other retailers rarely report shopstealing offenders to police.

<sup>2</sup> “Foreign Migrants” are migrants from countries other than Canada, Ireland, New Zealand and the United Kingdom.

Source: Victoria Police Statistical Review of Crime, 1980. Melbourne: Government Printer, p. 3.

TABLE TWO

*Distribution of shopstealing offenders reported to police by source and by value of property stolen*

Retailer	Value under \$5	Value \$5-\$9.99	Value \$10-\$10.99	Value \$20+	Totals	per cent
Coles .. .. .	892	511	187	137	1 727	28
K-Mart .. .. .	233	198	143	108	682	11
Myer .. .. .	48	64	92	427	631	10
McEwans .. .. .	81	113	110	115	419	9
Target .. .. .	161	90	78	60	389	6
Woolworths .. .. .	159	73	60	40	332	5
Waltons .. .. .	34	40	46	124	244	4
Safeway .. .. .	81	70	52	19	222	4
Venture .. .. .	32	17	18	26	93	1
Treasurway .. .. .	8	13	15	25	61	1
All other retailers*	370	216	251	507	1 344	21
Totals .. .. .	1 099 34%	1 405 23%	1 052 17%	1 589 26%	6 145 100%	100

\* No other single retailer in Victoria reported shopstealing offenders to police at a level approximating those listed.

(Source: Management Services Bureau analysis of crime reports held at Statistics Section. January–August, 1979).

- (ii) *The Hidden Figures*—Although retailers generate considerable amounts of work for police, the number of shopstealing cases they report is only “the tip of the iceberg”. During the three year period, December, 1976 to November, 1979, inclusive, major retailers affiliated with the R.T.A.V. reported 5 858 shopstealing offenders to police. This is only 62 per cent of the 9 464 offenders they actually apprehended.

The major retailers are the most active in detecting shopstealers and Coles, which has the most extensive store security network, produces the highest figures. Coles has an avowed policy that all shopstealers detected shall be reported to the police but even they do not in fact report them all.

By comparison to the major retailers, small traders detect fewer shopstealers and report proportionately fewer to the police. A current study indicates that retailers were reporting only 20 per cent of detected shopstealers to police.<sup>3</sup>

Thus, a sudden change in reporting policy or an increase in detection effort by retailers would place additional strains on police resources.

<sup>3</sup> Dennis Challinger. 1981. *Crimes Against Retailers: A Victimisation Survey*. Mimeograph. (University of Melbourne).

- (iii) *Property Values*—As can be seen from Table 2, more than one-third of offenders reported stole property with a total value of less than \$5. Incorporated within the figure of 34 per cent are many instances where property values are below one dollar and fifty cents. In one case police were called to a K-Mart store where a fifty-six year old female first offender had stolen two plant tips valued at five cents.

A similar study conducted in Victoria during 1976 found that 7 per cent of cases involved values of less than one dollar, 14.8 per cent less than \$2; 32.2 per cent less than \$5; and 46.7 per cent less than \$10. (Tenni and Challinger, 1977:20.)

- (iv) *Retail Responsibility*—The dramatic escalation in the number of offenders proceeded against by police is not a consequence of police efforts. It is a direct result of the changing pattern of retail trading and the increased security efforts of major retailers. The move to self-service stores with their ready accessibility of goods has contributed greatly to impulse buying and impulse stealing. Concurrent with the introduction of self-service has been a reduction in sales staff levels and an increase in security staff levels. These changes may have facilitated an increase in shopstealing and have resulted in an increase in detected offenders. All retail store security measures are appraised on a cost-effective basis and whenever good security principles conflict with good marketing principles the latter usually prevail. This is a constant source of frustration to senior security executives who see such policies as contributing to an increase in shopstealing and retail executives as abrogating their moral responsibility to the community by supplanting it with the cost-effective ethic. The ultimate result of modern marketing philosophy is that the police are called upon to handle an ever-increasing number of shop-stealing offenders.

## THE PROBLEM

Given the preceding factors, the problem confronting police is how best to deal with an ever-increasing number of shopstealing offenders. Purists might argue that shopstealing is theft and theft is a serious crime, crime is a police problem and the police should therefore act accordingly. This is a simplistic view which does not take appropriate cognizance of changing social situations and attitudes; it is quite clear that because of that now outmoded view many people who have had no previous contact with police, are proceeded against for stealing items from large self-service stores. Theft, *per se*, cannot be condoned by police but police efforts must be commensurate with the nature of crime committed.

## CRIMES (CLASSIFICATION OF OFFENCE) ACT

The Crimes (Classification of Offences) Act, proclaimed on the 1st September, 1981, in many respects is a reflection of changed community attitudes to certain forms of criminal behaviour. This Act has repealed

the offences of misprison of felony and compounding a felony and replaced them with the offence of "concealing serious indictable offences for benefit". Subsection (2) of section 326, applies to theft and makes it no offence:

"... if the only benefit accepted in return for failing to disclose the commission of the offence is the making good of any loss or injury caused by its commission or the making of reasonable compensation for any such loss or injury."

The significance of this legislation to the shopstealing situation is that victims are able to recover reasonable compensation from offenders whilst not being required to prosecute or report the matter to the police. However, it is the apprehension of the offender which should be kept in mind. Section 458 of the Crimes Act states:

"458. (1) Any person, whether a member of the police force or not, may at any time without warning apprehend and take before a justice to be dealt with according to the law or deliver to a member of the police force to be so taken, any person—

- (a) he finds committing any offence (whether an indictable offence or an offence punishable on summary conviction) where he believes on reasonable grounds that the apprehension of the person is necessary for any one or more of the following reasons, namely—
  - (i) to ensure the appearance of the offender before a court of competent jurisdiction;
  - (ii) to preserve public order;
  - (iii) to prevent the continuation or repetition of the offence or the commission of a further offence; or
  - (iv) for the safety or welfare of members of the public or of the offender;
- (b) when instructed so to do by any member of the police force having power under this Act to apprehend that person; or
- (c) he believes on reasonable grounds is escaping from legal custody or avoiding apprehension by some person having authority to apprehend that person in the circumstances of the case."

Therefore, each time an arrest is made, the person, not being a member of the Police Force, has two options:

- (a) to take the arrested person before a justice of the peace; or
- (b) to deliver the arrested person to a member of the Police Force.

Normally in these circumstances, the police are contacted, they attend the scene of the crime, ascertain the offence has been committed, and take the offender into custody. However, if the police officer feels that an arrest is not warranted then he is not bound to take that person into custody (section 461 (2)).

Where experience in these matters would indicate that either the matter is of a trivial nature and may well be dismissed by a magistrate as such, or a good behaviour bond may well be given, then the time spent on a lengthy established procedure of formal interview, documentation of numerous facets of information and associated matters does not justify the man hours spent.

### THE NEW SOUTH WALES EXPERIENCE

The problem of handling large numbers of shopstealing offenders is not unique to this Force. In 1966 the New South Wales Police, in conjunction with the Retail Traders Association of New South Wales, introduced an alternative system for handling juvenile shopstealers. The New South Wales Police established a Juvenile Shoplifters Index (J.S.I.) which is maintained as a separate file at their Criminal Records Office (C.R.O.) As a result of the creation of this Index, the following procedure is followed when a retailer apprehends a juvenile for shopstealing.

- (1) retailer confirms identity of the offender and completes a "Shoplifting Offence by Juveniles" report form;
- (2) retailer contacts the Criminal Records Office by telephone to check whether the detainee is recorded in the Juvenile Shoplifters Index;
- (3) upon checking the Index police advise—
  - (i) not recorded in Index—No police action is required or contemplated; or
  - (ii) recorded in Index—Police will take action.
- (4) if answer to (3) above is (ii) the matter becomes a conventional one of police involvement;
- (5) if answer to (3) above is (i), then the retailer retains full responsibility for his subsequent actions;
- (6) retailer contacts parents of the child. Manner of doing this varies but is a retailer responsibility;
- (7) parent(s) and/or child sign the bottom of the form "Shoplifting Offence by Juveniles" and thereby acknowledge the truth of its contents;
- (8) child is "warned" by retailer as a first offender;
- (9) retailer submits a copy of report "Shoplifting Offence by Juveniles" to C.R.O. and the child is then recorded in the Juvenile Shoplifters Index.

Only sixty selected retailers currently use this Index and in cases where juveniles are detected by non-participating retailers, the matter proceeds in the traditional way. Each year, 3 000 reports are fed into the system and of these, 77 per cent do not re-appear as second offenders for shopstealing as juveniles.

These records are culled after the 20th birthday of persons recorded and then placed on microfilm. The New South Wales Privacy Committee has on a number of occasions investigated the J.S.I. and regarded it as—

*“ . . . an example of an attempt to achieve some form of intermediate reference of a criminal occurrence, without creating a permanent criminal record . . . a viable alternative.”*

(N.S.W. Privacy Committee, 1979:57)

The New South Wales experience has shown that an alternative method for handling shopstealers is viable. Their system has stood the test of fifteen years actual operation as well as probing by the Privacy Committee.

### AN ALTERNATIVE FOR VICTORIA

The New South Wales system is limited to juveniles and only involves a limited number of retailers. This is not because of a conscious planning decision but because, “of the lack of precision with which the scheme was introduced”. (Privacy Committee, 1979:57). There is no reason why in Victoria there cannot be established a similar system, however, we propose the involvement of police to attend and issue the warning, based upon the established criteria for the exercise of police discretion. The system should extend to adults as well as juveniles and if introduced with precision and efficiency, would cater for all interests and save considerable police and retail man hours.

This is particularly pertinent in view of the high percentage of adult shopstealing first offenders; included in their numbers are many cases involving old people and/or paltry property values, matters which may quite properly be classified “trivial”.

Examples of some of the cases researched during this study and which involved adult first offenders are—

- (1) 56 years, value 5 cents;
- (2) 82 years, one packet of chewing gum;
- (3) 67 years, value 28 cents;
- (4) 75 years, value 85 cents;
- (5) 79 years, value \$1.47;
- (6) 78 years, value \$1.99;
- (7) 70 years, value 90 cents;
- (8) 80 years, value \$1.75;
- (9) 75 years, value 92 cents
- (10) 73 years, value \$1.66;
- (11) Husband 57 years and Wife 53 years, four sausages valued at 44 cents;

- (12) 80 years, value 50 cents; and
- (13) 77 years, value \$1.00.

This list is a mere summary and is presented to highlight the need for a general warning system. The amount of police time spent in processing these offenders, preparing the necessary paper work and attending courts is unduly excessive. An estimate of man hours spent is attached at Appendix "A".

One very experienced sub-officer interviewed during this research stated that court officials and other members of the public draw adverse opinions of the police from the failure of police to exercise a wider discretion in such matters.

In seeking to save police time, improve the police image and ease the trauma of apprehension for adult first offenders, it is of little utility to subject them to photographing and fingerprinting procedures. This is manifest in cases such as those listed in 1-15 above. If the theft of chewing gum by an 82-year-old first offender warrants a warning as opposed to a court appearance, then photographing and fingerprinting hardly seem justified. Should there be any doubt about identity then the proposed warning system should not be used and normal procedure adopted.

### *The Steps Proposed*

- (1) The Force should continue discussions with the R.T.A.V. and advise them of the system now proposed for warning and recording shopstealers.

The R.T.A.V. claims to represent over 80 per cent of all the retail traders in Victoria and should be made aware of proposed improvements to current procedures.

The proposed warning system embraces persons of any age and is not restricted to juveniles.

Significant numbers of shopstealing offenders are female adult first offenders. Overseas studies have shown that certain physical and mental conditions may precipitate shopstealing, these include feeble-mindedness, menstruation, fatigue, depression, personality disorder, senility and pregnancy. (Walsh, 1978:37.) It is contended therefore that some adult first offenders deserve this consideration at least as much as juveniles do.

- (2) Upon becoming aware of a shopstealing suspect or offender, police are required to take action. In some cases the action will amount to either formal prosecution or the implementation of the Juvenile Cautioning Programme. In many cases, however, the Shopstealing Warning Programme will be appropriate and may be implemented at the discretion of the member at the scene by—
  - (i) ascertaining the person's identity and determining that he has not previously been recorded adversely in such a way as to render a warning inappropriate;

- (ii) formally warning the person and completing the documentation necessary; (Appendix "B")
  - (iii) ensuring despatch of the documentation to the appropriate recipients for warning and recording purposes.
- (3) All persons reported as part of the warning system can be recorded as one facet of the P.O.I. file being established by the Computer Systems Division (C.S.D.).

Preliminary discussions have been held with the C.S.D. and the proposal to extend the P.O.I. file to accommodate details of up to 100 000 warned shopstealers is regarded as viable and easily implemented.

- (4) This warning and recording function will not exacerbate demands upon police time but will reduce them.

One objection which might be raised is the delay in cases involving juveniles, on the basis that the parents must be contacted to attend at the store; but where parents are not immediately available, police should not normally attempt to contact them. Instead they should adopt the practice of sending a copy of the warning notice to them (Appendix "B") similar to the current Bicycle Offence Reports. This system has been highly successful in New South Wales where the vast majority of parents are apparently satisfied to accept a warning procedure that does not involve attendance at a police station and formal dealings with the police.

- (5) Police (not store personnel) will undertake the warning and reporting function. It is held that the responsibility for such a task, for people of all ages, should remain with the police.

One of the factors limiting an extension of the New South Wales system is an inability of smaller individual retailers to detect, caution and report shopstealing offenders. For example, the proprietor of a small corner store has neither the time nor the expertise to warn and report the occasional detected shopstealer.

- (6) All warning records will be expunged automatically five years after the date of cautioning, unless the person offends again in that time.

It could be unreasonable to retain for an indeterminate period the records of persons who receive a warning and never again come under notice. Courts are reluctant to accept criminal convictions over five years old and this criterion should also be applied to warning records. (See *Rawlings v. Smith* (1938) 1 K.B. 675.)

- (7) The warning system is not designed for use in more serious or unusual cases—conventional process should then be instituted.

Although the warning system is intended to facilitate the streamlined handling of shopstealers who are first offenders, it is not a blanket system to be used automatically in all such cases.

The following factors would indicate the warning system should not be used:

- (i) the offender denies taking the property or in some other way denies complicity in the alleged offence;
- (ii) the offence, although the first detected, is found to be one of a series of two or more such unrelated offences;
- (iii) the offender asks he be dealt with in the normal way before a court;
- (iv) the total value of the property stolen is abnormally high;
- (v) the total number of individual items stolen is abnormally high;
- (vi) the detection is accompanied by aggravating circumstances, such as an assault upon the detecting retailer; and
- (vii) it is felt for other reasons that the warning system would not adequately meet the circumstances.

In relation to (iv) above, no specific value has been suggested because of inflation and the widely divergent price-structures in different stores and in different parts of the State.

### PROFESSIONAL/ORGANIZED SHOPSTEALING OFFENDERS

The overall effect of the warning system will be to reduce the level of police involvement in shopstealing cases. Significant savings will be made in the amount of time police presently spend dealing with shopstealers.

This alternative system for handling shopstealers is consonant with the planning considerations of the Force, that require setting priorities to optimise the use of limited police manpower and resources.

Some people may regard this as an abrogation of fundamental police responsibilities. To counter this impression, with the advent of the warning system, it is recommended that a selective escalation of police efforts take place with regard to detection and suppression of professional and organized shopstealing. Essentially, what is being suggested here is that the reduction of police involvement with first offender shopstealers be balanced by an increase in activity at the other end of the scale.

#### *Bureau of Criminal Intelligence*

The Bureau of Criminal Intelligence (B.C.I.) currently maintains records of persons who are known or believed to be professionally/organized shopstealers. Although this file has been in existence for several years, it is operated only on an ad hoc basis and involves only a few major retailers.

Discussions have been held with B.C.I. staff who believe that organized and professional shopstealers are suitable subjects for crime intelligence targetting. The limited and ad hoc efforts to date have produced some very worthwhile results and kindled active interest by retail security executives.

It is envisaged that the overall effect of a more speedy method of dealing with shopstealers will result in more time to concentrate on the professional thief. A system of encouragement for retailers to channel intelligence to B.C.I. will be designed.

### PILOT SCHEME

In order to properly assess the viability of the proposed warning system it is recommended that a pilot scheme be conducted for a minimum period of three months. During this period the system can be monitored and assessed by the Management Services Bureau and valuable suggestions can be obtained from operational members who work with the system. A pilot scheme will also enable retailers to gauge the effect of the warning system upon their operations.

For a worthwhile pilot to operate, the following factors will need to be present in the selected area:

- (1) access to a V.D.U. on-line to the P.O.I. file;
- (2) cross-section of police units; and
- (3) cross-section of retailers, including at least the largest three sources of shopstealers for police—Coles, Myers and K-Mart.

In view of these requirements it is suggested that the Central Highlands District with headquarters at Ballarat is a most suitable area to immediately implement a pilot scheme. All the required facilities are available and it is a valuable opportunity to involve provincial police in an innovative scheme. Although the total number of shopstealers proceeded against annually in "C" District is moderate by Melbourne standards, it is sufficient to undertake an initial pilot scheme. Furthermore, "C" District offers an opportunity to test the warning system under a range of conditions not available in the metropolitan area, including one-man stations.

#### *Effectiveness of Warning*

Some doubt has been expressed about the effectiveness of a young police constable in the role of a "cautioning officer" when the offender is older or of higher status. There are some points to be made here:

- (a) there will remain a distinct difference between a "caution" and a "warning".

The juvenile cautioning programme involving a normal compilation of a brief followed by a formal caution by an Officer of Police should continue for those offences which fall outside the guidelines for this programme; and

- (b) the overall job content for a young operational constable involves decisions and relationships of a more complex nature than this. He may issue traffic infringement notices to persons of any age and status, advise on family matters and become involved in counselling and security matters. His decision to utilize this warning system will simply be an extension of his normal discretion—the same type of decision as is likely to be made by a member at any time in the normal course of duty.

### *Use of Interpreters*

Where the use of an interpreter is necessary, and one is not readily available at the store, the member should go to a police station with the person. After clarification with the help of an interpreter, a warning notice may be given providing the circumstances justify this.

### *Dealing with Children*

The normal procedure for questioning and interviewing children has required the presence of a parent or guardian in order to assure the admissibility in evidence of what is said. As there is to be no formal interview, and no question of the admissibility of what is said before a court in this proposed warning system, the presence of the parent is not necessary. However, if verification of identity is wanted, the parents might be spoken to by telephone, or in some instances they may be readily able to attend; in the latter cases, the warning notice should be issued as normal.

Where the parents cannot be contacted, and identity has been established, the child should be given a warning notice. (Appendix "B".) The parents' copy of the warning notice should be sent to the home either by mail or hand.

## APPENDIX "A"

## PROCESSING SHOPSTEALERS

Police involvement in processing shopstealers has been estimated at between two to four hours, and on occasion in excess of that. Most shopstealing enquiries involve two members of the Force, so that basic estimation is often double when considering man hours spent.

For the purposes of this paper, a step by step assessment has been made.

	Hours	Minutes
1. Telephone call—answer and response .....		10
2. Members at retail store—assess situation .....		15
3. Transport of offenders to police station .....		10
4. (i) Interview—preliminary procedure—		
(a) Attendance register		
(b) Notify Missing Persons Bureau		
(c) Detail of rights and interview techniques .....		15
(ii) Where children involved—waiting time for attendance of parents .....	(1)†	
(iii) Where migrants involved—waiting time for attendance of interpreters .....	(1)†	
5. Conduct record of interview .....		45
6. Concluding matters—attendance register .....		5
7. Preparation and collation of brief and paper work .....		30
Process of brief by Officer in Charge of Station and approval .....		15*
Clerical recording .....		5*
8. Preparation of summons and arrange service ..		30
Prosecutor checks .....		10
9. Attendance at Court .....	2	
10. Final process of brief and paperwork .....		15
Total hours for one member .....	5	25

\* Estimates of administrative time spent.

† Additional time that may be spent when children or migrants are involved. (Not included in totals.)

# WARNING NOTICE (STATION COPY)

STATION:--
DATE:--

FAMILY NAME:--	GIVEN NAMES:--
ADDRESS:	POSTCODE:

At a.m. p.m. on 19 the above was spoken to regarding an  
offence of theft at \_\_\_\_\_, it is not proposed to take  
(NAME OF STORE)

further action against you at this time. HOWEVER, theft is a serious crime, and this instance has been recorded.  
REPETITION of this conduct on any occasion in the future may result in a prosecution.

IF ANY PARTICULARS OF IDENTIFICATION GIVEN AT THE TIME OF ISSUE OF THIS WARNING NOTICE ARE SUBSEQUENTLY SHOWN TO BE FALSE.

THE PROPOSAL TO TAKE NO FURTHER ACTION AGAINST YOU IS NON-EFFECTIVE AND PROSECUTION MAY BE INITIATED.

Signed \_\_\_\_\_  
Name ( \_\_\_\_\_ )  
Rank: \_\_\_\_\_ Number: \_\_\_\_\_

**TO BE COMPLETED BY PERSON ISSUING WARNING NOTICE**

Brief Details Of Offence \_\_\_\_\_

*PROPERTY VALUE \$*

Reason -- given by offender: \_\_\_\_\_

Any Special Circumstances \_\_\_\_\_

Offence detected by \_\_\_\_\_ (Name) \_\_\_\_\_ (Position)

How identity of offender verified \_\_\_\_\_

**DESCRIPTION OF OFFENDER**

Sex: M <input type="checkbox"/> F <input type="checkbox"/>		Date of Birth / /19		Occupation										
Marital Status:				Employed by										
R A C E	Caucasian	Indian	B U I L D	Thin	Blue	Hazel	H A I R	Curly	To Shoulder	S H O R T B A C K S C A L E	H A I R	Black	Blonde	
	Nordic	Pacific Islander		Medium	Brown	Different Colours		Bushy	Crew Cut			Bald	Brown	Part Grey
	Sm European	Asian		Solid	Green	Unknown		Straight	Receding			Alto	White	Striated
	Aboriginal	Negro		Fat	Grey			To Collar	Pony Tail			Unknown	Grey	Unknown
PLACE OF BIRTH	COMPLEXION			Fresh Fair	Pale	Black	Olive	Ruddy	Copper	Freckle	Sooty	UK	HEIGHT	Cms

Distinguishing Features \_\_\_\_\_ Any known aliases \_\_\_\_\_

## DISCUSSION

*Ray Schearer* (N.S.W. Government Small Business Agency)

Although I have no hard data to indicate small businesses are hurt more by shopstealing than large department stores such as David Jones or Myer, my question to the panel is what recommendations do you have to reduce either shoplifting by customers or employee pilfering for the small business owner manager?

*Chairman*

Did you wish that question answered by any particular member of the panel?

*Ray Schearer*

I was curious about Dennis Challinger's 60 day uncertainty period letter, and I also like David Brown's ideas on job satisfaction or employee participation. So I would like to hear from them in particular but also any other member of the panel who has a comment.

*Dennis Challinger*

Probably the only information that I have to offer is that the victimisation survey which was undertaken by the University of Melbourne a couple of years ago which asked retailers the extent of the losses that they suffered as a result of various crimes against them, most notably internal theft and external theft by customers, was in fact completed by a larger number of small shopholders than the larger chains, so that the results of that survey have some relevance here. My recollection is that those small retailers who believed that they are handling the problem, i.e., they had kept losses low, were those who claimed that they were at all times vigilant. Mr Lawrence would no doubt advise his members, as indeed does the Retail Traders' Association in Victoria, that staff vigilance and staff awareness is, in fact, the best way of handling customer thieves. Within the sample of which I speak there were large members of chemists' shops and pharmacies which invariably involved the pharmacist him or herself plus a couple of part time staff members. The view expressed by those who claimed their losses were lower than those of their colleagues said they were low because they were vigilant, when customers entered their stores they immediately rushed over to see what they could do. They were in fact extending the service to those customers that many of us recall used to be a feature of retailing in Australia. To that extent, David Brown's comment about looking at changes in retail habits in an historical way is really very relevant.

*Dr Peter Grabosky*

In my paper I made reference to the possibility of experimenting with employee equity or industry democracy programmes as a possible approach to the reduction of employee theft through increasing employee loyalty. That is less suited to the small business than of course to large retailing chains, those with distant and impersonal management and perhaps hundreds or thousands of employees. So the use of employee equity schemes is much

less appropriate to the owner/manager or small corner shop situation, unless you consider the small family enterprise, where the workforce consists entirely of family members. This, indeed, epitomises the concept of employee equity.

There really is no substitute for vigilance. Perhaps the design of small retail premises could facilitate vigilance on the part of the one person, or perhaps two people, who might be working there. It seems to me that there is a developing body of knowledge of the appropriate positioning of mirrors, the positioning of displays vis-a-vis the cash register, and so on that would enable the sole proprietor of a store to keep a closer eye on customers. It would seem to me that government instrumentalities such as the Small Business Advisory Agency or indeed non-government groups such as the Retail Traders' Association could be of great assistance to the small business person by providing a set of ideal design specifications to facilitate vigilance. There are no "quick fixes" as far as industrial democracy is concerned when you are dealing with small retailers.

*Charles Goldberg (Solicitor, Supreme Court of N.S.W.)*

I am not guilty of shoplifting, but I am rather astonished to hear that the concept of shoplifting does indeed include employees in the stores. That is not what I have always envisaged, and that to me is a totally different field to the topic this seminar is discussing. That is crime in its purest sense. In so far as the concept of shoplifting, my brows lifted quite recently when I was down at Goulburn and I was informed that there was a local club in which young people endeavoured to obtain membership by stealing a total of \$500 worth of goods. I was informed by members of the profession, and the police force as well, that they had introduced a system of student education dealing specifically with that problem. It would appear to me that to educate young people has to be the aim of any law enforcement, or indeed of the retail traders. It is from the young people that this whole concept seems to be spreading—that it is no offence to be guilty of shoplifting.

Another matter that does come to my mind at the moment is the form of treatment of those individuals who are caught "in the act". It seems again that bringing such an individual before the court and dealing with the offender forthwith must have limited benefit so far as one is avoiding the underlying factors, if any, that give rise to this. I would submit to this seminar that the situation in respect of any offender should be for the stipendiary magistrate to stand that person over without question in order to obtain some sort of report in respect of the offence. Again, if such a report was forthcoming that would indicate that this was an isolated instance, then benefits should be forthcoming to that person. I reject the suggestion that every offender is automatically taken to the court, although I appreciate that Detective Senior Constable Carroll says that in good faith, because it is quite obvious that police officers will attend at premises and will on occasion persuade the retailer not to press charges. I noted with interest these papers where the retailers suggested that they didn't have the time to go to court or it was going to cost them money.

The other aspects of the matter that I might raise is the question of the "professional" shoplifter. As Detective Senior Constable Carroll pointed out it is a problem in the community, and I believe that it should be dealt

with quite differently from the concept of shoplifting. It is a problem, as I see it, so far as the penalties that are imposed are such as to encourage that situation, and perhaps this seminar might give some thought to recommending an increase to the penalties in that particular field. Indeed, it is my submission that the term "shoplifting" is totally inappropriate and should be avoided by retail traders in the community. It is a term that seems to me encourages people to say that shoplifting is not stealing, despite the advertisements that have appeared in the media.

*Ms Johnson (Child Care Worker)*

I am interested in the handling of child shoplifters, especially under the age of 10 when there is a fair amount of parental indifference. Has anybody got any ideas on working with children of that age for whom "nicking" things seems to be quite exciting, and when it is drawn to the parents' attention there is really no action?

*Roy Lawrence*

In many cases they have their backsides smacked, by "small retailers" particularly. I think you have to give some commonsense to a number of the retailers in dealing with that type of problem. Most of them incidentally are human beings and have children themselves, so I think you will give the smaller owners and managers some discretion in that area. It is also covered by the juvenile shopreporting system in New South Wales.

*George Musket (Probation and Parole Officer)*

I was rather fascinated, perhaps bewildered, at one stage when I read all those papers and the various statistics not only in these papers but other topics that relate to shoplifting/shopstealing with the aspect of ethnicity, especially for a country that claims to be the most multi-cultural country in the world. I raise this mainly not because I am of ethnic background myself but because it is relevant today and will be more so in the future. It presents different problems, and I am of the opinion as much as we have considered youth, the menopause period and psychiatric aspects etc. in someone, the cultural aspects present different problems. I would like to raise that as a matter of concern because the statistics that I have seen have pointed out the occupation, status, age etc., but not ethnicity. Yet in courts they will point out where you were born and I think it is a very relevant aspect in shoplifting. I am just wondering if any of the panel have anything to add to Dr Frank Hume's reference that 3 out of 8 in the unresolved grief group i.e., almost half, were of migrant background.

*Dr Peter Grabosky*

My colleagues and I collected some statistics in South Australia on adults charged with shop theft in courts of summary jurisdiction during 1980. We looked at, among other things, the defendant's birthplace which is a very imperfect measure of ethnicity. We found no dramatic over-representation of overseas born defendants as a whole or of individual overseas nationalities. One may generalize only with extreme caution because there are all kinds of filtering mechanisms that intervene between a person's act of theft and the

transformation of that act into a court statistic. These include detection, whether the shopkeeper calls the police and whether the criminal sanction is ultimately invoked. I would hesitate to attempt any great generalizations beyond that shoplifting defendants seem to reflect society at large. Old and young, affluent and indigent, about 50 per cent female, indeed there seemed to be no great general imbalance in the statistics that we saw. Shoplifting seems to be quite literally the most democratic of criminal charges in terms of involving people drawn from all walks of life. But as I said, that reflects the end of a filtering process, and I don't know what kinds of non-random attrition the filters have introduced between the acts of theft and their transformation into statistics.

*Dr Jeff Sutton*

Just a brief follow up on those comments. This "democratic offence" is an exceptional one, because it is the only property offence in which females are represented so highly, and it is the only property offence in which large numbers of older people are involved. The fact that it then covers the entire age range, both sexes and presumably most employment and ethnic groups (although I am afraid that material is not collected in New South Wales for Petty Sessions offences) surely is indicative of a particular status and says something about the causes of it. When you look at, say, armed robbery, robbery, or even breaking and entering, although we have such a small number of people who get to the court nevertheless the fact is that in those cases you are dealing in the main with young adult males, whereas in the particular property offence of shoplifting you are not. I think that that is significant.

*Tony Buon (Youth Counsellor)*

I would like to pose this question to the panel mainly because it was this question around 12 to 18 months ago which led me into an introduction of the study of this area, looking at juveniles or young people. Why is it that you can gather a group of people, possibly even a group such as this one here, and you speak with them they say that when they were young many of them have shopstole (or shoplifted) themselves and didn't proceed on to become criminals—they proceed on to become eminent psychologists, youth counsellors like self? Whereas other young people quite clearly progress from shop stealing to professional shop stealing to car stealing and into who knows what. I wonder why this is so and I put the question to the panel. One suggestion that I have come up with, and I am sure there are many more, is that possibly the storekeeper who chases the young person out of the store or as Mr Lawrence has suggested slightly punishes the young person, or possibly our criminal justice system in the way it punishes young offenders is accidentally reinforcing this negative behaviour of shopstealing. That is why a programme such as mine is looking at the area of reinforcing incompatible behaviour and utilising peer pressure.

*Dr Frank Hume*

I think that part of your answer to your question you gave yourself. What determines whether or not people go on to develop a personality disorder or to shoplift or whatever, is their self respect and their self esteem.

So if you become a psychologist, or a youth worker or a psychiatrist then you get self respect and self esteem from your occupation and its status. You do not need to get self respect by stealing things, or acquiring things that you can't gain otherwise because of the way society rewards people. It also has a lot to do with genetic background and upbringing, and I guess opportunity—I don't spend much time in shops now!

I want to go back to the previous question about migrants to make a point. When Gibbens studied a large series of shoplifters in the 1960's, he looked at 316 consecutive female shoplifters in the West End of London, 60 per cent of them were foreign and female under the age of 25, and he found that most of them were healthy. Normally they were honest and came from stable educated families, yet those that came from Paris, for example, had a very sophisticated network to compare notes on where the best shops were to steal from in London. He did a follow-up study later, which I think has shown that the *au pair* shoplifter still exists, but the number is less. In our study in Bondi Junction we didn't specifically look at migrants although I think that about 45 per cent of our sample gave an overseas country of birth. In the sub-groups that I highlighted, the majority of the migrants were recent ones, but I am unable to give the figures as to how recent.

Migration is undoubtedly a stress in itself, and it would be my feeling that quite a number of people shoplift very soon after their arrival in Australia, because they may not be used to the way the shopping system operates here, particularly if they have come from relatively poorer countries. For many people, including migrants, shopping is a fairly anonymous way of being socialised. Quite a number of people in our study were socially isolated, and readily admitted they went to the shops to get vicarious social contact. Again not everyone who is lonely shoplifts. Many of the people who are migrants and who shoplifted, shoplifted to draw attention to their isolation or to the fact that their spouses, or their parents, were denying them any income. This applied equally to people who were Australian born, with similar domestic and social circumstances.

#### *David Brown*

I think you did partly answer your own question. There is a quite considerable volume of literature in the sociology of deviance and in criminology broadly called "labelling theory", which does support the view that the imposition of criminal sanctions, getting caught and getting processed by the courts, will operate to increase the likelihood of being cast into a career or a role of shoplifting or whatever the particular crime is that we are looking at. Fairly obviously also, penological studies of imprisonment have shown very clearly the stigmatizing effect of imprisonment, that narrow down the possibilities of life choices, particularly in relation to employment and the possibility of even getting employment, being stigmatized in a whole range of other ways which then consolidate a criminal "career". So, in a sense, you do partly provide the answer to your own question.

Another point. I think there is a danger that has crept into both the discussion and some of the questions, that of conceiving shoplifters (as I

mentioned in the commentary) as "thieves", and conceiving "thieves" as some kind of predefined moral category that exists independently of the act of shoplifting or the act of theft. It may well be more constructive given the evidence of the self report studies and the victim surveys (and probably very few even at this seminar would claim that they haven't ever shoplifted or taken something, particularly when they were young) to look upon it as a fairly normal activity rather than to constitute these moral categories of deviance and then examine the psychological background or whatever of the particular offenders as if they represent some radical departure from the norm.

*A. M. Webb (Legal Services Commission)*

My comments are directed towards the system being implemented in Victoria with regard to a caution system which seems to me to be a very good idea.

My comments centre around what implication follows if somebody has previously been cautioned and comes under notice again, and in relation to that in whose hands it lies as to whether or not an admission of guilt has been made. I have been involved in the conduct of defence in this type of matter over a period of seven years, and it seems to me that almost every matter that comes before the court is one in which either or both the police and/or the security officers involved include in their evidence some evidence which they would regard as a verbal admission of guilt. Now, if that is to become in effect a quasi-conviction then if somebody comes back before a court and a representative is seeking to have a matter dealt with *other* than by way of conviction the implications of such a system could be quite far reaching. I say this without having a deeper knowledge about how it is going to be conducted and I wonder if Inspector Edwards might comment on that aspect.

*Inspector Edwards*

In relation to that question we don't really see the caution won't be a matter that will be put up before the court at some future date. The problem will occur though if it comes in around the State that by inference magistrates will realize that the offender coming up has in fact been cautioned, but it certainly won't be raised by us. Although as I say it would have to be inferred that the offender has in fact been warned at some previous stage. Although there are other offenders who will not be eligible for a warning so it would be dangerous for any court to infer that everyone came up before them had been previously cautioned.

*A. M. Webb*

Would you care to make any comment on the aspect of where this decision of admission of guilt has been made, and, in relation to that, the difficulties that arise firstly, with people without a full command of the English language and secondly, the difficulties that arise with people, and in my experience the vast majority of people, who are interviewed by police in relation to matters of this nature and are not fully aware of all the

elements of the crime. This is specifically in relation to the element of intent. A lot of people in my experience are of the opinion that having carried something out of a shop without paying for it they are then guilty of the offence of stealing.

*Inspector Edwards*

I take the point. If I could deal with the person that doesn't have the full grasp of the English language first. We envisage that that warning will be conducted by an interpreter. This will be one of the occasions when the offender will be taken away from the store back to the police station. The policeman will need an interpreter present so that he can establish if the criteria applies and if the criteria does apply he will then administer the warning through the interpreter. That is still going to reduce the processing time from our point of view.

In relation to the first question, all I can say is that it will be based on an assessment made by the constable at the store. Firstly he will have the evidence of the shop security person that has seen the person take the item. It is not a conviction, it is a warning which will be recorded obviously by us and it is a value judgement that the constable is going to have to make at the store. If the offender had subsequent legal advice and felt that there was some defence to the action that he had taken then we would have no option but to place the matter before the court and let the court adjudicate.

*W. Clifford (Director, Australian Institute of Criminology)*

I would like to comment on two points that have come out of the discussion.

First of all to respond to the question raised but not yet answered about what has been done about shoplifting by those under ten years of age. Some of you will remember that we brought over to Australia some years ago Professor Lesley Wilkins who was for a long time an adviser to the departmental stores in London with a view to reducing the amount of shoplifting that was going on there. Whilst he was there, he appeared on television and became very emotional about what he called the "tuition", the teaching of shoplifting to children which was going on in a number of stores. Quite deliberately he maintained the goodies were placed at a level low enough for the children to reach as the mother came through the cash register. In other words, she probably was outside before she knew that the child had something in its hand and in fact then she had a dilemma. Did she go back and pay for it? Or, alternatively, perhaps she did see what the child had taken but was struggling with her other goods. Then she had to decide in confusion whether to make the child put it back—or to pay for it as she went through. But whichever way it is, you have this situation. Whether such a situation arises as a result of the psychological advice that has been received on how to sell or whatever it may be, Wilkins believed that the children are in fact helped to acquire a shoplifting habit as they move through the payment areas in some of the supermarkets. This is something that I think has to be looked at if we are thinking in terms of prevention for the future.

That is not unrelated to the second question which was raised here about ethnicity because I think we still don't know enough about that same process in other cultures. How many of the people coming to Australia have been brought up with a different approach to their stores or supermarkets? How many have had different forms of retailing to service their needs in their own countries and, when they come here, how do they adjust to the situation in which they find themselves? How do the children adjust? This is probably more important because we are back now to the under 10's.

Now those two factors need a lot more study than we have given them so far. There is a lot more that can be learned about other countries. Do they have the same problems in exactly the same way and if they don't can we learn from the fact that they have differences? But tied to this too is a moral problem. Whether we like it or not the question of the attitude in society which develops over time, whether through the home or the schooling or whatever it may be, that there is an immorality of having possessions and that there is an injustice in not having the things you want. This kind of thing gradually develops a climate which is a climate of pressure on young people when they are faced with needs which have to be satisfied. I think even at this seminar we have had it suggested that they should actually have the means to get what they want otherwise they will get it illegally. Now I am sure a lot of young people are condemned by that; they shouldn't be, it wouldn't be a fair comment on what they do. They are not like that, but some are and there is a feeling that that is how they should be. So there is a normal issue lying behind the law. We must not lose sight of the questions that have been asked at this seminar and we should seriously take them on board in our various Institutes and do something about the collection of information.

*Bruce Hewitt* (Shell Service Station)

My contribution is from the "grass roots" level.

It is true that stealing is stealing, and to me the acceptance by society of stealing is just growing continually. We have a ludicrous situation at the moment that a person can pull up, fill his tank, drive off and no action *whatsoever* can be taken against that person, because he can come back and say, "I am sorry. I meant to pay for that petrol". It is this continuing acceptance by our society that stealing is the "in thing" that I feel we have to grapple with, and we need penalties that will spell out a quicker correction to our problem than any of the other "high faluting" thoughts that could be going on in some spheres of society.

*Rhonda Booby* (Probation and Parole Officer)

I would like to comment on Mr Lawrence's statement on page 43 that publicity given to magistrates sentencing, and I presume that would require publicity to be given to particular cases, reduces the amount of shoplifting in a locality. The reason I want to comment on this, is that I think this publicity can be extremely damaging to the type of people referred to by Dr Hume who are in fact psychologically or psychiatrically unstable, and that this can be offered as an explanation for the offence. I have had personal

experience of a shoplifter who suicided rather than face what she thought could be adverse publicity resulting from her court appearance and in fact her suicide note said: "I'd rather be dead than read about this in the papers". This is, of course, a very extreme example and it happened years ago, but in my seven years experience as a probation and parole officer dealing with a large number of shoplifters who would have been psychologically unstable I have seen a great degree of personal distress, anxiety and family upsets caused through what I think is unnecessary publicity, which has been far out of proportion to the value of the items stolen—in the case of the psychologically unstable shoplifter the items may be something like a loaf of bread or a can of deodorant.

*Ray Schearer*

Would any member of the panel support a system that would actually involve counselling in large shopping centres, whether it is bereavement counselling or anniversary problems, drug and alcohol counselling, marriage counselling, youth counselling, geriatric counselling, economic and budgeting counselling, and perhaps even parent effectiveness training? That is where the developer would offer the space and the universities or hospitals would offer the staff.

*Dr Frank Hume*

Whilst I would support in principle the suggestion of counselling being more readily available, the State Government already provides that through the Community Health Centres. Our problem with positive mental health is that there is no evidence that the community at large wants to have their mental health improved. They see any attempt as being intrusive and that it is the government or mental health professionals or counsellors telling them how to run their lives. This may be one reason why shopfront counselling centres don't necessarily work. The counsellors don't necessarily come in contact with the population or the problems that they can help. I don't know whether that answers your question.

*Ray Schearer*

So that the need may be there, but the clients may not come?

*Dr Hume*

Yes. I believe that mental health education should begin at school. The benefits of positive mental health should be more widely known. Positive mental health starts with good ante-natal care, before you are born; good parenting; the avoidance of drugs, alcohol and cigarettes; learning how to manage stress without resorting to medication; a good diet, plenty of exercise and with emphasis on the value of close friendships. These are the things that protect people against mental illness and breakdown.

*Dr Peter Grabosky*

Briefly, on the suggestion, I think it is worth an experiment.

*Chairman*

I could just add one final remark. At another seminar I made a suggestion which was received in stoney silence. It was if we spent the money that we now spend in looking after and trying to rehabilitate adults on showing children the right way we might turn out an adult group of people who did not commit much crime.

*David Ford* (Security Controller for Woolworths; Committee Member for R.T.A. Executive Security Group)

I purposely left my comments to last so as to gain the benefit of previous speakers' comments and I would like now to illustrate a couple of points that those speakers have brought up.

Firstly, in regards to children under ten. We had a case not so long ago in Western Australia where a seven-year-old was seen leaving a store with a loaded trolley full of goods. He was asked to explain himself and he said that Mummy was down in the car waiting for him and he had to get the goods. So did he have any money? Of course not. The security officer escorted him to the car and mummy seeing the child coming with a security officer absconded at a fast rate of knots in her car. The child immediately started crying and calling out for his mummy who was rapidly receding in the distance. Mummy went home and very shrewdly phoned the police and complained that her child was missing, obviously trying to throw up a smoke screen. Mr Clifford commented about "training" of children and that perhaps illustrates one of the problems that we do have with parents who, in fact, do take children along to supermarkets, tell them what to do and then vacate and leave it to the child.

My other comment is in regards to professional shop stealing. We have a particular problem at the moment which is refunding. The culprits don't actually leave the store but they take merchandise from one department, then go to the refund counter and say they bought it on a previous date, or it was faulty, or they had just changed their mind, or it was a gift, and then claim immediate cash refund. One such case occurred in the last few weeks in Queensland where a known group of people were arrested and in their possession was found \$10,000 to which they could not give account, \$5,000 which I will refer to later plus \$8,000 worth of merchandise. They were also driving two brand new vehicles valued each at \$15,000 and had two caravans. They were itinerant people and do not have a domicile but go from State to State and are well known to us. They were found guilty each on four accounts for goods in custody and fined \$400 in each case. The \$5,000 presumably they could lay claim on, and they were able to pay their fines with that and immediately left the State. Other police are now looking for them. That may demonstrate the size of the problem with the professional groups. With refund policies being what they are throughout the industry, certainly in large retailing groups, we do have a serious problem but we are addressing ourselves to that.

You may also be asking what are the professional security groups doing in the retail industry. Through the relevant R.T.As in each State we do have a body of professional security officers who meet on a regular basis.

Last November we met in Canberra under the auspices of the Institute of Criminology and the respective R.T.As and in concert with magistrates and police officers. We spent several days digesting just this problem and asking: Where do we go from here? Firstly, we needed to assess the problem and then to determine how we would remedy it. We have in fact put together sub-groups of each of the R.T.A. committees whose prime object is to analyse the problem in their own States. We are now getting together on a national basis to take the whole problem forward on a national front because, to some degree, we have been chasing our own tails in the past in that there has been no concerted effort to come to grips with the situation.

We are looking at such things as school education programmes. We have done a fair amount of research into that, including getting a quotation for putting out some video tape programmes professionally put together. We are looking at various posters to be distributed to schools in concert with the video programme. We are looking at the signs and posters that should be put up in the stores warning people that stealing from shops is a crime. I emphasize "stealing" because that is what we prefer to call it—not "shoplifting" which has too much of a funny games connotation. We are looking at engaging the services of professional people such as behavioural scientists, psychiatrists, and researchers like Mr Challenger to really get the full use of all the expertise that we can muster.

The gentleman from the service station said a moment ago he was from the grass roots and I think he has the proper grass roots attitude when he says that it is a community problem. Retailers have a problem and we should possibly lead the fight but it goes further than just retailers. It is a community problem and it is only by community based programmes that we are really going to make any inroads into this problem. Those of us who have looked at the Sweden project have noted that they have had a lot of success in their programme in influencing the attitudes of the public at large. We have seen in Australia the tremendous success of the TV campaign "Life be in It". These are the areas that we are looking into in all seriousness at the moment.

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