



## ARCHIVED - Archiving Content

### Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

## ARCHIVÉE - Contenu archivé

### Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.

A REPORT ON THE FEASIBILITY OF  
PROPOSED RESEARCH ON  
SHOPLIFTING

Linda Reid  
Elizabeth Fry Society,  
Toronto

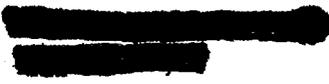
HV  
6665  
C2  
R4

Aug 27/2  
HV  
6665  
.C2  
R4

A REPORT ON THE FEASIBILITY OF  
PROPOSED RESEARCH ON  
SHOPLIFTING

Copyright of this document does not belong to the Crown.  
Proper authorization must be obtained from the author for  
any intended use  
Les droits d'auteur du présent document n'appartiennent  
pas à l'État. Toute utilisation du contenu du présent  
document doit être approuvée préalablement par l'auteur.

Linda Reid  
Elizabeth Fry Society,  
Toronto



### ACKNOWLEDGEMENTS

This research was initiated under the auspices of the Elizabeth Fry Society of Toronto and was financed by the Federal Department of the Solicitor General.

The main source of information for this feasibility study was based on discussions with a variety of persons. My appreciation is extended to all those individuals in the retail industry including store security management and company administrators as well as those persons from security service organizations who shared their knowledge and experience with me. In particular, I wish to thank Mr. Colin Venning, Chairman of the Commercial Security Association for his continued interest in and support of this research.

The co-operation of the Metropolitan Toronto Police Force and the Attorney General's Department allowed me to gain insight into the role of the Criminal Justice System with regard to shoplifting. My appreciation to those individuals in the Criminal Justice System who took time to discuss with me their concerns regarding shoplifting.

Many others have aided me by sharing their knowledge and experience. Among these are: Mr. Elo Glinfort, Co-ordinator, Federal-Provincial Deputy Ministers Sub-Committee on Diversion; and Ms. Fern Jeffries, Centre of Criminology, University of Toronto.

The staff and volunteers of the Elizabeth Fry Society of Toronto have provided me with suggestions and encouragement during the research. Susan Lee and Kathy Asbury assisted greatly in the collection and tabulation of the court data. My thanks to all those at the Elizabeth Fry Society in Toronto and in particular to Miss Lois Chipper for her cheerfulness and efficiency in the preparation of this report.

TABLE OF CONTENTS

Acknowledgements	ii
List of Tables	iv
Abstract	v
1. Introduction	1
2. The Retail Industry	4
3. The Criminal Justice System	29
4. Public Attitudes - Deterrence & Diversion	56
5. Conclusions	66
Appendix	68
Bibliography	70

LIST OF TABLES

TABLE		PAGE
1	Age Distribution of Persons Appearing for Cases of Shoplifting	43
2	Number and Percentage of Persons in Specific Ethnic Groups Appearing for Cases of Shoplifting	45
3	Number and Percentage of Persons Appearing in Shoplifting Cases from Specific Stores	47
4	Distribution of Value of Merchandise Stolen by Persons Appearing for Shoplifting Cases	49
5	Number and Percentage of Type of Merchandise Stolen by Persons Appearing for Cases of Shoplifting	51
6	Number and Percentage of Specific Types of Sentences in Shoplifting Cases	54
7	Percentage of Types of Sentences Given by Specific Judges	55

ABSTRACT

This report represents the findings of a study designed to evaluate the feasibility of a larger research project on shoplifting. One of the key concerns for this study was the availability of data needed to assess the issues presented in an original proposal for research submitted to the Federal Department of the Solicitor General. This data has proven to be available through the co-operation of retailers in the Toronto area and the Metropolitan Toronto Police Department.

The feasibility study has as its main source of data interviews with the members of the retail industry and the Criminal Justice System. These discussions allowed a cursory examination of the sanctioning process related to shoplifting as well as an overview of the problem areas associated with shoplifting.

Issues of diversion and deterrence were seen as primary elements of potential policy implications and are discussed in terms of the perspectives of those interviewed and the proposed public attitude survey.

INTRODUCTION

The purpose of this report is to examine the feasibility of a proposed re- search project on shoplifting. This proposed study intends to examine the offence from an approach that will integrate the concerns and perspectives of the victim, the offender and the Criminal Justice System. This attempt at integration is particularly important if shoplifting is continued to be used as the model case for diversion. If diversion is to be considered as a viable alternative for shop- lifters, it is necessary to have the support not only of the general public, but also of the particular interest groups represented by the retailers.

Shoplifting is a problem in terms of financial loss to retailers and in terms of time spent by members of the Criminal Justice System in investigation and prosecution. Persons in both the retail industry and the Criminal Justice System are of the opinion that shoplifting is substantially increasing and that current methods of deterrence and prevention are relatively ineffective.

Deterrence and prevention can occur presently within the retail industry itself or through the use of the Criminal Justice System. The retail industry protects itself from theft by the use of various warning and detection tech- niques, merchandising techniques, etc. The advent of the 'self-service' system, however, provides much opportunity for the undetected theft of merchandise. Since most literature suggests that shoplifting is a largely undetected crime there appears to be a need for general deterrence rather than for specific deterrence (i.e. for the 'general public' rather than the apprehended offender). Wilkins points out that the usefulness of deterrence may vary with the crime: "The average normal housewife does not need to be deterred from poisoning her husband, but possibly does need a deterrent from shoplifting."<sup>1</sup>

<sup>1</sup>L.T. Wilkins, "Criminology: An Operational Research Approach" in Society: Psychological Problems and Methods of Study, A.T. Welford, et. al. (London: Routledge, 1968) p.196

The Criminal Justice System, through its sanctioning powers, can only hope to deter apprehended individuals when the public becomes more aware of the potential consequences of a conviction for shoplifting.

Effective deterrence is the result of the interaction of many variables: the type of crime, the incentive to commit the crime, the extent of the knowledge that the conduct is a crime, the severity of the threatened punishment and the extent to which the penalty is known and the likelihood that the offender will be caught and punished.<sup>2</sup>

In order to determine the deterrent effect of present policies of charging and convicting shoplifters it is necessary to investigate attitudes of the public in general. The attitudes towards shoplifters (and the process by which these persons are deterred) that are held by members of the retail industry and the Criminal Justice System are also critical. Members of the retail industry have a great deal of discretionary power and can effectively determine the extent to which shoplifters are referred to the police and the courts. If a viable diversionary measure can be accepted by the retail industry it is likely to be widely used. The diversionary measure, however, must be seen as not only effective in reducing court workloads, but more importantly in reducing shoplifting.<sup>3</sup>

This report, being a feasibility study is an exploratory study and does not provide a complete understanding of all process. It is apparent, however, that there is a wide-scale use of discretion at the retail level which would influence official court records regarding shoplifting.

Permission has been granted for the analysis of data on apprehensions by store security which will allow a more complete examination of shoplifting.

<sup>2</sup>The American Friends Service Committee, Struggle for Justice: A Report on Crime and Punishment in America (New York: Hall and Wang, 1971) p.52

<sup>3</sup>For instance, analysis of 'store data' may indicate that the detection and cautioning of shoplifters by store security personnel may be an effective deterrent for most shoplifters but the loss through shoplifting may still be rising. The use of cautioning may then not been seen as 'effective'.

Police records will also be available for additional information and comparison of the 'apprehended shoplifter', the 'charged shoplifter' and the 'convicted shoplifter'.

This report begins with an overview of the perspectives of members of the retail industry to whom the problem of shoplifting is of most concern. In some cases the perspectives of those interviewed are contrary not only to those held by police officers, crown prosecutors and judges, but also to the law itself. It was felt, however, that since the perception of the retailers was of critical importance to their handling of the problem, this should be presented first so that issues that seem unrelated to or in contradiction with the legal process would not be ignored.

The second section deals with the laws relating to shoplifting cases, the attitudes of the police, and those of the primary court members (i.e. Crown prosecutors and judges). The third section is an analysis of court observation data which ties in with the first two sections and also provides some information on the shoplifter.

The final section deals with diversion, deterrence and public attitudes. These three topics are felt to be necessarily related.

## THE RETAIL INDUSTRY

### Introduction

In order to determine the feasibility of conducting the proposed research on shoplifting, it was necessary to ascertain the degree of co-operation that could be expected from retail outlets, as well as to determine the available data source that could be used in examining the research problems. This section presents the general issues related to the problem of shoplifting from the perspective of those individuals involved in the retail industry. Thus, comments which appear in this section concerning the criminal justice system may be contradicted in following sections where perspectives of members of the Justice System are reported.

The experience and attitudes recorded here do not represent those of all persons interviewed, as these issues are different from store to store and from person to person. Unless otherwise stated, however, the report contains the general issues which are of concern to most of those involved in the retail industry. Experiences or attitudes which appear idiosyncratic are not included. In some cases, 2 or more persons expressed opinions which were in direct contradiction to those expressed by others. Where this occurs, it is pointed out and attempts are made at explanations of these differences.

### Sample and Method

Interviews were held with representatives of eight large chain stores (four department chains, three food chains and one drug store chain) and various agencies dealing with retail security and investigation.<sup>1</sup>

<sup>1</sup>Further references to these groups will be denoted as 'retail level' personnel so as to include those persons directly employed by stores and those representing private agencies whose interests also focus on retail outlets. Retail level personnel will obviously have different focal concerns than members representing the criminal justice system (police, crown attorneys & judges) or private citizens.

Due to time restrictions, these persons were representative of management level of the stores or the security departments and thus the following does not necessarily reflect the attitudes or experience of the security officers who perform most of the apprehension and investigation functions. Those persons interviewed, however, hold primary responsibility for policy making which in large part determines the procedures followed by line security officers.

Some of the persons interviewed had national responsibility and some had experience and knowledge of the shoplifting problem in other cities and provinces. On the whole, however, most comments in this report represent the experience in the Toronto vicinity, unless otherwise stated.

This report is primarily focused on issues related to large chain stores. There are a variety of reasons for this choice. Due to the time restrictions (3 months) of the feasibility study, it seemed unwise to attempt a representative sample of every store category which could be included in the larger study. Through discussion with those retail persons interviewed, a general perspective on the problem of smaller stores was obtained, which was felt sufficient for the present analysis. It seemed reasonable that co-operation from the larger stores would play an important role in the ability to elicit co-operation of other stores, and that the establishment of credibility with associations representing the retail industry would also aid in this matter. Thus it appears that since such co-operation and credibility has been established, one can expect the same from the smaller retail outlets. Analysis of court data<sup>2</sup> indicates that those stores used for this report represent approximately 80% of the shoplifting cases appearing in court. This is certainly not a statement that the smaller

<sup>2</sup>See part 2.

stores do not suffer from shoplifting. Due to the overall nature of the research however, it is of particular importance that those retailers who participate most actively in the Criminal Justice System are represented in this report.

The methodology of this section, due to the exploratory nature of the study, consisted of relative unstructured interviews.<sup>3</sup> This allowed for standard coverage of certain key issues, practices and attitudes, as well as the opportunity for interviewees to indicate salient concerns and those unique to their company. In this way, it became possible to understand those underlying concerns on which policies and attitudes were based. The interviews were not taped so as to minimize concerns over the problem of confidentiality. This was a very strong concern for most of the interviewees, and it is likely that the presence of a tape recorder would have had a serious detrimental effect on the content of information obtained. Written notes were taken during the interview and were elaborated on immediately after the interview.

Copies of Apprehension Report Forms were also obtained in order to determine the data available at each company.

<sup>3</sup>See Appendix #1 for key areas covered.

## Shrinkage Through Shoplifting

In general, most persons at the store level were hesitant to make estimates about the extent to which shoplifting contributed to the overall shrinkage.

Dishonesty and error appear to represent the two main factors constituting shrinkage. Errors can occur at any stage of the retailing process and the detection of their contribution to shrinkage is dependent on the system used to account for transactions at purchasing, distribution and sales stages. Thus, standardization of the recording of transactions and the routinized reviewing of these procedures can facilitate a reduction of errors.

This type of routinized recording system may also prevent employee theft and facilitate its detection. This, however, is considered by some retailers as an expensive and time-consuming process particularly if the store is dealing with a large turnover of merchandise.

Dishonesty can be divided into three major areas differentiated by the precipitators of the offence: the employee, collusion between the employee and a non-employee, and the 'shopper'. The former two are normally referred to as internal theft and the latter as external theft.

Most retailers do not feel that exact figures can be given for each type of theft. 'Quesstimates' suggest that, for department stores, internal theft is the most serious in terms of loss, while for grocery stores, the distribution is relatively equal between internal and external theft. Most retailers feel that, despite fewer numbers of 'offenders' in the employee group, it is likely that those employees who are involved in theft cause greater monetary loss. This occurs because an employee can steal merchandise on a regular basis for a great

length of time prior to his detection. Also, collusion between an employee and a non-employee (e.g. a driver of a vehicle delivering goods to a warehouse, etc.) can result in the loss of very expensive items, when compared to those items most typically stolen by shoplifters. According to some retailers, prosecution of employees is more difficult than for shoplifters due to the difficulty of obtaining evidence against the former group.

Despite the fact that shoplifting is not regarded as serious a problem as internal theft, it is, nevertheless, considered a major problem which is on the increase and is necessitating the development of specific programs and policies. This latter development is occurring in those stores where the issue of shoplifting was not previously considered as requiring focused attention or integration with other departments and personnel. There has been a recent emphasis on 'Loss Prevention' which stresses the development of staff awareness of the problem of shoplifting and techniques to prevent as opposed to apprehend shoplifters. However, it is generally held by retailers that apprehension and prosecution act as a deterrent to shoplifting.<sup>4</sup>

<sup>4</sup>It would appear that this can be effective only in terms of specific deterrence which "refers to the threat of further punishment of one who has already been convicted and punished for a crime", rather than general deterrence which "aims to prevent the population at large.. from committing criminal acts". (F.E. Zimring, Perspectives on Deterrence, Public Health Service Publication No. 2056 p. iii) General deterrence may be lacking due to the fact that there is little awareness of the consequences and sanctions as they apply to shoplifting.

## Store Policy on Apprehending and Charging Shoplifters

Most stores have a general policy regarding actions to be taken with detected shoplifters. These policies normally consist of a set of guidelines focusing on the value of the merchandise stolen, the age of the offender, the presence of previous contact with the shoplifter and other situational variables.

Some stores stress that each event must be evaluated individually and that no standardized policy can be effectively enforced. Others, however, feel that there is a necessity for consistency in the handling of shoplifters in order that there will be a deterrent effect.

It should be emphasized that the following summary represents what 'normally' happens in most of the stores in which interviews were held.<sup>5</sup>

When a shoplifter is apprehended by a security officer<sup>6</sup> he/she is taken to the 'security office' where an occurrence form is filled out. Some stores require that the apprehended shoplifter also sign a form at this time admitting to having taken the merchandise from the store without the intention of paying for it.<sup>7</sup>

A decision is then made as to whether or not charges will be laid. If charges are not laid, the shoplifter is normally warned that a further apprehension will result in the laying of charges.

<sup>5</sup>There is an acute lack of consistency in handling the problem of the shoplifter who is caught and there is a real diffidence on the part of most retailers to prosecute! Unpublished study of shoplifting and employee theft. Kitchener Chamber of Commerce, 1972. p.3

<sup>6</sup>In the cases where security officers are not present to make the apprehension (as may occur in food and drug chains and in small stores) the manager or an appointee fills this role.

<sup>7</sup>It is felt by those stores who use this procedure that it provides protection against civil suit in terms of false arrest. Those stores which do not require signed confessions tend to feel that there is really little problem with civil suit and the main concern is restitution.

At this time the nature and consequences of the offence are explained to the shoplifter in order to deter future thefts through threat of sanctions. Once a shoplifter is on the store's file, a second offence normally results in prosecution if sufficient evidence is obtained.

Most of the stores do not lay charges if the merchandise stolen is valued at less than a certain amount.<sup>8</sup> This amount, however, varies by store and seems to depend on the type of merchandise sold by the store. Stores which carry primarily low cost items (for example drug and food stores) have a lower dollar limit than large department stores which carry high cost items.

Some stores do not charge 'first offenders'<sup>9</sup> unless certain conditions prevail.<sup>10</sup>

If a shoplifter has in some way given the security officer a 'rough time' (i.e. physical or verbal abuse) the store is more likely to proceed with prosecution. If the shoplifter in some way appears to be a professional as opposed to an amateur shoplifter, it is likely that a charge will be laid. Security personnel identify 'boosters' by the presence of professional shoplifting devices and in some cases by the type and quantity of merchandise stolen. In some cases where it is impossible to establish positive identity, the police are called in and charges are laid. Other types of situations mentioned which are likely to lead to prosecution are when the shoplifter does not speak English and when drugs or alcohol appear to be involved.

<sup>8</sup>Some stores, however, do not set 'dollar limits' at all. Even those stores with dollar limits will sometimes lay charges for very low value merchandise if certain mediating conditions occur (e.g. shoplifter is physically or verbally abusive to security officer, etc.).

<sup>9</sup>This is not only 'first offender' in terms of official criminal record, but also in terms of having no previous apprehension file in the store. However, this is obviously not the case for all stores and it appears that there is a trend to increase the number of shoplifters prosecuted.

<sup>10</sup>This includes the value of merchandise stolen as mentioned above.

With adults, the most frequently mentioned conditions under which charges are not laid are; old age (sometimes identified as 'senility' or 'pensioner'), mental illness or psychological instability and pregnancy. Compassionate reasons for lack of prosecution were, thus, the most predominant.<sup>11</sup>

For juveniles, the policy is different and there is little variability between stores. Unless the item is of very low value, the parents and/or Youth Bureau are called in. For most stores there is no alternate course of action. This is seen by the stores as beneficial to the child and it is felt that this experience alone is enough to deter juveniles.

Generally, then, there is a great deal of discretion used in the handling of shoplifters, with cases being judged on individual merits.<sup>12</sup>

Diversion from the Criminal Justice System exists in the form of 'warnings' and a file system of first offenders. The extent to which this can be expanded, however, will depend on a more complete analysis of the extent of its present use.

A delineation of the application of store policy can, however, only be seen accurately through an analysis of store data on actions taken with apprehended shoplifters. Written permission has been obtained from a number of stores for the analysis of this data.

When it is decided that an individual is to be prosecuted, the police are called in to the store to take a report of the incident. There was some discrepancy in the response of store security concerning the issue of who actually

<sup>11</sup>These include physical disabilities.

<sup>12</sup>An overriding concern which mediates all considerations as whether or not to charge is the suitability of the evidence in terms of its ability to support the case in court.

lays charges, the stores or the police.<sup>13</sup> Some maintain that the stores must lay charges, while others indicated that in downtown Metro Toronto, the police lay the charges, while in suburban areas the stores do. In general, the feeling was that the procedure depended on the particular division or particular police officer. When asked why police officers did not lay charges, responses generally pointed to lack of police resources, and the fact that shoplifting was perceived by the police as a minor offence that could be left up to the stores.

There was general agreement that police do lay the charges when the theft is over \$200.00, the offender has a previous record (or there is a warrant out), or if the offender is a professional shoplifter.

Overall the security personnel prefer to have the police lay the charges for a variety of reasons. One of the key concerns appears to be the risk of civil suit involved when the security department of the store lays the charge. A few of those interviewed also suggested that the courts are more accepting of evidence given by a police officer.<sup>14</sup> It is also time consuming and thus costly for the stores to lay charges since it entails time to go to the Justice of the Peace<sup>15</sup> to lay the information and sometimes several court appearances.

The other issue relating to this is that of evidence. This appears to be a costly problem to retailers, although again discrepancies appeared on this issue. If the police lay the charge then they take the merchandise and are responsible for holding it as evidence. For some stores this procedure was preferred over holding merchandise at the store since this entails the use of a great deal of space and runs the risk of the merchandise accidentally ending up back on the shelves.

<sup>13</sup>Actual responses varied from - the store lays most of the charges to the police lay 70% of them.

<sup>14</sup>It was also felt that the police are more equipped to evaluate the strength of the evidence and thus know how well the case will stand up in court.

<sup>15</sup>According to some, larger chain stores must accumulate a number of cases before they can lay the information (i.e. the Justice of the Peace does not allow them to lay one charge at a time).

There was disagreement between stores as to whether or not the actual item of merchandise was necessary as evidence in court.<sup>16</sup> In general, however, most stores maintain that only the actual merchandise stolen is allowed as evidence. This is considered problematic, and very costly. Since cases may not come to trial for quite a long period of time,<sup>17</sup> it is sometimes necessary to reduce the price of the items when they are returned to the shelves (this is particularly true for fashion merchandise or other types of items which are season or 'style' related). It was expressed that the evidence laws were outdated as to the time when speedy trials were the rule.<sup>18</sup>

Thus, the retailers perceive losses, not only through 'successful shoplifting' but through the expense of charging and appearing in court, as well as losses on sale of merchandise held as evidence.

Trends in official statistics on shoplifting tend to reflect administrative changes rather than tendencies in actual criminality. Empirical material shows that less than 5% of shoplifters are discovered, fewer than 50% of whom are reported to the police; only 80% of the latter are subjected to legal sanctions. The random impact of sanctions is due to variables inherent in business relations, in which the profit motive overshadows other considerations. Shoplifting constitutes a fruitful field for the study of the interplay between property interests, moral standards and legal norms.<sup>19</sup>

<sup>16</sup>The inconsistencies between stores on most procedures was startling.

<sup>17</sup>Court observations indicate an average of 70 days. Within this context displeasure with the Bail law was expressed on occasion.

<sup>18</sup>Again, as indication of discrepancies, it was also stated that evidence laws were changing because of the large volume of shoplifting.

<sup>19</sup>E. Blankenburg, "The Selectivity of Legal Sanctions: An Empirical Study of Shoplifting", Kolner Zeitschrift fur Soziologie und Sozial Psychologie, 21 (4) (1969) p. 805.

Records

Records of contacts with shoplifters are taken upon apprehension of the shoplifter. In a small minority of cases, which constitute special circumstances, there will be no report of the incident. An example of this would be when a customer in a food store has a basket of \$50.00 worth of food and has put a small item in her purse. A security officer or clerk will indicate subtly that this has been noticed and watch for the shopper to return the item to a shelf.<sup>20</sup>

According to store security, however, most interactions between security officers and shoplifters are recorded. It seems likely that the type of situation which does not warrant an occurrence form can be ascertained through interviews with a number of security officers and perhaps some participant observation.<sup>21</sup>

The occurrence forms themselves vary in content from store to store, although the following variables are contained on all forms:

Name, address, age, sex, marital status, birth place,  
nature of merchandise, value of merchandise, disposition.

A variety of other information is contained on some forms including; various physical descriptions, various identification supports (social insurance, car license), amount of money on shoplifter at time of apprehension, existence of previous record, occupation and method of selection and concealment of merchandise.

<sup>20</sup> In this type of situation no record would be kept, unless, of course, the shopper was known to have done this before. In this example, the retailer has not lost any money (i.e. restitution has been made). Also, since the customer was not accused of stealing, she will not be resentful to the store and the store does not need fear losing a customer. Finally, from the retailer's perspective, it is likely that the customer will be deterred from further theft by this simple technique (i.e. the customer is now aware that there is a risk involved). The store security personnel generally perceive this type of shoplifter as feeling that the store 'owes' her something because of frequent shopping at that store. According to retailers the public in general does not understand that if the store has a profit margin of 1%, for instance, it is necessary to sell \$100.00 worth of merchandise to balance a \$1.00 theft.

<sup>21</sup> Written co-operation has also been obtained for these interviews

In the large chain stores, these occurrence forms are sent from each store to the head office where they are kept. When a shoplifter is apprehended the security officer can call the head office in order to determine if the individual has been apprehended previously at any other of the store's outlets.<sup>22</sup>

<sup>22</sup>For some stores this central file system has only recently been established in conjunction with their Loss Prevention Program

## Retail Security - Personnel and Hardware

Stores naturally differed in the amount and type of security apparatus (hardware) and security personnel used. Generally, however, security hardware was not seen as the most effective means of preventing and detecting shoplifters. Overall the concern of retailers focuses on prevention rather than detection, since it is normally less costly to pursue the former.

Various hardware devices are employed, but there appears to be no overall agreement as to the effectiveness of these devices. Store lay-out and merchandizing techniques were also discussed in this context. The use of any structural prevention or detection devices are normally instituted on the consideration of cost and effectiveness.<sup>23</sup> In some instances certain devices are impractical due to the lay-out of the store, type of merchandise, etc. The direction of change, as represented by changes in name from 'Security Department' to 'Loss Prevention Department' is accompanied by an emphasis on making all levels of personnel responsible and accountable, thus transferring responsibility away from 'technology'. This is seen in the recent involvement of many 'Loss Prevention Dept's' in the planning of new stores, policies, etc.

Security personnel can be employees of the store (in-house security) or persons from security agencies (contract security). In the latter case the store hires one or more agencies which supply staff on a full or part-time basis. Most of the store security managers feel that in-house security is preferable since it allows more control over the training and functioning of security officers. For smaller stores and those with few security needs, however, in-house security is too expensive and so they primarily contract agencies to handle this.<sup>24</sup> Training

<sup>23</sup>One security director indicated that the cost of both hardware and convictions may outweigh the benefits of their use. It would appear useful to be able to evaluate these types of issues in order to assist stores in determining effective policies.

<sup>24</sup>Some stores do have a combination of in-house and contract.

was emphasized as an important concern in this area by both stores and security agencies. It was felt by some that higher standards of both in-house and contract security are developing.

Most of the large department stores have full-time security personnel so that their stores are covered during the entire time the store is open. Some of the smaller chain stores, however, have only partial coverage by security officers.<sup>25</sup> For most of these, security officers rotate from store to store, often such that stores with high shrinkage problems are covered more regularly. When security officers are in the store they are responsible for the apprehension and investigation of shoplifters. When the security officer is not present, it is usually the manager or an appointee who takes the responsibility.

The concentration of security personnel in particular stores or departments is determined by different stores in different ways. As has been indicated previously, some stores distribute personnel according to the magnitude of the shrinkage problem. Others, however, determine security priorities by the amount of sales in a particular store, so that there is one security officer per \$X sales. This perspective holds that where losses are high there is no point in increasing the security staff if sales are not up, since it would mean a further loss of money.

<sup>25</sup>Partial coverage varies between infrequent 'spot checks' (mainly focused on employees) to almost daily coverage.

## The Role of Non-Security Staff

Stores differed as to their policy on the extent of non-security staff<sup>26</sup> involvement in the apprehension of shoplifters. In most cases, however, sales staff must call on security personnel (or the manager/appointee when no security officer is present) to make an apprehension.<sup>27</sup> It was suggested that since sales staff are not trained in the procedures involved in apprehension and investigation of offenders, there is a risk of a civil suit from errors made in these procedures.

The value, however, of sales staff in prevention and detection of shoplifters was stressed by most stores. As noted previously, there appears to be a recent move toward attempting to diversify responsibility for loss prevention. At the same time, security and audit branches are joining forces to provide a unified approach to the shrinkage problem. Although few stores encourage sales staff to actually make shoplifting apprehensions, most have programs designed to motivate sales staff to be more aware of the impact of shoplifting and alert to potential theft situations.

Many stores see staff education<sup>28</sup> as a high priority in any Loss Prevention Program. The development of staff commitment to the store or (in most cases) a particular department is being attempted in a variety of ways. This sense of commitment is intended to reduce loss not only from shoplifting but from employee theft and error. Examples of this include a profit sharing scheme wherein the

<sup>26</sup>That is, those persons not directly involved in the security departments, e.g. sales persons, cashiers, etc. This group will be referred to as 'sales staff'.

<sup>27</sup>Since it is necessary for a theft charge that the accused is actually seen stealing the merchandise, a security officer normally does not apprehend an individual when called by the sales staff. Rather the security officer follows the 'suspect' to watch for a further theft.

<sup>28</sup>This includes managers, supervisors, etc. as well as floor sales staff. Attempts are being made by some companies to delegate Loss Prevention to management, with the feeling that high shrinkage is, to some extent, the result of poor management.

employees are made aware that shrinkage losses reduce company profit and thus their share of the pot.<sup>29</sup> Another attempt to motivate employees involves what is often called '4 wall accountability' (i.e. having the employee play the role of owner rather than agent). The purpose of these approaches is to make employees feel responsible for what happens in the store or in their particular department.<sup>30</sup> This they feel will result in more attention to customers and alertness to potential shoplifters. Since it is sales staff who are most visible to customers and most numerous, it is considered that they (rather than the security officers) will have the greatest deterrent effect and opportunity for detection of shoplifters if they are performing their job properly.

For many companies this aspect of a sales person's job is only recently being stressed. This appears to have resulted in some problems in terms of integration of the Loss Prevention Department with other departments in the company. The Loss Prevention Department, to be effective, must convince each department within the company that it bears responsibility in some way for preventing losses. Thus, as other departments must co-operate with each other and co-ordinate their efforts for an effective operation so must the various departments incorporate the plans of the Loss Prevention Program into their operations if the total program is to work.

For many companies prevention of shoplifting (as well as other forms of shrinkage) is largely dependent on staff attitudes rather than security hardware, with security officers being primarily responsible for detection and apprehension.

The success of these awareness and education programs can only be established by a measured reduction in shrinkage. The extent, however, to which employees are aware of the existence of the Loss Prevention Program and its aims and content,

<sup>29</sup>Other incentives are also used which are specific to shoplifting. These include monetary rewards for and/or publication in company newsletters of employee efforts to deter or apprehend shoplifters.

<sup>30</sup>It was felt by some that the problem of employee apathy was heightened by the use of part-time personnel who did not really care about anything other than drawing their salary.

can be gleaned from discussion with employees.<sup>31</sup> It is also possible to examine their commitment to the store and/or department, which could be indicative of their efforts to prevent shoplifting and other forms of shrinkage.

<sup>31</sup> Permission for such interviews has been granted.

## Size of Retail Companies

Retail companies can be classified according to a variety of variables. These include, number of stores in a company chain, amount of sales or merchandise, number of employees, square footage space, etc. As has been mentioned, the previous sections refer primarily to companies with many chain stores and are referred to here as 'large chain companies'. This section deals primarily with 'small companies' which will denote one-store companies and those with only a few stores. The amount and type of store security and the extent of a Loss Prevention Program do not necessarily have a one-to-one relationship with numbers of outlets of a retail company, and thus the remarks in this section do not reflect the experiences of all 'small companies'. Other categories will necessarily be developed for a complete analysis on store security.<sup>32</sup>

Due to time limitations, as pointed out previously, the remarks in this section are based on discussions with representatives of private security agencies, associations representing retail interests, and representatives of large chain companies. Thus these remarks are presented tentatively, with confirmation or refutation pending the more detailed research.

The smaller stores generally tend either not to have any security personnel or to have limited coverage. This is normally contract security which focuses primarily on employee theft and error.

For most of these stores it is financially disadvantageous to prosecute shoplifters,<sup>33</sup> but rather more feasible to have the offender return the merchandise

<sup>32</sup>It should be noted that the criterion of number of store outlets is used in the retail business itself. For example, the Canadian Council of Distribution restricts its membership to retail companies with a minimum of four stores.

<sup>33</sup>By financially disadvantageous, we refer to cost of employee (or security) time in the technicalities of arrest and court appearances for remands and trials. Included here can also be the cost of merchandise which must be held for evidence, and often is then discounted on return to the shelf.

or pay for it (i.e. effect restitution). To a certain extent it appears that loss through shoplifting is not considered, at this time, to be a serious enough problem financially to warrant expenditures for extended security personnel or security devices, let alone the costs of prosecution. The loss that would be suffered from these types of actions is considered to outweigh those presently incurred by shoplifting.<sup>34</sup>

Normally, these smaller stores inform the shoplifter not to return to the store and warn them of the consequences of any further encounter. Due to the limited (if any) security personnel in these stores, the sales people play a much greater role in the prevention and apprehension of shoplifters than is true in the large chain companies. This can present problems due to the lack of expertise in terms of both prevention and apprehension on the part of the sales people.

It would appear that the problem for small companies is decidedly different from that of large chain companies and cannot be dealt with on the same terms. It is in the former type of stores that diversion from the Criminal Justice System is most routine and accepted. The Criminal Justice System does not represent a viable option for handling the problem of small stores at the present time.

#### Variations in Shoplifting

Generally, shoplifting is not perceived as serious a problem in small stores as in the large chain companies. This could, of course, be an inaccurate perception, although some research indicated that, in terms of public attitudes, there is

<sup>34</sup>"...nearly all charges of shoplifting in the courts are laid by those stores large enough to employ security guards - or store detectives. The smaller retailer openly admits he would rather not go to court, particularly if he has to lay charges himself or go to court as a witness." -Report of the Kitchener Chamber of Commerce, pg. 14

"..greatest disapproval toward stealing from SMALL BUSINESSES and lesser disapproval toward stealing from LARGE BUSINESSES and GOVERNMENT." This is explained as due to the "...impersonality, the inconsiderate, materialism, the opportunity offered by the anonymity big business provided..."<sup>35</sup> and generally a fact of 'least evil' (i.e. the big business can best absorb the loss).

From another perspective, the large chain company is seen as providing greater opportunity for shoplifting.

"La femme, elle considère le grand magasin plutôt comme un lieu de promenade. Elle erre de rayon en rayon, examine, palpe, demande des renseignements et, au lieu de savoir à l'avance ce qu'elle va acheter, se laisse séduire par l'inspiration du moment ou par des articles d'occasion."<sup>36</sup>

Size of the retail outlet is also seen to have implications for police processes. For example,

"..the presence of major department stores with an articulated policy of prosecuting shoplifters... make for little difficulty in production of a satisfactory clearance rate."

Whereas, "...the presence of economically marginal shopkeepers without the resources for prosecution of shoplifters, etc. -- pose obvious difficulties for a successful conclusion by investigation, apprehension and prosecution - create considerable pressures for clearances."<sup>37</sup>

<sup>35</sup>E.O. Smigel, "Public Attitudes Toward Stealing as Related to the Size of the Victim Organization", American Sociological Review, Vol XXI #3, (June, 1956), p. 321

<sup>36</sup>A Normandeay, "Quelques Faits sur le Vol dans les Grands Magasins a Montreal" Canadian Journal of Criminology and Corrections, Vol 13, #3 (July, 1971) p. 253

<sup>37</sup>C. Becker, "Discretionary Clearance: Observations on Police Screening Strategies" in Studies on Diversion: East York Community Law Reform Project Law Reform Commission of Canada, 1975 p. 156

Most companies noted that the problem of shoplifting varied by the location of the store and by the particular department within a store. The reasons for variation by geographical location included socio-economic level of the area, proximity to schools or bars and general regional or rural-urban differences. Some stores also maintain that variation by time of day and other temporal characteristics is evident in shoplifting.<sup>38</sup>

Variation by department within a store is, in large part related to the ease with which items can be shoplifted and the desirability of items for what is considered a high risk group (i.e. juveniles & teenagers). Thus, items such as make-up, tape decks, etc. are far more easily concealed than are larger bulky items. Also, these items are often not kept behind glass, but rather are accessible in terms of merchandising displays.

Variation in amount and type of shrinkage also appears to be related to the 'type' of store in terms of the merchandise it deals with. Most retail personnel felt that there was, for instance, a difference between food and department stores in terms of shrinkage. This relates, to some extent, to the issue of detailed receiving practices and inventory control. The shrinkage, then, may not be the result of differing shoplifting, but of employee theft and error. In general, however, food chains 'guesstimated' a lesser proportion of shrinkage due to shoplifting, than did department store chains. Again, the ability to locate the cause of shrinkage is, to a large extent, dependent on the administrative control of the movement of items through the retail process.

<sup>38</sup>These include days when welfare cheques are received, teachers' professional development days (i.e. students are out of school) and other school holidays.

The Criminal Justice System - The Retail Perspective

The relationship between the stores, the police and the court is in some ways more problematic than is usually the case between victims and members of the Criminal Justice System. In most other offences<sup>39</sup> the police lay the charge, undertake the investigation and manage the other administrative details related to court appearance. In the case of shoplifting, however, it is normally the store (i.e. the victim) which is responsible for these functions. Co-operation with the police may be necessary for establishing the identity of the shoplifter, determining the dates of remanded cases, and generally in providing support for problems which may arise in the apprehension and prosecution of shoplifters.

There is a feeling in some stores that police are reluctant to deal with cases involving the theft of merchandise of low value. Some stores, however, do not sell much high cost merchandise and thus most of their thefts occur in what would be considered low value items, thus they feel a need to prosecute these cases. This discrepancy causes some friction since the stores perceive the police as reacting to shoplifting as a 'petty issue' whereas to the store it is a major one. Some individuals involved in security feel that the police have little respect for store security officers and that there is a need for a public relations type of communication between these two groups.

In general, however, problems with the Criminal Justice System were directed more at the court than at the police.<sup>40</sup> The problem of costly remands has been mentioned previously, with regard to staff time and the holding of merchandise

<sup>39</sup>Except, for example, in 'domestic' instances of assault.

<sup>40</sup>Some stores expressed complete satisfaction with police support. This discrepancy should be examined in the larger research project.

as evidence. According to some people at the store level, however, there is also a problem in having a case remanded when the security officer cannot be present in court on a particular day. This results in cases being dismissed, which is seen as unfair and unjust by those involved in store security.

The issue of merchandise of low value being dealt with leniently was also raised in terms of the stores' court experience. Prosecution and sentencing is generally seen as a deterrent and some stated that it is necessary for shoplifters to know that their particular store has a firm policy. Although there was not total agreement, most people at the store level felt that the courts were too lenient and inconsistent.<sup>41</sup> This, it is felt, leads to an erosion of the efforts made at the store level to combat shoplifting.

The victim-offender relationship in the case of shoplifting is complicated by the fact that it is also a potential, if not actual, seller-buyer relationship. This leads to some reluctance on the part of individual stores to begin a highly visible and publicized campaign against shoplifters due to the necessity for good public relations. This is, of course, also based on the fact that theirs is a competitive business and some (although again this was disputed by other stores) felt that they had to be careful not to 'lose' their clients to other stores.

Thus, to a certain extent, the stores must rely on the Criminal Justice System to be severe with shoplifters in order to guarantee some distance from the proceedings.

<sup>41</sup> Examples were often given of jurisdictions outside of Toronto where consistent fines or similar dispositions were given by the courts in a 'crack-down' on shoplifting. This was seen by people at the store level as a positive approach. The concept of leniency and inconsistency in the courts was sometimes discussed not only in terms of shoplifting but also in the handling of other offences by the Criminal Justice System.

<sup>42</sup> That is, the stores can avoid being the agent of criminal sanctions as much as possible.

For these reasons it was suggested that an individual company would not initiate an active and highly visible 'anti-shoplifting campaign' on its own. However, if some central body could initiate it and all or most stores participated, the individual company would be only too pleased to join forces and actively publicize their programs.

To a large extent it was felt that dishonesty is becoming more condoned in society and that increased shoplifting represents only one result of this. Some felt that the trend to see corporations as 'ripping off' the public leads to a feeling that shoplifting is a legitimate form of revenge and retaliation that the company can afford.<sup>43</sup> Although most store level personnel felt that people are well aware that shoplifting is a criminal offence, there was a feeling that the public is not aware of the consequences of shoplifting.<sup>44</sup> Some of the companies have been sending speakers to schools, service clubs, radio programs, etc. in an attempt to educate the public regarding the effects of stealing and the extent of store security. There was some suggestion, however, that since shoplifting is a criminal offence, it should not be necessary for the victim (i.e. the store) to fulfill the role of public educator for deterrence. This was seen to be a government responsibility.

Stores have often been blamed as contributing to shoplifting through their use of tempting merchandising techniques.<sup>45</sup> In order to stimulate sales, merchandise is displayed to facilitate looking, touching and consequently wanting.<sup>46</sup> The issue then becomes, to what extent must stores be responsible for precipitating

<sup>43</sup>See E.O. Smigel, Public Attitudes Toward Stealing as Related to the Size of the Victim Organization, American Sociological Review, Vol 21 (June, 1956)

<sup>44</sup>That is, in terms of criminal record, maximum penalties, financial loss to the store and consequent increase in prices. Some, however, felt that because of the leniency in court, the consequences for the individual offender are not serious anymore.

<sup>45</sup>A similar type of causal framework has also been attributed to certain cases of rape, auto theft, assault, etc.

<sup>46</sup>Since stores are in the business of selling and profitmaking, and due to the nature of the competitive market, it is to be expected that these techniques will continue.

'criminal motives' and to what extent must the public be responsible for inhibiting 'criminal responses' to temptation? Suggestions have been raised that stores could strike a better balance between sales and security by putting more emphasis on the latter than is presently the case in terms of merchandising techniques. This change, however, is not straight forward since it can entail high costs in terms of purchase and installation of new displays.<sup>47</sup>

Certainly companies anticipate a certain amount of shrinkage, attempting, however to keep it at a minimum level. As this level increases to the extent that it reduces profits considerably, ameliorating actions are considered. Some of the critical issues that must be raised when considering changes are the following. How costly will the actions be (i.e. expenses of new staff, structural alterations or security equipment)? Will they reduce sales considerably? How effective will this action be in curbing shoplifting and on what basis can this be evaluated? How acceptable to both the public and other departments in the store (e.g. purchasing, audit, etc) will these actions be?

<sup>47</sup>For some companies this could mean a complete overhaul of certain stores (e.g. the height of display shelves in most grocery stores).

THE CRIMINAL JUSTICE SYSTEMThe Offence

Shoplifting, as a criminal offence, is covered under Section 283 of the Criminal Code of Canada which reads as follows:

Sec. 283 (1) Everyone commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything whether animate or inanimate, with intent

a) to deprive, temporarily or absolutely, the owner of it or a person who has a special property or interest in it, of the thing or of his property or interest in it ...

(2) A person commits theft when with intent to steal anything, he moves it or causes it to move or to be moved, or begins to cause it to become movable.

The individual who takes an item from a store without paying for it is charged with theft. There is no such offence as 'shoplifting'. A shoplifting charge is usually laid as 'theft under \$200.00' or 'over \$200.00'. This is an indictable offence and a provincial court judge has jurisdiction without consent of the accused when the amount of the theft is under \$200.00. Where the amount of the theft is over \$200.00, the accused has the option to elect trial by jury. Section 294 of the Criminal Code outlines the maximum sanctions for shoplifting.

Sec. 294 Except where otherwise provided by law, every one who commits theft is guilty of an indictable offence and is liable

a) to imprisonment for ten years, where the property stolen is a testamentary instrument or where the value of what is stolen exceeds two hundred dollars, or

b) to imprisonment for two years where the value of what is stolen does not exceed two hundred dollars.

In order to prove an offence of shoplifting, it is necessary that the accused is actually seen taking the merchandise, and it must be proven that the accused intended to deprive the owner of that merchandise. This leads to a variety of complications in the court process. In order to verify that the individual did take the item and did not pay for it, the person (usually a store

security officer) who witnessed the event must appear in court to give this evidence.

The issue of the "intent to deprive, temporarily or absolutely the owner of it", raises further complications. In order to prove the intent to steal it is customary for the accused to be 'trailed' for a lengthy period of time in the store, to ensure that the accused is not just looking for a cashier or examining other items first. It is customary, but not obligatory, that the accused is not apprehended until having left the store. This is considered to be more substantial proof of theft, since the intent to deprive the owner appears more certain than if the accused is still within the store and has the opportunity to pay for the item.

The recent use of electronic detection devices<sup>1</sup> has caused some problems in the matter of intent. The devices are normally triggered at the exit of the store. In some stores, however, they are used between departments or floors. Thus, if an individual picks up an item on the second floor without paying for it and descends the escalator to the first floor, the electronic buzzer signal is triggered. The accused may then be apprehended by the store security. The accused could argue that she intended to pay for the item on the first floor.<sup>2</sup>

Another issue which tends to arise in court proceedings is whether or not the accused attempted to conceal the merchandise in some way. The law, however, notes that:

Sec. 283 (3) A taking or conversion of anything may be fraudulent notwithstanding that it is effected without secrecy or attempt at concealment.

<sup>1</sup>For example tags are attached to an item and removed when the item is sold. If the item is taken out of the store with the tag still attached, an electronic signal system is triggered.

<sup>2</sup>This type of case was seen twice in court during the feasibility study. One case was dismissed because of this type of system. In the other case, a conviction was registered.

Thus, although the attempt at concealment may help validate the intent to steal the merchandise, it is not necessary that concealment occurs.

An individual does not have to have actually picked up a piece of merchandise to be charged with theft.

Sec. 21 (1) Everyone is a party to an offence who:

- a) actually commits it,
- b) does or omits to do anything for the purpose of aiding any person to commit it, or
- c) abets any person in committing it.

(2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to that offence.

Thus, a person who distracts a sales clerk while his accomplice is stealing an item, can be charged with theft as he is a party to the offence.

If an individual is not actually seen removing an item from a shelf and consequently from the store, he cannot be charged with theft, but must be charged with possession.

Sec. 312 (1) Everyone commits an offence who has anything in his possession knowing that it was obtained

- a) by the commission in Canada of an offence punishable by indictment....

Sec. 313 Everyone who commits an offence under Section 312 is guilty of an indictable offence and is liable

- a) to imprisonment for ten years, where the property that comes into his possession is a testamentary instrument or where the value of what comes into his possession exceeds two hundred dollars, or
- b) to imprisonment for two years, where the value of what comes into his possession does not exceed two hundred dollars.

In these cases, the owner of the merchandise must be proven, as well as the fact that the merchandise was not paid for.

## Police

In order to gain an understanding of the processing of a shoplifting charge through the criminal justice system, as well as the perspective of the police in regard to this offence, interviews were held with various police personnel. As was the case with the retail industry, time permitted discussion with only administrative and supervisory personnel.<sup>3</sup> It will be necessary in the large research study to focus on the perspectives of line police officers and investigative personnel, who are involved in the daily handling of shoplifting cases.

Most police personnel feel that shoplifting has rapidly increased in the past few years. Generally this was felt to be in line with most other types of offences. The fact that the rise in shoplifting could be perceived as greater than that of other offences is seen as due to changing store policies. According to police, stores are charging far more shoplifters than was previously the case.

The police used to lay all shoplifting charges. This has changed within the past few years such that the store is now laying many of the charges. This is due, according to some police, to the fact that police resources cannot possibly handle the increased volume of shoplifting cases. Some police indicate that this is particularly so because some stores would have the police lay charges and then withdraw them in court. This was problematic since the police had then spent needless hours on paperwork and investigation. It was felt that if the store had to invest time and money to lay charges themselves, they would be more committed to following through with them.

It is useful at this stage to describe the process which occurs following the apprehension of an individual suspected of shoplifting. This will proceed from the point at which a decision is made by the store to call the police. The police

<sup>3</sup>This involved police personnel (e.g. Superintendents, Inspectors, Staff Sergeants) responsible for different departments. (e.g. Records, Juvenile Bureau, Community Service Bureau and specific police divisions)

officer makes a judgement at the store as to the desirability of laying a charge in the particular case. At this stage the distinction between whether the accused is a juvenile or an adult is of primary importance. With juveniles, the police normally do not simply inform the store to lay charges, but rather take the child from the store to the Youth Bureau. At the Youth Bureau the situation of the offence and the child is investigated, parents are contacted, and a decision is made as to the best manner in which to proceed for that particular individual. Once it has been determined that an offence has been committed, there are four basic alternatives. The juvenile may be warned and released, referred to a helping agency, referred to parents or charged. In most cases, the store is then informed of the police decision.

With adults, the police often insist that the store lays the charge. How often this is done and what criteria are used to decide who lays the charge are, at this stage of the research, undetermined. These two issues have received contradictory and vague responses throughout the feasibility study. It will take a careful analysis of store and police data to indicate any concrete answers to these questions. The direction of investigation, however, can be obtained from some preliminary observations. There appears to be differences in police charging practices between companies and by location of store. It has been suggested that different divisions may have different practices due to the nature of the retail outlets in their area.<sup>4</sup> It was also suggested that the nature of the relationship between the security department of a particular store and the police in the area is of critical importance in determining policies.<sup>5</sup> Particular characteristics of the offence and the accused may also be relevant here.<sup>6</sup> Some police have suggested

<sup>4</sup>The quote from C. Becker on p. 23 of this report, seems to reinforce this idea.

<sup>5</sup>For example, if the store is known to consistently withdraw cases once they come up for trial, it is unlikely that the police will continue to lay charges themselves.

<sup>6</sup>For example, compassion toward pregnant women was mentioned as an occasion in which police may not lay charges themselves.

that if the merchandise stolen is of particularly low value they will normally not lay the charge. If an individual is found to have a previous record or is wanted on a warrant the police are most likely to lay the charges. Again, it must be stressed that these criteria are only presented tentatively, with more indepth interviewing and analysis of data required to determine specific criteria.

If a decision is made by the police to lay the charge themselves, they will arrest the individual and normally bring him to the police station from the store. At this time, they establish the individual's identity. The individual may be held in custody depending on the existance of a previous record, the situation of the accused, etc. If it is deemed not necessary to hold the accused in custody, an appearance notice<sup>7</sup> is given. During the time before trial the police compile the required reports. On the evening prior to the trial date the records are gathered for the 'information' which is to be used in court. On first appearance of an accused in court the police will not inform the store of the date, since if the accused pleads 'not guilty' there will be a remand. Once a definite trial date has been set, the police will inform the store of this date so that the arresting security officer can be present to give evidence.

The police, however, may decide to have the store lay the charge. In this case, the store security officer would go to City Hall to lay the information and have a summons sent to the accused. At this time the information is sent to the police who make out the 'dope sheet' to be used in court and who wait to hear that the summons has been received. Thus, the police are ultimately still as involved in the administrative handling of the offence. Once they have received notice that the summons has been successfully delivered to the accused and a trial date is set, they inform the store of this date. What appears to be problematic for the police in the case of the store laying charges is the matter of an unreceived summons.

<sup>7</sup>This indicated to the accused when he is to appear in court.

If a summons returns 'no such address' etc., this leads to more paper work and investigation for the police than if they had proceeded with the charges themselves in the first place. Some police feel that, due to this situation, it is much better for the police to lay charges. It is then not as time consuming<sup>8</sup>, nor as confusing in terms of the paper work and investigation that must be done.

It was suggested that the division of labour between the investigative branch and those involved in 'street work' is partially responsible for these problems. Sergeants may feel that a patrol officer's time is better spent 'on the street' with more serious offences, than on processing shoplifting cases. On the other hand, the investigative branch may feel that work load is increased by confusions and delays caused by the stores laying charges.

<sup>8</sup>Not only in terms of police work, but in terms of length and time to trial and thus 'swiftness' of justice.

### Special Services

The Youth Bureau of the Metropolitan Toronto Police has contact with individual stores, particularly new stores and plazas. The Youth Bureau discusses store security and charging practices with representatives of the store. They ask the store to call in the police for all offences in which juveniles are apprehended. It is felt that there are fairly good relations and communication between the police and the stores.<sup>9</sup>

The Community Service Police are actively engaged in presentations to schools and also in discussions with the security departments of some stores. The latter focuses primarily on shoplifting, since the police are not anxious to be involved with internal theft. The emphasis in the schools is on the consequences of crimes for the individual and the meaning of laws. Since shoplifting is seen as an offence to which 'youth' are prone, this offence is normally dealt with in the schools.

<sup>9</sup>This was also expressed by some non-Youth Bureau police personnel.

## Courts

In order to gain an understanding of court processes and of the attitudes of Crown prosecutors and judges with regard to shoplifting, two methods of investigation were undertaken. The first included interviews with Court personnel and the use of recent research relevant to the topic. The second method was the analysis of data collected on shoplifting cases observed in court. Prior to the analysis of this data a description of the attitudes and processes as perceived by court personnel<sup>10</sup> will be outlined.

A report on the use of discretion by Crown prosecutors, with specific reference to shoplifting, provides valuable insight into the attitudes of Crown prosecutors.<sup>11</sup> Salutin notes that 'shoplifting charges are among those most frequently heard in the Provincial Courts and, collectively, they consume a high proportion of the court's time.'<sup>12</sup> The courts do recognize an increase in the number of shoplifting cases, but feel that this may be due to changed charging policies on the part of the stores coupled with a general increase in all crimes. This is seen as a reflection of both the economic situation and changing social mores.

Court personnel claim that most shoplifters plead guilty, and that judges have rather consistent sentencing practices as individuals, but these vary between judges.<sup>13</sup> Salutin's research indicated that the Crown prosecutor is aware of and "...often feels frustrated and ambivalent..." because of the inconsistency between

<sup>10</sup>Only the Crown prosecutors and Provincial Court Judges are considered here. In the larger study it will be necessary to include defence lawyers, particularly legal aid.

<sup>11</sup>M. Salutin, Shoplifting. Unpublished manuscript, Centre of Criminology, University of Toronto.

<sup>12</sup>Ibid, p. 97

<sup>13</sup>J. Hogarth's model of sentencing seems to hold here. See J. Hogarth, Sentencing as a Human Process, University of Toronto Press, Toronto

judges. This occurs because the Crown may feel that the judge has a predisposition to a particular sentence in shoplifting cases, such that, except in extreme circumstances, the Crown can have little influence over the results of the case. Thus, his submissions to sentencing may be seen as futile.<sup>14</sup>

A member of the Attorney General's department indicated that the Provincial Courts had, in the past, routinely given fines for shoplifting cases. Recently, however, persons convicted of shoplifting have been anxious to avoid a criminal record, and thus have taken their cases to the Court of Appeal. The decisions at this level have often been to change sentences to Conditional or Absolute Discharge. Thus, there has been a change at the Provincial Court level to give more discharges because of the awareness of the attitude of the higher courts.

There was ambiguity and inconsistency in perceptions of court personnel regarding other variables affecting sentencing. Disagreement was expressed over whether or not the value of the merchandise stolen was important in decisions.

There was agreement, however, on the impact of psychological/psychiatric disturbances. It was felt that evidence of these problems is most likely to result in an absolute discharge, with recommendation for treatment.

Whereas Salutin's research indicates that "some Crown prosecutors prefer to hear evidence from the police rather than store detectives,"<sup>15</sup> most of those interviewed for this report felt that it made relatively little difference to the outcome of the case. If, however, more detailed analysis from the larger study to follow, indicates the former to be the case, this will present a problematic situation. Since the police appear to be willing to lay charges themselves in some cases rather than others, and for some stores rather than others, it could mean that

<sup>14</sup>The observations for this report seem to indicate that Crown prosecutors are more likely to make submissions to certain judges rather than others.

<sup>15</sup>M. Salutin, Shoplifting p. 39

there will be, to a certain extent, discriminatory justice in the court because of these decisions.

The issue of 'intent' was raised as one of the most important in shoplifting cases. As has been mentioned previously the law does not state that the accused must leave the store for intent to be established. It is felt by court personnel, however, that until the individual has left the store, intent is difficult, if not impossible, to prove. Another criterion of intent which was mentioned is that of the number of items stolen. It is felt that an individual may actually forget to pay for one item, but if there is more than one, the individual is considered to have been intentionally not paying.<sup>16</sup>

Although the law states that it is not necessary for the merchandise to be concealed in order to prove intent, concealment was considered as an indication of intent. Questions are put to the security officer giving evidence as to exactly what the accused did with the merchandise when it was removed from the shelf and where the item was at the time of apprehension. Similarly, a great deal of time is spent in court determining whether or not the security officer ever lost sight of the accused. This is done in order to determine that the accused made no effort to pay for the item, thus reinforcing the implication of intent.

Court personnel cite the typical defences to shoplifting charges as forgetting to pay for the item or not knowing where to pay.<sup>17</sup> In general it was felt that not guilty pleas for shoplifting offences resulted in an excessive use of court time for what is considered a minor offence.

As has been mentioned previously it is necessary that the security officer who

<sup>16</sup>Examples of this arose in court observations. In one case the accused claimed she forgot to pay for the items whereas the judge claimed that due to the large number of items stolen, she had made an intentional "virtual raid" on the store. A Crown prosecutor stated that the court gives the benefit of doubt regarding intent particularly if only one item of small value is taken.

<sup>17</sup>These were noted in court observations, with the latter being quite common when the accused was a recent immigrant.

witnessed the event testify in court. It is the responsibility of the police to contact the store regarding the court date. There was some feeling that security officers were not highly reliable in terms of court appearance. It was suggested that this may be due to either problems in communication regarding the court date<sup>18</sup> or the fact that the security officer may have left the company, be sick or on holidays, etc. If the security officer does not appear in court, the case is dismissed.

Another issue of evidence relates to the need for the allegedly stolen merchandise to be presented in court. Although there is no specific law which requires the merchandise to be presented, the 'best evidence rule' is commonly used to support the contention that the merchandise is necessary.<sup>19</sup> It was suggested that being able to see the size and shape of the merchandise provides information regarding the ease of concealment. In certain cases photographs of the items or price tags may also be considered, however, as sufficient evidence.

<sup>18</sup>This communication is done by telephone only, leaving much room for omission or error.

<sup>19</sup>The 'best evidence rule' suggests that the criteria of feasibility and convenience are the determinants of the use of material evidence.

### Court Observation Data

In order to gain some insight into the procedures of the Provincial Court with regard to shoplifting and to make a cursory examination of the shoplifting cases brought before the courts, data was gathered by observation and documentation of court cases. This procedure took place for ten consecutive weeks in Court #28 in the Old City Hall, Toronto.<sup>20</sup> Although this data is most useful in certain respects its limitations are threefold. Since Court #28 primarily deals with those cases which involve a female accused or female victim, the data is only representative of females appearing for shoplifting. The data is also limited to apprehensions made in downtown stores. According to discussions with representatives of the Crown Attorney's Office and the Metropolitan Toronto Police, suburban courts would provide a somewhat different sample of accuseds, particularly with regard to ethnicity and socio-economic status. Finally, this data only represents adult offenders and thus does not indicate trends in cases of juvenile shoplifters.<sup>21</sup>

Despite these limitations on the data, we are able to examine the court process and the offender and offence characteristics for a particular group of shoplifters.

### Method and Sample

Court workers who sat in court every morning for the ten week period (May 12 - July 18, 1975) collected data on each person who was arraigned on a case involving shoplifting. The information gathered (see Appendix #2) was that which was considered both most relevant to the feasibility study and most likely to be available through simple observation.

The total sample included 120 persons who were charged in a case of shoplifting.

<sup>20</sup>This data collection was made possible by the presence of an Elizabeth Fry Court Worker each morning to provide services for those women appearing in court. My appreciation to the court volunteers and Susan Lee who agreed to take on this extra duty.

<sup>21</sup>It is the intention of the larger research to include males, juveniles and suburban areas. The restrictions in this feasibility study are due only to limitations of time and personnel.

This represented 145 charges relating to theft.<sup>22</sup> The most common charge under which shoplifting cases were laid was 'theft under \$200.00' (76.1% of the sample). The next most common was a combination of 'theft under \$200.00' and 'possession of stolen goods' (19.3% of the sample). Of the four remaining cases, three were charged with 'possession under \$200.00' only and one with both 'theft under' and 'theft over'.

#### Personal Characteristics of Sample

##### (1) Sex

Although estimates vary, previous research indicates less disparity between male and female rates for shoplifting than for other criminal offences. The general range appears to be 60% female and 40% male. Previous research also indicates that there are sex differences in type and amount of merchandise stolen and age structures (Normandeau (1971), Gruneau Research Ltd. (1973) and Bennet (1968)).

Due to the fact that our data was collected in Courtroom 28, the sample is overrepresentative of female shoplifters, with 89% being female and 11% being male. This means that the bulk of the data collected may only be representative of trends for females who are prosecuted for shoplifting offences. The offence of theft (which in Court #28 is primarily shoplifting), is the most common offence for both males and females. It is, however, more predominant for females (70.6% of convictions for indictable offences) than for males (37%).<sup>23</sup> A cursory analysis of charges on court dockets indicates that males are charged proportionally more often with 'theft over \$200.00' than are females; whereas females are proportionally more often charged with 'theft under \$200.00' than are males. It may be that the theft

<sup>22</sup>For 15 persons, information regarding number of offences was unknown. See information in footnote of Table 6, the offences include theft and possession offences.

<sup>23</sup>Statistics from: M. Benson, Working Paper #1, Statistics of Criminal and Other Offences as Related to Adult Women Convicted in Canada with Special Reference to Ontario and York County 1968, Toronto, Unpublished.

charges of males are less often related to incidents of shoplifting and more often to other types of incidents such as 'break and entry'. Other than what is referred to in the literature as professional shoplifters, previous research indicates that apprehended male shoplifters steal merchandise totaling less value than that stolen by females.<sup>24</sup>

(2) Age

Previous literature indicates that juveniles constitute between 50% and 30% of apprehended shoplifters. Juvenile shoplifters differ from adults in terms of sex ratio and amount and type of merchandise stolen (Normandeau (1971), Gruneau Research Ltd. (1973) and Bennet (1968)).

As has been indicated, the data obtained in this report represents only adult offenders. The age distribution in this sample is indicated in Table #1 with the average age being 30, and the range between 16 years and 64 years.

TABLE 1

AGE DISTRIBUTION OF PERSONS APPEARING FOR CASES OF SHOPLIFTING (MAY - JUNE, 1975)<sup>a</sup>

<u>Age</u>	<u>Number</u>	<u>Percentage</u>
16 - 19	24	22.0
20 - 24	22	20.2
25-- 29	16	14.7
30 - 34	14	12.8
35 - 39	13	11.9
40 - 44	4	3.7
45 & over	16	14.7

total N = 120

Unknown = 11

: =

a Note limitations of sample as specified on p. 41 for all data

<sup>24</sup>e.g. Normandeau (1971) reports that the average value of merchandise stolen by males is \$2.50 while for females the average is \$3.50. Gruneau Research (1973) reports \$8.99 for males and \$11.40 for females.

Much of the literature on shoplifting suggests that "...young women between 15 and 30 are slightly under expectation as offenders... From 31 they remain consistently above expectation until their 40's when they fall once again below."<sup>25</sup> Our data, however, does not show these trends. While females between the ages of 30 and 64 represent 53.8% of the female population of Toronto<sup>26</sup> persons in our sample aged 30 and over constitute only 43.1% of shoplifters. Thus, our data tends to support Sohler in his dispute with the "...scores of criminologists (who) have linked shoplifting with disorders experienced during the menopause...(and) the various female cycles."<sup>27</sup> It may be true that shoplifters are somewhat older than offenders in general. Marg Benson's data for York County indicates that 39% of convicted female offenders are age 30 or older, compared with 43.1% of our shoplifting sample. This difference is certainly not striking enough to warrant an emphasis on menopausal conditions, and may be related more to particular aspects of the offence itself.

One of the areas of consideration for the larger research will relate to the use of discretion at the store level and within the Criminal Justice System. It is likely that the age distribution for persons apprehended by store security will vary substantially from that in Table #1. It may be shown by data on apprehension that the older age groups do contribute to shoplifting to a greater extent than is indicated by prosecution data. This can be used as one measure of discretion.

<sup>25</sup>"Shoplifting" Justice of the Peace and Local Government Review, June 10, 1967, p. 357

<sup>26</sup>From: 1971 Census of Canada, Population: Single Years of Age. Statistics Canada, Catalogue 92-716

<sup>27</sup>J. Sohler, "Shoplifting" International Police Review, 24:229, 1969, p. 162

## (3) Ethnicity

TABLE 2

## NUMBER AND PERCENTAGE OF PERSONS IN SPECIFIC ETHNIC GROUPS APPEARING FOR CASES OF SHOPLIFTING

Ethnicity	Number	Percentage
White Canadian	29	24.2
Black	12	10.0
Spanish/Portuguese	14	11.7
Indian/Oriental	9	7.5
Greek/Italian	17	14.2
Other	10	8.3
Unknown	29	24.2
Total	120	100.0

Table #2 indicates the distribution of specific ethnic groups of persons appearing in court for shoplifting incidents. The instructions for the court observers indicated that unless there was information to the contrary, persons were to be coded as White Canadian. This method meant that if errors in determination of ethnicity were made, they would result in bias toward an over estimation of the proportion of the White Canadian category. On the other hand, however, for 24% of the sample ethnicity was not known. It is likely that most of this group would fall into the White Canadian category. The high proportion of 'unknown' for this variable is largely a result of the failure to record ethnicity on the data forms, rather than ambiguity concerning ethnicity).

For this reason it is impossible to exclude the category of 'unknown' from our calculations. The result indicates, however, that even if all 'unknowns' were White Canadians, this group represented 48.4% of the sample. Once again comparison with store statistics on apprehensions with regard to this variable will shed light on the use of discretion.

#### (4) Previous Criminal Record

Of the 120 persons in our sample, only 5 (4.2%) had any previous criminal record. This tends to be in line with most of the theoretical literature and research on shoplifting which indicates lower rates of recidivism in apprehended shoplifters than other types of offenders.<sup>28</sup> It may, however, be that those offenders appearing in court have been apprehended on one or more previous occasions in which the store chose not to lay charges. This type of information can be obtained by an analysis of store data. It seems highly unlikely, however, that an individual prosecuted for shoplifting has never engaged in this behaviour prior to this specific offence. Estimates indicate that a relatively small proportion of shoplifters are actually apprehended.

In terms of diversion, however, it could be surmised from this data that an alternative method of 'handling' shoplifters may be just as effective as processing through the Criminal Justice System.

<sup>28</sup>e.g. Gibbins & Prince (1962) indicate that in their study, 18% of shoplifters as compared to 34.7% of "other" thieves had previous convictions.

The Offence

## (1) The Stores

TABLE 3

## NUMBER AND PERCENTAGE OF PERSONS APPEARING IN SHOPLIFTING CASES FROM SPECIFIC STORES

Store	Number	Percentage	Mean Value of Merchandise Stolen
A*	27	22.3	\$ 18.00
B*	5	4.1	7.00
C*	5	4.1	30.00
D	5	4.1	15.00
E*	21	17.4	31.00
F*	20	16.5	70.00
G*	9	7.4	2.00
H*	4	3.3	- <sup>c</sup>
I	7	5.8	6.00
J*	5	4.1	7.00
K	2	1.7	- <sup>c</sup>
Other <sup>a</sup>	11	9.1	14.00
Total	121 <sup>b</sup>	99.9	Total Mean Value \$ 15.00

<sup>a</sup>This category represents 8 different stores.

<sup>b</sup>Two persons were charged with theft from two different stores and one case the store was unknown.

<sup>c</sup>Not calculated because of size of sample.

\*Asteric represents those stores in which researcher had interviews for this report. This represents 78.4% of the sample. One of the stores at which an interview was held had no cases in court during the data collection period.

The court observation data provided some insight into the actual store policies regarding prosecution. As indicated in Table #3, there were 19 stores who prosecuted the sample of 120 persons. "3" stores accounted for 56.2% of the prosecutions. The discrepancies between the representation of stores in court could be the result

of either the number of apprehensions made (related to number and type of store security) or the police with regard to the choice to lay charges and prosecute. Analysis of store records in the larger study will help to resolve these issues.

On the average, department store chains constituted a greater proportion of court cases than did food chain stores or other specialized stores and chains. There are great differences in the number of cases between stores of comparable size and type. This indicates that different policies do exist between stores to a greater extent than was maintained in interviews with store personnel.

Chains with five or more stores in the Toronto area represented approximately 90% of those cases appearing in court. This could support the notion that small shops are reluctant to prosecute.

## (2) Value of Merchandise

TABLE 4

## DISTRIBUTION OF VALUE OF MERCHANDISE STOLEN BY PERSONS APPEARING FOR SHOPLIFTING CASES

Value of Merchandise	Number	Percentage	Cumulative Percentage
\$ 5.00 or less	14	15.2	15.2
6.00 - \$ 9.00	13	14.1	29.3
10.00 - 19.00	22	23.9	53.2
20.00 - 29.00	11	11.9	65.1
30.00 - 39.00	5	5.4	70.5
40.00 - 49.00	3	3.3	73.8
50.00 - 59.00	3	3.3	77.1
60.00 - 69.00	5	5.4	82.5
70.00 - 99.00	6	6.5	89.0
100.00 - 149.00	7	7.6	96.9
150.00 - 199.00	3	3.3	99.9
200.00 and over	0	0	
Total	92 <sup>a</sup>	99.9	

<sup>a</sup>There were 18 cases for which the value of the merchandise was not known. There were also 10 cases where two persons were co-accused and in these cases the value of the merchandise was only counted once.

Table #4 indicates the distribution of the value of merchandise stolen. Due to the non-symmetrical nature of the sample, the calculation of median as opposed to mean is most appropriate as a measure of central tendency. In this case the median value of merchandise stolen is \$15.00.<sup>29</sup>

The total value of merchandise for which the persons in our sample were prosecuted is \$3,156.00, with the range being less than one dollar to \$183.00.

<sup>29</sup>That is, 50% of the sample had stolen \$15.00 or less worth of merchandise.

Previous research indicates a wide range of "average value stolen", with two recent Canadian studies ranging from \$3.50 per person to \$10.14 per person, for apprehensions by store security. These figures are lower than in our study which may be related to the fact that our sample is of persons prosecuted rather than simply apprehended.

The three stores which accounted for 56% of the persons appearing in court accounted for 75% of the total value of merchandise (\$3,156.00) stolen. As indicated in Table #3, the mean value of merchandise stolen in specific stores varies considerably. This may indicate difference in policy with regard to a 'value limit' for prosecution. In some cases, however, the differences may be due to differences in the type and value of merchandise sold by the stores.

The chains represented by the letters "C", "E" and "F" are comparable in terms of size of the stores and type of merchandise sold. The obvious differences between number of persons prosecuted and mean value of merchandise stolen provides the type of comparison that can be made more meaningful by an analysis of store policies in the larger study.

## (3) Type of Merchandise Stolen

TABLE 5

NUMBER AND PERCENTAGE OF TYPE OF MERCHANDISE STOLEN BY PERSONS APPEARING FOR CASES OF SHOPLIFTING

Type of Merchandise	Number	Percentage
Food	13	8.6
Clothing	73	48.0
Linens	7	4.6
Appliances	4	2.6
Records, Tapes	3	1.9
Sundries <sup>a</sup>	22	14.5
Cosmetics	9	5.9
Jewelry	17	11.2
Hardware	1	.7
Drugs and Toiletries	3	1.9
Total	152 <sup>b</sup>	99.9

<sup>a</sup>Sundries include purses, wallets, ornaments, sunglasses, sewing supplies, etc.

<sup>b</sup>Total is more than 120 since some persons stole more than one type of item.

As seen in Table #5, the most common type of merchandise shoplifted is clothing (48%). The distribution in Table #5 may be somewhat different from one which is based on apprehensions by store security. Since clothing may be of higher value than other types of merchandise stolen, Table #5 may be more representative of store policies on prosecuting for certain 'value limits' than it is of types of merchandise stolen.

## Court Processes

### (1) Time to Trial

Information was gathered on the number of days between arrest in the store and resolution of the case in court. This time ranged from one day to 285 days, with 70 days as the mean for the total sample. As has been noted in previous research, the time to trial in this research was greater for those persons pleading not guilty (mean of 89 days) than for those pleading guilty (60 days).

A study using 1971 data from Metropolitan Toronto courts indicated an average time from arrest to trial of 51 days.<sup>30</sup> The difference between this and our study may be due to increases for most offences between 1971 and 1975 or to specifics of shoplifting offences.

### (2) Plea

Of the total sample, 80% entered a plea of guilty and 20% of not guilty. Friedland's research based on 1961-62 Toronto data indicates that of persons appearing on indictable offences, 70% plead guilty.<sup>31</sup> Salutin notes that Crown prosecutors feel that, 'most shoplifters they prosecute are 'one-timers'... (they) are so embarrassed at having to appear in court that they are eager to plead guilty and 'get it over with'.<sup>32</sup>

There appears to be some evidence that the proportion of guilty pleas varies by offence and by whether or not a person is held in custody pending trial.<sup>33</sup> A more complete analysis of variation in guilty pleas could prove enlightening in the examination of shoplifting.

<sup>30</sup>R.G. Hann, Decision Making in the Canadian Criminal Courts: A Simulation - Preliminary Findings April 1972, Centre of Criminology, University of Toronto.

<sup>31</sup>M.L. Friedland, Detention Before Trial, University of Toronto Press, Toronto, 1965.

<sup>32</sup>M. Salutin, *Ibid* p. 92

<sup>33</sup>Friedland, *Ibid*

(3) Interpreter

Of the total sample, 20.5% of persons appearing for shoplifting cases used an interpreter during the court procedures.

(4) Legal Representation

Twenty-three persons (21.7% of the sample) were not represented in court by a private defense counsel, legal aid or duty counsel.<sup>34</sup> Of those persons who were represented 54% had obtained a lawyer on their own or through legal aid, and 46% were represented by duty counsel.

(5) Evidence

There are three possible forms of evidence which can be used in shoplifting cases: evidence from the security officer (or sales person) who saw the incident, the police officer who appeared at the store, and the merchandise which was allegedly stolen.

Of the total sample, a security officer gave evidence in 13% of the cases, a police officer in 7% and the merchandise was presented in 11% of the cases.

As has been mentioned earlier, it is only in a not guilty plea, that the stores send the security officer to court. An analysis of not guilty pleas indicates that for these cases: a security officer gave evidence in 67%, a police officer in 42% and the merchandise was presented in 57% of the cases. The difference in the number of times evidence is given by security officers as opposed to police officers is particularly interesting in light of Salutin's suggestion that "If a police officer testifies, the Crown prosecutor often feels the accused is more likely to be guilty. than if a security officer testifies. The size of the sample of not guilty pleas in

<sup>34</sup>This appears to be fairly consistent with legal representation for all offences. Friedland (1965) reports that 26.1% of his sample were not represented in court.

this pilot study was not large enough to allow for analysis of variations in disposition in terms of type of evidence given in court. This, however, could be a useful area of analysis for the larger study.

### Disposition

TABLE 6

NUMBER AND PERCENTAGE OF SPECIFIC TYPES OF SENTENCES IN SHOPLIFTING CASES

Disposition	Number	Percentage	Percentage Those Convicted
Withdrawn/Dismissed	24	19.0	n/a
Absolute Discharge	16	12.7	15.7
Conditional Discharge	48	38.1	47.1
Suspended Sentence	3	2.4	2.9
Suspended Sentence with Probation	7	5.6	6.9
Fine	27	21.4	26.5
Institution	1	.8	.9
Total	126 <sup>a</sup>	100.0	100.0

<sup>a</sup>81 persons in the sample were charged with one offence; 23 persons were charged with 2 offences; 1 person was charged with 3 offences; for 15 persons the number of charges was unknown. In some instances where a person was charged with 2 offences, one could be withdrawn, while the other resulted in a subsequent sentence. Thus, the total number of dispositions exceeds the number of persons in the sample, as disposition relates to number of charges rather than number of persons. There was a total of 137 dispositions of which 11 are not included in this Table; 3 were unknown and 8 persons received either remands or conditions (such as orders of restitution, prohibition from shopping in the particular store, etc.) as well as their sentence.

Table #6 provides a breakdown of the dispositions given in the shoplifting cases. The most common sentences given for this offence are absolute discharges or fines (47.1% and 26.5% of those convicted). Comparative figures for female offenders convicted of indictable offences in Canada in 1972 indicate that the most common dispositions are fines (46.8%) and suspended sentence with probation (22.7%).

Data for 1972, however, does not include the options of conditional or absolute discharges. This is also the case for the 1966 data for theft by females in York County. The 1966 data indicates that fines are the most predominant sentence for theft offences (73%).

TABLE 7

PERCENTAGE OF TYPES OF SENTENCES GIVEN BY SPECIFIC JUDGES<sup>a</sup>

Judge	Absolute Discharge	Conditional Discharge	Suspended Sentence <sup>b</sup>	Fine	Institution	Total
1	0	72.4%	10.3%	17.2%	0	99.9%
2	7.7%	53.8%	7.7%	30.8%	0	100.0%
3	8.3%	75.0%	8.3%	0	8.3%	99.9%
4	7.7%	0	0	92.3%	0	100.0%
5	71.4%	14.3%	7.1%	7.1%	0	99.9%
6	8.3%	50.0%	0	41.7%	0	100.0%

<sup>a</sup>only those judges who presided over more than 10 cases are included

<sup>b</sup>with and without probation.

Table #7 indicates some disparity in sentencing practices of specific judges. Two of the six judges (#2 and #6) appear to be open to the use of both conditional discharges and fines, while the other four seem to fit Salutin's categories of those who "...view the offence as one which may consistently deserve conviction and a substantial fine, (judge #4) others find conviction sufficient and still others will routinely grant discharges."<sup>35</sup> (Judges #1, #3 and #5). This tends to support Hogarth's contention that although disparity between judges occur, there is sentencing consistency by individual judges, such that judges have routine sentencing practices.

Of those persons pleading not guilty, 65% had their charges withdrawn or dismissed, compared with 5% of those pleading guilty.

<sup>35</sup>M. Saultin, p. 97, Ibid

PUBLIC ATTITUDES - DETERRENCE AND DIVERSION

This section deals primarily with those aspects of public attitudes which relate to the concepts of deterrence and diversion. These issues have been raised briefly in the introduction to this report. It is the view of this author that for both diversion and deterrence to be effective, certain attitudes and perspectives must be held by the general public and particular interest groups. Although it is under the topic of deterrence that specific attitude measures are discussed, these measures will also be applicable to diversion. It is only through an understanding of the perceptions of the public and relevant interest groups that a successful diversionary program can be established.

Diversion

Shoplifting has often been used as an example of an offence for which diversion could be employed. To a large extent this suggestion has come primarily from 'theoreticians' rather than those persons actively involved in the processing of this offence (i.e. the retail industry, police and courts). It is recognized that definitions of diversion are presently ambiguous and diverse. At present, most definitions refer to the suspension of criminal proceedings, thus recognizing recourse to the Criminal Justice System. The Law Reform Commission of Canada suggests that diversion should be seen as serving four functions. These represent the extent to which the accused is involved in the Criminal Justice System.<sup>1</sup>

Community absorption is defined as "individuals or particular interest groups dealing with trouble in their Area, privately, outside the police and courts".<sup>2</sup> It would appear that the retail industry is presently applying this form of diversion

<sup>1</sup>They are: community absorption, police screening, pre-trial diversion, alternatives to imprisonment. See Diversion, Working Paper #7, Law Reform Commission of Canada, Jan. 1975.

<sup>2</sup>Ibid, p. 4

on a routine basis.<sup>3</sup> The proportion of cases in which this occurs and the 'groups' with which this is done routinely will be an area investigated in the larger shoplifting study. This routine application will vary, however, on a variety of factors related to the particular stores. It may occur that this diversionary practice is only a recent phenomenon and if so may be related to changing police practices in terms of their insistence that the stores lay the charges.

This form of community absorption by the retail industry does permit confrontation between the victim and the offender, which is generally considered beneficial by theoreticians and some practitioners in the area of criminology and corrections. The victim (i.e. the store) is provided the opportunity to talk to and try to understand the offender.<sup>4</sup> The offender must confront an individual rather than simply a store name and this may help to reduce the anonymity which it has been suggested is related to shoplifting. At this time, as well, the accused is made to understand the consequences of the offence for himself and the company. This may act as a deterrent to future shoplifting.

The issue of admission of guilt (i.e. signed confessions) may be problematic in terms of civil rights. The accused must have the right to plead not guilty to the offence and his refusal or agreement to sign a confession should not have a bearing on the trial process. This issue will have to be examined more fully in the larger study where an examination of the actual process of signed confessions is made.

Another concern relates to the use of 'records' in any court proceeding. For instance, a store has apprehended an individual three times and has chosen not to lay charges. A fourth apprehension occurs and the store decides that recourse to the Criminal Justice System is necessary to stop the behaviour. Should the

<sup>3</sup>It is recognized that the store procedure may be defined by some as discretion rather than diversion.

<sup>4</sup>This assumed that the security person, manager, etc. who is responsible for the administration of these activities can be considered representative of the store. This appears to be the case, since it is likely that the security personnel are those most involved in and concerned about the problem of shoplifting.

store be allowed to submit evidence of previous apprehensions? What function would this serve and what complications could arise?

At this stage of community absorption, mediation programs have been suggested and are presently tried. It would be necessary to evaluate the relative effectiveness of such mediation programs, however, particularly if they apply only to those individuals who are likely not to have been processed in the first place.<sup>6</sup> Some of those mediation programs are focusing on what are considered 'compulsive shoplifters' and may not be dealing with the bulk of the offenders.<sup>7</sup>

It is unlikely at this time that shoplifting as a form of theft can be 'decriminalized' in such a way that there is no recourse to the Criminal Justice System. If the stores feel that they bear total responsibility for deterrence and processing of shoplifters, a sizeable bureaucratic retail security force may be the result. "Indeed, private security forces now outpace the police in numbers and growth."<sup>8</sup> Although, this may have advantages in terms of reduction of workload for the Criminal Justice System, it may also have unacceptable consequences which must be evaluated before such a system is introduced.

The issue of 'community absorption' presently employed by the retail industry and that of the development of target groups ("stereotypes") for diversion are somewhat related. As is indicated previously, the stores are involved in relatively routine diversion of certain groups as opposed to others. Further elaboration of the nature of these target groups and the extent of their acceptance could yield productive results for the development of other "stereotypes".

<sup>6</sup>That is, it could occur that the target groups for such mediation are those individuals who are presently being confronted by a 'security-manager' and dealt with only within the store. If this latter technique is successful with certain groups, then mediation may be superfluous.

<sup>7</sup>This does not necessarily refute the need or effectiveness of such programs. It is the view that, however, definitional problems may exist in the labelling of 'compulsive shoplifters'.

<sup>8</sup>Ibid, Law Reform Commission, p. 5.

The second level of diversion, as defined by the Law Reform Commission is that of police screening.

"..police referring an incident back to family or community or simply dropping a case rather than laying criminal charges."<sup>9</sup>

To a certain extent this could be seen as relating to the fact that the police insist that the stores rather than police lay most shoplifting charges. Although the accused still remains within the jurisdiction of the Criminal Justice System, there is a shift in responsibility for certain administrative aspects from the police to store security.<sup>10</sup> In the case of juveniles, of course, shoplifting (as is true with most offences) is routinely referred back to the community.<sup>11</sup>

Pretrial diversion appears to be rarely used in shoplifting cases, except when the accused is considered to have 'mental health problems' and is sent for psychological or psychiatric assessment or counselling.

The fourth level of diversion is alternatives to imprisonment. This is routinely used for shoplifting offences with 1% of the court sample receiving an institutional sentence.

It is necessary to articulate and recognize the limits of diversion, particularly as it may apply to specific groups of individuals or categories of offenders. "Diversion, even more than other measures of disposition in criminal cases, depends on the

<sup>9</sup> Ibid, Law Reform Commission, p. 4

<sup>10</sup> As has been mentioned earlier it is possible that this shift in responsibility has been instrumental in facilitating community absorption 'alternatives' in the industry.

<sup>11</sup> Only 30% of shoplifting offences known to the Youth Bureau in 1970 were referred to court. "...analysis of shoplifting/theft from stores showed that 6 of every 10 of these offences received a 'caution' while theft (general) showed a much lower caution rate of 2.8%." D.D.G. Reynolds, "The Use of Diversionary Dispositions for Juvenile Offenders" in Studies in Diversion: East York Community Law Reform Project p. 140

understanding and co-operation of the public.."<sup>12</sup> The public, however, must be seen not only as the general citizenry. but also those groups of citizens who form 'interest groups' where certain offences are concerned. In the case of shoplifting, the retail industry represents a formidable interest group. Thus, the use of diversion for shoplifting will only be effective if understood and supported by the retail industry. Given the industry's concern over leniency in the courts and its particular emphasis on deterrence, the value of diversion to the retail industry must be evaluated. It is unlikely that goals of reduced workloads for the criminal justice system will motivate retailers to support diversion, particularly if diversion is interpreted as leniency. As private citizens, the members of the retail industry may be influenced by the fact that reduced workload (in terms of minor offences) will increase the impact of the criminal justice system on violence in our society. However, their business interests may overshadow these private concerns.

It has been suggested that for any type of disposition to be effective the recognition of responsibility for his behaviour on the part of the 'offender' is a central concern. Certainly within the present system this is not always the case. In shoplifting, for instance, if an accused pleads not guilty and the arresting security officer does not appear in court, the case is normally dismissed. The accused is forced to recognize that he played no role in this outcome. Thus the legal process occurs around him but there is little, if any, feeling that he is involved in it.

As has been mentioned, most diversion projects aimed at shoplifting focus on 'counselling' the offender regarding his behaviour. The reservations of this author require that additional forms of mediation be considered. These alternatives must, of course, be acceptable to and supported by the retail industry as well as the general citizenry and members of the Criminal Justice System. This will be one of the major policy implication areas that will be focused on in the larger study.

<sup>12</sup>Ibid, Law Reform Commission, p. 2

## Deterrence

In order to determine the effectiveness of the present methods of deterring shoplifting by the use of criminal sanctions it will be necessary to examine those variables outlined in the Introduction of this report.<sup>13</sup>

## Perceived Seriousness of the Offence

Shoplifting may be an example of a condoned crime to a certain extent. It may not be associated with as much social disapproval or as many moral inhibitions as are other forms of theft or other crime in general. A study done in Baltimore in 1972<sup>14</sup> asked respondents to rank 140 offences on a nine point scale from 'most serious' to 'least serious'. All shoplifting offences (except "Shoplifting a diamond ring from a jewelry store") ranked in the lowest 25% of the mean seriousness scores.

Seriousness can be measured by this type of scale or by a ranking of offences in order of perceived seriousness. An additional method is that of assigning particular 'sentences' to a list of offences.

The correspondance between public attitudes towards the seriousness of offences and the sanctions imposed by the law is an important component in the analysis of potential change in the Criminal Justice System. A study done in Minnesota in 1953 indicated that:

"there is a significant discrepancy among the law, the application of the law, and popular judgement as to how the law should be applied in assigning punishment for thirteen selected minor felonies."<sup>15</sup>

The perceived seriousness of the offence, however, will likely vary by sub groups within the sample. In the case of the larger shoplifting study it is likely that

<sup>13</sup>See p. 2

<sup>14</sup>P. Rossi, et al. "The Seriousness of Crimes: Normative Structure and Individual Differences" American Sociological Review. Vol 39 #2, April 1974 p. 224-237

<sup>15</sup>A. Rose and A. Prell "Does the Punishment Fit the Crime? A Study in Social Valuation". American Journal of Sociology Vol 61 (Nov. 1955) p. 249

retailers will rank shoplifting as more serious than will other members of the population.

The fact that the behaviour of stealing from stores is labelled 'shoplifting' rather than 'theft' or 'stealing' may have implications for the perceptions of both the behaviour and the offender. Differences in the attitude towards the image of 'thief' and 'shoplifter' may provide a direction to the development of situation-based 'stereotypes'. This concept is seen as essential to the creation "...in the public mind (of) new stereotypes, sufficiently different from the 'offender' stereotype, to permit eventual community absorption."<sup>16</sup>

The 'semantic differential' as developed by Osgood (1957) can be used to measure the differences in 'meaning' of the labels thief (or theft) and shoplifter (or shoplifting).<sup>17</sup> A study done in Minnesota in 1957<sup>18</sup> provides norms on the semantic differential for 360 words, including 'steal', 'thief', 'fraud' and 'criminal' and a variety of other concepts related to criminal activity. A cursory comparison of the mean profiles for 'steal' and 'fraud' indicates more positive attitudes toward the latter. This provides us with some indication of differentiated 'meanings' of labels for property offences, perhaps suggesting that some images of offences and offenders are more socially condoned than others.

#### Knowledge of Offence and Penalties

The deterrent effect of sanctions is partially based on the perception individuals have of the nature of an act and its consequences. A questionnaire designed to ascertain the knowledge of the 'general public' and various subgroups with regard

<sup>16</sup>E.K. Glinfort, Formal Criminal Justice Diversion, Draft - April, 1975  
Unpublished manuscript p. 18

<sup>17</sup>Simple profile-analysis can show us the different ways in which several objects or concepts are rated on the same set of scales and how two or more groups differ in these respects. The next problem is to show how the concepts are related to one another, if not in all their semantic and attitudinal patterns of associations, then, at least, in terms of similarity or difference!" Questionnaire Design and Attitude Measurement. A.N. Oppenheim. Basic Books Inc., New York 1966 p. 207

<sup>18</sup>J.J. Jenkins, W.A. Russell and G.J. Suci, "An Atlas of Semantic Profiles for 360 Words." American Journal of Psychology, LXXI (1958) p. 688-99

to facts concerning shoplifting would cover areas related to the law itself and to processes at the retail level and in the Criminal Justice System. The schedule will include questions covering the following issues. (a) There is not a criminal code category of shoplifting: it is prosecuted under theft. (b) When is one a party to an offence? (c) What are the minimum-maximum penalties for the offence? (d) Is shoplifting handled "internally" (i.e. by the stores) or are the police called in? (e) Is it necessary to leave the store to be charged with theft? (f) Can you return the merchandise or pay for it if caught shoplifting and thus avoid prosecution? (g) What is the typical sentence for shoplifting cases?

#### Perception of Risk

"The main factors that determine whether a crime will be committed for expected gain are as follows:.. (4) the probability of being caught (5) the probability of being convicted if caught and lastly (6) the probable length of sentence received if convicted." 19

It is not, however, the objective probability or risk that is important in deterrence. Rather it is the risk as it is calculated by the individual - the subjective risk.

A study by Waldo and Chircos indicated that:

...those who think their chances of arrest for petty larceny are lowest are the most likely to have committed a theft (62.4 %)20

This study notes that it is the likelihood for the particular individual of arrest and punishment that is the important deterrent, rather than what the individual believes is likely for most people.

Most literature and research on deterrence stresses that variations in the effectiveness of sanctions by the type of offence is critical concern. Most of the

<sup>19</sup>R. Evans Jr. Developing Policies for Public Security and Criminal Justice Special Study #23 Economic Council of Canada. 1973 p. 43-44

<sup>20</sup>G.P. Waldo and T.G. Chircos, "Perceived Penal Sanctions and Self-Reported Criminality: A Neglected Approach to Deterrence Research" Social Problems Vol. 19, #4 (1972) p. 535

previous research focuses on homicide or the 'Crime Index' offences.<sup>21</sup> Even those studies which examine theft, however, may not be applicable to shoplifting if it is perceived as a substantially different form of behaviour by the public.<sup>2</sup>

Distinctions between crimes that are 'mala per se' and those that are 'mala quia prohibita' are related to variations in the deterrent effect of penal sanctions. Theft is consistently regarded by researchers as 'mala per se'. An investigation of public attitudes as outlined in this report, however, may indicate that shoplifting is not as susceptible to prohibition by 'moral feelings and the fear of public judgement'<sup>22</sup> as are other forms of theft.

This section of the survey research will thus focus on the individual's assessment of the risk of detection, apprehension, conviction and penal sanction for shoplifting. A Likert-type scale, as has been used in previous research of this type, will be employed.

### Self-Reported Shoplifting

It is felt that a self-report measure of recency and frequency of shoplifting will be useful in evaluating the prevalence of this offence in the general public and various sub-groups therein. This information can also be used to cross tabulate with other attitude measures in order to make some assessment of their behavioural implications.

### Sample

The sample for this section of the research will include a stratified random sample of Toronto and a sample of those persons to whom shoplifting is a relevant

<sup>21</sup>These are: willful homicide, forcible rape, robbery, aggravated assault, burglary, larceny (\$50 and over) and motor vehicle theft.

<sup>22</sup>Generally speaking, the more rational and normally motivated a specific violation may appear, the greater the importance of criminal sanctions as a means of sustaining lawfulness! J. Andenaes, 'The General Preventive Effects of Punishment', University of Pennsylvania Law Review, 949 (1966)

concern. The latter will include members of both the retail industry and the Criminal Justice System.<sup>23</sup> Due to the self-report section of the questionnaire, it is not felt necessary to locate shoplifters through the retail industry or the Criminal Justice System to obtain their participation.

It is likely that the perceptions and attitudes of members of the retail industry will be different from those of others due to their vested interest in the problem of shoplifting. This group may also see themselves as the victim or at least as associated with the victim, which is likely to affect their attitudes.

The members of the Criminal Justice System may view shoplifting in light of 'more serious' offences which they are in contact with regularly. It could occur, then, that this group sees shoplifting as 'less serious' than do members of the retail industry.

<sup>23</sup> Interviews with shoplifters after their court appearances are being done by Gail Travers of the Centre of Criminology, University of Toronto. At the time of writing, her report was not completed, but she suggests that co-operation for these interviews has been close to 100%. This type of interview may be used in the proposed research for indepth type\_of descriptive data.

### CONCLUSIONS

As this report is a feasibility study, many issues are left ambiguous and many questions unanswered. A basic understanding, however, of the stages involved in the sanctioning process as related to shoplifting was obtained. The documentation of the concerns of members of the retail industry and the criminal justice system with this sanctioning process has allowed the identification of those issues to be focused on in the larger research project. The use of available data was assured and the assessment that these are reliable data sources indicate that the original research problems can be successfully studied.

It is the feeling of this author that more comprehensive research in this area is necessary prior to definite policy recommendations. This is particularly important due to the conflicting points of view expressed by those persons interviewed. A more complete sample of retailers and members of the Criminal Justice System, as well as the inclusion of the perspectives of the 'general public', will provide for more widely accepted solutions to present problems in the area of shoplifting. Where issues of deterrence and diversion are presented there is a pressing need for the understanding and incorporation of the interests and concerns of all those who would be affected by changes in policy. It is in this context only that policies will prove effective.

The following recommendations refer, then, to general issues since the state of knowledge regarding specific problems and policies in relation to shoplifting is, at this point, contradictory and not highly representative of all those concerned with the offence.

Many programs have recently been established to determine the feasibility of diversion with respect to shoplifting. The experience during this research has led

to the conclusion that retailers must be involved not only in the mechanics of such programs, but more essentially in the initial development of such schemes. An effort must be made by those agencies attempting such programs to explain the purposes of diversion to retailers as well as to incorporate the experiences of retailers into diversion schemes. It is critical that problems resulting from diversion not outweigh the benefits of such programs. It is likely that the failure to understand and work within the constraints of profit-oriented organizations will result in conflicts and hurdles. This could lead to the antagonism of retailers toward diversion measures which would make such programs ineffective. There is a need to consider diversion in terms of the practical day-to-day workings of those persons and institutions most affected by such measures. A general theoretical understanding of the costs and benefits of diversion must be tempered by the consequences of the implementations of such schemes in specific contexts.<sup>1</sup>

It is also recommended that the government establish ties with the retail industry to help organize and sponsor publicity campaigns aimed at deterring shoplifting. Retailers must bear most of the responsibility for such a campaign. Due to the competitive nature of retailing, however, it would appear necessary that an "outside" body indicate its support in terms of organizing retailers to confront the problem of shoplifting. This would help reduce the retailers' fears of antagonizing customers.<sup>2</sup>

Anti-shoplifting campaigns which have been successful in other cities and countries could be used as a basis for this type of program. These campaigns have included retailers, members of the Criminal Justice System and government bodies in an attempt to provide a united front as well as establishing consistent and realistic policies.

<sup>1</sup> It is symptomatic of the present state of communication and involvement between the public (and specific interest groups) and policy-makers that when the term diversion was mentioned during most interviews in this research that the persons interviewed, had not heard the term and had no knowledge of this concept which is currently being explored by government and private agencies.

<sup>2</sup> For elaboration see page 26 of this report.

APPENDIX I

The general areas covered routinely in the interviews are as follows.

These issues were raised at different times in the interviews, depending on the direction of the conversation. Thus an attempt was made to have a natural flow of interaction, with issues leading into one another.

Issues Raised

- 1 Under what circumstances are a) police called in to the store,  
b) are charges laid.
- 2 Who lays the charge? (i.e. store or police)  
Which is preferable?
- 3 Is there a standard store policy re shoplifting apprehensions?  
Who makes the policy?  
Does it cover all stores in the Company?
- 4 Estimates re: loss from shoplifting and employee theft. What are they and  
how are they made?
- 5 Are signed confessions of guilt used? When? Why?
- 6 Are there any communication links between the stores and the police or the  
stores and the courts?
- 7 What security hardware is used?  
Is it effective?
- 8 Is there a problem re: holding merchandise as evidence?
- 9 Are there differences between 'professional' and 'amateur' shoplifters?
- 10 Does loss through shoplifting vary by location of store?  
What factors cause this?
- 11 What is the role of sales persons in the apprehension and investigation of  
shoplifters?  
What is their role in terms of prevention?
- 12 Is there in-house or contract security?  
Are security officers always present in the store?
- 13 What type of data is kept on shoplifters?  
At what stage is it recorded? (e.g. if police are not called in and no charge  
is laid, is there a record of the event in the store?)  
What use is made of this information?

APPENDIX 2

Court Sheet (Shoplifting)

Case # \_\_\_\_\_

Judge: \_\_\_\_\_ Crown: \_\_\_\_\_

Date of Observation \_\_\_\_\_ Court # \_\_\_\_\_

Date of Offence: \_\_\_\_\_ Sex M F (Circle One)

If co-accused, # of persons involved \_\_\_\_\_ (see instructions)

Charge(s) (circle #'s) 1. theft under 2. theft over  
3. possession under 4. possession over  
5. other (specify) \_\_\_\_\_

Age \_\_\_\_\_ Ethnicity \_\_\_\_\_ (see instructions)

Name of Store: \_\_\_\_\_ Location: \_\_\_\_\_

Previous Record (circle one) Yes No

Occupation/Education \_\_\_\_\_

Interpreter used Yes No

Security Officer present Yes No

Police Officer present Yes No

Merchandise present Yes No (check one)  
Plea Guilty \_\_\_\_\_  
Not Guilty \_\_\_\_\_

Price of Merchandise \_\_\_\_\_ Type \_\_\_\_\_

Check one: Own Lawyer \_\_\_\_\_ Previous Bench Warrant Yes  
Duty Counsel \_\_\_\_\_ No  
Not Represented \_\_\_\_\_

Basis of Defense or plea for leniency (if case withdrawn or dismissed - WHY?)  
\_\_\_\_\_  
\_\_\_\_\_

Disposition (check one(s) appropriate and see instructions)

Withdrawn \_\_\_\_\_ Conditional Discharge for \_\_\_\_\_ months

Dismissed \_\_\_\_\_ Reporting? Yes No

Absolute Discharge \_\_\_\_\_

Incarceration (enter length) \_\_\_\_\_ Fine? (enter amount) \_\_\_\_\_

Suspended Sentence \_\_\_\_\_ months probation

Other disposition or conditions \_\_\_\_\_

Observer \_\_\_\_\_

SELECTED BIBLIOGRAPHYPublished Materials

- American Friends Service Committee. Struggle for Justice: A Report on Crime and Punishment in America. New York: Hall and Wang, 1971
- Andenaes, J. "The General Preventative Effects of Punishment" University of Pennsylvania Law Review. 949
- Becker, C. "Discretionary Clearances: Observation on Police Screening Strategies" In Studies on Diversion: East York Community Law Reform Project Law Reform Commission of Canada, 1975
- Bennet, H.M. "Shoplifting in Midtown" Criminal Law Review, (1968) 413-25.
- Blankenburg, C. "The Selectivity of Legal Sanctions: An Empirical Study of Shoplifting" Kolner Zeitschrift fur Soziologie und Sozial Psychologie. 21(4) (1969)
- Cameron, M.O. The Booster and the Snitch. London: Free Press of Glencoe, Collier Macmillan Ltd., 1964
- Evans, Robert J. Developing Policies for Public Security and Criminal Justice Special Study No 23, Economic Council of Canada. 1973.
- Friedland, Martin L. Detention Before Trial. University of Toronto Press, 1965.
- Gibbons, T.C. and Prince, J. Shoplifting. London: The Institute for the Study and Treatment of Delinquents, 1962.
- Hogarth, John. Sentencing as a Human Process, Toronto: University of Toronto Press, 1971
- Jenkins, J.J., Russell, W.A. and Suci, G.J. "An Atlas of Semantic Profiles for 360 Words" American Journal of Psychology. LXXI (1958), 688-699.
- Law Reform Commission of Canada. Diversion Working Paper #7. January, 1975.
- Normandeau, Andre. "Quelques faits sur le Vol dans les Grands Magasins a Montreal." Canadian Journal of Criminology and Corrections. Vol 13, No 3. (July 1971) 251-265.
- Oppenheim, A.N. Questionnaire Design and Attitude Measurement. New York: Basic Books Inc., 1966.
- Osgood, C.E., Suci, G.J. and Tannenbaum, P.H. The Measurement of Meaning. Urbana: University of Illinois Press, 1957.
- Reynolds, D.D.G. The Use of Diversionary Dispositions for Juvenile Offenders. in Studies on Diversion: East York Community Law Reform Project. Law Reform Commission of Canada, 1975.
- Rose, A. and Prell, A. "Does the Punishment Fit the Crime? A Study in Social Valuation" American Journal of Sociology 61 (Nov. 1955) 247-259

## Published Material cont'd

- Rossi, P., Waite, E., Bose, C and Berk, R. "The Seriousness of Crimes: Normative Structure and Individual Differences" American Sociological Review Vol. 39 #2 (April, 1974) 224-237.
- "Shoplifting" Justice of the Peace and Local Government Review. 131:23 (1967) 357.
- Smigel, E.O. "Public Attitudes Toward Stealing as Related in the Size of the Victim Organization" American Sociological Review. XXI, #3 (June, 1956).
- Sohier, J. "Shoplifting" International Police Review. 24:229 (1969)161.
- Statistics Canada. 1971 Census of Canada. Population: Single Years of Age. April, 1973.
- Waldo, G.P. and Chircios, T.G. "Perceived Penal Sanctions and Self-Reported Criminality: A Neglected Approach to Deterrence Research." Social Problems Vol. 19 #4 (1972).
- Wilkins, L.T. "Criminology: An Operational Research Approach" in Society: Psychological Problems and Methods of Study A.T. Welford, et al. (eds) London: Routledge, 1968
- Zimring, F.E. Perspectives on Deterrence. Public Health Service Publication. No 2056.

Unpublished Materials

- Benson, Margaret "Statistics of Criminal and Other Offences as Related to Adult Women Convicted in Canada with Special Reference to Ontario and York County." Toronto, 1968.
- Glinfort, E.K. "Formal Criminal Justice Diversion." Draft - April 1975.
- Gruneau Research Ltd. "Report on Profile of Shoplifters Apprehended by Retail Security Agencies Inc." Toronto.
- Hann, R.G. "Decision Making in the Canadian Criminal Courts: A Simulation - Preliminary Findings" Centre of Criminology, University of Toronto, April, 1972.
- Kitchener Chamber of Commerce. Report of a Study on Shoplifting and Employee Theft.
- National Retail Merchants Association. "Teenage Shoplifting: What One Community Did About It" 1968.
- Watch Out for That Thief. 1969.
- Salutin, Marilyn. "Shoplifting" Centre of Criminology, University of Toronto, 1975.

SOL GEN CANADA LIB/BIBLIO



0000010805

Date Due

<del>NOV 10 82</del>			
<del>DEC 16 82</del>			
<del>JAN 13 83</del>			

— HV Reid, Linda.  
— 6665 A report on the  
— .C2 feasibility of pro-  
— R4 posed research on  
— shoplifting.

DATE	ISSUED TO
06/17/82	G. WOODS (BR)
10/11/83	L. Seg
10/5/84	L. Goldberg

HV Reid, Linda.  
6665 A report on the feasi-  
.C2 bility of proposed  
R4 research on shoplifting.