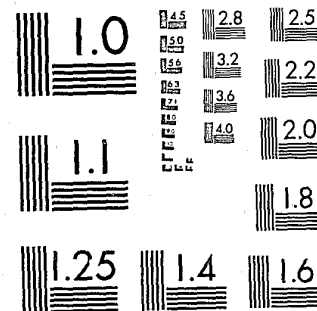


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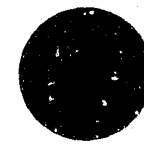
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Research
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Department
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General



Shoplifting in South Australia



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SHOPLIFTING IN SOUTH AUSTRALIA

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Cover Photograph of the
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SUMMARY

1. Shoplifting - petty larceny from retail stores - has become a serious problem both for retailers and the general community. Over the past eight years, cases reported to the Police Department in South Australia have risen from 2,800 to over 6,300, and in Adelaide alone one major retailer incurs losses of over \$2 million a year in items stolen. G.J. Coles, one of Australia's largest departmental chains, has estimated that on a nationwide basis goods worth more than \$40 million are stolen annually by customers and staff. At a conservative estimate, South Australia's police would spend 6,000 to 8,000 hours each year dealing with shoplifters who have been apprehended.
2. This Research Bulletin reviews theories on shoplifting in the light of information currently available from retail stores, courts, the Department of Community Welfare and the Police Department in South Australia. Its primary objective is to promote discussion and research, rather than to make recommendations.
3. From data available, it is clear that the majority - almost 60 percent - of shoplifters are juveniles. Young females constitute the largest category: almost one third of the total. However, adult females seem most likely to be reported to police - possibly because of the value of items stolen - and male juveniles are most likely merely to be cautioned by store security staff. Four out of every ten adult shoplifters appearing in court in South Australia during 1981 were either unemployed or a pensioner, but this does not necessarily indicate that these thefts occurred out of need. People in these employment categories may be more exposed to opportunities for shop theft.
4. Although maximum penalties for shoplifting in South Australia are severe - five years' gaol for a first offence and ten for repeated offenders - the vast majority (over ninety percent) of persons appearing before courts or childrens' aid panels in South Australia admitted the offence. For juveniles, this generally facilitated a referral to a childrens' aid panel rather than a court, and with adults a guilty plea enabled the case to be finalised more rapidly. For all offenders, penalties imposed were far below those prescribed in law. Research has suggested that a major reason judges and magistrates do not impose the most severe penalties is that this may completely undermine the offenders' self-respect and make them more, rather than less, likely to re-offend. South Australian data give indirect support to this thesis, in that more than 80 percent of those appearing for shoplifting in the adult or juvenile systems had no previous record.
5. The Research Bulletin concludes by canvassing some opinions on ways the criminal justice system might deal with shop theft more efficiently, though without diminishing the capacity to deter individual offenders.

Three possibilities are considered:-

- . simplifying the law and the penalties for theft from shops, so that simply taking an item from a store without paying becomes a summary offence;
- . introducing a panel system, similar to the childrens' aid panels, to deal with some adult first offenders; and
- . making it the responsibility of retail stores, rather than of the Police Department, to prosecute shoplifting offenders.

Although these innovations would reduce costs to the community, they would need to be carefully evaluated before being introduced.

PREFACE

This is the first in an occasional series of Research Bulletins on aspects of criminal justice in South Australia. It represents a departure for the Office, in that as well as collating available information on this topic, it canvasses research opinion. We would emphasise that views expressed do not reflect policies of the Attorney-General's Department or the South Australian Government. Our primary purpose is to encourage informed discussion and further research.

Preparation of this Bulletin would not have been possible without data kindly supplied by seven of South Australia's major retail chains, and discussions with their security personnel. Researchers also consulted with a wide variety of legal experts, including Richard Kleinig and Philippa Kelly (Attorney-General's Department). We thank these people, and the South Australian Department of Community Welfare, for their assistance. Final responsibility for all opinions must, of course, rest with the Office of Crime Statistics.

INTRODUCTION

Shoplifting - petty larceny from retail stores - presents paradoxes both to administrators of criminal justice and to researchers. From some points of view, it is hardly serious: rarely resulting, for example, in threat or injury to a victim or a bystander, and usually involving items whose individual value is low. To retailers and society in general, however, its cost is high. In Adelaide alone, one departmental chain puts its losses at over \$2 million a year in items stolen,* and some experts estimate that retail prices are increased by as much as 10% to cover these expenses. Arresting, questioning, and sentencing thousands of shoplifters each year, moreover, imposes a considerable drain on police, court and child-welfare resources.

As court officials and probation officers will confirm, being detained for shoplifting also can carry a heavy psychological penalty for the individual. This offence is almost unique for the number of women, middle-aged and elderly people who appear before the court as defendants. For many of these, answering a shop theft charge may be their sole involvement with criminal law procedure, and in light of the trauma and distress often associated with a court appearance, experts are questioning whether equally effective but more humane alternatives cannot be found.

These considerations, and the apparent dramatic increases in shop-lifting over recent years, make research on this topic a matter for priority. The present bulletin is a step in this direction. By collating information from police, child welfare, court and retail sources in South Australia, it attempts to provide some idea of the extent of shoplifting in this State, and to answer such questions as who shoplifts and what are the costs. The major objective is to promote discussion. Although an apparently straightforward offence, shoplifting involves complex legal and social issues. Such problems can only be resolved after debate and research.

THE PROBLEM OF SHOPLIFTING

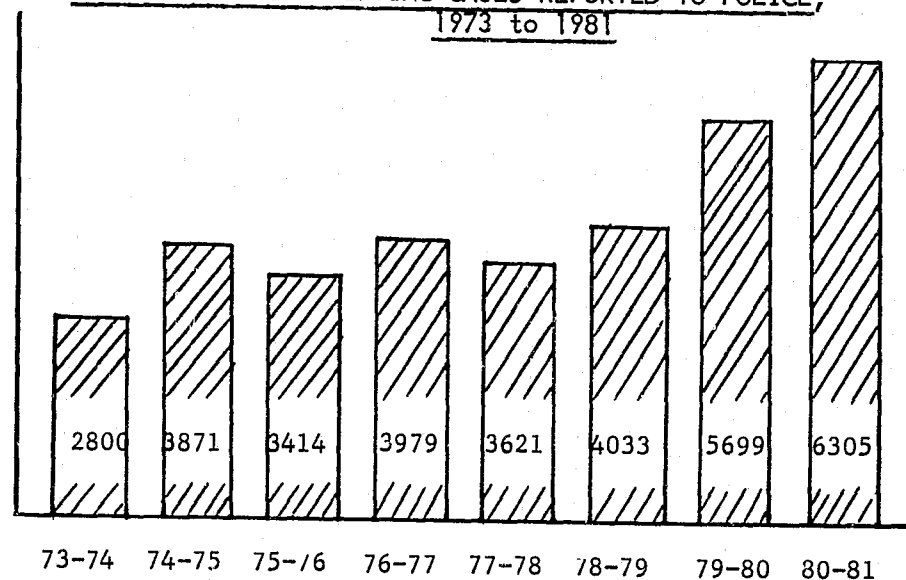
Though estimates of the extent of shoplifting vary widely, most findings confirm that it is widespread in Western societies. Studies both in Australia (Dingle, 1977) and overseas, which consisted of directly interviewing young people, have revealed that more than fifty percent had shoplifted - most on numerous occasions - and on the basis of these figures many juveniles throughout Australia must be committing this offence regularly. In the U.S. (Astor, 1971) and Ireland (Security Gazette, 1975) researchers who "shadowed" random samples of shoppers found the numbers shoplifting ranged from one in fifteen to one in nine. Extrapolating to Australia, Challinger (1977) calculates that at a conservative estimate, at least one in fifty customers in retail stores are offenders.

* On a nation-wide basis G.J. Coles and Co., Australia's largest retailer, has estimated that it loses more than \$40 million a year through shoplifting by customers and staff (The Australian, 4 September, 1982).

Theft, moreover, seems not only to be widespread but tolerated even by those not taking part. Studies in the United States, which consisted of staging offences in full view of other shoppers, indicate that bystanders failed to report incidents and, if pressed, would deny having seen them (Staffensmeier and Terry, 1973). In light of such findings, it is not surprising that apprehension rates may be as low as one offender in thirty-five.

Even dealing with the relative few who are apprehended, however, has become a significant burden on police time. Figure A shows the trend in official police statistics in South Australia from 1973 to 1981. In the first of these years, shoplifting represented 6.8 percent of alleged offenders apprehended or summonsed*. In 1979-80, this percentage was 12.2. At most recent estimates, attending a shoplifting call takes an average of about 75 minutes. At a conservative estimate, the 6305 cases reported in the 1980-81 financial year would represent between 6,000 and 8,000 hours of police time.

FIGURE A. SHOPLIFTING CASES REPORTED TO POLICE, 1973 to 1981



WHO SHOPLIFTS AND WHY

Research on the characteristics of shoplifters faces an immense practical problem: since apprehension rates are low, those appearing in court may well represent only the most unsuccessful and unskilful practitioners. In addition, overseas and local research has found that department stores exercise discretion in deciding who should be referred to police - and this, of course, further distorts official figures.

* Source : Annual Reports of the Commissioner of Police in South Australia. Apprehension and summons figures do not include Road Traffic or Motor Vehicle Act offenders.

In an attempt to overcome these biases, seven major retail stores in Adelaide were approached for information. All willingly gave cooperation, although their statistics did not always prove suitable for incorporation in a research bulletin. The data did, however, confirm that discretion is exercised in deciding whether police should be called in - and that there is wide variation from store to store. One major retailer referred almost all (99%) its shoplifters, others less than two-thirds (63% and 65%).

For six of the seven stores it was also possible to obtain broad age and sex profiles of offenders apprehended. Table 1 contains these results.

TABLE 1 AGE AND SEX OF PERSONS DETAINED BY SIX MAJOR ADELAIDE STORES FOR SHOP THEFT

	Male		Female		Total	
	No.	%	No.	%	No.	%
Adult	583	37.5	1034	46.9	1617	43.0
Juvenile	973	62.5	1170	53.1	2143	57.0
TOTAL	1556	100.0	2204	100.0	3760	100.0

Clearly, more females than males are apprehended, but the stereotype of the shoplifter as a middle-aged woman is not confirmed. The majority - almost 60% - of the people detained and questioned are juveniles. Young females were the largest category - almost one-third of the total.

Previous studies have indicated that patterns of shoplifting vary according to the sex and age of the offender. Older women tend to be apprehended with several items, adult males with just one or two. Juvenile offenders tend to shoplift in pairs or groups, and generally the value of items stolen is higher for adults than juveniles, and highest of all for adult women (Tenni and Challenger, 1977 : 19). Indirectly, the Adelaide data support these conclusions. As Table 2 shows, adult women were by far the most likely to be referred to police, and most stores indicated that value of items stolen is a major determinant of whether law enforcement officers should be called.

TABLE 2 WHETHER ALLEGED OFFENDER CAUTIONED OR REFERRED
TO POLICE - 4 MAJOR STORES

	Female Adult		Female Juvenile		Male Adult		Male Juvenile		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
To Police	440	77.9	461	71.4	331	72.6	361	60.2	1593	71.2
Cautioned by Store	125	22.1	185	28.6	125	27.4	239	39.8	647	28.8
TOTAL	565	100.0	646	100.0	456	100.0	600	100.0	2240	100.0

Researchers disagree on the extent to which stress and neurosis are a cause of shoplifting, but some argue that these are more likely to be factors for adult females. Cases like the following are cited:

A lady of 51 years of age, suffering from severe menopausal symptoms, on the anniversary of the death of her son went into a store, picked up something her son might have found useful of trivial value, walked to another counter and selected and paid for a second article without having paid for the first. When interviewed and asked whether she intended to steal the first article she said "she didn't know but she didn't think she wanted to steal it". Asked whether she intended to pick it up she said "yes". Asked why she picked it up she said "I don't know, it's no use to me or anyone else I know" (Cox, 1968 : 429).

Psychological problems - and absent-mindedness - may also be important causes for shoplifting among the elderly. However, sheer necessity also should not be ruled out, as is illustrated by a recent case heard in Sydney:

The Central Court was told a man stole two packets of Kraft processed cheese and a block of chocolate valued at \$3-65 from a city supermarket because he found his pension did not stretch as far as it used to. The man had never appeared in court before and was having trouble with the cost of living after having just paid a \$17 gas bill, the court heard. (Adelaide Advertiser, March 20, 1982 - page 2).

As Table 3 shows, four out of every ten adult shoplifters appearing in South Australian courts during 1981 were either unemployed or pensioners.

TABLE 3 EMPLOYMENT STATUS AND SEX OF ADULT SHOPLIFTING
DEFENDANTS APPEARING IN SOUTH AUSTRALIAN CRIMINAL
COURTS OF SUMMARY JURISDICTION,
1 JANUARY TO 31 DECEMBER, 1981

Employment Status	Male		Female		Total	
	No.	%	No.	%	No.	%
Employed	459	39.7	235	19.6	694	29.5
Unemployed	386	33.4	143	11.9	529	22.5
Pensioner	204	17.6	205	17.1	409	17.4
Student	28	2.4	33	2.8	61	2.6
Home Duties	9	0.8	547	45.6	556	23.6
Other	8	0.7	1	0.1	9	0.4
Not Stated	62	5.4	35	2.9	97	4.1
TOTAL	1156	100.0	1199	100.0	2355	100.0

These two groups may, however, be over-represented because of higher exposure to opportunities to shoplift, rather than economic necessity: security staff maintain that most offenders apprehended are found to have more than enough cash to pay for the goods taken. It should also be emphasised that juveniles constitute the majority of shoplifters, and most researchers agree that peer-group pressure and desire to establish a reputation are the significant motivators for this group.

Whatever the precise causes of offending, neither local data nor overseas research has revealed solid evidence for the existence of professional shoplifters - persons living off the proceeds of items stolen. This is again confirmed by the data supplied by Adelaide's major retailers. During the calendar year 1981, 6,291 offenders were apprehended, and goods worth \$128,287 were recovered. This means that on average the value of goods stolen was just over \$20. By contrast 26 staff members accused of stock-theft in just one of these stores were alleged to have had an average of \$2,100 each in goods stolen.

SHOPLIFTING AND THE LAW

Historically, the law always has treated shoplifting as a serious crime: from 1801 to 1836 nine children between 9 and 13 were hanged in Britain for this offence (Challinger, 1977 : 2). In South Australia shop theft is indistinguishable from other forms of larceny, and under Sections 131 and 134 of the Criminal Law Consolidated Act is punishable by imprisonment for up to five years (ten for repeated offenders).

In practical terms, however, there are significant differences between shoplifting and other forms of theft. Most retailers now operate on a basis of self-service: the customer selects goods and presents them to a cashier. This means that unlike, say, pickpocketing or theft from the person, merely taking possession is insufficient to establish intent to deprive. If a defendant contests a charge on the grounds that he or she simply forgot to pay, the prosecution must produce relatively sophisticated evidence - of concealment of goods, etc. - to disprove this claim.

Like any other citizen, retailers can effect a citizen's arrest if they believe the felony of shoplifting has been committed. However, this leaves them liable for damages if the accusation proves false. In practice, therefore, the role of retail security staff generally is confined to detaining and questioning the suspect, and police intervention is requested if charges are to be preferred. Even within these limits, moreover, fear of bad publicity, loss of customers, injury to employees and - most important of all - civil suit for false arrest and imprisonment make most departmental stores extremely cautious. In the United States, where many jurisdictions have given merchants additional immunity from civil action, research has established that suspected shoplifters rarely are approached unless they have left the store, and have been kept under constant surveillance (Axelrod and Elkind, 1976). Retailers in South Australia adopt similar policies.

From courts and juvenile statistics, it seems that this degree of caution may be unnecessary. As Table 4 shows, the overwhelming majority (at least 92%) of shoplifting defendants admit the offence. For juveniles, this generally entitles them to appear before an aid panel, rather than a court. For adults, a guilty plea will at least enable the case to be resolved quickly.

TABLE 4 APPEARANCES FOR SHOPLIFTING : PLEAS ENTERED BY ADULTS AND WHERE JUVENILES APPEARED

Juvenile			Adult		
Where Appeared	No.	%	Plea Entered	No.	%
Aid Panel (offence always admitted)	1991	98.2	Guilty	2030	85.8
Court (may plead not guilty)	36	1.8	Not Guilty	79	3.3
			No Plea (e.g. case withdrawn)	258	10.9
TOTAL	2027	100.0	TOTAL	2367	100.0

Even in a magistrate's court, a plea of not guilty can result in considerable delays between the initial hearing and the date the case finally is decided. Long adjournments can be particularly traumatic for older defendants.

TABLE 5 TIME ELAPSED BETWEEN FIRST AND LAST COURT APPEARANCE BY PLEA : SHOPLIFTING CASES HEARD SUMMARILY IN SOUTH AUSTRALIA - 1 JANUARY TO 31 DECEMBER, 1981

Time Elapsed, Date of First Hearing to Date of Final Disposition	PLEA		
	Guilty	Not Guilty	No Plea
Same Day	1287	1	56
7 Days & Under	48	1	3
8-14 days (incl.)	43	1	3
15 days-4 wks (incl.)	174	3	20
29 days-8 wks (incl.)	233	12	46
57 days-18 wks (incl.)	184	45	72
Over 18 weeks	58	15	56
Unknown	6		3
TOTAL	2033	78	259

For many defendants, such delays may constitute even more severe punishment than the penalty the judge or magistrate finally imposes.

As Table 6 shows, court outcomes in South Australia generally fall far short of the maxima of five or ten years prescribed in the legislation. Almost all juveniles, for example, receive a caution - with only a few offenders being referred to court. For adult offenders, the punishment is slightly more severe - 79% are fined - but still less than one in thirty convicted shoplifters actually go to gaol. The fact that penalties are well below the maximum does not, however, mean they are always consistent. Rizzo and Grabosky (1982) have suggested that both in South Australia and New South Wales outcomes of shoplifting cases vary widely, depending on the magistrate presiding. Data for 1981 bear out their conclusion. Of the 23 magistrates who sentenced the majority of adult shoplifting offenders in South Australia, six imposed fines which were consistently above average.

TABLE 6 PENALTIES IMPOSED: PERSONS FOUND GUILTY OR PLEADING GUILTY TO SHOPLIFTING IN SOUTH AUSTRALIA: 1 JANUARY - 31 DECEMBER, 1981

JUVENILES			ADULTS		
Penalty	1st Offence*	2nd or more Offence *	Penalty	1st Offence*	2nd or more Offence *
Warning & Counselling	1797	122	No penalty	16	19
Undertaking by Child	40	32	Order	11	5
Referred to Childrens' Court with unknown outcome	30	6	Fine	658	329
			Rising of Court	-	1
			Bond	64	41
			Suspended Imprisonment	15	46
			Imprisonment	6	34
TOTAL	1867	160	TOTAL	770	475

* Includes previous appearances for all offences - not just shoplifting

Observers sometimes argue that the wide discrepancy between the maximum penalties prescribed in law for shoplifting and the sanctions courts actually impose are evidence that the criminal justice system is too lenient. Research findings are very strong, however, that if the primary objective is to deter further offending, such sentences are entirely appropriate. In S.A., as in most other parts of the Western world, few shoplifters are recidivists: for more than 8 out of 10 this was their first appearance on any charge. As Table 7 shows, moreover, the ages and sexes of those appearing contrast very markedly with the normal distribution of offenders: being much closer to a cross-section of the general community.

TABLE 7 AGE AND SEX OF SHOPLIFTERS: OTHER PERSONS APPEARING IN MAGISTRATES COURTS, AND THE GENERAL COMMUNITY

	Shoplifters				Other Offenders		S.A. Population	
	Male		Female		Male	Female	Male	Female
	No.	%	No.	%	%	%	%	%
18-19	212	18.5	132	11.1	16.0	13.7	5.2	5.0
20-24	216	18.8	170	14.3	31.4	23.3	12.7	12.0
25-29	139	12.1	139	11.7	16.5	14.2	11.8	11.1
30-34	106	9.2	149	12.5	10.4	13.0	11.6	11.1
35-39	62	5.4	90	7.6	6.6	7.9	9.2	8.8
40-49	116	10.1	172	14.4	9.3	13.7	14.9	14.1
50-59	148	12.9	210	17.6	6.3	9.6	15.6	14.8
60 Plus	150	13.1	130	10.9	3.5	4.7	18.9	23.3
TOTAL	1149	100.0	1192	100.0	100.0	100.0	100.0	100.0

As Cameron (1964) has pointed out, the relatively "normal" social backgrounds of shoplifters suggests that they are not part of any sub-culture which can accept lawbreaking as a normal, even acceptable activity. For such individuals, it is not so much the severity of punishment but the shock of being apprehended and questioned which is most likely to deter. Detention, interrogation, arrest and the subsequent involvement of family and friends have the effect of forcing shoplifters to recognise the illegality of their actions and modify their behaviour accordingly:

... the adult pilferer does not think of himself prior to his arrest, as a thief and can conceive of no in-group support for himself in that role: his arrest forces him to reject the role.

More severe penalties - gaol for example - may undo these effects by completely undermining the offender's self-respect, and hence lowering their resistance to the commission of further crime.*

* Cameron's view has been confirmed by other researchers, but Klenke's (1978) findings on self-reported delinquency among juveniles seem inconsistent. In view of the implications for policy (see pages 10 and 11) further research on the issue of deterrence seems essential.

DISCUSSION

From data available in South Australia, there can be little doubt that shoplifting has become a serious problem - not only for retailers, the police and courts, but for the individual offenders involved. There is every indication, moreover, that difficulties are more likely to intensify than to diminish. Though motivations and techniques of shoplifting vary widely, evidence is conclusive of a close correlation between its increased incidence and the spread of massive retail stores. Their self-service techniques and marketing strategies, with emphasis on the "impulse" buy, make them particularly vulnerable.

To many researchers, these links between the new retail environment and shoplifting are a powerful argument that the commercial community itself should share a degree of responsibility. Jarosh (1968), for example, argues that modern advertising and accessible displays are an outright enticement to shoplifting - especially in the psychologically labile personality. According to those critics, the only effective solution to this problem is for retail stores to modify strategies and reduce the temptations and opportunities.

Whatever their merits from a moral point of view, however, such arguments are unlikely to be effective. Modern retailers, as highly rational organisations, clearly have found that the benefits from their supermarket techniques - increased turnover and profit - outweigh the costs of items stolen. As Cox (1968) has pointed out, it is not even likely that increased surveillance and security would reduce end-prices. They would inevitably increase labour costs, the area where larger stores obtain their major advantage.

The fact that retailers are unlikely to change established procedures does not, however, mean that no measures at all can be taken to reduce the financial and human costs of shoplifting. Diversion of adult first offenders out of the courts into a closed "panel" system, similar to procedures currently used for juveniles, is one possible initiative. Research suggests that of all offenders, juveniles are the most rational and calculating: shoplifting in groups and treating this offence almost as a game. If, as recidivism data indicate, they can be successfully deterred by a single panel appearance, such a system is even more likely to succeed for an adult. Although spared the trauma of an open court appearance, such offenders and their families could still be effectively convinced of the serious impact and consequences of shoplifting.

Another potential area for reduction of costs is the police department's involvement in taking statements, charging offenders and presenting evidence at subsequent court hearings. As mentioned earlier, dealing with shoplifters now consumes at least 6,000 hours of the South Australian Police Force's time each year. In Britain it is not necessary for police to be so thoroughly involved in processing shoplifting offenders through the criminal justice system. Many stores conduct their own prosecutions. Consideration should be given to adopting similar practices in South Australia - even if this involves giving security staff in major retail stores additional protection from civil liability

for false arrest and prosecution - and perhaps even streamlining the law itself. Simply taking items from a store without paying could be made an offence, punishable by fines which increased in severity for second and subsequent convictions. Although absence of intention to steal would not, in itself, be sufficient basis for an acquittal, magistrates (or panels) could take the defendant's explanation into account in deciding whether to convict or impose a penalty. Charges of larceny still could be preferred for serious shoplifting involving large amounts.

Undoubtedly, these changes would have serious implications both in the civil liberties and other areas. Retail stores, for example, would be forced to assume extra responsibilities and possibly incur higher risks of civil suit, and close consideration would need to be given to their methods of training and the standards required from security staff. From a civil liberties point of view, the idea of authorising private organisations to initiate criminal prosecutions would need to be carefully evaluated - even though there is now some precedent in prosecutions by councils and similar authorities. Finally, the idea of removing "intent" from the offence of shoplifting also is controversial - although the fact that so many pleas of guilty currently are entered suggests that even when absent-mindedness is a factor, the desire to finalise the case quickly may lead most defendants to ignore this possible defence.

Whatever the final decisions made, however, from a research point of view the case for some reform is strong. Although shop theft is not a new crime, the massive levels currently being experienced are a relatively recent phenomenon. Established court and policing procedures are adequate for punishing and deterring these offenders, but at great cost to the community and sometimes to the individuals involved. There is undoubtedly a place for more efficient methods in dealing with this by-product of the modern retailing system.

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