

Chapter 2

The history, nature and extent and perceptions of shop theft

2.1 *Introduction*

This chapter deals specifically with the nature and extent of shop theft. The discussion will focus on shop theft costs, retail losses, the dark-figure of shop theft, the type and number of items shoplifters accumulate and shop theft victims. Other issues that will be discussed are shop theft as a criminal offence, the legal elements constituting shop theft and the different types of punitive measures imposed on shop theft offenders. The discussion will commence with the extent of shop theft and the chapter will be introduced with the history of shop theft.

2.2 *Historical perspective*

Naudè (1976:1) states that shop theft is not a problem that has only emerged in recent years; it is an old type of crime, traceable as far back as 1597 in England.

Barlow (1996:172) says that within the criminological field of study the act of shop theft is not a new phenomenon, and the methods employed in removing merchandise from shops have not changed over the years. Perceivable changes have only been identified in terms of the architectural design and layout of the store, and shopping methods. The shoplifters still use similar methods to conceal goods - under their clothes, in false-bottomed cases, in shopping bags and other apparatus.

Walsh (1978:23) remarks that the term shoplifting was used for the first time in 1673 in England and in 1680 it was used officially. In terms of the Preamble to the Act of Parliament 10 William III c. 12 (1698) the unlawful removal of merchandise from shops and warehouses was referred to as shop theft. Shop theft as a criminological concept

classified by criminal law, dates back to the seventeenth century, and towards the end of that period shop theft was well established in England.

In the past, shop theft was seen as a serious crime punishable by death, as announced in King William's Act. It took lawyers and policymakers more than two centuries (122 years) before the death sentence was converted to life imprisonment. This indicates the severity of the problem, which warranted the imposition of harsh punitive measures from the criminal justice system.

Sennewald and Christman (1992:11) indicate that one of the earliest accounts of shop theft was that of professional shop theft which was recorded in 1597. Klemke (1992:16) says shop theft, when compared to other types of theft, has an interesting history which is worth investigating. It was a concern that distressed the first retailers, who paraded their merchandise, to the public, in the marketplace. In the 1700's, shoplifters continued to be a problem for retailers, even though shoplifters were condemned to death if they were caught in the act.

Walsh (1978:25) says that during the nineteenth century, shop theft, although less harshly perceived, was still more prevalent as a specific type of theft, but no longer punished with the death sentence. In the same century shop theft was perceived as an art, which involved sophisticated methods and skills. It was a widespread phenomenon usually referred to and accepted as theft, rather than shop theft. It was also during that period that everything man-made, with monetary value attached to it could be stolen. Shoplifters were treated as thieves, regarded as part of a criminal subculture, and were punished with the same harshness and severity as other criminals. By 1726, shoplifters became so common that retailers, in an effort to prevent and control the increasing incidents of shop theft, asked the government's assistance and offered compensation and immunity to people who provided information regarding their fellow shoplifters.

Sennewald and Christman (1992:11) comment that the prevalent nature of shop theft is described in the book published in 1753, London with the title: *The Lives of Remarkable*

Criminals. The publication describes activities of the three shoplifters fencing stolen merchandise through Jonathan Wild nicknamed: Thief-taker. Woman Burton responded to this offer and revealed information about her associates in crime, Jane Holmes and Mary Robinson and their fence, Jonathan Wild. Shop theft was a serious social problem, and the three were indicted and the death penalty imposed on them.

Klemke (1992:18) mentions that towards the late 1800's and early 1900's shop theft was one of the crimes that were most prevalent in the Notorious Five Points slum area of New York City. In Mayhew's London young people were more inclined to participate in shop theft activities than any other age group. Groups of homeless children, particularly boys and girls, led by an adult person who taught them different stealing techniques, were particularly active. Between 1870 and the early 1900's attention was given to shop theft, as it was regarded as a disease.

It was during this period (1870-1900's) that, for the first time, a significant percentage of middle-class women were arrested for shop theft, and stores were not prepared to publicise this new trend. As a result it became not only a topic for newspaper and magazine articles, but also the subject for stage plays, silent movies (e.g. Kleptomania and The Kleptomaniac). Researchers like Abelson and O'Brien attributed the general increase in shop theft activities, which involved a significant number of middle-class females, to the advent of the department stores.

Klemke's (1992:34) early studies, between 1963 and 1971, regarding shop theft concentrated on the information collected from store files that contained the information concerning arrested shoplifters. Store records were more accessible than the official police records, and were preferred by early researchers who were interested in the study of shop theft. Cameron's work (1964) *The Booster and the snitch* remains the most important early research work regarding shop theft. Information for this research was obtained from store records, and analysed the data regarding arrested shoplifters in the Chicago department stores.

Klemke (1992:34) further cites research studies conducted by Robin (1963) during this early period on the subject of shop theft publicised an analysed report of shop theft in the 1960's, that was based on the arrest records from three department stores in Philadelphia. Won and Yamamoto conducted another research study in 1968, which also provided shop theft data regarding individuals that were apprehended at a hyper store in Hawaii. In the same year (1968) Bennet analysed shoplifters' data gathered from an industrial society in London, and focussed particularly on cases of arrested shoplifters referred to the law enforcement agencies for prosecution. Research by Brady and Mitchell (1971) in Melbourne, Australia, analysed shoplifters, and also used store records that contained information of people who were arrested in the department stores (Klemke 1992:34).

The information collected from various literature studies illustrates that the prevalence of shop theft, as far as its historical background is concerned, is not a new phenomenon, faced only by certain countries. Shop theft it is a universal problem that also confronts South Africa.

Subsequently, different perceptions on the phenomenon of shop theft will be analysed.

2.3 *Different perceptions on shop theft*

Naudè (1988:4) defines perception of crime as an individual's personal estimate of the frequency of crime in his or her environment and perceived risk of becoming a victim of crime. It plays a significant part in the interpretation of some criminological aspects. Van der Walt, Strydom, Marx and Jooste (1996:80) define perception as the process whereby an individual selects, organises and integrates stimuli into a meaningful and consistent overall picture. People react according to this interpretation and not always according to the objective reality.

Naudé (1990:14) says that both the community and shoplifters do not regard shop theft as a serious crime. Customers perceive shop theft as a less serious crime, since the direct victim is an impersonal organisation and not an individual. Brodsky, Bernatz and Beidelman (1981:351) cite that there are a few factors that attribute to the negative views

regarding shop theft as an insignificant crime, such as the low visibility of shop theft, store management's reluctance to prosecute shoplifters and the failure of the community to label shop theft as a serious crime. Barlow (1996:174) says that existing cultural perceptions of illicit acts, in conjunction with the outcomes of criminal conduct, influence the perceptions of certain types of behaviour as anti-social; actions that are contrary to the norms and values of the conventional society. When people, who engage in such behaviour, are labelled, it indicates that people in different settings are expected to behave in a particular manner. When any violation of such norms occur, it comes as no surprise that labels are attached and reinforces the belief that the conduct is criminal.

Barlow (1996:174) says that other aspects to consider are the prevailing perceptions of the criminal justice system, particularly the police and courts. They perceive shop theft as a less serious crime, and decline to apprehend and prosecute shoplifters, especially when the police is overworked or prisons are overcrowded. The store policies are also responsible for the negative view that shop theft is an insignificant crime, because shoplifters are released, by the store, after a warning, or if they are prosecuted, lenient punitive measures are imposed. They sometimes also practice leniency towards such people, and avoid situations that might damage the image of their business. They perceive that their reaction might negatively affect the attitudes and behaviour of their customers. They also want to avoid the possible prosecution for wrongful arrest or imprisonment. Shop owners therefore minimise the time and expenses when they pursue the legal route, especially when suspects are formally prosecuted. They want to avoid undesirable negative publicity that might create the impression that the store is harsh and unfriendly towards its customers. When they are in the position to repossess some of the stolen merchandise and receive payment for the merchandise, in an informal, discreet way, they take that option. As their interests are then partly met, they cannot charge shoplifters with any theft. This plays a significant part in reinforcing the contradictory perceptions that shop theft is an insignificant crime, when shoplifters can pay for the items they allegedly stole.

Shop owners are aware that most shoplifters are non-professionals, and when they are confronted with an act of theft, they tremble with fear, and they will plea against prosecution and dissent the view of shop theft, if they are released at store level. They are more likely to steal again, and display similar behaviour in the future. The casual handling of law-abiding citizens who steal infrequently (in a discreet manner) exert little pressure to change their shop theft conduct or perceptions about themselves, in view of the fact that they receive preferential treatment. As a result they believe that their conduct is not a crime, and a criminal is another type of person.

2.4 *The extent of shop theft*

The extent of shop theft varies significantly from shop to shop. This implies that certain shops are more vulnerable to shop theft than other. According to Carrol and Weaver (1986:31) it would appear that pharmacies and department stores suffer more shop theft losses than other types of stores in the US. The true number of shop theft incidents that occur throughout the United States of America, during a given period of time, is difficult to determine, as the estimates continue to fluctuate. If the figure in 1979 was estimated at over 200 million incidents, there is according to Barlow (1996:171) no reason to assume that the number is less significant today.

Murphy (1986:95) maintains that shop theft has gradually been on the increase over the past few decades, and when it is statistically compared with other indictable crimes, shop theft displays a higher escalation. According to Glick (1996:269) shop theft is a growing and continuing problem, as available official reports indicate 1 out of 8 shoppers commit shop theft.

Sennewald and Christman (1992:6) support the above mentioned views, that the problem continues to grow, as the situation has been aggravated by the introduction and growth of self-service stores, and the manner in which merchandise is displayed. Mirrlees-Black and Ross (1995) the retailers in England and Australia (Walker 1996) also reported that theft by their customers was the most common crime. Closer to home, the survey by

(Naudè, Prinsloo & Martins 1999:45) found that shop theft was the most prevalent crime experienced by non-food retailers (42.7%) and food retailers (17.9%).

Buckle and Farrington (Barlow 1990:251) conducted research in England regarding the number of shop theft incidents, which occurred in one shop in a week's time. They found that the shop theft incidents were ten times higher than the number reported by the police, for the entire city and its surrounding areas. Other research findings indicate that staff usually detects only about 10 percent of shoplifting incidents, which shows that the incidents regarding shop theft differ from one establishment to another.

2.5 *The cost of shop theft*

2.5.1 Accuracy

Although no accurate costs on shop theft can be determined, the seriousness of shop theft is evident, as most shops increase merchandise prices as a means of covering their losses, which in turn fuels inflation.

According to Sennewald and Christman (1992:1) it is difficult to determine the cost of shop theft accurately, but it can be deduced that the cost of shop theft is immense, to both retailers and customers. According to Brooks and Cross (1996:1) retailers are faced with the costs of security systems, security personnel and lost goods due to theft. The costs include that more money must be spend on crime prevention equipment, such as the installation of Close Circuit Television, alarms and other anti-theft devices, whereas consumers have to pay more for merchandise, as some of retailers' costs are passed on to the sale price of the merchandise.

As Naudè (1990:8) points out, the cost of shop theft has far-reaching negative consequences. It affects all members of society, individuals, consumers and commercial institutions, due to the additional burden on the criminal justice system (the police, the courts, correctional services) and the rehabilitation and treatment of shop theft offenders.

This section attempts to scrutinise the information collected by criminologists on aspects such as retail losses, inventory shrinkage and the under reporting of shop theft in South Africa, as well as other countries.

2.5.2 Retail losses

Although it has been emphasised that it is very difficult to determine the exact cost of shop theft, this section attempts to present the shop theft costs in South Africa based on recorded data. This research focuses on the South African context, but it is important to compare the costs incurred by other countries, in order to find out more about the problem.

According to Naudè (1990:8) retailers do not solely suffer profit losses. They are sometimes also confronted with legal costs and loss of productivity, due to time they have to spend in court, and cases are often postponed repeatedly. In instances where experienced employees are found guilty of shop theft, the retailers have to face both the dismissal of staff and the recruiting and training of new staff. This process erodes profits.

Conklin (1995:62-63) outlines six distinct types of costs as far as shop theft is concerned, namely;

- (a) direct loss of property
- (b) transfer of property
- (c) costs related to criminal violence
- (d) illegal expenditures
- (e) enforcement costs
- (f) prevention and protection costs.

Of the six types of costs identified by Conklin, only three are relevant with regards to shop theft.

Direct loss of property

Stolen merchandise is sometimes not recovered, and as a result retailers then have to replace the stolen merchandise.

Enforcement costs

In the criminal justice process, retail loses time in the prosecution of shop theft cases.

Prevention and protection costs

Retailers have to spend considerable amounts of money on target-hardening devices, bolts and alarm systems, as part of physical crime prevention mechanisms. Another expense involves high insurance premiums, which serve as protection or security against possible future losses, as a result of shop theft.

2.5.3 Inventory shrinkage

Naudè (1990:9) defines inventory shrinkage or loss as merchandise that has been damaged and has to be sold to the public at a reduced price, as well as inaccurate cost accounting. The movement of goods from manufacturers and storage to stores, mistakes at the cash register due to unrecorded mark down, employee thefts, as well as the other shop theft losses.

According to Keenan (1999:16) the concept of inventory shrinkage comprises of merchandise that was paid for but not received (unrecorded) into the system, or merchandise that was delivered and almost spirited into the street via the receiving bay and merchandise circumventing a check-out point. In addition, both customers and members of staff consume merchandise, especially food and beverages, in the store before making payments at the checkout point (a point of view cited by Naudè in the

comprehensive definition of the concept of inventory shrinkage). The consumption of such merchandise is not taken seriously, as it occurs within the store parameters and the impact of these shop theft losses only become detectable at the end of the month, during stocktaking.

According to Brown, Esbensen and Geis (1996:438) the most accurate estimate is that about 80 percent of inventory shrinkage occurred through theft, and three-quarter of this estimate includes employee theft.

A study conducted by Naudè, Prinsloo and Martins (1999:58) found that customers are more inclined to steal less valuable goods as indicated by the fact that most businesses experienced shop theft losses between R1- R500 (15%) and R2 501 - R5000 (15%) per annum. Keenan (1998:59) found inventory losses experienced by Pep stores to be more than three times the accepted retail clothing average.

According to Keenan (1998:58) any shrinkage that is more than two percent has a serious impact, and a loss that fluctuates between six (6) to seven (7) percent heavily impacts on the profits of any retail establishment. Keenan (1999:16) further argues that shrinkage in South Africa is costing the retail industry up to two percent of their turnover, although it is more so in the case of Shoprite Checkers. Shrinkage that exceeds two percent is understandable, but food shrinkage should not be more than one percent, as is the case with Pick 'n Pay. It is further maintained that, if one percent of shrinkage is identified, it means a third off the profit. Food shrinkage in South African retail stores is above one percent.

Keenan (1999:16) mentions the theft of stock is an even more serious problem in the Gauteng Province, as it is 0,5 percent more than the estimated figure. In South Africa merchandise deliveries are paid for, but are often not received at the delivery point. This is the cause of a substantial portion of shrinkage, and the extent of the problem is estimated to be more than seventy percent of the total value of shrinkage.

Keenan (1999:17) further mentions that Speciality Stores (as which Mr Price is also classified as) acknowledged shop theft as a serious factor that occurs in clothing institutions but it is not as huge a problem as in the case of food products. As the profit margins of speciality stores are higher, shop theft does not have the same effect on profits if losses exceed thirty percent.

2.6 The under-reporting of shop theft

The under-reporting of crime, which refers to as the dark figure of crime, is a criminological concept often used to refer to the dissimilarities between real and recorded criminality. It totals the amount of hidden and unknown criminality, in other words, all illicit activities committed but, for some or the other reason, they remain undetected or are never reported, as no records of such acts are available. The police do not record all reported crimes and all recorded crimes are not prosecuted or convicted, as is reported by Schönteich (1999:1). Naudé, Grobberlaar, Joubert and Maree (1999: 63) indicate that the commercial crime survey found that only 51.3 percent of shop theft incidents were reported to the police, and in the case of employee theft the reporting statistics was even lower, only 23.3 percent. This high under-reporting rate has made it difficult to determine the true extent of shop theft.

2.7 Number and types of merchandise stolen

Naudé (1990:41) found that shop theft offenders mostly steal cosmetics and toiletries (41.12%), followed by clothing at 37.36 percent and food (21.52%). The perception is that shop theft is a crime that occurs because the opportunity presented itself. It is regarded as an impulsive act with a quest for immediate gratification (excitement) whereas economic factors play a less significant role.

According to Naudé (1990:42) the type of merchandise stolen by different age groups was as follows: young people between the age of 7-17 mostly steal clothing (56.65%) and

those between 18-20 prefer to steal general type of merchandise that constitutes 48.96 percent. The elderly, the age group between 51-60 years (50.0%) and those above 61 years of age (58.33%) stole food, which indicates that poverty may be a motivating factor in this age group.

As with regards to the number of merchandise stolen, no significant dissimilarities were found between the different age groups. As for the value of the stolen articles, young people between 7-17 years of age stole items to the value of R6,16 whereas the elderly, between 51-60 years, stole merchandise to the value of R3,95 while the age group above 60 years stole the lowest amount, namely, R3,25 (Naudé 1990:42-43).

From the above paragraph it becomes clear that losses are sustained because of young people's involvement in shop theft activities. The value of these stolen items is nearly double the value of items stolen by the elderly, which is the primary reason for this research project. This study will attempt to obtain the views of young people regarding shop theft, in order to formulate appropriate programmes for the prevention of shop theft.

2.8 The victims of shop theft

When a crime is committed, it always involves two role players: the offender and the victim (any person, individually or collectively or an institution, suffering economic losses, through the illicit acts of offenders). It should be pointed out that the rights of the offenders have received considerable attention from the criminal justice system, while the plight of the victim is largely overlooked.

Naudé and Stevens (1988:146) point out that every retail establishment, irrespective of its size: small, medium or large, has the potential to become a victim of shop theft. The modernised methods used in displaying merchandise in self-service stores have made the stores particular vulnerable targets to shop theft, because it tempts people to take somebody's merchandise illegally, without their permission.

Naudé, Grobbelaar, Joubert and Maree (1994:14) found that food merchants in South Africa suffer the highest losses. According to Carrol and Weaver (1986:31) department stores and pharmacies are more likely to be potential victims of shop theft than any other type of store in the US. The commercial crime survey conducted by Naudé, Prinsloo and Martins (1999:45) found that food and non-food retail stores experience the most shop theft incidents in South Africa. According to Naudé (1990:12) it would appear that smaller shops and self-service types of shops are more likely to become victims of shop theft in South Africa, as most shop theft losses are recorded in these stores.

As Beirne and Messerschmidt (1991:106-107) point out, retail shops are not the only victims of shop theft. Customers are also victims, as stores make up for their losses by increasing their prices. They further state that in Washington, DC an average customer pays approximately \$300 dollars (approximately R2 334.00) annually to repay retail losses incurred due to shop theft.

Samaha (1988:87-90) reveals that shop theft victims suffer from the effects of property or financial losses, as well as emotional depression, which ranges from fear to helplessness. The nature of losses sustained by the victims of theft from shops involve financial losses due to stolen and damaged merchandise, higher insurance premiums and the costs of security measures. The social costs in terms of increased law enforcement and the prosecution of shop theft offenders are also considerable. The criminal justice system is also an indirect cost, when one considers the fact that the taxpayer maintains the criminal justice system, which is also an indirect victim. It can thus be argued that all members of society are victims of shop theft.

2.9 Shop theft as a criminal offence

2.9.1 The act of shop theft

According to Naudé (1976:7) shop theft is recognised as a criminal offence in South Africa because the South African law against theft covers this act. It is an illegal act, for which the courts, using their discretionary powers, impose various forms of punitive measures. In short, theft from shops is a criminal offence punishable in terms of the theft laws, applicable not only in South Africa but also in other countries.

Shop theft within the South African context, as Naudé (1990:11) points out, is a criminal offence, and is a specific type of theft that can be distinguished from other types of theft. In terms of the South African Criminal Procedure Act, Act 51 of 1977 it is an offence formally recognised by the statutes.

2.9.2 Legal elements constituting the act of shop theft

Criminologists, legal experts and policy makers have noted that, when a crime is committed, irrespective of its nature, there are important and specific elements, constituting a particular criminal act, which are covered in the criminal law books of any country, including the South African Criminal Law. Three cardinal elements constitute the act of shop theft in South Africa, namely:

- unlawfulness,
- intent, and
- the appropriation of a moveable corporeal thing.

Each legal element forms part of the act of shop theft and will be discussed separately.

Unlawfulness

According to Snyman (1995:463) unlawfulness is one of the main elements that constitute the act of shop theft, as it is covered by the South African criminal law. In simple terms, the concept implies that, if an act, which has been committed (illegally taking any merchandise in a store without permission or payment), is against the law of the country, the law recommends the imposition of specific punishment prescribed in the statute

books. As far as the shop theft offender's position is concerned, the person is fully aware of his or her actions prior to the commission of the act of shop theft, namely: that which he or she is about to carry out is against the law.

Intent

According to Naudé and Stevens (1988:146) intent is one of the most important elements that meets the legal requirements and constitutes shop theft as a crime in South Africa. McCoey (1999:1), Coertzen and Sorgdrager (1991:188) mention that, in order to perpetrate shop theft a person must intend to permanently deprive the owner of his or her control of the merchandise, that is in his or her possession. The term, in Latin, is referred to as *mens rea*, which means a blameworthy state of mind, referring to the deliberate and intentional act on the part of the shop theft offender in the commission of shop theft.

The Oxford Dictionary (1994:372) maintains that: to charge a person with the act of shop theft, it is not necessary for the person to remove the merchandise from the shop premises. Initially, the method used to apprehend shoplifters was to wait for shop theft offenders to leave the shop before apprehending them, as it helped to prove the element of intent to commit shop theft on the part of the shop theft offenders, by catching such perpetrators red-handed.

The appropriation of a moveable corporeal thing

The third identifiable element constituting the act of shop theft is the appropriation of a moveable corporeal thing. The Oxford Dictionary (1994:398) describes appropriation as the assumption of the possession rights of the owner and it includes any act where there are signs which indicate that the person is treating the merchandise as his or her own. It excludes the removal of such merchandise. For example: when price tags of goods in a shop are switched from one item to another to enable a person to buy such goods at a lower price, this in itself could amount to an act of appropriation. The appropriation of a moveable corporeal (physical) thing refers to items that can be removed from the retail

store and be used, unlawfully. The merchandise has to be a tangible thing, with economic value and accessible (to removal and use) without any authorisation from the rightful owner.

According to Coertzen and Sorgdrager (1991:189) and Snyman (1995:463) the act of appropriation presents serious challenges, especially in determining exactly when the shop owner's control over the merchandise ceases and the moment the thief assumes control of the merchandise in question. Snyman (1995:463) points out that it is difficult to prove in the South African courts exactly when the store owner's control ends and when the shop theft offender's control over the merchandise commences. This uncertainty is the result of contradictory decisions that emerges in shop theft cases. In self-service shops consumers tend to remove merchandise from store shelves and conceal them in their clothes, with the intention of not paying for them, and are then apprehended before they could pass through the checkout point. Snyman (1995:463) further makes reference to some shop theft cases, for example: Bertinotti 1961 1 PH H79_(F); Xinwa 1970 2PH H171 (NC). In these cases there was maintained that the act constituted complete theft and in other cases such as Khumalo 1975 4 SA 345 (N); Mquabuzana 1976 1 SA 212 (E), only attempted theft was maintained.

According to Snyman (1995:463), it is important to prove whether an act of appropriation has been committed in shop theft cases of such nature (as discussed above), before a person can be charged with shop theft. This implies that an act of appropriation is a required element in order for shop theft to be established as a crime. In other words, one has to find out whether, at the time the shop theft offender was arrested, his or her behaviour had reached a level that he or she exercised control over the merchandise. Such a level would have been gained only if the legitimate owner had lost control over the merchandise.

Currently the trend in South African case law regarding shop theft cases has set a legal precedent. A shop theft offender can be charged for a complete theft if, in a self-service shop, he or she concealed merchandise in his or her clothes and is arrested before he or

she could pass the checkout point. This is carried out under the assumption that the apprehended person had shown the intention of obtaining something for nothing, to get away with the merchandise without making any form of payments. In the shop theft case that involved Lujaba 1987 1 SA 226 (A), the inference deducted from the case has been that the accused was arrested before he could pass the checkout point with the merchandise, concealed under his clothes. After a body search was carried out and the merchandise was discovered, it was concluded that he had the intention of taking merchandise without making the required payments.

Snyman (1995:463) substantiates these grounds for charging shop theft offenders with completed theft, even though the owners of self-service stores ensured that their 'customers' do not deliberately take merchandise without paying. This is not easy, since this entails that all people who enter self-service stores must be observed constantly. If any person enters such a store, and intends to walk out with the merchandise concealed in his or her clothes without compensation, and such a person is arrested before passing the checkout point of the shop, his or her apprehension occurs because the opportunity has presented itself.

Against this background it should also be mentioned that the shop owner has no absolute or efficient monopoly over everything in the retail establishment. Snyman (1995: 463) maintains that the minute the shop theft offender conceals the merchandise in or under his or her clothes, the retailer's control over such merchandise ceases. When a shop theft offender is caught in a retail establishment, and it is very difficult for such a person to remove concealed merchandise and results in his or her arrest, a charge of attempted theft may be laid. This demonstrates that shop theft in a country like South Africa, where an illicit act affects us all, is a criminal offence that should be regarded as serious, because a mere shop theft attempt might result in the prosecution of shop theft offenders for the crime of stealing.

2.10 Types of punishment imposed for shop theft

According to Naudé (1976:10-11) there are different types of punishment that can be imposed in South African courts as far as shop theft cases are concerned. It can take the form of a monetary penalty, imprisonment, or a combination of both, or placing the accused under recognisance with conditions and community corrections. In addition, Van Blerk (2000:28) states that criminal punishment for shop theft offenders, apart from the criminal penalties mentioned by Naudé (above), also includes an educational rehabilitation programme. The researcher views education as important, since it focuses more on the educational aspects, and attempts to change the destructive perceptions that shop theft offenders have with reference to shop theft, for example that it is a low risk offence or petty crime.

The Law Society of Upper Canada (2000:1-2) states that punishments imposed on shop theft offenders differ from one country to another. The researcher preferred to compare the types of punishments imposed under the Criminal Code of Canada with those in South Africa. The act of shop theft has been codified in both countries' statutes, shop theft remains a serious offence, but the difference emerges when sentences are imposed. In Canada, when a penalty is imposed, the value attached to the stolen merchandise is taken into serious consideration when the appropriate sentence is determined. The following example illustrates this: if the stolen merchandise amounts to more than \$5,000 (approximately R38900) the recommended sentence is ten years. If the value does not exceed this figure, a monetary penalty (fine) of \$2,000 (approximately R15560) is the maximum penalty, or six months imprisonment, or a combination of both sentences. If the case involves first time shop theft offenders, they are either discharged or monetary fines are imposed (as specified above, the value of the stolen merchandise remains a determinant factor), or they are placed on probation for a given community service sentence. It is of interest to note that there is a special provision in the Canadian law pertaining to mental incapacity that might have led to the act of stealing the merchandise.

The presiding officer (magistrate or judge) has discretionary powers, for example the judge can recommend that a person be referred to an institution which can render counselling. In other words, imprisonment of shop theft offenders is seen as the last resort, but professional help from people such as psychologists are offered as a rehabilitation mechanism.

2.11 Conclusion

The discussion on the nature and extent of shop theft disclosed information on shop theft as a socio-economic problem; very difficult to measure, and the costs involved are enormous. Stores suffer from various losses, such as shrinkage. The under reporting of shop theft incidents may be viewed as one of the reasons which make it difficult to establish accurate statistics for shop theft. It is a crime that affects everybody, as shoplifters steal more than once, and even non-shoplifters are affected by these deeds.

There are both direct and indirect types of victims that can be identified, as it is a crime everybody pays for. Customers pay high prices for merchandise; retailers carry the costs for prosecuting offenders, high insurance premiums and the installation of physical crime prevention devices. Even family members of the offenders suffer, as they often have to compensate the victims.

Shop theft is a specific type of theft viewed as a criminal offence punishable in terms of the South African law. The legal elements that formulate the act of shop theft, as discussed, imply the seriousness of the problem. Various types of punishments may be administered to perpetrators of this act, when they are found guilty during prosecution.

Shop theft is a particular type of theft, classified as a property crime and dominated by amateurs and opportunists. It has far-reaching financial, social and legal implications for the trade and industry. It is not easy to ascertain the nature of shop theft, but it is well known that shop theft has a significant statistical impact on the profits of businesses.

In chapter 3 the focus is on the shoplifters.