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## SHOPLIFTING AND POLICE REFERRAL: A REEXAMINATION

RICHARD J. LUNDMAN\*

Criminologists have long been concerned about whether certain groups are treated differently than others in the criminal justice system. Studies of the decisions of police, prosecutors, and judges, for example, have suggested that extra-legal characteristics play an important role.<sup>1</sup> Although some of the evidence is mixed, it has been relatively well established that characteristics such as demeanor, age, race, social class, and gender routinely influence the discretionary decisions of members of the criminal justice system.<sup>2</sup>

Lay people are also in a position to make discretionary decisions. Police, for instance, are highly dependent upon citizens for knowledge of criminal incidents. Upwards of three quarters of all police-citizen encounters are initiated by citizens who telephone the police.<sup>3</sup> The fact that citizens make discretionary decisions prior to calling police is evidenced by the results of victimization surveys. These surveys indicate that about half the time, lay persons elect *not* to alert police to crimes to which they have fallen victim.<sup>4</sup> An important question, therefore, is whether lay persons base their decisions on factors similar to or different from those utilized by members of the criminal justice system.

Curiously, and with one exception, the factors influencing the discretionary decisions of lay per-

sons have not been closely examined. The exception is lay referral to police for shoplifting, and, even here, the available evidence is mixed. Cameron,<sup>5</sup> and Steffensmeier and Terry,<sup>6</sup> for instance, reported that extra-legal characteristics (race and gender by Cameron; "hippie" appearance, but not gender by Steffensmeier and Terry) played an important role in lay decisions to refer apprehended shoplifters to police. Hindelang, however, found that when "retail value of the items stolen is controlled—the age, sex, and race of the shoplifter are not related, or are only slightly related, to the probability of being referred to the police."<sup>7</sup>

However, lay referrals to police for shoplifting represent a special case of lay decision-making. For example, shoplifting is a crime committed against a corporation or a store, rather than an individual. Consequently, the offense carries a lesser moral stigma than similar offenses committed against individual citizens.

However, despite the unique characteristics of shoplifting and the mixed nature of the available evidence, it is reasonable to suggest that study of the factors influencing lay referrals to police for shoplifting can aid in identifying the types of factors which may be operative in other, and presumably more general, situations. This conclusion is supported by the following four reasons. First, lay persons aware of shoplifting offenses possess information not known to police. Second, they determine whether police and other segments of the criminal justice system will *ever* possess that information. Third, lay persons are in a position to base their decisions on extra-legal characteristics. And finally, lay persons have the power to make the crucial decision of whether or not to expose an alleged offender to the stigmatization of formal

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<sup>1</sup> See generally A. PLATT, *THE CHILD SAVERS* (1969); Black & Reiss, *Police Control of Juveniles*, 35 *AMERICAN SOCIOLOGICAL REVIEW* 63 (1970).

<sup>2</sup> Not all of these variables are reported in the present study; however, the literature indicates that offender characteristics are important determinants of professional labeling.

<sup>3</sup> See, e.g., Lundman, *Police Patrol Work: A Comparative Perspective*, *POLICE BEHAVIOR: A SOCIOLOGICAL PERSPECTIVE* (R. Lundman ed.) (publication forthcoming).

<sup>4</sup> See, e.g., Ennis, *Crimes, Victims, and the Police*, 4 *TRANS-ACTION* 36 (June, 1967).

<sup>5</sup> See generally M. CAMERON, *THE BOOSTER AND THE SNITCH* (1964).

<sup>6</sup> Steffensmeier & Terry, *Deviance and Respectability: An Observational Study of Reaction to Shoplifting*, 51 *SOCIAL FORCES* 417 (1973). In that study, referral was by shoppers to store personnel. For comparative purposes, this study treats the Steffensmeier and Terry referrals as though they were made to the police.

<sup>7</sup> Hindelang, *Decisions of Shoplifting Victims to Invoke the Criminal Justice Process*, 21 *SOCIAL PROBLEMS* 580, 591 (1974).

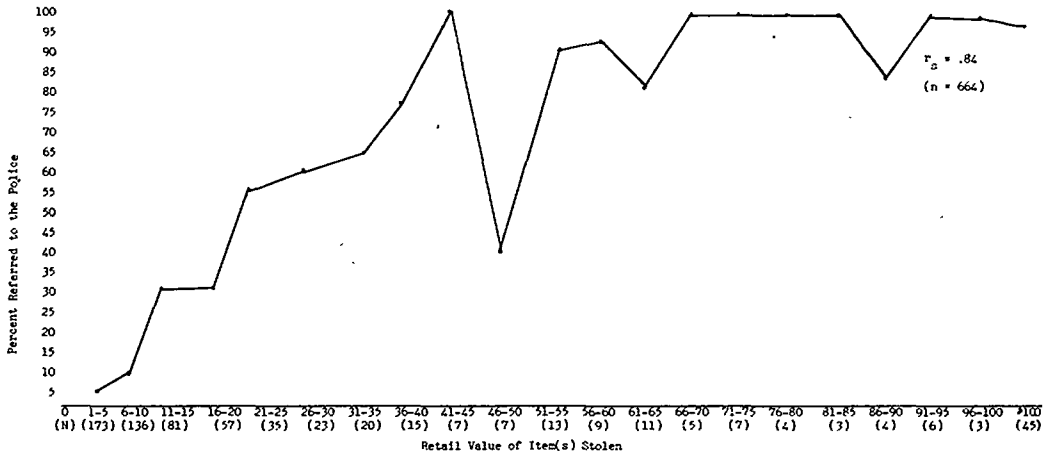


FIGURE 1. Retail Value of Item(s) Stolen and Percent Referred to the Police for Prosecution.

TABLE 1

THE MEAN RETAIL VALUE OF THE ITEMS(S) STOLEN AND THE PERCENTAGE OF APPREHENDED SHOPLIFTERS REFERRED TO THE POLICE FOR PROSECUTION BY THE RACE, SEX, AND AGE OF THE APPREHENDED SHOPLIFTER

	Mean Retail Value of Item(s) Stolen		%
	N	$\bar{X}$	
Race			
White	439	24.46	29
Non-white	224	56.29	54
Sex			
Female	328	27.13	35
Male	334	43.41	40
Age			
≤17	285	16.21	14
18-29	257	48.92	56
30-39	75	47.88	54
>40	47	53.25	45
Totals	664	35.24	36

criminal processing. For these reasons, then, study of lay decisions in the context of shoplifting helps to shed light on decision-making in other areas.

The aim of the present study, therefore, is to re-examine the relationship of extra-legal criteria to lay referrals to police for shoplifting offenses.

#### METHOD

The security records of the midwestern branch of a nationwide department store chain were utilized. Store security personnel kept records of each shoplifting apprehension. Data were collected for each offense describing the offence, the offender

and the disposition (referral or non-referral to the police). The records for all offenses that occurred during 1973-1975 were examined. A total of 664 cases were available for analysis.

#### ANALYSIS AND RESULTS

Given the hypothesized importance of the retail value of the items stolen in the decision to refer an apprehended shoplifter to the police, the present analysis begins with an examination of that relationship. As shown in Figure 1, retail value of the items stolen is strongly related to the decision to refer an apprehended shoplifter to the police. When each of the twenty-one retail value groups in Figure 1 are examined in terms of their respective referral rates, the Spearman rank order correlation between retail value and referral rate is .84. This suggests that a substantial proportion of the variation in referral rates is attributable to the retail value of the item stolen.

Table 1 shows the relationships between race, gender and age to the decision to refer an apprehended shoplifter to the police. On the basis of zero order analysis, it can be seen that the decision to refer an apprehended shoplifter to the police is also influenced by these three variables. Thus, non-white, older and, to a lesser extent, male apprehended shoplifters were referred to the police more frequently than their white, younger and female counterparts.

Table 1 also contains information on the mean retail value of the items stolen. Those individuals who experienced comparatively higher referral rates had stolen items worth considerably more than those individuals experiencing comparatively

TABLE 2

RETAIL VALUE OF THE ITEM(S) STOLEN, RACE, SEX, AND AGE OF THE APPREHENDED SHOPLIFTER, BY PERCENT (AND PERCENTAGE DIFFERENCE) REFERRED TO THE POLICE FOR PROSECUTION<sup>a</sup>

Retail Value	Race					Sex					Age					Totals	
	White		Non-White		% Difference	Female		Male		% Difference	17		18		% Difference	N	%
	N	%	N	%		N	%	N	%		N	%	N	%			
1-5	126	6	46	9	3	87	7	85	8	1	106	3	67	15	12	173	8
6-10	112	9	24	27	16	65	11	71	13	2	79	6	57	19	13	136	12
11-15	55	27	26	43	16	40	28	41	34	6	34	2	47	38	17	81	31
16-20	35	28	22	36	8	32	34	25	28	6	21	24	36	36	12	57	32
21-30	39	49	19	74	25	35	54	23	61	7	19	32	39	69	37	58	57
31-40	17	64	18	78	14	16	78	19	87	9	7	29	28	82	53	35	71
41-50	7	57	7	86	29	6	86	8	83	3	3	33	11	82	49	14	71
51-60	7	86	15	87	1	12	87	10	100	13	4	50	18	94	44	22	86
61-70	11	100	5	60	40	8	60	8	75	15	3	33	13	100	67	16	87
71-80	5	100	6	100	0	6	100	5	100	0	1	100	10	100	0	11	100
81-90	6	83	1	100	17	3	100	4	100	0	4	75	3	100	25	7	86
91-100	3	100	6	100	0	7	100	2	100	0	1	100	8	100	0	9	100
100	16	100	29	97	3	12	97	33	100	3	3	67	42	100	33	45	98
Totals	439	29	224	54	25	328	35	334	40	5	285	14	379	49	35	664	36

<sup>a</sup> Store records were incomplete as to race ( $n = 1$ ) and gender ( $n = 2$ ).

lower referral rates. For example, non-white apprehended shoplifters experienced a police referral rate of 54% and had stolen items worth an average of \$56.00, while white apprehended shoplifters experienced a police referral rate of 29% and had stolen items worth an average of only \$24.00.

The combined data in Table 1 suggest a possible explanation for the differences in referrals to the police. Specifically, the data suggest that non-white, older, male apprehended shoplifters were referred to the police more frequently because, in general, they had stolen more expensive merchandise. Stated alternatively, it is possible that the differences in rates of referral to the police would be eliminated if the effects of retail value are controlled.

Table 2 considers the relationship between race, gender and age, respectively, to police referral where the effects of retail value are controlled.<sup>8</sup> Race continues to play a consistent, albeit diminished, role in referral when the effects of retail value are controlled. Thus, in seven of the thirteen comparisons in Table 2, the rate of referral to the

police for non-whites exceeded that of whites by ten or more percentage points. In comparison, there was only one instance where the white rate of referral to the police exceeded that of non-whites by ten or more percentage points. Moreover, calculation of a simple sign test<sup>9</sup> under a hypothesis that non-whites are referred to the police more frequently than whites shows a  $Z$  value of 1.84 ( $p \leq .05$ ) for the eleven untied matched pairs in Figure 2. Therefore, with the effects of retail value controlled, race continues to play an important role in the referral decision.

Table 2 also shows the relationship between gender and referral to the police, controlling for retail value of the items stolen. The weak relationship which appeared in Table 1 is essentially eliminated and, in several instances, it is the reverse of what one would predict under a hypothesis that males are referred to the police more frequently than females. Thus, in only one of the thirteen comparisons in Table 2 did the male rate of referral to the police exceed that of the females by ten or more percentage points. In comparison, there were four instances where the female rate of referral to the police exceeded that of males by ten or more percentage points. Finally, calculation of a sign test for the eleven untied matched pairs in Table 2

<sup>8</sup> The cutting points utilized in Table 2 are different from those employed in Figure 1. In Figure 1, \$5.00 intervals were utilized. In Table 2, once above \$20.00 in retail value, \$10.00 intervals were utilized. This was done to increase the number of cases within each category thereby maximizing the number of meaningful comparisons.

<sup>9</sup> W. HAYS, STATISTICS FOR PSYCHOLOGISTS 625 (1963).

yields a  $Z$  value of  $-.64$  ( $p > .30$ ), thereby supporting the null hypothesis that gender is unrelated to the decision to refer an apprehended shoplifter to the police. With the effects of retail value controlled, the gender of the shoplifter is found to play an inconsistent role in the referral decision.

Finally, Table 2 shows the relationship between age and referral. Where the retail value is controlled, age plays a consistent and important role in the referral decision. In all eleven instances where there were a sufficient number of cases to permit meaningful comparison, the rate of referral to the police for apprehended shoplifters eighteen years of age and above was ten or more percentage points higher than the referral rate for those seventeen years old or less. In none of the comparisons were younger apprehended shoplifters referred more frequently than older apprehended shoplifters. In addition, calculation of a sign test for the eleven untied pairs in Table 2 yields a  $Z$  value of  $3.07$  ( $p \leq .01$ ), thereby permitting rejection of a null hypothesis that age plays no role in the referral decision.

In sum, the data considered thus far suggest that the retail value of the item stolen, the age and the race of the shoplifter, all relate to the decision to refer to the police. The sex of the offender, however, appears to be unrelated to the referral decision.

As with the previous research, additional information descriptive of the offense and offender was collected. The method used to take the item and a description of the item were recorded, as were the shoplifter's occupation, marital status and number of dependents.

In order to examine the relationship of all of these variables to the decision to refer an apprehended shoplifter to the police, predictive attribute analysis (PAA) was utilized.<sup>10</sup> PAA is conceptually similar to step-wise multiple regression as the independent variable showing the strongest relationship to the criterion variable is used to split the sample into two parts. Within each group, the remaining independent variables are examined to discover which one shows the strongest association with the criterion variable. This process is continued until a cell size is fifty or less, five splits have been made in a particular branch, or two successive splits fail to show at least a ten percent difference across subgroups on the criterion variable.

The results of the PAA analysis are presented in

Figure 2. As would be expected, the attribute which most strongly relates to referral is the retail value of the items stolen. Thus, 9% of those stealing small value items were referred to the police as opposed to 60% of those stealing large value items.<sup>11</sup> Within both of these subgroups, age emerges as the variable next most strongly related to the referral decision. Of those who stole small value items and were seventeen years of age or less, only 4% were referred to the police; whereas, of those eighteen years of age or older, 17% were referred to the police. Similarly, of those who stole large value items and were seventeen years old or less, 31% were referred to the police as compared to 72% of those who stole large value items and were eighteen years of age or older. The race of the apprehended shoplifter, with one exception, emerges as the attribute third most closely related to the referral decision. For example, of those who stole large value items and were seventeen years of age or less, 21% of the whites were referred to the police as compared to 44% of their non-white counterparts. The single exception is among those who stole large value items and who were eighteen years of age or older where the items stolen (clothes, non-clothes) emerges as the attribute most closely related to the referral decision after retail value. In the next splits from the subgroups, however, the race factor again emerges, thus suggesting the continued importance of this variable in the referral decision. In the remaining splits among the large-value subgroups, the technique utilized by the apprehended shoplifter (under clothes, not under clothes) emerges as the attribute most closely related to the referral decision.

In sum, the PAA results provide several impor-

<sup>11</sup> In order to utilize the PAA method, it was necessary to dichotomize the retail value variable. As Figure 1 suggests, however, this was extremely difficult because of the distribution of the variable. Thus, the mean value of the items stolen was \$35.24 and the median \$11.54. Visual inspection of the data, however, revealed that a "natural" cutting occurred at the \$10.00 point. Thus, slightly less than 10 percent of those who stole items worth \$6.00-\$10.00 were referred to the police as compared to nearly 30 percent of those who stole items worth \$11.00-\$15.00. Although somewhat less than satisfactory, the \$10.00 value did result in groups of nearly equal size. As a consequence, the "small value" group refers to individuals who had stolen items worth \$10.00 or less. The "large value" group consists of those individuals who had stolen items worth more than \$10.00. Since the essential result of the PAA analysis is to confirm earlier observations rather than to suggest new findings, it does not appear that the lack of a completely effective control for retail value is a serious problem.

<sup>10</sup> For a discussion of PAA, see Hindelang, *supra* note 7, at 586-88.

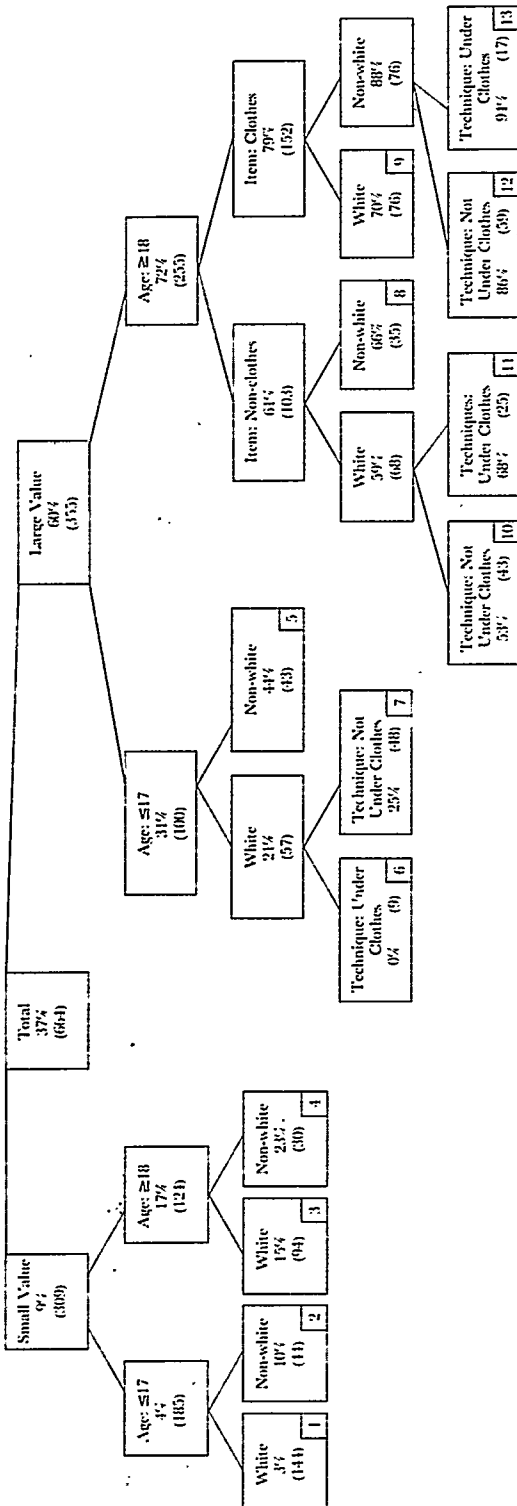


FIGURE 2. PAA results in terms of percentage referred to the police (Arbitrary identification numbers have been assigned to the terminal groups and appear in the bottom righthand corner of the box representing those groups.)

tant insights. First, they confirm that the retail value of the items stolen, and the age and race of the violators all influence the referral decision. Second, they suggest that of these three variables, retail value is the factor most clearly and consistently related to the referral decision. Age is the next most closely related factor and race is found to be the third strongest factor influencing the decision to refer an apprehended shoplifter to the police. Of interest also is the continued absence of any evidence that the gender of the apprehended shoplifter relates to the referral decision.

DISCUSSION

The major findings of the present study: that is, that retail value, age, and race all relate to the referral decision, and that gender does not, will first be compared to findings previously reported by Cameron, Hindelang, and Steffensmeier and Terry. Then, several of the reasons for the similarities and differences between the various projects will be examined. Finally, the implications of these findings for the study of lay decision-making will be considered.

Looking first at the Cameron study, it can be noted that offender characteristics, specifically race and sex, were critically important in the referral decision. In the present study, the offender characteristics of age and race were found to be important; however, the influence of gender was negligible.

As compared to the Hindelang project, the present study provides support for Hindelang's conclusion that the retail value of the item stolen is the most important factor in the referral decision. Also similar to Hindelang, the gender of the offender was found to be unrelated. Unlike the Hindelang research, however, when the effects of retail value were controlled here, age and race continued to play an important role in referral decisions.

Finally, in relation to the Steffensmeier and Terry results, the present study provides support for their conclusion that gender is unrelated to the decision to refer an apprehended shoplifter to authorities. The present study also confirms that extra-legal characteristics (appearance in the earlier project, and age and race in the present) influence the discretionary decisions made by lay people aware of shoplifting incidents.

The reasons for the similarities and differences in the results of the present and previous projects are several. First, the type of decision-maker being examined appears to be an important source of

variation. In the Cameron effort and the present research, large department stores with security personnel as referral decision-makers were studied. Hindelang, by contrast, studied small drug and grocery stores with store clerks, stockpersons, and managers as referral decision-makers. Steffensmeier and Terry studied grocery stores and a discount department store with shoppers as decision-makers. While it is true that the store security personnel studied here and by Cameron, and the store clerks and stockpersons examined by Hindelang are not members of the criminal justice system, it is also true that store security personnel represent a distinct type of lay person: the *private* police officer. As it turns out, the actions of these private police officers more closely resemble the actions of public police officers than those of unorganized lay persons responding as individuals to instances of criminal victimization. Consequently, it appears that policing, both public and private, encourages reliance upon stereotypical images of the kinds of persons deserving of formal actions. It would appear, then, that the greater the distance between lay decision-makers and the occupation of policing, the less the apparent reliance upon offender characteristics.<sup>12</sup>

Second, it is possible that Cameron's failure to examine the importance of the retail value of the item stolen or to introduce retail value as a control during analysis of the relations between race, gender and police referral, also accounts for certain of the differences between the results of the four studies. It is possible that retail value would have been found to be most important had Cameron undertaken that analysis. Moreover, had retail value been introduced as a control it is possible that the race and gender differences reported by Cameron would have been eliminated or reduced, with results more closely approximating the findings reported here and by Hindelang. Although this is clearly speculative, it is nonetheless necessary to recognize that the differences between the results may be traceable to Cameron's failure to examine the relations between retail value and police referral.

Third, the absence of any evidence of a relationship between gender and referral in this study and those of Hindelang and Steffensmeier and Terry, suggests a profound change in the importance of this factor since the time of the Cameron research.<sup>13</sup>

In that time, of course, the women's movement<sup>14</sup> has developed and strengthened. Although beyond the limits of the present study, it does appear that, as compared to other factors, gender plays a lesser role in the decisions made by lay persons to refer an apprehended shoplifter to authorities.<sup>15</sup>

Fourth, and in contrast to the lessened importance of gender, the present research suggests the continued importance of race in referral. Separated by nearly two decades, the present research and that of Cameron suggest that store security personnel continue to discriminate against minority shoplifters. As compared to the women's movement, then, the Black movement may be somewhat less effective in reducing or eliminating differential treatment.

Finally, it is important not to lose sight of the fact that in the present research and that reported by Hindelang, the retail value of the item stolen was the most important determinant of whether or not an apprehended shoplifter was referred to the police. Although offender characteristics are important, the seriousness of the alleged offense is clearly the most critical determinant of whether or not an apprehended shoplifter is referred to the police. Whatever the exact magnitude of the contributions of offender characteristics to the decision to refer, they occur within limits imposed by the seriousness of the offense. Although variation in referral rates attributable to status characteristics exists when retail value of the item stolen is controlled, it is clear that the greater differences occur between those who steal small and large value items. Consequently, it appears that among lay persons, exercise of referral discretion is constrained by the seriousness of the alleged offense.

These similarities and differences also contain several implications for the general study of lay

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would have been found to play an independent role in referral.

<sup>14</sup> Huber, *Toward a Sociotechnological Theory of the Women's Movement*, 23 SOCIAL PROBLEMS 371 (1976).

<sup>15</sup> This is *not* intended to suggest that reduction or elimination of whatever leniency may have been shown women in the past was among the goals of the women's movement. In fact, it appears that women may have been treated more harshly than men in the past, especially for actions which are contradictory to traditional sexual stereotypes. It is suggested, however, that comparison of the results of the present study with those reported by Cameron indicates that when the offense is shoplifting and the decision-maker is a member of a store security staff, gender no longer appears to relate to the type of decision reached. It is also suggested that this change is potentially traceable to the renewal of an effective

<sup>12</sup> See Lundman, *supra* note 3.

<sup>13</sup> This point is made under an assumption that, had Cameron controlled for the effects of retail value, sex

decision-making. Three such implications will be considered.

First, it appears that lay persons are generally reluctant to utilize formal mechanisms of social control. In the present study, for instance, only 36% of those technically eligible for formal processing were actually referred to police, while in the Hindelang study only 26% of the apprehended shoplifters were referred. Essentially similar percentages are found in the context of victimization surveys.<sup>16</sup> Thus, it appears that lay persons are generally lenient in initiating formal mechanisms of social control.

Second, among the factors related to the referral decisions of lay persons, the most influential is the seriousness of the alleged offense. In the present study, only 8% of those persons taking items worth less than \$6.00 were referred to police, as compared to a minimum of 71% of those taking items worth more than \$30.00. Once again, victimization surveys advance a similar conclusion. As one such survey indicates:

Half the crimes committed in both Dayton and San Jose in 1970 were not reported to the police. However, both the composition of the unreported crimes and the reasons given by victims for not reporting them indicate that, on the whole, the unreported crimes were much less serious than the reported crimes . . . [r]ape, robbery, aggravated assault, burglary of commercial establishments, and auto theft

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women's movement. For an expanded discussion see, Anderson, *The Chivalrous Treatment of the Female Offender in the Arms of the Criminal Justice System: A Review of the Literature*, 23 *SOCIAL PROBLEMS* 350 (1976).

<sup>16</sup> See Ennis, *supra* note 4.

. . . combined, represented only 5 percent of the unreported crimes.<sup>17</sup>

Consequently, it appears that the legal seriousness of the alleged offense is key among the factors influencing the referral decisions of lay persons.

Third, study of the decisions made by lay persons aware of shoplifting offences suggests that offender characteristics such as race, gender and age may play a role in more general decision-making situations. Currently, however, victimization surveys are curiously silent with respect to this possibility.<sup>18</sup> It would be extremely beneficial, therefore, for future surveys to be attentive to the role of offender characteristics in the decision to report criminal victimizations to police.

#### CONCLUSION

The conclusion to be drawn from the present study and the others which preceded it is that study of the factors influencing the referral decisions of lay persons aware of alleged shoplifting offenses suggests the types of factors which may be important in other decision-making situations. These findings also suggest some of the ways other techniques might be refined so as to better assess the extent to which persons in certain categories are treated differently than others within the criminal justice system.

<sup>17</sup> U. S. DEPARTMENT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, *CRIMES AND VICTIMS: A REPORT ON THE DAYTON-SAN JOSE PILOT SURVEY OF VICTIMIZATION* 24 (1974).

<sup>18</sup> See Ennis, *supra* note 4, and U.S. Department of Justice, *supra* note 17.