

Approved: 3/10/98  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by acting Chairperson Representative Mayans at 3:30 p.m. on January 27, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Kline (excused)  
Representative Powell (excused)  
Representative Presta (excused)  
Representative Carmody (excused)  
Representative Garner (excused)  
Representative Adkins (excused)  
Representative Klein (excused)  
Representative Swenson (excused)  
Representative Wilk (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Jan Brasher, Committee Secretary

Conferees appearing before the committee: Representative John Ballou  
Kyle Smith, KBI and Kansas Peace Officers Association  
Dale Finger, KBI, written testimony only  
Bud Grant, KCCI  
Mark Swafford, Manager, J.C. Penneys, Westridge Mall,  
Topeka, Kansas  
Representative Tanner

Others attending: See attached list

Acting Chair Representative Mayans called the meeting to order. There were no bill introductions.

**HB 2367**                      **Hard 15 sentences for persons selling or manufacturing certain controlled substances.**

Representative John Ballou testified in support of **HB 2367**. The conferee stated that this bill will extend the time of incarceration of convicted drug dealers. The conferee stated that this bill will only affect the major drug dealers in Kansas. (Attachment 1)

The Committee members discussed with Representative Ballou issues concerning the effect this bill would have on prison population and the social benefit of this bill.

Kyle Smith, KBI and representing the Kansas Peace Officers' Association testified in support of **HB 2367**. The conferee stated that this is a major piece of legislation directed at the large drug dealers. The conferee offered suggestions for the Committee to consider. The first one refers to the amount or volume in dealing with LSD. The second change noted by the conferee is the need of a typo correction on page 1, line 36. The third suggestion offered by the conferee was to correct the possibility that a person's sentence could be inadvertently reduced under this bill because of the drug grid classification. The conferee's final suggestion would amend the bill to encourage defendants to cooperate and identify their sources while also reducing the impact on bed space in the state penal system. (Attachment 2) The conferee presented written testimony of Dale Finger, Associate Director, KBI which contains information on a drug situation in southeast Kansas. (Attachment 3)

The Committee members and conferee discussed the need for departures, suspension modification, and various drug measurements stated in the bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Judiciary, Room 519-S Statehouse, at 3:30 p.m. on January 27, 1998.

The Chair closed the hearing on HB 2367.

**HB 2625**                    **Liability of parents of children who shoplift.**

Bud Grant, KCCI, testified in support of HB 2625. The conferee stated that merchants feel besieged by young persons who shoplift. Mr. Grant introduced Mr. Mark Swafford.

Mark Swafford, Store Manager, J.C. Penneys, Westridge Mall, Topeka, Kansas testified in support of HB 2625. The conferee stated that this bill was requested to address the problem of juvenile shoplifters by imposing civil damages on the parent(s) of juvenile shoplifters. The conferee related to the Committee the amount of money lost by stores due to this crime. The conferee provided information on the number of apprehensions and discussed similar shoplifting laws of other states. (Attachment 4) The conferee provided information regarding the time, age and reasons for shoplifting by juveniles. The conferee described the techniques used to remove goods from the stores. The conferee stated that the parents' need to get involved or at least be aware of what is going on with their child. The conferee stated that the current penalties are meaningless. The conferee stated that the parent and young person need to be made responsible for the consequences of shoplifting. The conferee stated that this bill will provide a deterrent to the crimes suffered by the Kansas Retailers. (Attachment 5)

The conferee with the aid of store employees provided examples of how items are shoplifted and discussed various situations involving those who were caught shoplifting.

The Committee members and conferee discussed issues concerning the impact this bill would have on parents and the effectiveness of similar laws in other states. Optional punishment methods were discussed. The Committee members and conferee discussed the reason for the fines if merchandise was not recovered in merchantable condition. There was discussion regarding the distinction between shoplifting and the intent to shoplift.

In response to Representative Shultz's request that the bill be clear that the penalty will be paid by the parent and not the parents' insurance company, the conferee stated that he had no problem with that provision.

The Chair closed the hearing on HB 2625.

**HB 2195**                    **No limitation on recovery amounts for willful acts of children; official file of juvenile open under certain situations; juvenile offenders shall perform charitable work; parents of juvenile offenders shall attend parenting classes.**

Representative Tanner testified in support of HB 2195 and stated that the bill originated in the Silver Haired legislature. The conferee stated that if he had crafted the bill, he would have made the penalties more strict. The conferee stated that this bill establishes the principle that injured parties may recover damages from the parents of a juvenile when that juvenile has maliciously or willfully, injured a party or parties, or shall have willfully or maliciously destroyed property. The conferee also recommended that a provision be added that would prohibit the parents' insurance company from paying damages. (Attachment 6)

The Committee members discussed with the conferee issues concerning parental rights and responsibilities.

There being no other conferees, the Chair closed the hearing on HB 2195.

Representative Mays requested a bill introduction, however, the Chair declined since there was not a quorum at that time.

The Chair adjourned the meeting at 5:00 p.m.

The next meeting is scheduled for January 28, 1998.

# House Judiciary Guest List

1-27-98

<u>Name</u>	<u>Representing</u>
DVD GRANT	KCC
<del>JOE</del> MARK SWAFFORD	JC PENNEY
Mark Helms	JC Penney
HEATHER C BROWNIDGE	JC Penney
James & Bambi	JC Penney
DON SNODGRASS	KS FLOOD DEALERS ASSOCIATION
Mark Haefke	SRS
Kelly Kallala	City of Overland Park
KEVIN GRAHAM	KS SENT. comm.
Paul Lamb	KSC
Steve Vauter	Wichita Eagle
David Hanson	KS Insur Assns.
John Janner	Self
John Ballou	Self
Teresa Indenauer	State Farm

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## **SUBSTANCE ABUSE ISSUES IN CORRECTIONS**

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The abuse of alcohol and other drugs has a well documented impact on virtually all facets of society - particularly on the criminal justice system. In some circumstance, the possession of a drug is a criminal offense. In many more cases, the abuse of drugs leads to other types of criminal behavior. Correctional agencies utilize a range of ways to identify, confront, and

hopefully resolve substance abuse issues.

On June 30, 1996 the inmate population in Kansas was 7,455. Of that population, the Department of Corrections had collected information regarding substance abuse usage for 5,352 inmates:

- 10% (557) were classified as having no usage problem (abstainer or limited social usage)
  - 8% (444) were classified as having limited usage (possible minor interference)
  - 8% (418) were classified as having occasional abuse (some interference)
  - 19% (1037) were classified as having episodic abuse (interference, may have symptoms of early dependence)
  - 34% (1,802) were classified as substance dependent (history of continuous abuse with symptoms of dependence)
  - 21% (1,094) were classified as substance addicted (lengthy history of chronic abuse with symptoms of addiction)
- 

2-1

716  
JOHN BALLOU

REPRESENTATIVE, FORTY-THIRD DISTRICT

HOME ADDRESS: 19180 SOUTH WAVERLY

GARDNER, KANSAS 66030

(913) 856-6355

OFFICE ADDRESS: STATE CAPITOL, SUITE 427-S

TOPEKA, KANSAS 66612-1504

(913) 296-7671

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENT

VICE-CHAIR: AGRICULTURE

MEMBER: EDUCATION

FEDERAL AND STATE AFFAIRS

ADMINISTRATIVE RULES

AND REGULATIONS

JANUARY 27, 1998

Chairman Carmody and members of the House Judiciary Committee,  
I am here asking you to consider HB 2367.

HB 2367 will extend the time of incarceration of convicted drug dealers from 3 - 5 years to life imprisonment with no chance of parole for 15 years.

This bill will only affect the major drug dealers in Kansas ( approximately 5 - 10 percent); and will not affect the person convicted of possession of small amounts of illegal drugs for personal use.

HB 2367 will still allow the KBI to turn some cases over to the federal government for prosecution which will still have the authority to charge the illegal drug dealers in federal court where they will be facing 20 year sentences.

With drug use on the increase in Kansas and the nation, I believe that we need to send a message to the drug dealers in Kansas that we are not going to tolerate their illegal activities; nor are we going to sit by and watch them destroy the children and families of this state.

In closing, I believe it's important to remember that these drug dealers are destroying the very fabric of our society for their own personal greed for money.

Sincerely,

A handwritten signature in cursive script that reads "John Ballou". The signature is written in dark ink and is positioned above the printed name.

John Ballou  
Representative

House Judiciary  
1-27-98  
Attachment 1



## Kansas Bureau of Investigation

Larry Welch  
Director

Carla J. Stovall  
Attorney General

TESTIMONY  
KYLE G. SMITH, SPECIAL AGENT/ASSISTANT ATTORNEY GENERAL  
KANSAS BUREAU OF INVESTIGATION  
BEFORE THE HOUSE JUDICIARY COMMITTEE  
IN SUPPORT OF HOUSE BILL 2367  
JANUARY 27, 1998

Mr. Chairman and Members of the Committee:

I appear today on behalf of the KBI and Kansas Peace Officers' Association, in support of HB 2367. As background, I have spent 17 years prosecuting drug cases, and for six years was assigned to the KBI Narcotic Strike Force. HB 2367 would be a major improvement in the criminal justice system's approach to major narcotics traffickers. I realize there is always a problem with bed space in prisons, but for the handful of cases that meet these requirements, the penalty is appropriate.

As you are aware, this legislation identifies major drug traffickers based on the amount of controlled substances involved in their violation. These amounts are taken from federal sentencing statutes and are reflective of extremely major drug dealers in Kansas.

I have attached the testimony that was prepared last year by Dale Finger, Associate Director of the KBI, who speaks more eloquently than I, on the need to deter and punish major drug dealers. One point that he makes that I would echo is the usefulness of such a large hammer to the prosecutor. Major drug organizations are well financed, lucrative and quick to use violence to assure loyalties. It takes a big pry bar to break a witness loose. This bill is that

House Judiciary  
1-27-98  
Attachment 2

tool.

I would suggest the committee consider some minor "fine tuning". As to the amount or volume, I might suggest a change on page 1, line 40, dealing with LSD. The current language triggers this act at .5 grams of LSD and solution. To my knowledge, we have never taken down an LSD lab in Kansas. Generally, we are getting the finished product, which is sold in dosage units. As such, I would suggest the committee consider amending subparagraph 5 on line 40, to include language "100 dosage units or" .5 grams, etc., to cover those dealers who are transacting major amounts of LSD, but not in liquid form.

I would note what I believe is a typo on page 1, line 36, where it refers to "(ii)" I believe that is a carry over from the federal statute and should be the number "2" rather than its Roman equivalent.

I would also note the potential for a person to come under drug grid box 1A and this bill could inadvertently result in a reduction in sentence. An easy way to fix it would be to make parole eligibility occur after 17 years (204 months) instead of 15 years (180 months).

Finally, I would suggest an another amendment on page 2 at the end of the sentence on line 20 which specifically authorizes reductions if approved by the prosecutor. "Any reduction in sentence may only be given if the prosecutor certifies to the court that the defendant has provided substantial assistance to the state". This language is essentially that of a federal law and has the salutary effects of encouraging defendants to cooperate and identify their sources while also reducing the impact on bed space in the state penal system.

In conclusion, I believe this legislation sends a clear message to major drug traffickers in Kansas that Kansas is serious in protecting itself and our children from the scourge of drugs. This will deter some individuals; it will provide an incentive for others to cooperate with law

enforcement; leaving to the rest of the even larger dealers or it will result in the incarceration for appropriately long periods of time for those large-scale dealers who are involved in transactions of substantial controlled substances in Kansas.

Thank you for your consideration. I will be happy to stand for questions.



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## Kansas Bureau of Investigation

Larry Welch  
*Director*

Carla J. Stovall  
*Attorney General*

TESTIMONY  
DALE A. FINGER, ASSOCIATE DIRECTOR  
KANSAS BUREAU OF INVESTIGATION  
BEFORE THE HOUSE JUDICIARY  
IN SUPPORT OF HOUSE BILL 2367  
MARCH 6, 1997

Mr. Chairman and Members of the Committee:

I am pleased to appear today in support of HB 2367, legislation which vigorously and appropriately rewards large-scale dealers in controlled substances with large-scale terms of imprisonment. On behalf of Director Welch and the men and women of the KBI, we support this legislation as removing from society and punishing large-scale drug dealers. Briefly, the provisions of HB 2367 set large threshold amounts of the most commonly trafficked controlled substances and awards persons convicted of trafficking in these amounts with a "life" sentence with no parole eligibility until 15 years of that sentence has been served. Such substantial deterrence is needed to counter the lucrative attraction of drug dealing.

Prior to being appointed Associate Director of the KBI, I had served as an undercover narcotics agent and supervisor of the narcotics division of the KBI. And I know from this experience the KBI investigates a number of the same drug defendants over the years, demonstrating that punishments at this time are not sufficient to deter illegal activity. HB 2367 will either provide that deterrence or will have that drug dealer locked up for 15 years.

House Judiciary  
1-27-98  
Attachment 3

Another benefit of this legislation would be the ability it would place in the hands of prosecutors to obtain the cooperation of defendants in turning dope dealer against dope dealer. To give you an example, a defendant was caught in Southeast Kansas with over 1,000 marijuana plants and possession of a handgun as a convicted felon. Under state law he was looking at approximately 2 1/2 years. Under federal sentences he was facing 25 years in prison. The KBI requested the U.S. Attorney's Office to adopt the prosecution and take the charges federally. When that happened, we were no longer facing a trial, but rather a most willing, cooperating individual who arranged numerous arrests of other significant drug dealers, including two individuals flying in from California with \$200,000 "drug" cash. I might add that the defendant still served 5 years in the federal penitentiary after all his cooperation.

The potential "hammer" of a life sentence with no parole for 15 years would be an able tool for prosecutors to completely destroy the largest drug trafficking organizations in this state. We appreciate your consideration of this legislation. I would be happy to stand for questions.

**TESTIMONY  
BEFORE  
HOUSE JUDICIARY  
COMMITTEE  
FOR HB 2625**

**by**

**Mark Swafford  
Store Manager  
JCPenney Company  
Topeka, Kansas  
January 27, 1998  
3:30 P.M.**

*House Judiciary  
1-27-98  
Attachment 4*

## Testimony for H.B. 2625

Mr. Chairman and members of the Committee, my name is Mark Swafford. I am here today on behalf of the Kansas Retail Council, and the JCPenney Company and its 4,294 associates in the state of Kansas. JCPenney has 26 stores in Kansas, as well as district offices; one of the Company's six catalog fulfillment centers is located in Lenexa. JCPenney pays \$9,813,000 in taxes in Kansas.

What I'd like to talk to you about today is a problem that is also worth millions of dollars to Kansas retailers, and that is juvenile shoplifting. Forty-nine states now have statutes authorizing the victims of shoplifters to recover civil damages from them. The laws of all but 12 of those states include provisions allowing for recovery from the parents of unemancipated minor shoplifters. Unfortunately, Kansas is one of those twelve. We ask that H.B. 2625 fix this problem.

First, let me give you some facts about our Kansas JCPenney Geographic Stores Apprehension of Juvenile Shoplifting, along with national figures.

Ages	Kansas JCPenney Apprehensions	%	US National %
1-13	15	9.4	U/A
14-17	<u>144</u>	<u>90.6</u>	U/A
Total	159*	46.8%	38%
Adults	181	53.2%	62%
Total	340*	100%	100%

\*See supporting documentation for District, Liberal and Garden City.

Please note the times and months of apprehension for Kansas JCPenney Stores:

Please note the times and months of apprehension for Kansas JCPenney Stores:

Rank	Time		Month
#1	4-5 p.m.	(school is out)	#1 November
#2	6-7 p.m.		#2 October
#3	3-4 p.m.	(school is out)	#3 December

We in the business sector desperately need your help! Here is how shoplifting affected some of our geographic stores in Kansas. Metro stores are not listed.

Location	Dollars	Percent of Sales
Garden City	\$278,971	3.9%
Manhattan	242,193	2.9%
Hutchinson	171,401	2.4%
Lawrence	168,102	1.7%
Hays	158,401	2.9%
Salina	140,258	1.9%
Great Bend	135,939	2.5%
Pittsburgh	96,068	1.7%
Emporia	72,016	1.8%
Dodge City	61,094	1.3%
Leavenworth	60,870	1.5%
Total Kansas Geographic District	\$1,584,313	2.2%

Our total district shrinkage was \$2,618,849 or 2.14%. The five metro stores in Kansas total \$1,403,902 or 1.2%. This cost the company sales and it cost our employees in benefits and salary increases. If we do not sell our goods, we do not make money so we cannot do what we would like to do for our employees. Shoplifting affects the Manager's salary directly. We even have managers who have been demoted due to inability to account for inventory when audits show shoplifting is the major cause.

Imagine the benefits to the state if profits from this \$2,988,215 could have been put back into the local and state economies through salaries, benefits, taxes, remodels, etc. We are one company. What about Wal-Mart, Dillard's, May Company, Anthonys, and many more?

What would these dollars do for the state economy? Juvenile shoplifting, as all shoplifting, is a cost of doing business that is passed on to the consumer. This figure is greater than the cost of heat and lights.

Fact: Juvenile Shoplifting is a major part of our losses.

Fact: Juveniles do the following:

- Shoplift due to "GANG" initiation. Older gang members have the juveniles do it because they suffer little, if any punishment. Therefore, the older gang members stay out of trouble. This is a good fund-raiser for the gang.
- Shoplift what they want but cannot pay for due to lack of money.
- Allow peer pressure to influence them. Can they get away with it?

Shoplifting is "NO BIG DEAL" in today's society. Shoplifting is a joke to kids. They laugh at police. See the attached letter from JCPenney Emporia store manager, in your package.

Juveniles steal in various ways:

- Clothes or items are hidden on their person.
- Magnets are carried in pockets to disconnect ink tags and J tags.
- Some juveniles have access to a sensor tag remover.
- Groups of juveniles enter businesses and cause a disturbance so one or more can shoplift -- attention of associates is diverted to the disturbance. This can be gang related.
- "Gangs" have had weapons on their person. Some Loss Prevention Officers are wearing bullet proof vest in some states and not far from Kansas (Pueblo, CO, 259 miles from Dodge City).
- Torn clothing due to sensor tags or ink stained clothing from ink tags is a status symbol. It shouts "I stole this garment".

We spend money on security devices, cameras, and loss prevention hours, meetings, and still cannot catch everyone. Several store managers have told me they could not afford to remodel their stores in 1996 or 1997 due to shoplifting losses. This is not only a loss to the store, but a loss to the consumer.

The consumer loses store ambiance of:

- New paint
- New carpet
- New fixtures
- New visual presentation displays.

Instead, the criminal element wins again.

We need to ask ourselves, when is enough, enough? We believe it is now! Now is the time to fix the problem with H.B. 2625. Let's give parents a tool they have not had before. There are some parents who try hard to raise their children right, but because of outside peer pressure and influences, the kids steal their first item and then bigger ones. The parents have failed. Again, H.B. 2625 gives them another tool.

We believe, based on parents' response to calls when juveniles are caught, that some parents just do not care what their kids have done. Some say "you are wrong, my kid would not shoplift." H.B. 2625 will make them believers. They will look at problem juveniles differently. Parents need to be accountable for their children. We need H. B. 2625!

H.B. 2625 will be a tool to help parents because teenagers will realize that their parents are accountable and responsible. They know their parents will have to pay for their crime of shoplifting.

New Jersey and California addressed this topic back in the 1970's. We are asking that Kansas react now.

Shoplifting is a crime. It is stealing! Once juveniles are successful stealing their first package of gum at the 7-11 store, bigger items will follow. See the articles on the dollar impact that are included in your packets.

I represent employers and employees just as you represent your constituents. We as managers must react to the need and wants of our employees. Why should their salaries and benefits be affected by juvenile shoplifting? In 1993, our company match was \$.93 for every dollar saved in our associates' savings and profit sharing plan due to lower shoplifting losses. In 1996, due to increased shoplifting, the company match was only \$.76 for every dollar saved. How would you feel if this was your benefit?

We are asking you to react and vote yes to H.B. 2625. We think is time that we help our children. The penalty may change the juveniles' habits before they become more serious.

I have discussed with you the JCPenney Company Geographic District and Metro stores. We all must think about what juvenile shoplifting costs all retailers, whether national chains, regional businesses or local businesses in the state of Kansas.

Let's make it happen by working together to pass H.B. 2625. We need this bill. Remember, currently Kansas is one of twelve states without this law.

Thank you so much for your time. I will be glad to answer any questions.



AGE GROUP SUMMARY FOR 1996

SSTAGER

UNIT: ALL

ENTITY DESC	1-13		14-17		18-24		25-60		61+		AVG AGE	
	M	F	M	F	M	F	M	F	M	F	M	F
01 WOMENS ACCE	0	0	1	0	5	0	0	0	0	0	17	
02 COSMETICS	0	0	0	0	0	1	0	0	0	0		22
04 LINGERIE/SL	0	1	0	7	0	2	0	0	0	0	20	
06 WOMENS HOSI	0	0	0	0	0	1	0	0	0	0		15
07 DRESSES/SUI	1	0	0	1	0	0	0	0	0	0		22
16 JEWELRY	0	0	0	1	0	0	0	3	0	0	1	30
20 MENS ACCESS	2	0	6	2	6	1	2	2	0	0	35	23
21 MENS SPORTS	0	0	7	2	5	5	2	1	0	0	16	16
22 YOUNG MENS	0	1	27	7	32	15	2	4	0	0	19	20
23 MENS CLOTHI	0	0	1	0	1	0	0	0	0	0	18	19
24 MENS SHOES	0	0	0	0	0	0	0	1	0	0	17	
30 INFANTS	0	0	0	0	0	5	0	1	0	0		45
												23

PF7 FOR PREV. PAGE

PF8 FOR NEXT PAGE

PF3 TO CANCEL REPORT MORE

AGE GROUP SUMMARY FOR 1996

SSTAGER

UNIT: ALL

ENTITY DESC	1-13		14-17		18-24		25-60		61+		AVG AGE	
	M	F	M	F	M	F	M	F	M	F	M	F
31 GIRLS	0	1	0	2	0	0	1	0	0	0	27	15
32 BOYS	3	0	1	0	1	1	1	1	0	0	17	27
33 CHILDRENS S	1	0	0	0	0	0	0	0	0	0	13	
40 BEDDING/ACC	0	0	0	1	0	0	0	2	0	0		29
48 ADULT ATHEL	1	0	4	0	2	0	0	1	0	0	15	26
49 ATHLETIC AP	3	0	44	12	27	13	6	4	0	0	18	19
63 JUNIOR SPRT	1	0	0	10	0	16	1	5	0	0	17	21
71 PETITE SPOR	0	0	0	0	0	0	0	0	0	1		83
81 CAREER MISS	0	0	0	1	0	0	1	0	0	0	46	16
89 WOMEN'S SPT	0	0	0	0	1	0	0	1	0	1	21	45
99 CATALOG MER	0	0	5	2	3	5	3	0	0	0	19	18
TOTAL	12	3	96	48	85	67	19	26	0	2	18	21

PF7 FOR PREV. PAGE

PF8 FOR NEXT PAGE  
END OF REPORT

PF3 TO CANCEL REPORT

159  
Juv.

181  
Adult

ACTIVITY ANALYSIS REPORT  
 RUN ON 02/18/97 AT 13.40.56

SSTAANAL  
 UNIT # ALL

	OFFICER HOURS		AVG HRS PER WEEK		TOTAL NO. SHOPLIFTERS		RECOVERY DOLLARS			
	A 1996	1995	1996	1995	1996	1995	TOTAL 1996	1995	AVG/REC 1996	1995
FEB	1028	759	205	151	21	23	874	1572	41	68
MAR	824	498	206	122	14	12	1306	677	93	56
APR	861	404	215	101	23	13	2247	678	97	52
MAY	824	479	164	95	22	16	1220	521	55	32
JUN	555	408	138	102	22	13	7821	663	355	55
JUL	927	490	231	122	24	19	1149	1774	47	93
AUG	847	304	169	60	30	8	1960	198	65	24
SEP	1349	366	337	91	31	14	4332	862	144	61
OCT	1047	281	261	70	45	18	2867	1012	63	56
NOV	1499	456	299	91	63	23	5685	2138	91	92
DEC	1809	680	452	170	40	26	3478	4717	86	181
JAN	1218	390	304	97	30	18	1609	1233	53	68
TOTAL	12787	5505	3196	1376	365	203	\$34548	16045	\$95	79

NOTE: IF NO SHOPLIFTERS REPORTED FOR A PERIOD, OFF HOURS CAN'T BE FOUND.

MORE

SHOPLIFTING APPREHENSIONS BY TIME-OF-DAY FOR 01/96 TO 01/97 SSTCAL  
 RUN ON 02/18/97 UNIT: ALL

TIME\DAY	SUN	MON	TUE	WED	THU	FRI	SAT	TOTAL
9:00-10:59AM					2	1	2	5
11:00-11:59AM	2	3	3		1	1	3	13
12:00-12:59PM	1		4	9	1	3	9	27
1:00-1:59PM	1	2	9	3	6	1	6	28
2:00-2:59PM	5	8	2	7	3	8	7	40
3:00-3:59PM	6	4	11	4	2	5	11	42
4:00-4:59PM	15	9	8	4	13	8	12	69
5:00-5:59PM	9	3	1	3	5	3	15	38
6:00-6:59PM	4	6	8	12	9	6	10	55
7:00-7:59PM		2	4	2	13	4	8	33
8:00-8:59PM		4	1	7	5	4	3	24
9:00-9:59PM				1			7	8
10:00-11:59PM								
12:00-11:59AM								
TOTAL	42	41	51	52	60	44	93	383

PF3 TO CANCEL REPORT

END OF REPORT

From: WACKELMI--DALH

Date and time 02/14/97 13:19:06

From: william ackelmire .unit 2197-2 .garden city, ks.

Telephone: 316-275-9115

SUBJECT: shoplifting in garden

dear don,

this past year we have apprehended 60 juvenile shoplifters with a 3.9 shrinkage we missed quite a few more. we use 5 loss prevention officers in our tiny store. it is a major problem, i hope that the legislature will pass the reimbursement bill it has. i hope this is what you needed!!

bill ackelmire  
store manager

# JCPenney Internal Correspondence

To: Don Fisher  
Unit 1153-6

From: Loss Prevention  
Unit 2238-4  
Date: February 17, 1997

Re: Apprehension Statistics

Mr. Fisher;

Here are the apprehension statistics from our store that you requested.

***Apprehension***

From May 1996 to date, seven juveniles have been apprehended in the store. The total dollars recovered as a result of these apprehensions is \$2,334.58. By way of comparison, three adults have been apprehended for a total recovery of \$319.65. Juveniles account for 70% of our apprehensions. 88% of the dollars recovered by apprehension are recovered from juvenile shoplifters. According to the Retail Theft Trends Report for 1996 only 31% of shoplifters apprehended are juveniles so we are significantly higher than the national average. Juveniles have been involved in a variety of theft activity. Of the seven juveniles apprehended, 2 were apprehended using stolen JCPenney cards. One was apprehended after using a stolen check, and the remaining four were shoplifting.

There have also been a number of other incidents involving juveniles including shoplifting preventions, disturbances and cases where juveniles were acting in concert with adults in the attempted theft of merchandise. The only area where there has not been an indication of juvenile involvement is internal theft. There have been no cases of internal theft involving juveniles.

***Merchandise Recovered***

In the 14-17 year old age group we have apprehended 4 subjects with stolen merchandise from entity 49 and 1 with stolen merchandise from entity 63. Our shrinkage in entity 49 in 1996 was \$22,597. Our shrinkage in entity 63 was \$39,007. Entity 49 is far and away the area where we see the most theft and attempted theft activity by juveniles. In a recent incident, over \$200.00 worth of stolen merchandise from various retailers was recovered from a 5 year old female subject. Among the merchandise recovered was children's Nike apparel.

**Prosecution**

All seven of the juvenile subjects were referred for prosecution. Of that seven 4 cases are currently pending. Of the remaining cases, one subject was sentenced to diversion without ever seeing a judge. The other two subjects both failed to appear at their respective hearings. No effort has been made to locate and arrest these subjects. Our merchandise remains in evidence indefinitely and there is no way to pursue civil recovery from the parents. Under K.S.A. 38-120, businesses may only pursue recovery from parents if the property taken by the juvenile has been damaged or destroyed. There is no other provision to my knowledge related to recovery from minor's parents. Prosecution of juvenile offenders has been ineffective to say the least. It is interesting to note that in the one case that was tried, the subject's mother was notified of the theft. In the other two cases, no parents were available to be notified by Loss Prevention or the Police of their child's arrest.

I hope that this information is helpful in your endeavors.

Professionally,



Eric Rode  
Loss Prevention

From: DCAMPBEL--DALH  
To: DKFISHER--DALH

Date and time 02/18/97 16:33:48

FROM: DEBORAH A CAMPBELL UNIT 2210 Emporia ks. 316-342-5491  
SUBJECT: juveniles

35% of our shoplifting apprehensions are from juveniles. The majority of our thwarted shoplifting attempts are juveniles that consistantly are the same people. We hired off-duty police officers for loss prevention and they can point out known shoplifters that are juveniles, repeat offenders that are out shoplifting over and over. They have open disrespect for police officers as we call the police whenever certain juveniles are in the store since they are there for one reason and that is to steal something. They know nothing is going to happen to them so they outwardly harrass sale associates and even police!!!!

CORDIALLY  
deborah a campbell  
store manager  
2210-3 emporia ks.

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# THEFT'S MULTIBILLION DOLLAR IMPACT ON RETAILERS

The results of two comprehensive security surveys provide ample ammunition for loss prevention managers looking to rationalize or beef up their companies' security expenditures. The surveys reveal that shoplifting is a year-round problem across all markets, costing retailers nearly \$10 billion annually. And that loss jumps dramatically—to \$27 billion or 1.9% of annual sales—when shoplifting is combined with employee theft, vendor fraud and administrative error.

"The security executives responding to our survey believe that employee theft is their firm's most significant source of financial loss, reporting an average loss of \$142.49 per shoplifting incident compared to \$737.31 per employee theft incident," says Richard C. Hollinger, Ph.D., director of the "1996 National Retail Security Survey," conducted by the Security Research Project at the University of Florida, and funded through a research grant from Sensormatic Electronics Corp., Boca Raton, Fla.

The highest levels of losses were reported by camera and photography (6.5%), optical (4%), music and video (2.5%), and cards and novelties (2.5%). Music and video stores also were found to have the highest incidence of empty package discoveries, price tag switching and electronic article surveillance (EAS) and dye tag removals.

The lowest levels of shrinkage were found among retailers who control access to their merchandise,

Juveniles represent an increasing percentage of apprehended shoplifters.

such as liquor and wine, which averaged 0.39%," Hollinger says.

Strategies: The survey found that retailers are utilizing a number of different strategies to control their losses, from high-tech electronic devices to low-tech honesty incentives.

The most popular countermeasure in the war against shrinkage is the use of asset control policies in day-to-day store operations. Refund controls, void controls, controlled access to cash and merchandise receiving controls ranked as the most widely used techniques. More technologically advanced items, notably inventory barcoding/scanning, POS exception reports and POS barcoding/scanning, were targeted for increased use during the upcoming year.

Pre-employment screening programs ranked as another popular security measure. The top measures targeted for increased use included criminal conviction checks, credit checks, past employment verification and drug screening. Many companies also indicated they intended to in-

crease their usage of loss prevention awareness programs.

The survey examined 25 loss prevention systems, ranging from high-tech EAS systems to more low-tech strategies, such as observation mirrors and uniformed guards. Only two of the 25 systems surveyed—burglar alarms and live closed-circuit television (CCTV) cameras—were indicated to be in widespread use throughout the retail industry.

Survey participants tended to show greatest interest in the newer, more technologically advanced techniques, with POS/CCTV interfacing and vendor source tagging rated among the "hottest" systems.

"Source tagging is running like a steamroller through the discount, music and chain drug store industry," says Hollinger. "Manufacturers are beginning to respond in huge numbers to retailers' demand for source-tagged items."

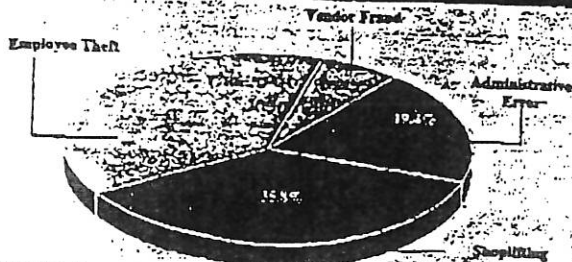
The survey confirmed that personnel issues can have a significant impact on loss prevention. Those firms with salesperson compensation levels above that paid by their competitors tended to experience lower inventory shrinkage levels.

The data suggests that companies may be deluding themselves if they believe that low-wage scales are saving them money," Hollinger says. "Attracting quality employees with competitive wages can have a direct benefit to the bottom line of the company through lower shrinkage."

Shoplifting: The second survey, the "1996 Retail Theft Trends Report," is concerned exclusively with shoplifting. It details the domino effect that stolen items have on the bottom line. The study's findings were compiled from 171,141 shoplifting incidents reported by 171 retail chains.

"When merchandise is stolen, it can't be sold, which means that sales figures will be reduced. Also, replacing stolen merchandise means diverting capital and also entails repurchasing and reprocessing expenses. Gross margins also will be reduced," says Brad Hayes, consultant for Loss Prevention Specialists, Winter Park, Fla., which co-sponsored the report with Sensormatic

SOURCES OF SHRINKAGE (mean percentages)



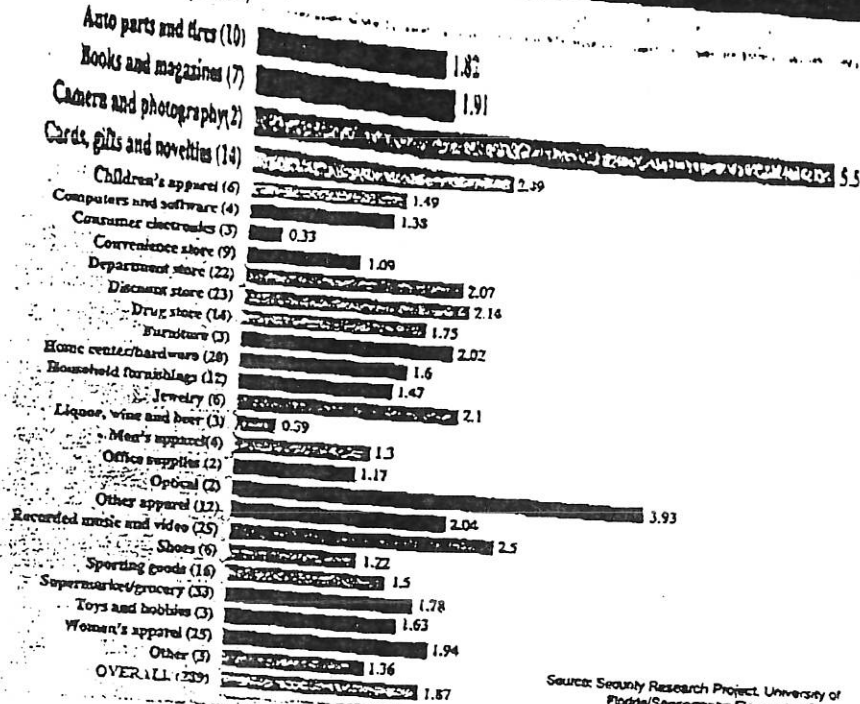
Source: Security Research Project, University of Florida/Sensormatic Electronics Corp.

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### INVENTORY SHRINKAGE (SHOWN AS PERCENTAGE)

Type of retailer (number of local respondents)



Source: Security Research Project, University of Florida/Sensormatic Electronics Corp.

#### Electronics.

The survey found that across all retail categories, the items most frequently confiscated from shoplifters were tobacco products, athletic shoes and apparel (primarily logo and brand name apparel, designer jeans and undergarments).

"The items most frequently stolen tend to be in high demand, both to shoplifters and to a store's honest shoppers," Hayes adds.

While the months of December and March experience the largest percentage of theft apprehensions, the figure is just 3% higher than January, the lowest month for apprehensions. Similarly, while Saturday remains the top apprehension day, it was only about 5% greater than Sunday, the least frequent day for shoplifter apprehensions.

"The data firmly supports the theory that shoplifting is a year-round activity," Hayes adds. "It also suggests a startling out of

#### MOST FREQUENTLY SHOPLIFTED MERCHANDISE BY TYPE OF RETAILER

Type of Retailer	Merchandise
Auto parts	Auto accessories
Books	Cassette tapes
Consumer electronics	Compact discs
Department stores	Clothing, shirts
Discount stores	Clothing, undergarments, compact discs
Drug stores	Cigarettes, batteries
General merchandise	Barneys
Grocery/supermarket	Over-the-counter (OTC) medicine, health and beauty aids, cigarettes
Home and hardware	Assorted hand tools
Music	Compact discs
Shoe stores	Sneakers
Specialty	Bed sheets
Specialty apparel	Assorted clothes, shoes
Sporting goods	Athletic shoes
Theme parks	Key chains, jewelry
Toys	Action figures
Video	Video games

Source: Loss Prevention Solutions/Sensormatic Electronics Corp.

reported crime by day of the week."

One of the most significant findings of the survey was the increased percentage of juvenile

shoplifters. Although adults still make up the largest group of shoplifters (62%), the percentage of teen-age shoplifters (38%) is disproportionately high when compared to the make up of the total U.S. population.

"Teen-agers between 13 and 17 years of age accounted for only about 7% of the population in 1995," Hayes explains. "But they represented one-third of all apprehended shoplifters, which was up some 20% from the previous year. This disparity is cause for concern."

The security consultant advises retailers to pay particular attention to the ratio of adults to juveniles in their stores.

"If, for instance, only 15% of your customers are under the age of 18, but almost 30% of your apprehended shoplifters are juveniles," he says, "the young shoppers deserve considerably more personal attention. You need to watch them carefully."

# SHOPLIFTING: THE FACTS

- There are an estimated 23 million shoplifters in our nation today. Approximately 1 in every 11 Americans.
- Retailers lose \$25 million a day to shoplifting.
- There is no profile of a typical shoplifter. A shoplifter can be anyone.
- Shoplifters steal in all types of stores...69% say they steal in department stores, 63% supermarkets, 57% specialty shops, 54% convenience stores, 47% drug stores and 27% all other type stores.
- Contrary to popular belief, men and women shoplift equally as often.
- About 25% of shoplifters apprehended are juveniles...75% are adults.
- Shoplifters say they are caught an average of only once every 49 times. They are turned over to the police 50% of the time.
- A small percentage of shoplifters are "professionals" who steal solely for resale or profit as a business. These include drug addicts who steal to feed their habit, hardened professionals who steal as a lifestyle and international shoplifting gangs who steal for profit as a business.
- The vast majority of shoplifters are "non-professionals" who steal, not out of financial need or greed but as a response to social and personal pressures in their life.
- Approximately 70% of non-professional shoplifters don't plan their thefts in advance. 30% do.
- Shoplifters often buy some merchandise and steal other merchandise (59% frequently, 35% sometimes and 6% never).
- Shoplifters classified as "first offenders" admit to stealing from retail stores at the following frequency:
  - 13% say they steal daily or several times a day.
  - 57% say they steal monthly or more often.
  - 27% say they steal weekly or more often
  - 43% steal less than monthly.
- The excitement generated from "getting away with it" produces a chemical reaction resulting in what shoplifters describe as an incredible "high" feeling. Many shoplifters will tell you that this high is their "true reward", rather than the merchandise itself.
- Drug addicts who have become addicted to shoplifting, describe shoplifting as equally addicting as drugs.
- 89% of kids say they know other kids who shoplift.
- 66% say they hang out with those kids.
- 1 in 5 adults say they started shoplifting in their teens.
- 57% of adults and 33% of juveniles say that it is hard for them to stop shoplifting, even after getting caught.
- In one survey of shoplifters who called the Shoplifters Anonymous Helpline, 69% said they had previously been caught and prosecuted, 12% said they had been caught but not prosecuted and 19% said they were never caught at all.
- Most non-professional shoplifters don't commit other types of crimes. They'll never steal an ashtray from your house and will return to you a \$20 bill you may have dropped. Their criminal activity is restricted to shoplifting and therefore, any rehabilitation program should be "offense-specific" for this crime. ■

**SA SHOPLIFTERS ALTERNATIVE®**

**SHOPLIFTING** — A Report For Retailers And The Criminal Justice System

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## Shawnee County Juvenile Court System

1997 - 572 Juvenile shoplifters threw the system.

1997 - Segwick County Juvenile Shoplifters from two major malls:

Town East - 268 - 58%

Town West - 242 - 56% of all apprehensions.  
510 in just two malls

### Reasons or Influences for Shoplifting:

- Peer Pressure.
- Clubs (Not a gang group).
- Gangs (Not a club influence).
- Boredom.
- Adult pressure - A less penalize for juveniles.
- To achieve a certain look  
Example: oversized T-shirts and baggy pants.
- Shoplift to defy authority: parents and retail rules.

House Judiciary  
1-27-98  
Attachment 5

## Juveniles methods of shoplifting

- Hide the clothing under their daily wear.
- Oversize coats; inside pockets; roomy sleeves
- Plastic retailers sacks folded to small size then filled as they make their rounds.
- Simple exchange; leave old clothing and exit with new.
- Shop with several companions use the group to divert retail employees attention.
- Appear to be shopping while carrying a convenient Mall courtesy sack and filling it up.

Who is the juvenile shoplifter?  
“Look in the Mirror”

These crimes encompasses all social and economic groups of young people. Yes, they are from the honor roll of every school district to the young people at risk in our society.

- Some are angry that they go caught;
- Some think it is very funny;
- Some are very disrespectful of their parents; and
- Some don't care one way or the other, they just want to get the paper work over with so they can go on to the next activity.

## After the Crime

Retailers in Shawnee County get a letter of apology.

Examples:

- The youth many times return to repeat the crime.
- Educate other youth in committing the same crimes.
- Show no concience in betraying the trust of shop owners.

House Bill 2625 is a very important deterrent to the crimes suffered by the Kansas Retailers. This is necessary.

The four states that boarder Kansas (Missouri, Neberaska, Oklahoma and Colorado) all allow Civil recovery action from adults and juveniles.

Dear Manager of J.C. Penny,

My name is Kimbeely. I shoplifted  
in your store on August 6, 1997.

I am writing this letter to apologize  
for what I did and the way that I  
reacted when I got caught.

I believe that my actions made the  
people who were in the store feel  
like they were shopping in an  
unsafe environment.

I have learned from this experience  
that shoplifting is wrong and if what  
you are taking is something that you  
want and don't need you should just  
wait until you can buy it.

I know that I can't say much to make  
the wrong I did right, but I know  
for a fact that I will never shoplift  
again because I wouldn't want to take  
any chances in getting caught again.  
Well, this is my apology and I hope  
that you will accept it.

Sincerely,

Dear manager of J.C. Penney's  
I am very sorry for taking the  
shirt out of your store. I know  
it was the wrong thing to do.

I felt bad about what  
I did after I got caught not only  
because I got caught but also  
because I knew stealing is wrong.

P.S. You have a  
good security  
unit, they should  
all get a raise.

Sincerely

# STATE OF KANSAS

## House of Representatives



THE CAPITOL

RALPH TANNER

Representative, Tenth District

Testimony on  
House Bill No. 2195

The House Judiciary Committee  
January 27, 1998

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1201 NINTH ST., P.O. BOX 647  
BALDWIN CITY, KANSAS 66006  
(785) 594-3502

Mr. Chairman, members of the Committee:

I thank you for the opportunity to appear here today in support of the bill currently before you. This bill originated in the Silver Haired legislature during the fall of 1996, and I introduced the measure last year at their request.

The bill establishes the principle that injured parties may recover damages from the parents of a juvenile when that juvenile has maliciously or willfully injured a party or parties, or shall have willfully or maliciously destroyed property.

Recovery shall be limited to *actual medical expenses, and actual property loss.*

Records of any court action are required to be kept separate from other court records to provide a measure of privacy to the juvenile.

The bill speaks to the availability of the records to public view, or not, and for their being taken into the court records of the state as historical documents in the course of time.

Issues such as penalties, incarceration, educational programs, probation, house arrest, counseling sessions, penalties as to the operation of a motor vehicle, fines and restitution, substance abuse, performance of community service and other requirements which attach to a juvenile who has been adjudicated or tried and found to be an offender are also covered in the bill.

House Judiciary  
1-27-98  
Attachment 6