SHOPLIFTING—THEFT 1

PLUS MORE === CAN YOU GO TO JAIL FOR A MISDEMEANOR THEFT?

Happy are those who do right, who do what is fair at all times.
Psalms 106:3

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DISCLAIMER

- THIS CLASS IS FOR THE FIRST OFFENDERS WHOES SHOPLIFTING RESULTED IN AN AMOUNT <$750.
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STEPS YOUR THINKING GOES THROUGH JUST BEFORE YOU STEAL.

- YOU MENTALLY REHEARSE WHAT YOU ARE GOING TO DO. IT MAY BE DAYS, WEEKS OR MONTHS BEFORE YOU DO THE ACT. YOU MAY LISTEN TO PEERS’ WAR STORIES OF HOW THEY DID THEIR ACT AND WHAT ITEMS THEY GOT FOR FREE. IT IS A GAME OF THE MIND. IT IS JUST LIKE PLAYING POKER. YOU HAVE TO KNOW WHEN TO “HOLD” AND WHEN TO “FOLD”. IT IS A NO-WIN SITUATION.
FACTS ABOUT 1ST TIME OFFENDERS

- Recurrent failure to resist impulses to steal objects that are not needed for personal use or their monetary value.
- Increasing sense of tension immediately before committing the theft.
- Pleasure or relief at the time of committing the theft.
- Stealing is not committed to express anger or vengeance and is not in response to a delusion or hallucination.
- The stealing is not better accounted for by Conduct Disorder, a Manic Episode, or Antisocial Personality Disorder.
- Today, kleptomania is considered far more prevalent than originally believed.
Companies lose 18 billion dollars annually as the result of shoplifting cases.

In Harris County in 2010, eight out of ten court cases for shoplifting occurred in Wal-Mart.

Each family in the United States pays an extra $900.00 annually for goods and services to subsidize losses from shoplifting.

• SHOPLIFTING IS A CRIME THAT AFFECTS ALL CONSUMERS.
YOU CAN STOP Stealing.

- Psychology can help you deal with many of the life situations you face in a better way. Psychology can help you in preventing your stuff from being stolen and can make it less likely for you to get robbed.
- After all the person who steals your stuff is just a human being who has feelings, emotions and certain weaknesses. If you were able to understand that person better and to exploit some of his weaknesses you will be able to keep him away.
- Do you steal? Do you have the urge to steal? DON'T GO TO STORES WHERE YOU FEEL IT IS EASY TO STEAL. WEAR A RUBBER BAND AROUND YOUR WRIST AND POP YOUR SELF HARD WHEN YOU HAVE THE THOUGHT OF STEALING.
Shoplifting in Texas is a crime with serious penalties, including potential fines and jail time. In addition to facing criminal penalties, shoplifters can be sued by merchants in civil court to recover damages. Shoplifting is punished as theft in Texas. Theft is defined as taking property unlawfully, such as without the owner’s consent, and with the intent to deprive the owner. Examples of theft include taking items from stores without paying, altering price tags to avoid the full retail price, and writing bad checks for merchandise. The penalties for theft increase with the value of the stolen goods. If the offender takes 5 DVD’s that cost twenty-five dollars each, he/she would receive the penalty for total theft of $100. The court system would also take consideration of the number prior offenses.
WHY DO PEOPLE STEAL"

- Have you ever stolen anything? Most of us as small children or even as adults have done so. The child, of course, is usually unaware of the crime until the parent forces him/her to take back the candy or whatever bright object was picked up in the store or the change that was scooped off the mantelpiece and slipped into a pocket. As adults we sometimes casually take a box of Kleenex from a hotel room, and some might even purloin a towel or a bathrobe, thinking most probably: I’m paying enough for this hotel room. They could give me a few extra Kleenex for the price.

- And, of course, people faced by huge hardships are sometimes forced to steal when hungry to save their lives, or when their children are in dire need in wartime or other times and places of dire poverty. I went through a fight with a brain tumor, there was a time when my husband went for a drug the doctor had order for me and was informed that the co-pay was $5,000. for a thirty days supply. I though then how can I steal it.

- A wonderful example of this is young Pip in “Great Expectations” who steals some bread and a file for the convict who terrifies him with the imaginary man who will tear our his heart and liver if he does not comply.
Socrates says that no one knowingly commits an evil action, evil is turned into good in the mind. The thief, like the pedophile, who convinces himself the child really wants to make love to him, convinces himself that he has a right to the object he desires. He needs it more than the other does. It is rightfully his.

It is easier to steal from an anonymous, large organization, than from an individual, easier to steal from someone who seems well-endowed, has so much more. He wont even notice, he has so much money anyway, the dishonest shopkeeper probably thinks stealing from people he considers have much more than he has or are too stupid to notice. I have seen this happen in the HOUSTON at a fancy grocery store where the cashier simply tacked on the previous person's bill with my own, imagining I would not notice or perhaps not even care.
It is true that the thought of great wealth, someone, for example, who had so many houses she had forgotten how many she had, seems almost a legitimate prey.

But what about someone who has all they need and steals anyway? There is an example of this in Jennifer Egan’s “Visit from the Goon squad” where Sasha finds a wallet left by the basin in the lady’s room by a woman who is in one of the stalls peeing.

She thinks: “It made her want to teach the woman a lesson. But this wish only camouflaged the deeper feeling Sasha always had: that at, tender wallet, offering itself to her hand — it seemed so dull, so life-as-usual to just leave it there rather than seize the moment, accept the challenge, take the leap, fly the coop, throw caution to the wind, live dangerously (“I get it,” Coz, her therapist, said), and take the [expletive] thing.”
So she steals out of a need for excitement, for the thrill of it. One wonders if the large thefts of money in the stock market, insider trading by people who probably already have large amounts of money are motivated by thinking of this kind.

Jose: The case of the Bride’s Loss

An individual came to us because he was mandated by the Court. He seemed to target these persons with uncanny accuracy, going through sliding patio doors while a family wedding was going on and make off with jewelry, silverware, and assorted other items. During the assessment, Jose revealed how he would “hit” the houses of wealthy individuals at times of their sons’ or daughters’ weddings and receptions.
Two years earlier, Jose lost his fiancé to cancer just days before their planned wedding day. He was not able to handle her death becoming increasingly angry and reclusive. His break-enter-theft behavior of families who were celebrating marriages began shortly thereafter.

His personal financial worth, according to the prenuptial agreement he had signed a short while before his fiancé was diagnosed with cancer was in excess of $1,500,000.
YOUR MIND GOES THROUGH THOUGHTS AND MENTALLY REHEARSING BEFORE YOU EVER COMMIT A THEFT ACT. STOP AND GET INTO YOUR HEAD AND BECOME AWARE HOW THE STEALING COMES UPON YOU AS YOU MAKE THE CHOICE. YOUR MIND HAS TO BE ACTIVE. YOUR MIND PLAYS GAMES WITH YOU. YOU HAVE TO DECIDE TO FILTER YOUR THOUGHTS.

FOR THE KNOWLEDGE OF MORAL AND LEGAL RESPONSIBLE POWER TRAITS THAT YOU HAVE. ONE CLIENT, MICHELLE, AGE 33 HAS LOST PARENTAL RIGHTS BECAUSE OF FELONIES. SHE PLANS HER ACTS OF THEFT BY WHAT THE CONSEQUENCE WILL BE IF SHE GETS CAUGHT. SHE CAN RATTLE OFF THE TEXAS LAW SO WELL THAT YOU THINK SHE IS AN ATTORNEY DEFENDING AN OFFENDER. THE PURPOSE OF THE NEXT TWO SLIDES ARE TO POINT OUT THAT YOU ARE SMART AND HAVE SKILLS THAT YOU USE IN STEALING THAT CAN BE TRANSFERRED TO A LEGAL JOB. THE KIND OF MONEY THAT MICHELLE WANTS TO MAKE, SHE WILL HAVE TO INCREASE HER FORMAL EDUCATION. SHE WILL HAVE TO WAIT AND LEARN DELAYED GRATIFICATION. SHE TELLS ME THAT SHE WORKS AS A PROSTITUTE FOR $600, PER HOUR. SHE BRAGS ABOUT HER SHORT WORK HOURS AND THE GOOD MONEY. HOWEVER, SHE LOST HER THREE CHILDREN BECAUSE OF HER BEHAVIOR.
WHAT GOES ON IN YOUR HEAD WHEN YOU ARE SHOPLIFTING AT THE MALL.

THE SCAN

Someone is thinking about stealing, he looks for cameras, mirrors, undercover security, clerks, and electronic tags. The name of the challenging Cops and Robbers game is “If you are going to steal, don’t get caught, get the goods.”

2ND Step in Cops & Robbers Thinking Game

Concealment:
- Stash the item under existing clothes.
- Slipping the item in a baby carriage or hand bag.
3rd Step is Timing

People steal from homes on weekdays when no one is at home. Or they wait until night to steal a car. When the offender goes to the mall, they know when their friend will be the cashier and can charge less for the item.

4th Step is Escape...

Darin’s attempt to steal was the common act of the escape part of the cop and robbers game. Darin chooses a beautiful girl to go with him. His partner in crime distracted other shoppers. He would make a feeble attempt to conceal the item and tried to be inconspicuous and walked out the door.
AN OFFENDER ASK . . .

- Can you go to jail for a misdemeanor theft?

  Can you go to jail for a misdemeanor theft? I have a clean record besides 1 ran stop sign. I was wondering for my first offense and it being a misdemeanor, at age 20, can i go to jail or would it be a fine and probation/community service. What is the most likely sentence.

  Update: I'm wondering what will happen to my misdemeanor theft, not driving. I was charged recently with misdemeanor theft, and some friends say they think I'll go to jail and some don't and I'm wondering what the most likely sentence is for misdemeanor theft n first offense with a pretty much clean record.

  Update 2: I have never stolen before, and in know what I did was wrong and will confess fully and apologetically to the judge. I wont sit and make excuses to him and I will acknowledge what I did and take full responsibility. Will that help?

  Update 3: Memphis, TN and I'm only asking about the misdemeanor theft charge.

- Please answer this question using the Texas Law. Fax your answer to

  eva_Gregory@ymail.com.
<table>
<thead>
<tr>
<th>CHARGE</th>
<th>CLASSIFICATION</th>
<th>PENALTIES</th>
</tr>
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<tbody>
<tr>
<td>THEFT OF PROPERTY LESS THAN $50.00.</td>
<td>Class C misdemeanor</td>
<td>Fines up to $500</td>
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<tr>
<td>THEFT OF PROPERTY MORE THAN $50. BUT LESS THAN $500.</td>
<td>Class B misdemeanor</td>
<td>Jail time up to 180 days and/or a fine up to $2,000</td>
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<tr>
<td>THEFT LESS THAN $50. OFFENDER HAS PREVIOUS THEFT OFFENSE.</td>
<td>Class B misdemeanor</td>
<td>Jail time up to 180 days and/or a fine up to $2,000</td>
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<tr>
<td>THEFT VALUED &gt; $50. BUT &lt; $1,500.</td>
<td>Class A misdemeanor</td>
<td>Jail time up to one year and/or a fine up to $4,000</td>
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<tr>
<td>THEFT VALUED @ $1,500. BUT &lt; $20,000. OR THEFT OF FIREARM</td>
<td>State jail felony</td>
<td>Jail time between 180 days and 2 years in a state penitentiary and fines up to $10,000</td>
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<tr>
<td>THEFT VALUED @ $20,000. OR &lt;$100,000.</td>
<td>Third degree felony</td>
<td>Jail time between 2-10 years and fines up to $10,000</td>
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Theft Penalties and Sentencing

- The penalties and sentences for theft can range from the minor to the severe, with a number of factors coming into play.
- First and foremost, the type and value of property stolen will typically determine whether minor (misdemeanor) or major (felony) charges are brought. In cases where property of relatively low value is stolen, petty or petit theft charges may result. States often place a specific dollar figure, such as $500 or $1,000, as the upper limit for petty theft charges. These charges are typically misdemeanors that carry fines or relatively short jail times of less than a year. However, even in cases of petty theft, there can still be major penalties in states with applicable recidivist or repeat offender sentencing laws. This is the class if you are an offender that the value that you stole is less than $750. Call Richard @ 832-257-5996 if your amount is more than $750. If over $750, you will be eligible for another class.
Regardless of the type of theft that is charged, an offender's history of theft or related crimes has a significant effect on sentencing, with repeat offenders receiving less leniency, while first time offenders may receive relatively lighter penalties. A defendant's criminal history that is unrelated to theft can also play a factor at sentencing, as judges generally have sizeable discretion with sentencing decisions. On the flip side, judges also may consider mitigating (or sympathetic) circumstances when coming up with a punishment for a crime. In Houston when Ted Pope was a judge, Judge Pope would sentence the person to stand outside the store from which he/she stole.

Most types of theft are classified by law as crimes of "moral turpitude". Having one of these types of offenses on your record can carry significant consequences for offenders. One of the primary impacts is felt in a former offender's ability to find employment. Convictions for crimes of moral turpitude, particularly felonies, may be discovered in background checks or job applications and could disqualify job applicants. Additionally, resident aliens in the country may face deportation or other immigration consequences upon conviction for a crime of moral turpitude.
UNDERSTANDING WHY PEOPLE STEAL

- Most people know that stealing is wrong, yet people still do it on a daily basis. If you have recently had something stolen from you, you may be struggling to understand why. There are many different kinds and levels of theft, from pocketing a few dollars left lying around to taking whole identities to embezzling millions from trusting customers. You can get a better understanding of why someone chooses to steal based on the person’s motive behind the stealing.
Investigating Pathological Reasons for Stealing

- **Recognize the signs of kleptomania.** Kleptomania is a type of impulse control disorder in which a person repeatedly has the urge to steal items that are not needed or that have very little value. A kleptomaniac may not need the item or might even have the money to purchase it. Still, the person compulsively steals because they get a rush from doing it. People with this disorder do not steal for personal gain. They do not usually plan out thefts or collaborate with others to complete them. Instead, these urges come on spontaneously. The person may steal from public places such as stores or from the homes of family or friends.

- If you know someone who can’t seem to stop stealing, suggest that they see a doctor. Kleptomania can be treated with therapy, and medication.
You might tell the person: "I noticed that you took something out of that store. I know that you had the money, so I’m guessing you just had a desire to steal it. I’m concerned and I don’t want you to get into trouble. Maybe you should talk to a professional. I’m willing to go with you."

**Identify addiction-related stealing.** A kleptomaniac steals merely for the rush and doesn’t take the value of the stolen items into consideration. On the contrary, other forms of pathological theft are driven by addiction. In fact, stealing — along with financial difficulties — is often described as one of the warning signs of addiction. A person with a substance abuse problem or gambling addiction may take money from relatives, friends, and coworkers to fund their addiction. Lying is also a component of this type of theft; therefore, if the person is confronted about the issue, they are likely to deny having a problem.
• Other signs of addiction may include making friends with a new group while
  • neglecting existing friendships, having trouble with the law, having difficulty functioning
  • at school and work, and having rocky relationships.
• If you suspect someone you know may be stealing to fund an addiction, get the person
  • professional help immediately. You can approach the person and ask about the behavior:
  • "Lately you've been behaving differently, withdrawing from your friends, and having trouble
  • keeping money. I'm worried you might have a drug problem."
• If the person is in denial about drug use, you can arrange to stage an intervention.
• An intervention involves other people who care about the person joining you in reaching
  • out to them and explaining your concerns. This can serve as an impetus to get the person
  • into addiction treatment.
Understand that pathological stealing is generally not personal. People who steal pathologically are generally not doing it to intentionally harm anyone. The stealing meets a need — whether emotionally or literally. People who steal for pathological reasons may feel guilty about their behavior, but still be unable to stop it without intervention.

Exploring Non-Pathological Motives

Understand that some people steal to meet their basic needs. Desperation is a common reason behind many thefts. A person may not have a job or source of income or have insufficient means to provide for their family. As a result, the person steals to feed children or provide shelter.
Realize that stealing can happen due to peer pressure. Being in the wrong crowd can also prompt someone to develop a habit of stealing. In such cases, the value of the stolen item may not matter as much as the thrill of taking something and potentially getting away with it. This type of stealing is very common in teens who are susceptible to peer pressure. They may do it to look cool or be accepted by a group of peers. One year we had thirty students from Prairie View University come for counseling. In order to become a member of this sorority, the individual had to steal set of sheets from Macys. My question was “Why would you want to belong?”

Notice a lack of empathy. A person who has difficulty seeing the "bigger picture" may steal without really thinking through their impulsive action might affect someone in the future. The person is not pathological — they are capable of empathy — but in the moment they may act without thinking how stealing will hurt the person or business from which they are stealing. If confronted or asked to think through their actions, this person probably would not steal.
Recognize that some people steal to fill emotional holes. In some cases, a person who has suffered an early attachment loss or trauma may steal to compensate. These individuals’ basic emotional needs are not being met. In an attempt to fill an emotional hole left behind by a parent or caregiver, the child may compulsively steal to resolve feelings of deprivation. Unfortunately, the stealing does not resolve the issue, so the individual steals more and more.

Consider that some people steal just because they can. Unfortunately, some thefts occur simply because the person has the opportunity. Maybe they get a sense of excitement from taking what’s not theirs. Perhaps they see it as a challenge. They may steal out of greed when they already have plenty.
Texas Penal Code § 42.07. Harassment

- a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
  - (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
  - (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person’s family or household, or the person’s property;
  - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
  - (5) makes a telephone call and intentionally fails to hang up or disengage the connection.

Google Texas Penal Code § 42.07 for more.
Involve the authorities. If you have had something stolen from you, the first logical step is to report the theft to the police. Give your local police as much detail as you can to help them identify the stolen property and any potential suspects. Taking action right away is your best chance for recovering the stolen items and capturing the thief. Our Houston Office was a victim of theft in 2003. All of our computer equipment was stolen. Our clients private information on the computers created another problem.

If your identity was stolen, there are specific steps you must follow to recover from the theft and protect yourself in the future. Visit the Federal Trade Commission’s at IdentityTheft.gov for more information.
Reestablish safety as soon as possible. If you have recently had your home or personal property burglarized, it’s important that you recover your sense of security. Repair any damages that were done to your home. Have a security company come out and inspect your home for “weak spots” such as the window frames and door hinges. Alert your neighbors and verify that they are taking precautions to protect themselves. It’s also a good idea to create a safety plan for you and your family on how to respond if a theft happens in the future. You can develop best practices for securing valuables and decide on a place for children to hide if a burglar gets in the house. Try to follow your normal routine. Although it may be difficult to go about your life as usual, you must. It’s perfectly normal to feel afraid after going through a traumatic ordeal such as a burglary; however, you must not let fear incapacitate you.
Take care of yourself. Don’t allow self-pity to make you neglect your general health and well-being. Experiencing a theft can cause a great deal of stress in your life. Try to get adequate sleep each night. Eat well-balanced meals and exercise to increase your strength and emotional well-being. If you nurture your mind and body during this time, you can more easily move beyond the negative feelings you are experiencing.

Lean on your support system. Turn to neighbors, family, friends, and your local community to recover from a theft. Be honest if there is something someone can help you do to feel more safe and secure in your home or community. Don’t hesitate to draw comfort from close friends and relatives who are ready to offer you support. For example, you might ask a neighbor: "Would you mind keeping an eye on the house this weekend? We’ll be out of town Friday and Saturday and I’ve been uneasy since the break-in."
A client asks: My older sister steals shoes, clothes, jewelry, etc. from me and when caught denies it like her life depends on it. What is her problem?

A. Your sister may be a compulsive liar or may be stealing simply to act out. Report the incidents to your parents and suggest that she get help.

Is there an urge to steal located in the brain?

A. Yes, for kleptomania a part of the brain is triggered by a traumatic experience or a mental illness. Speak to your doctor or therapist for more details.

Why do people intentionally steal from a close friend?

A. If your friend is not stealing due to pathological reasons, then the person may have developed the habit during childhood as a result of abandonment or neglect. Stealing gives some people a semblance of control so they do it for emotional reasons. Try to confront your friend about stealing and offer to help him or her get professional help.
CITATIONS

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  • //www.psychologytoday.com/conditions/kleptomania


  Studies from case files at First Step Counseling.