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THE HONG KONG POLYTECHNIC UNIVERSITY
DEPARTMENT OF APPLIED SOCIAL SCIENCES
THE FEMALE KLEPTOMANIACS IN HONG KONG
HO WAI LUN DAVID

A THESIS SUBMITTED
IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF PHILOSOPHY
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CERTIFICATE OF ORIGINALITY

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HO WAI LUN DAVID

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ABSTRACT

In Hong Kong, as in most jurisdictions, kleptomania is not legally recognized as a defence of mental abnormality and individuals are held responsible unless a complete lack of control over their actions can be proved. Although studied for over 200 years, kleptomania remains poorly understood and is often underestimated or undiagnosed. This research investigates the characteristics and experiences of offenders with kleptomania in Hong Kong and attempts to answer two questions: (1) What are the characteristics and experiences of female kleptomaniacs in Hong Kong? (2) Can they be recognized and taken care of by the current sentencing and rehabilitation system. Eighty female individuals with multiple criminal records of theft were invited to complete a set of questionnaires. After analyzing their characteristics, three respondents whose stories can exemplify the difficult position faced by the kleptomaniacs were invited for intensive case studies. The findings indicate that targeted and coordinated services are not available for the majority of chronic offenders. Many kleptomaniacs reported that they did not seek help at an earlier date because of negative previous experience. Arguably, if the rehabilitation policy continues to fail to recognize the need for oriented and flexible treatment, kleptomaniacs in Hong Kong risk being incarcerated repeatedly for further convictions.

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Chapter 1 - Introduction

Kleptomania refers to an irresistible compulsion to steal, motivated by neurotic impulse rather than material need (Terrence, 2002). It has long been a contentious issue on which the causes of stealing, the judicial treatment of Kleptomaniacs and the penitentiary system's justice (Gottfredson, 1999; Garside & McMahon, 2006), leniency (Edwards, 1989; Rossi & Berk, 1997) and rehabilitation (Martinson, 1974; Goldman, 1998) are debated.

In general, researchers in medical fields define kleptomania as an “obsessive compulsive spectrum disorder” (Grant & Potenza, 2006) or as an “impulse control disorder” (Terrence, 2002). It is a complex disorder characterized by the failure to resist impulses to steal objects not needed for personal use or their monetary value. Despite numerous neuropsychological studies of obsessive compulsive disorder (OCD) and of other impulse control disorders, little is known about potential brain-behavior mechanisms in kleptomania. Specifically, OCD subjects have exhibited deficits in nonverbal memory, and executive functioning (Alarcon, Libb, & Boll, 1994). Although it has been studied in the medical literature for over 200 years, kleptomania still remains poorly understood by most physicians and it often goes undiagnosed and untreated (Grant, Levine, Kim, & Potenza, 2005).

The consequence is that many kleptomaniacs are likely to end up incarcerated repeatedly for further convictions. In addition, in most jurisdictions, kleptomania is not legally recognized as a defense under mental abnormality and individuals are held responsible except where a complete lack of control over their actions can be established (Nelson & Perrone, 2000). But it is often very difficult for the individuals to prove that their illegal actions under the requirement. The following section is a case illustration that attempts to highlight the problem.

1.1 Case Illustration

The voice of kleptomaniacs has long been ignored in Hong Kong and this study wishes to give them a platform. Here I employ the case of Winnie for illustration.

Winnie is a year two university student. In early January 2009, she was caught when she tried to steal a loaf of walnut bread from a bakery. She was charged with shoplifting and she pleaded guilty in the Fanling Court two weeks later. The sentence for that conviction was a fine of three hundreds HK dollars. Two weeks after the conviction, she went to the same bakery and stole the same item. She was caught again and faced with the same charge. But this time, she pleaded not guilty.

During the trial, a clinical psychiatrist and a clinical psychologist were invited as Winnie's expert witnesses. According to the experts, Winnie was a typical kleptomaniac. They further pointed out that the criminal case was caused by the impulse disorder. In theory, Winnie should not be convicted as she did not fulfill the *mens rea* requirement. She should instead receive a course of intensive counseling. Nevertheless, Winnie was still convicted.

According to the magistrate, the problem of her mental health was not an excuse for her criminal act. The magistrate condemned her not guilty plea of her lack of remorse for what she had done. The judge further pointed out that Winnie did not know what was right and wrong and she deserved criminal sanctions. This is a typical case of kleptomania not receiving appropriate consideration. Notwithstanding her need for medical treatment, Winnie was again convicted and sentenced to a probation order. The researcher wonders whether this case is unique or whether we have many other similar cases. As kleptomania is not legally recognized as a defense under mental abnormality, individuals are held responsible except in extremely rare cases where a complete lack of mental control over their actions can be established (Nelson & Perrone, 2000). The case of Winnie can be a signal for us to acknowledge that we lack understanding of kleptomania and arrangements for the people with it.

1.2 Background of the Study

1.2.1 The Development of Kleptomania

Although kleptomania was first officially designated a psychiatric disorder in 1980 in Diagnostic and Statistical Manual of Mental Disorders (DSM) III, it has been discussed in the medical literature for almost 200 years (Goldman, 1991; McElroy et al., 1991). Currently, kleptomania is classified in DSM-IV with impulse control disorders. In fact, kleptomania is not a new concept. The relationship between stealing and monomania was first erected by a Swiss doctor named Andre Matthey in France in 1816.

Since then, the definition has been modified and adapted by clinicians and researchers to fit contemporary psychiatric classifications and modes of treatment. During the earliest stage, Kleptomania was regarded as a unique madness characterized by the tendency to steal without motive and without necessity. Kleptomania was then first described as impulsive behaviors at the beginning of the 19th century (Goldman, 1992).

The term, Kleptomania, was formally used by French Physician, Marc, in 1840 as a concept for mitigating the offence of theft (Segrave, 2001). Kleptomania was claimed as a conscious urge to steal occurring in an individual in whom there is no ordinary

disturbance of consciousness. The individual frequently strives against this urge, but by its nature it is irresistible (Marc, 1840). Crosby (1879) further pinpointed that “Kleptomania, the aptitude to steal, is a very form of moral insanity” and ‘the acts of theft are often of the most unreasonable character.’ Lunier (1879) held a similar belief that kleptomania is a distinguishing frenzy defined by an irresistible impulse to steal. Gross (1907) made a detailed description than before. According to Gross, the initial motives for theft are either absent or wholly disproportionate to the risk incurred; Kleptomaniacs are usually under the control of an irresistible impulse which asserts itself more or less suddenly and is accompanied by a certain change in the state of consciousness.

Since the finding of Gross, there have not been many significant differences for later-on definitions. Lawrence (1942:201) suggested that “Kleptomania is an irresistible impulse to steal without any real desire for the thing stolen.” Until five decades ago, the development of Kleptomania turned for a milestone. Davidson (1956) made a significant finding in the middle of the 20th century and demonstrated that “Kleptomania has the compulsion to steal, which the patient tries to resist, but which he feels compelled to yield to because of ‘mounting tension.’” Then, more theories appeared and offered their support, including Aggernaes (1961) and Fishbain (1987).

McElroy, Keck, and Phillips (1996) pointed out that Kleptomania has many impulsive features. They demonstrated that kleptomaniacs often do not consider the consequence before their act. It is a repetitive behavior which is often performed to neutralize discomfort. Among all of these views, the Diagnostic and Statistical Manual of Mental Disorders IV (1994) offers a rather neutral definition. According to DSM IV, the essential feature of kleptomania is the recurrent failure to resist impulses to steal items even though the items are not needed for personal use or for their monetary value.

An individual experiences a rising subjective sense of tension before the theft, and feels pleasure, gratification or relief when committing the theft. However, there is one thing we have to bear in mind, that is, “kleptomania” is classified in a section of the Diagnostic and Statistical Manual of Mental Disorders that calls “Impulse-control disorders not elsewhere classified.” That means, kleptomania is almost “explanation impossible.”

1.2.2 The Hong Kong Context

In Hong Kong, up to now, we do not have any academic research about kleptomania.

We have different studies about shoplifting, but they often focus primarily on the juvenile.

In 1989, Hong Kong Young Women's Christian Association carried out a large-scale behavioral study on juvenile shoplifting in Hong Kong. The research pointed out that the cases of shoplifting are mainly related to the lack of social bonds and dissatisfaction with their life. Lai (1991) attempted to explore the relationship between social status and shoplifting. Ching (2001) attempted to examine the causes and motives of shoplifting. Seven female probationers were interviewed in the study. According to Ching (2001), shoplifting was regarded as a "lower-class" crime and the shoplifters are mainly from the lower class. In 2006, Lam (2006) did a study which was similar to Ching (2001). Ten female probationers were interviewed in this thesis. Based on Lam (2006), shoplifting was a "female" crime and female shoplifters were obviously treated more leniently than male shoplifters. All of these researches of shoplifting were using a top-down approach. They are either carried out from the case worker's perspective, or they just focused on opinions from policy makers.

Nevertheless, Lam (2006) is significant in the sense that it has adopted a bottom-up approach as the bottom-up approach had not been used for this topic in Hong Kong.

To a large extent, it is not possible for us to have a complete picture on issues related to kleptomania from the existing research. Moreover, most existing study viewed kleptomaniac from a top-down approach. The study is a pioneered research because the researcher has walked into their circle. Thus, they can talk about their story at will without the worry that their realistic story will be disclosed and reported to the court. This allows the present research to view this topic from a completely new perspective.

1.2.3 Some Dilemmas on Kleptomania

For long, kleptomania is not legally recognized as a defense under mental abnormality and individuals are held responsible except where a complete lack of control over their actions can be established (Nelson & Perrone, 2000). However, a large proportion of mentally ill offenders have a long history of being highly resistant to psychiatric treatment before their offenses. Significant number of people experiencing mental illness coming into contact with the criminal justice system (Lamb, Weinberger & Gross, 1999).

Kleptomaniacs, exactly, belong to this category. The fact that kleptomaniacs suffer from pathologic reasons to commit shopliftings bring queries on the culpability of these addictive stealing behaviors. Shulman (2002) believes that kleptomaniacs have an immediate urge to steal and they registered the desirable feeling: relief, a rush, calmness. Kleptomaniacs steal things when they begin to feel anxious. They often do not use or need the objects stolen and often discard or board them. Similar to shopping addicts, kleptomaniacs steal for the feelings created by the stealing, for example, peace from anxiety rather than the value of the item itself (Shulman, 2002).

Although stealing is regarded as anti-social behaviors and is ought to be punished, we should realize that kleptomaniacs suffer from underlying mental disorders to steal. Hence, kleptomaniacs have nothing to do with the norms to punish anti-social behaviors: they are "health" problems instead of "moral" problems (Mark, 2004).

Miacael (2003) clearly points out that if an individual lacks the ability, or "capacity", to choose between good and evil, between legal and illegal conduct, this may lead us to say he or she is not morally responsible for his or her actions. In some cases, this may negate criminally responsibility, and thus prevent criminal liability (Jackson, 2004). This is not to say that there is no intersection between behavior that results

from "mental disorders" and behavior that is immoral or otherwise socially unacceptable. One may think of conditions like drug addictions or alcoholism.

But still, those who wish to maintain a social stigma on the underlying behavior of kleptomania must do so with no reliance on such behavior resulting from a "psychiatric disorder" (Sarasalo, Bergman & Toth, 1996). It seems that we do not have enough policy to treat those disorder behaviors yet. The common law makes a default presumption of sanity, but we do not have a system to classify them simultaneously.

For the lower income and uneducated Kleptomaniacs, their condition will never be disclosed. This is because they often lack the capital and knowledge to seek for the accuracy service. Let's say, the middle class offenders often can hire a barrister to apply for the bind-over and prepare the psychiatrist report for defense. Nevertheless, the lower class offenders often lack those channels because of insufficient financial ability. Thus, the thesis aims to explore whether the problems of kleptomaniac in Hong Kong have long been ignored.

1.3 Research Objectives and Questions

The study examines the external circumstances and personal subjective view of the chronic female shoplifters in Hong Kong. The study aims to offer a better rehabilitation practice for the suspected kleptomaniacs. There are two main research questions: 1. What are the characteristics and experiences of female kleptomaniacs in Hong Kong? 2. Can they be recognized and followed of by the current sentencing and rehabilitation system? These questions try to fulfill the research aims of this thesis.

The later sections will examine these two questions mainly by the elements of attachment and commitment which refer to Social Control Theory. These questions will be explained in details in the next part.

1.3.1 What are the characteristics and experiences of female kleptomaniacs in Hong Kong?

Examination of the characteristics of the offenders by interviews and case studies will enable an evaluation of the current situation. The characteristics and experience of the offenders can provide useful insight to identify whether kleptomaniacs exist in Hong Kong and how common the situation is. The information such as their conviction history and duration between previous sentences and the present offence were systematically extracted for analysis.

1.3.2 Can they be recognized and taken care of by the current sentencing and rehabilitation system?

Depending on the findings of the first research question, the study will rely on the subjective experiences of the subjects to decide whether kleptomaniacs can be recognized and whether the current sentencing and rehabilitation system in Hong Kong are adequate to take care of kleptomaniacs.

1.4 Chapter Outline of the Present Study

Chapter 1 intends to be the introductory chapter. Other than introducing the topic, it also consists of the definition of kleptomania and a case illustration to picture how kleptomaniacs are lack of treatment in Hong Kong. The chapter also aims to provide a background for the present study by outlining the development of kleptomania, the local context and some dilemmas of kleptomania. The chapter also presents the research objectives and research questions for the present study.

Chapter 2 is a literature review. This chapter deals with different approaches towards kleptomania including the psychological approach and sociological approach. And the chapter offers an overview of literature relevant to impulse buying, self-control theory

and social control theory which aims to offer a better understanding towards the topic of the present study.

Chapter 3 outlines the methods of data collection and research methods. Chapter 4 and 5 comprises the results of the questionnaire survey and 3 intensive cases review.

The comprehensive information in these chapters helps the study to explore the research questions of the present study.

In Chapters 6 and 7, the thesis will conclude with a summary of the findings and a discussion of the research significance and research limitations of the present study.

Further directions for future research on kleptomania are also suggested.

Chapter 2 - Literature Review

This chapter aims to give a literature review on kleptomania and the related research approaches adopted by previous studies. At present, there is a very limited number of researches on kleptomania, this literature review, apart from literature directly related to the topic, also includes other studies on shoplifting and impulsive buying, as these topics with certain similarities, may give us some ideas on the understanding of kleptomania.

The Diagnostic and statistical manual of mental disorders mentions that “There is little systematic information on the course of Kleptomania...The disorder may continue for years, despite multiple convictions for shoplifting (APA, 2000).” Obviously, shoplifting and kleptomania are difficult to separate. Thus, the study not only focuses on the major intellectual theories of kleptomania, but also the literatures of shoplifting.

2.1 Different Research Approaches

There are different approaches to explain the criminal behaviors. In this thesis, the researcher focuses on the psychological and sociological theories to explore kleptomania related issues.

2.1.1 Psychological Approach

Psychology has long been regarded as “the science of human behavior,” it seems a reasonable, and potentially productive, line of inquiry. For centuries, different psychological approaches have been adopted for shoplifting. However, like all approaches to understanding or explaining human behavior, the psychological approach has its advantages and limitations. Kleptomania is usually thought of as part of the obsessive-compulsive disorder spectrum, although emerging evidence suggests that it may be more similar to addictive and mood disorders.

Using data from interviews and probation records which are compared on demographic and relevant background information, the impulsive shoplifters are more likely to have experienced an unusual childhood stress, and to be depressed and socially isolated in comparison with other shoplifters (Geason & Wilson, 1992). An explanation in terms of an accumulation of stressors over time in certain individuals is offered as one interpretation of these findings (Pinhas, 2002). As a result, the definition of kleptomania has changed during the past few decades, and it is now regarded as an impulse control disorder.

Because there are more reported cases of "non-sensical" shoplifting, such as the shoplifting not apparently motivated by need or desire. More and more criminological theories attempt to explain kleptomania. Different causes of shoplifting, such as psychological disturbance and emotional problems (Rouke, 1957), accumulation of stressors over time (Yates, 1986; Durie & Costello, 1977), are also researched under the psychological approach.

Psychoanalysts explain that while kleptomaniacs often express guilt after committing shoplifting, they are virtually driven by inner guilt and other psychic tensions to steal. Shoplifting is indeed committed to relieve such psychic tensions and the subsequent legal punishment. Based on Rouke's (1957) observations on 80 referral cases over a five-year period for women shoplifters, 87% of the cases were influenced by emotional disturbances. It is good to see that psychological causes are now being recognized and the treatment including cognitive behavioral therapy, or forms of cognitive and behavioral therapies are promising for kleptomania. At the same time, many reports reveal that some patients respond well to this, especially in conjunction with medication. However, large scale studies with control groups are lacking.

Although no epidemiological study of kleptomania has been performed, studies of kleptomania in various clinical samples suggest a high prevalence for the disorder which may represent a public health concern. Additionally, there may be a lack of clinicians skilled in these therapies for kleptomania and there are currently no published manualized treatments (Grant, 2006). Lejoyeux (2002) demonstrated that various findings suggest that kleptomania among psychiatric patients is fairly common. Also, because the lifetime and current prevalence rates were nearly identical, this suggests that the disorder is most likely chronic if left untreated.

2.1.2 Sociological Approach

Due to the insufficient understanding about kleptomania from the psychological perspectives, the researcher attempted to explore another approach to search the solutions for kleptomaniacs. Apart from psychological factors, other external factors may also have significant influences on chronic offenders. Thus, this section will attempt to explore the sociological literatures.

In sociology, kleptomania or shoplifting addictions were initially regarded as behaviors “socially constructed by key decision-makers” (Abelson, 1989) to deal with those sensitive shoplifting cases committed by those “affluent and respectable” ladies,

thus legitimatizing the action of the stores and courts to dismiss or acquit those afflicted with this “women’s sickness”(Abelson, 1989). Walsh (1978) outlined a series of sociological factors for kleptomania; poverty, youthfulness, greed, ideology, game and peer pressure. Klemke (1982) also had a study for the motivation behind shoplifting, likes groups of economic motivations and groups of non-economic motivations (like excitement and peer pressure) and they were found to be equally important. Cameron (1964), Gibbens & Prince (1962), Belson (1969) also conducted other studies on these areas.

Among these theories, the class theory suggests that class is regarded as the major cause of stealing. Furthermore, the class theory is the earliest theory to explain stealing. Based on this theory, lower classes were proportionately much more likely to engage in stealing than upper classes. Conventional arguments on criminal behaviors also link crime with social status.

In the 1950s, Won and Yamamoto (1958) further studied about “How class position was related to shoplifting”. Specifically they made the assumption that individuals of the less privileged or lower classes were proportionately much more likely to engage in this type of behavior than individuals of more privileged or upper classes. More

sociological research on shoplifting behavior, which prompted wider social recognition on Kleptomania, was carried out in the late 1950s. For example, a Houston protective agency declared that ninety-five percent of apprehended shoplifters could afford to pay the items they tried to steal. Another Marxist scholar, Bonger (1916), argued that a criminal attitude was engendered by the conditions of misery inflicted upon many of the lower class under capitalism.

In other words, the capitalist economic system creates a criminogenic quality of social life, characterized by exploitativeness, and encourages all people to be greedy and selfish. As one of the earliest influential theorists on lower class criminality, Engels (1969) suggested that the lower class engage in most crimes not only because they are brutalized, but also because their poverty leaves them disillusioned about the "sacredness of property"(Engels, 1969).

Nevertheless, these arguments of class theory have gradually lost its standings when more empirical studies have revealed the otherwise since the 1950s. In particular, the class theory failed to explain why there are much more female shoplifters than the males. In fact, for centuries, shoplifting has occupied a largest percentage of female crime. Conventionally, shoplifting is widely believed to be a "female crime" (Owen &

Cameron, 1964). As early as the late 1940s, Pollak argued that shoplifting was a common female offence (Pollak, 1950). Cameron (1964) even said that “every town has its little old kleptomania lady who steals at will”. O’Brien (1983) further pointed out that shoplifting was a crime committed almost exclusively by women.

Another study also revealed that eighty percent of kleptomaniacs were women (Shulman, 2002). Sarasalo (1997) demonstrated that kleptomania affects mostly women and it is hard to distinguish from plain criminal shoplifting. Davies (1997) further pointed out that over thirty years since the first major research, the impressions on shoplifting as women’s sickness are still common. We can clearly understand from recent research and official statistics that the situation has not changed much in the past few decades.

The study has a general review of psychological approach and sociological approach towards kleptomania. It seems that there is a need of a long term comprehensive rehabilitation programme for the kleptomaniacs if our focus is based on the psychological approach. The researcher thinks that maybe we need an alternative approach which is much more efficiency. By the findings of different studies on kleptomaniacs, most of the kleptomaniacs don't seek for the help at an early stage and

their problems are often have a long history when they have been identified. Due to the limitation of the duration and resources of the present study, the study has no intention to challenge or replace the psychological approach for the kleptomaniacs. The researcher believes that it is possible to build up a paralleled alternative rehabilitation programme for the kleptomaniacs. In short, the study aims to as an explorative study in Hong Kong to explore whether the social control theory as a sociological approach to deal with the problems of kleptomaniacs is workable.

2.2 Impulse Buying

Kleptomania can be seen as a subject's misadaptation to a depressive mood state and, as such, the disorder could be context dependent. This phenomenological explanation has been advocated since the beginning of the 20th century and supported by more recent observations of distinct behavioral disturbances (e.g. kleptomania, compulsive buying) alternating with depression in the same subjects, with onset of the behavioral disturbance associated with relief of the mood state and cessation of the behavior associated with recurrence of depression (Hervé, 2003). According to the study by Baylé (2003), there are a range of common factors between kleptomania and impulse buying. Both kleptomaniacs and impulse buyers are often having mood disorders; they often influence females more than males and they often have a feeling

of relieving the stress after the impulsive act. Thus, the study of impulse buying brings about a deeper understanding of kleptomania and to explore the relationship between the two.

Impulse purchases can be explained as a sudden urge to buy something, without any intention or plan, then acting on that impulse without considering long-term goals, ideals, or plans (Baumeister, 2002). Another research by Jones, Reynolds, Weun and Beatty (2003) demonstrates that an impulse shopper experiences an immediate gratification upon purchasing items.

Consumers utilizing cognition will be more likely to make rational purchases, decisions, and make fewer impulse purchases; consumers who are more emotional will be more likely to make impulsive buying (Coley & Burgess, 2003). Most studies on impulse behavior agree that individuals who make impulse purchases may often lack self-control (Faber & O'Guinn, 1989). When there is an imbalance in their life, even extremely small, these individuals lean toward impulsive buying.

In short, impulse purchases are unplanned and not regulated before entering a store. Self-completion theory argues that when an individual experiences more self-control,

the individual will be less likely to make impulse buying. Conversely, when the individual either lacks or loses self-control, he or she is more likely to make impulse buying. General literature on this topic seems to agree that men and women respond differently to impulse purchases. Dittmar, Beattie and Friese (1995a) found that women bought material objects on impulse for sentimental value while men bought items for their leisure activities. Women tend to buy material objects such as clothes, jewelry, and cosmetics on impulse (Dittmar, Beattie & Friese, 1995b). Several studies emphasize that women are more likely to be impulse buyers (Shoham & Brencic, 2003).

Sherhorn & Reisch (1990) propose that women seem to cope with stress and other strains internally. Possibly, if the impulse buying problem gets bad from worse, it may gradually become a problem of impulse stealing. When women are stressed, they tend to make impulse purchases, thus they try to solve their problems secretly (Coley & Burgess, 2003). In the present thesis, we can make an assumption that self control is important. The general public do not have the problem as they have better shopping habits. As mentioned earlier, impulse purchases can be explained as a sudden urge to buy something, without any intention or plan, then acting on that impulse without considering long-term goals, ideals, or plans (Baumeister, 2002).

However, consumers utilizing cognition rarely make rational purchases or decisions, and make few impulse purchases where as the consumers who are more emotional will be more likely to make impulsive buying (Coley & Burgess, 2003). According to many studies on impulse behavior agrees that those individuals who make impulse purchases lack self-control (Faber & O'Guinn, 1989). In short, when an individual develops more self-control, the individual will be less likely to make impulse buying.

Obviously, some people have the problem of self control, so they have the problem of impulse buying. But, no matter whether individuals have the problem of self control, the question whether they are more likely to steal is a doubt. In short, whether there is any co-relationship between impulse buying and impulse stealing is a question. Nevertheless, the researcher wonders whether one will be less likely to steal when an individual experiences more self-control. Thus, the self control theory will be reviewed in the next section.

2.3 Self-control theory

Gottfredson and Hirschi's self-control theory (1990) pairs an argument about the nature of criminals with arguments about the nature of crime. They argue that crime is like other reckless but legally accepted behaviors in that it brings temporary instant

gratification to the individual and is the result of low self-control. Gottfredson and Hirschi (1990) embark on their discussion by noting that classical theories of crime presume there are no special criminal propensities among criminals.

Basically, the theory assumes that individuals vary in their tendency to commit crime. Gottfredson and Hirschi (1990) places the major predictor of crime in the internal concept of self-control. Gottfredson and Hirschi's low self-control argument is based on the idea that people with low self-control are more likely to commit reckless acts. Gottfredson and Hirschi (1990) locates the major cause of low self-control mainly from the family, especially when parents are not able to recognize deviant behavior or fail to correct it. Furthermore, those whose self-control is without attainment in their youth would be less likely to have it in adulthood. Bradley (1999) pointed out that the link between work and crime is spurious due to the levels of self-control – "self-control determined not only criminal behavior but the development of social bonds." He further pointed out that low self-control is strongly correlated with weak social bonds.

Self-control theory differs from most other theories of crime. Self-control theory argues that it is the *absence of self-control* rather than the presence of some forces or

factors such as poverty and peer. Self-control theory rejects the notions that crime is learned. Self-control theory suggests that crime simply results from the one's inability to effectively control the impulses. Self-control theory bases on the internal factors to explain criminal act. Conversely, social control theory is based on the external factors to explain criminal act.

2.4 Social Control Theory

For a long time, the sociological theory of social control predicts and explains how people define and respond to deviant behavior (Black, 1983). Four decades ago, Travis Hirschi (1969) proposed the social control theory and demonstrated that people who had poor attachment, wrong beliefs, weak involvement and weak connection were more likely to become a deviant.

Hirschi's social control theory is comprised of four specific elements in relation to the process of comprehending the association of social bonding to that of deviant behavior. In relation to delinquency, Hirschi proposed that the act of delinquent behavior was significantly reduced when people were able to emotionally bond to others. Attachment, commitment, belief, and involvement are the four elements that formulate the social bonding theory. The importance of social control theory in the

literature on crime is incontrovertible. However there is still room for advancement and empirical clarification of the impact of social control mechanisms on delinquent behavior. There are perhaps new reasons to revisit the classic works of Hirschi (1969). The social control theory was founded upon the theory of social disorganization, which originated within the study of ecology and contemplates the correlation between individuals and their environment (Thabit, 2006). This theory also examines the lack of control a person has in relation to society and attributes deviant behavior to the strength of one's social bonding (Snedker & Herting, 2003). On the contrary, that means through a weak bond, or a bond that has been broken, that delinquent acts occur (Curran and Renzetti 2001).

Social control theory is known as the social bonding theory in which a collaboration of elements interact with one another in consideration of one's bond to society in relation to the participation of deviant behavior. The primary scope of social control theory centers on providing an answer to why the majority of individuals do not choose to participate in criminal behavior (Russell, 2006). Hirschi's theory of social control located control in a person's relation to society and not internal self-controls. Hirschi states that "delinquency acts result when an individual's bond to society is

weak or broken". The resulting delinquency is attributed to the lack of control to regulate behavior.

Social control theory supposes that while crime or deviance may violate the norms or standards of the majority of society, they also represent conformity to other norms and standards shared only by a subset of the society. "Social control theory assumes that delinquent acts result when an individual's bond to society is weak or broken" (Hirschi, 1969). Based on this statement, Hirschi separates the explanation of social control theory into two aspects: the personal's bond and society. Social control theory does not specify which elements of society are most important, but holds that individual's bonds to such elements are important in determining delinquency. Hirschi sees these bonds as comprised of four different elements.

The first element of the social bond is attachment, where a person's attachment to others determines one's commitment to commonly held norms and values. In other words, the less attached a person is to others, the more likely to involve delinquency. Attachment refers to the close affection ties to others, admiration of them and identification with them. In short, there is an inverse relationship between delinquency and social bonds. If conventional social controls are strong we are prevented from

being delinquent and often rewarded for compliance whereas if controls breakdown we become delinquent. According to this element, if individuals are insensitive to others' opinion, the more likely the individual is going to commit a crime, because they are less compelled by the norms (Akers, 1999).

Hirschi argues that attachment to individuals such as parents is important in controlling delinquent tendencies and maintaining conformity. The important aspect is the attachment to people, not necessarily the character of the person that the individual is attached to (Meneses, 2003). "The more one respects or admires one's friends, the less likely one is to commit delinquent acts" (1969:152). Interpersonal conflict and alienation are often the factors to form low attachment. Based on this element, the stronger attachment to other people, such as family or close friends, will make people less likely to involve delinquency. On the other hand, when some people have weaker relationships, they would feel lesser needed to conform to other person's or group's norms. The consequence is that, they are more likely to involve delinquency.

According to Hirschi, the attachment is related to delinquency. "If a person does not care about the wishes and expectations of other people - then he is to that extent not

bound by the norms. He is free to deviate” (Hirschi 1969:18). It is seen that social norms are internalized through attachment (Curran & Renzetti, 2001; Vold , 2002). Therefore, without attachment, an individual is free to deviate. Problems in such studies, however, have raised questions about the role of the family in delinquency (McFarren, 2007). Rankin and Wells (1990) study addressed this shortcoming and used similar variables to the current study. A weakness, though, is that Rankin and Wells only used these variables to explain delinquency, not adult crime.

As stated previously, Hirschi (1969) found that delinquency was inversely related to the bonds of familial attachment. Although, little to no research has used this finding to examine adult criminality, some of the findings on further delinquency research point to attributes that may help describe crime among adults (McFarren, 2007). If losing their social bond to the family results in delinquency for children, then the researcher would predict a similar result for the adult who similarly lose their social bond to their family. Therefore, during the interview with the interviewees, the researcher asked about the relationship of the offenders with their family before the latest criminal case.

The second element is commitment, which has long been regarded as a person's level of commitment and investment in legal behavior and the benefits that result from it. Commitment refers to the extent to which individuals have built up an investment in conventionality and can be jeopardized or lost if they engage in deviant behavior. People develop a stake in their education, reputation or building careers investments such as a job or family are in line according with this element. When people are faced with the decision to commit a criminal act, they weigh what they can lose and what they can gain if they commit a crime (Dickey & Klingele, 2004). Commitment refers to a more or less rational element in the decision to commit a crime. Based on this element, people who have a sincere commitment to legitimate goals are often more likely to conform to society's norms. Higher education, financial satisfaction and stable relationship are the key factors. In short, it assumes that people with a low level of commitment to conformity will be more likely to commit crime because, when they rationally weigh the costs and benefits of crime, they have "less to lose". All in all, when people have little confidence in the future, they are more likely to engage in deviance.

Using a commitment concept for social control theory, it may be predicted that the more the offenders can enhance their commitment to legitimate goals, the more likely

they will conform to social norms. Among the items of the sentences, helping the offenders to become better citizens and reducing the risk of future harm or re-offending by the offender is an initial mission of probation service. Hence, the study assumes that whether the offenders can keep a longer clear record after release than the other sentences may be able to represent the commitment concept is workable or not in the local rehabilitation programme. Therefore, during the interview with the interviewees, the researcher asked about their previous sentence received before the latest criminal case. The researcher intended to explore whether commitment can be enhanced by probation service.

Involvement and belief are the remaining two concepts that Hirschi (1969) described as factors in delinquency. This study will pay little attention to these, however, due to practical and theoretical reasons. Primarily, the data set being used in this study does not contain the appropriate measures that would be used to clearly define and study the involvement and belief concepts in which Hirschi developed. However, the loss of these two concepts is not an overwhelming barrier to this study due to the study is an explorative study only.

The third element of the social bond in social control theory is involvement. Involvement is the most straightforward concept of Hirschi's social bond theory. It may be defined as simply the amount of time or participation one has in legitimate, conventional activities (Curran and Renzetti, 2001; Shoemaker, 2005; Vold , 2002). The more involved people are with legitimate activities, the less likely they are to deviate from appropriate behavior. This is because they are less likely to have time for committing crime if they are highly involved in conventional activities And, in fact, this is not only because they have no time to waste, but also because they have many things to lose if they engage themselves in deviance.

Fourthly, social control theory holds that for those who believe in a common value, the motivation to deviate must be sufficiently strong to overcome the individual's belief in these common values and morals. In short, belief is defined as a strong acceptance and conviction that the rules of society should be obeyed (Hirschi, 1969).

As Hirschi (1969) puts it, control theorists thus assume that "there is variation in the extent to which people believe they should obey the rules of society, and, furthermore, that the less a person believes he should obey the rules, the more likely he is to violate them".

2.5 Self Control Theory Vs Social Control Theory

Gottfredson and Hirschi moved away from the earlier social bonding theory to propose a general self-control theory that claims to explain all crimes and deviance under all circumstances” (Akers & Sellers, 2009). However, the researcher believes that it is difficult to explain all crimes and deviance under all circumstances. Kleptomaniacs should be the case. The self-control theory differs from the social bonding theory in that individuals with an elevated level of self-control are going to be considerably less likely to participate in criminal acts of behavior and individuals with a low level of self-control have an elevated inclination to participate in acts delinquency (Akers & Sellers, 2009).

In short, for those who share the same values with the dominant society, such as respect for authority are less likely to commit deviance. The researcher observes that social control theory proposes that people's relationships, commitments, values, norms, and beliefs encourage the public not to break the law. Thus, if moral codes are internalized and individuals are tied into, and have a stake in their wider community, they will voluntarily limit their propensity to commit deviant acts. The researcher, thus, attempts to examine whether social bonding is able to bring positive influences.

For long, social control theory has long been selected to evaluate females' behavior. Social control theory proposes that people's relationships, commitments, values, norms, and beliefs encourage them not to break the law. Krohn and James (1980) demonstrated the link between social control theory and females' behavior twenty years ago. According to Krohn and James (1980), the magnitude and direction of the observed relationships moderately support the theory for all four deviant behavior scales; the elements of the bond are more predictive of the less serious forms of deviance than they are of the more serious forms. The element of commitment is more related to deviant behavior than the element of belief and attachment. Nevertheless, the present study would explore whether the element of attachment and commitment are also related to deviant behavior.

2.6 The study framework of the present research

According to Hirschi (1969, p.82), "we are moral beings to the extent we are social beings." The social bond essentially "refers to the connection between the individual and society" (Shoemaker, 1996). This theory posits that deviance occurs when the social bond is weak or lacking. There are four elements of the social bond—attachment, commitment, involvement, and belief (Hirschi, 1969). Social control theory is one of the dominant perspectives on deviant behavior, and is

probably the most frequently tested and discussed of all of the sociological theories of deviance (Akers, 1997). This theory has received considerable empirical support, and its explanatory value is typically described as good or moderate (Gardner & Shoemaker, 1989).

Shoplifting is defined as taking items from a store without paying for them, independent of intent or motivation. Kleptomania is a rare psychiatric disorder characterized by recurrent stealing and for which there exists no empirically validated treatments (Grant, Kim & Odlaug, 2009). In short, kleptomania is a psychiatric disorder characterized by an inability to resist recurrent impulses to steal objects that are not needed for their monetary or personal use. Although shoplifting appears quite common, relatively little is known about the prevalence of kleptomania in the general population. For long, kleptomania has historically received relatively little attention from clinicians and researchers. As a result, the understanding of efficacious and well-tolerated treatment interventions for kleptomania lags significantly behind those for other major neuropsychiatric disorders (Grant, 2006).

Historically, policies have shifted from the punitive, through institutional correction, to more community based control (Benekos, 1990). Nevertheless, the appropriateness

of referring shoplifters for psychological treatment is questioned. The referral is based upon the assumption that the primary motivation behind shoplifting is emotionally based. Exploring only the emotional factors related to shoplifting may result in treating only symptoms since shoplifting appears to arise from multiple motivators for most people (Ray & Katherine, 1998). In fact, practitioners have long been treating diagnosed kleptomaniacs with mood-altering drugs on the presumption that outbursts could be triggered by changes in the levels of serotonin in the brain, much like depression. In fact, it is often very difficult to ensure the mental illness patients taking the medical drugs properly.

Kleptomaniacs are regarded as problematic in the court. The caseworkers tend to despise them and believe that they should be locked up because of their chronic offences. Although we do not think that these people have to be locked up for life, by the case review of the later section of this study, it seems that kleptomaniacs have long been regarded as petty offenders and giving a harsh sentence is a common practice.

Due to their chronic offence, it is not surprising that caseworkers often consider the kleptomaniacs are too abominable to associate with and are the dangerous elements in

the community who are at a high risk to reoffend. Janus (2004) notes the paradigm of governmental social control has shifted from solving and punishing crimes to identifying “dangerous” people and depriving them of their liberty before they can do harm. These beliefs are widespread, unsupported by facts, and have resulted in harsh laws specifically targeting offenders. The focus is now on protecting society rather than individual rights. The researcher believes the net result of the current trend may well increase rather than decrease recidivism of kleptomaniacs and make society as a whole more suffer rather than safer in terms of the criminal cases of kleptomaniacs.

Kleptomania is an impulse control disorder, referring to an irresistible compulsion to steal, motivated by neurotic impulse rather than material need (Terrence, 2002). According to the Diagnostic and Statistical Manual of Mental Disorders, kleptomania has been put in a section that calls “Impulse-control disorders not elsewhere classified.” That means, kleptomania is almost impossible to explain”. In short, it has long been a challenge for practitioners to handle kleptomaniacs. Since kleptomaniacs may not be handled from the perspective of psychology, the present study began to explore the other approach to solve their problems. Hirschi (1969) presented social control theory as a means of describing the causes of juvenile delinquency. While the theory has been repeatedly tested and supported with respect to delinquency, it has

rarely been used to describe adult criminality (McFarren, 2007). Social control theory uses social integration to describe correlates of crime. More concretely, individuals who report tighter networks of family and peer relationships are less likely to commit crime.

Hirschi's social control theory questions why people conform. At the heart of this question is an implication as to what actually does cause deviance. For Hirschi, deviance is a naturally occurring phenomenon of human nature (Thio 2001). Hirschi (1969) states, "we are all animals and thus naturally capable of committing criminal acts." Therefore, it is necessary to find what factors prevent individuals from being deviant. Social control theory hypothesizes that social institutions, such as family, school, and peers are just such factors (Shoemaker 2005). All in all, Hirschi's social control theory is comprised of four specific elements in relation to the process of comprehending the association of social bonding to that of deviant behavior. It is then either through a weak bond, or a bond that has been broken, that delinquent acts occur (Curran & Renzetti 2001). That is, individuals who do not have adequate investments in one or more social institutions, or have been separated from one, do not have a connection to society's norms.

In relation to delinquency, Hirschi proposed that the act of delinquent behavior can be significantly reduced when the people were able to emotionally bond to others. Attachment, commitment, belief, and involvement are the four elements that formulate the social control theory. The self-control theory differs from the social bonding theory in that individuals with an elevated level of self-control are going to be considerably less likely to participate in criminal acts of behavior and individuals with a low level of self-control have an elevated inclination to participate in acts of delinquency. The diminished level of self-control is attributable to deficient socialization. This is formed in childhood and is especially important due to the fact that once an individual forms a certain amount of self-control in childhood; this level of control will relatively remain the same throughout life (Akers & Sellers, 2009). This supports the idea that “kleptomaniacs may not be handled from the perspective of psychology”. Thus, this thesis aims to as an explorative study to examine whether the social control theory is workable in the Hong Kong context, for example, whether enhancing social bonding can help kleptomaniacs to quit their criminal journeys.

In fact, previous studies of social control theory have primarily focused on juvenile delinquency. Among those studies, factors like being in the workforce might promote delinquency due to a juvenile’s weak connection to their traditional conventional

activities such as school. The present study assumed that applying social control theory to adult criminality, the mentioned elements may still provide a mediating variable in criminal activity. For example, Laub and Sampson's (1993) found that of the 70 life histories they studied, repeatedly the respondents noted that the drops in their criminal activities were due to involvement in "steady work" and "family responsibilities." Therefore, it is possible to apply the social control theory on kleptomaniacs.

The study focused on their previous sentence before the latest charges to explore whether social control theory is workable or not in the Hong Kong context. It may be predicted that the social bonding can be enhanced for the offenders; the less likely the offenders would be involved again in criminal behavior. All in all, the thesis intends to explore the utility of Hirschi's control theory in offering a possible comprehensive rehabilitation for the kleptomaniacs in Hong Kong. This assumption will be checked by the finding of the characteristics of the subjects in the later section in the thesis.

Chapter 3 - Data Collection and Research Methods

This chapter aims to describe the data collection process and methodologies for the present study. In order to collect the data to answer the research questions, the following processes have been adopted. First of all, the study mainly focuses on the female offenders. Kleptomania affects mostly women and it is hard to distinguish from plain criminal shoplifting (Sarasalo, bergman & Toth 1997). In addition, according to the annual reports from the Police Service Department of Hong Kong, Correctional Services Department of Hong Kong and the Department of Justice of Hong Kong, over 50% of the female offenders are convicted of “theft”. Thus, the study mainly focuses on the female offenders which were charged of “theft”.

Currently, kleptomania is classified in DSM-IV as impulse control disorders. According to the Diagnostic and Statistical Manual of Mental Disorders (1994), three typical courses have been described: (1) sporadic, with brief episodes and long periods of remission, (2) episodic, with protracted periods of stealing and periods of remission, and (3) chronic, with some degree of fluctuation (APA, 1994; 379). It is commonly believed that over three times of conviction is a major sign to signal the department to do something for the kleptomaniacs instead of just fine or instant sentence as the Chinese Motto suggests that “once is an accident, three times is a

symptom/deliberate”. Therefore, the case studies mainly focus on the subjects who had above three times criminal records.

Furthermore, because the study is an initial thesis to explore the problem of kleptomania in Hong Kong, and according to Grant (2005), the prevalence of kleptomania remains unknown, but kleptomania may in fact be fairly common. Thus, the thesis adopts a rather loose definition of kleptomania to gather female thieves who have been recalled to the court repeatedly overtime. In short, the thesis mainly focuses on subjects who have been convicted more than three times of theft. The primary methods applied include traditional research methods such as questionnaire survey and face-to-face interviews. All the informants taking part in the three case studies in this research are local residents who have at least three times of related criminal records.

3.1 Sampling

Policy makers and academics have long confirmed that there are some ‘hidden’ populations, such as the young, male and unemployed, are often hard to locate. There are some people in the community have long been ignored by the mainstream. These people consist of the criminals, prostitutes, drug users and those with unusual or

stigmatized conditions. Needless to say, there are a range of methodological challenges if we are planning to understand more about their lives. In the current study, snowball sampling allows the researcher beginning by identifying someone who meets the criteria for inclusion in the study. Snowball sampling, in the study, is very useful because the situations in which the researcher needs to reach the targeted sample quickly, especially when the sampling for proportionality is not the primary concern. In the study, the target group is the people who have a long convicted history of theft. By this arrangement, the researcher had the chance to ask them to recommend others who they may know who also meet the criteria. Although this method would hardly lead to representative samples, the research still believes that it may be the best method available. In fact, the researcher felt that snowball sampling is very useful to reach populations that are inaccessible or hard to find.

Snowball sampling can be applied for two primary purposes. Firstly, snowball sampling as an 'informal' method to reach a target population. If the aim of a study is primarily explorative, qualitative and descriptive, then snowball sampling offers practical advantages (Hendricks, Blanken and Adriaans, 1992). In short, snowball sampling is used most frequently to conduct qualitative research, primarily through interviews. Secondly, snowball sampling may be applied as a more formal methodology for making inferences about a population of individuals who have been

difficult to enumerate through the use of descending methods such as household surveys (Snijders, 1992; Faugier and Sergeant, 1997). Since the kleptomaniacs have long been ignored by the public, they do concern over disclosing their status.

In fact, treading an uneasy line between the dictates of replicable and representative research design and the more flowing and theoretically led sampling techniques of qualitative research, snowball sampling lies somewhat at the margins of research practice. However, the technique offers real benefits for studies which seek to access difficult to reach or hidden populations. These are often obscured from the view of social researchers and policy makers who are keen to obtain evidence of the experiences of some of the more marginal excluded groups (Sarvrou, 2002).

Snowball sampling may simply be defined as “a technique for finding research subjects. One subject gives the researcher the name of another subject, who in turn provides the name of a third, and so on (Vogt, 1999)”. This strategy can be viewed as a response to overcoming the problems associated with sampling concealed populations such as the criminal and the isolated (Faugier and Sargeant, 1997).

Snowball sampling can be placed within a wider set of link-tracing methodologies (Spren, 1992) which seek to take advantage of the social networks of identified

respondents to provide a researcher with an ever-expanding set of potential contacts (Thomson, 1997). This process is based on the assumption that a 'bond' or 'link' exists between the initial sample and others in the same target population, allowing a series of referrals to be made within a circle of acquaintance (Berg, 1988).

3.2 Questionnaire Survey

One hundred questionnaires were distributed to the interviewees by the researcher and a total of eighty were counted. All the interviewees were approached by the researcher in Tuen Mun Court through snowball sampling techniques. Between the September of 2008 and the August of 2009, the researcher visited the Tuen Mun Court on every Monday. Twenty subjects were excluded after the short interview; it was because they did not meet the requirement of the criminal records. The questionnaire survey was divided into two parts. In the first part of the survey, questions were mainly about informants' general background. The first part of the questionnaire aimed to collect their personal information. The second part of the questionnaire asked the informants to provide some actual information about their criminal records and their experience from that. The informants were informed that all the data they provided in the questionnaires was to be dealt with in strict confidentiality and all the information would remain anonymous to everyone but the researcher.

To begin with, the researcher asked about their family situation and personal information. Those questions were used for orientation to the family constellation, and for warm-up purposes. Then, the researcher asked about their previous sentence before the latest offense. The question helped the study to explore whether commitment can be enhanced by probation service. Furthermore, participants were asked to indicate the degree to the relationship with their family happened to them during the period lapse between two offences. The respondents had to code the degree from the worst (1) to the closest (10). They also had to answer whether there was any different of the mentioned degree before and after the latest offence. The question helped the study to explore whether enhancing the attachment which rose by the theory of Hirschi would be the effective way out for handling delinquency.

The characteristics of these subjects were systematically extracted for extensive analysis in later stages. Last but not the least, descriptive analysis like charting and contingency tables were used to analyze the characteristics of the subjects and the patterns of their offences. The characteristics include demography background, conviction history, and type of previous sentence, impact of previous sentence, items of stolen goods, family income and the like.

People may wonder that the honesty of the respondents and communication difficulties are some potential problems, but these problems can be overcome due to the researcher's background. Respondents would be more willing to speak to the researcher as the researcher, who has the connection with numerous inmates and their family, may be identified as an insider instead of a stranger. Since the researcher is regarded as an insider, the data can be more realistic.

3.3 Face-to-face Interviews

Apart from the questionnaire survey, three of the respondents were arranged for in-depth interviews in order to have a thorough understanding on why their chronic behaviors have been reported to the court again and again. These cases were selected because their experience can display the contradiction when we handle the cases of kleptomaniacs. They were invited to take part in in-depth interviews so that some in-depth information regarding their experiences could be gathered. Two of them are housewives. And the remaining one is an office lady. In short, these cases were selected as intensive case studies because the researcher found that their cases can represent the dilemma of treating kleptomania significantly. Each interview lasted for about 60 minutes.

The entire process was recorded with the informants' consent, and, at the same time, written notes were also taken during the interview, so that records could be kept for later use. The interviews were in the form of an informal conversation. In order to create a relaxing surrounding facilitating the sharing of their experience, it is preferable to run the interviews like a friend-to-friend chat. Such an atmosphere would make the informants feel more comfortable and they would be willing to share more information for the study. The interviews were run on a one-to-one basis. The major objective of one-to-one basis was to allow the informants to talk to the researcher freely without the fear that the information provided during the interview would be known by a third person. A number of questions had been set up before the interviews so that these questions guided the whole interview process. The questions were mainly related to their criminal experience. Questions regarding their attitudes toward the judicial system and the rehabilitation use were also included. At the same time, in order to maintain a reasonable degree of flexibility, extra questions relating to the informants' answers were sometimes added. In order to ensure the data were collected confidentially and legally, the consent letters had been offered before the interview. All of the data are used in this thesis only and the researcher will not disclose their information to the third party. And, the pseudo names were used in the study in order to protect their personal privacy. Most of the informants were highly

cooperative in filling in questionnaires and sharing their experiences in interviews.

The three intensive case studies were conducted in the period though the data may not be representative of the situation across various groups such as age and social class.

Nevertheless, this is a first study in Hong Kong about kleptomania, and the present study provides some important insights on analyzing the problem of kleptomania in Hong Kong.

Chapter 4 – Results of the Questionnaire Survey

This chapter mainly focuses on the questionnaire survey and the results will be outlined in detail. Apart from the case of Winnie mentioned in the first chapter, the researcher recruited 80 ex-offenders to take part in a questionnaire survey between September 2008 and August 2009. From the result of the case studies, the researcher confirms that a decrease in delinquency tends not to be primarily related to penalty, but rather to rehabilitation and health policies.

The following data comes from the case studies between the September in 2008 to the August in 2009 in Hong Kong.

4.1 Demographic Characteristics

Table 1 illustrates the demographic characters of the subjects in the present study. The results are shown below.

Table 1. Demographic characters of the subjects

Variable	Percentage	Frequency
Age		
Below 20	6%	5
21 to 30	18%	14

31 to 40	31%	25
41 to 50	23%	18
51 to 60	13%	10
Above 61	10%	8
Convicted History	Percentage	Frequency
Below 5 criminal records	28%	22
6 to 10 criminal records	31%	25
Over 11 criminal records	41%	33
Family Income	Percentage	Frequency
Below \$10000	50%	40
\$10001 to \$19999	28%	22
Over \$20000	22%	18
Educational Background	Percentage	Frequency
Below Form. 5	35%	28
Form. 7	20%	16
Community College	5%	5
Graduate	25%	25
Postgraduate	15%	12
Marital Status	Percentage	Frequency
Single	20%	16
Married	16%	13
Divorced	19%	15
Separated	39%	31
Widowed	6%	5
Stolen Items	Percentage	Frequency

Books and Stationary	10%	8
Capital (e.g. money, octopus...)	10%	8
Clothes and Shoes	11%	9
Food and Snacks	30%	24
Household Goods	10%	8
Souvenirs (e.g. accessories...)	25%	20
Other	4%	3

4.1.1 Ages of the Subjects

Murphy (1986) had a study on convicted shoplifters in England in 1981 pinpointed that most shoplifters were in middle ages. Besides, Griffin (1988) also found that most of the convicted shoplifters were often in middle ages. This study shows the similar phenomena.

4.1.2 Marital status

The group of 'separated' in here has a specific definition. The definition of 'separated' in this thesis is the status of whom are going to separate with partner or having problem of the relationship with their partner. Compared with the other marital status, the subjects in separated status are more likely to involve chronic theft. Social control theory can offer an explanation for that. By the theory, the less

attached a person is to others, the more likely to involve delinquency. Enhancing the attachment element maybe a way-out for handling people with such a background

4.1.3 Family income of the subjects

For long, poverty and economic pressure have been widely recognized as a motivational factor for stealing. The family income of the subjects in the sample has a significant difference. As for 50% of the subjects, their family income is below \$10,000. As for about 28% of subjects, their family income ranges from \$10001 to \$19999. As for 22% of the subjects, their family income is over \$20000. Around 50% of the subjects in our sample come from the lower income groups, which may suggest an association between income deprivation and stealing.

4.1.4 Stolen items

The present findings followed the statistics from local security consultants as well as many similar studies on theft like that by Devon's (1975) survey in England. It suggested that the stolen goods were often in low value, about half of the stole goods of middle-value and there was constantly a group of shoplifters who stole goods of high value. In the present study, a wide range of goods were stolen by the subjects. The items were included: books and stationery, capital (e.g. money, octopus card...),

clothes and shoes, food and snacks, household goods, souvenirs (e.g. accessories, ornaments...) and the like. Concerning the value of the stolen goods, it was found that 38% of the sampled shoplifters stole goods with a value below \$100, 28% below \$500, 23% below \$1000 and 11% over \$1001. The finding matches with Goldman (1991) that individuals with kleptomania report that the objects stolen usually are of little value and affordable. After stealing the items, the individual will then typically discard, hoard, secretly return, or give them away.

4.2 Previous sentence received before the latest criminal case

The table below shows the previous sentence received before the latest criminal case for subjects in the present study.

Table 2. Previous sentence received before the latest criminal case

Previous sentence	Frequency	Reconvicted within 1 year	Reconvicted in 2nd year	Reconvicted after 3rd years
Fine	14/80	42%	29%	29%
Probation Order	22/80	32%	14%	56%
Suspended Imprisonment	13/80	38%	31%	31%
Imprisonment	31/80	13%	39%	48%

Among the recidivists who were previously sentenced to fine and suspended imprisonment, around 40% committed shoplifting again within 12 months. Around 30% committed shoplifting again 13 to 24 months after the previous conviction and another 30% re-offended more than 24 months after the previous sentence. By observation, fine and suspended imprisonment seemed to have no significant deterrent impact than custodial sentence. As for the recidivists who previously received a custodial sentence they tended to re-offend after a longer period from previous sentence i.e. 48% re-offended after 24 months; 39% between 13 to 24 months; 13% in 12 months or below. Custodial sentence seemed to have a more significant impact on kleptomaniacs to re-offend since the previous offence. Another study of kleptomania also held similar point of view. Presta (2002) concluded that most individuals with kleptomania who attempted to stop stealing found it unsuccessful.

For the recidivists who were previously sentenced to probation order in the pilot study, they either re-offended very soon i.e. within 12 months (32%) or over a longer period of time like over 24 months (56%). It suggests that probation supervision works to delay the recidivism on some shoplifters but it may not be able to have deterrent impacts on some shoplifters. The study from McElroy (1991) also

pinpointed that many individuals with kleptomania (64% to 87%) have been apprehended at some time due to their stealing behavior.

Compare with the other types of sentence, probation services seems have higher significant for the recidivists, although it cannot be able to have deterrent impacts on some shoplifters. The researcher believes that such a different mainly because the intensive counseling by the probation officer can offer a platform for the recidivists to enhance the element of commitment. However, we have to bear in mind that social control theory may have to be adjusted when applying in Hong Kong because our culture and the value judgment in differ with the west.

Chinese culture is familial and collectivistic (Hofstede, 1980; Hsu, 1985) and Chinese culture can be reflected in three essential components of Confucian philosophy: a relationship-based definition of self, the structural and hierarchical nature of relationships, and the fulfillment of social obligations as the basis for societal harmony and order (Bond & Hwang, 1986). Hong Kong is an international city with diversity. Obviously, there is a need for us to have adjustment before applying the social control theory into our common practice.

4.2.1 Cases of a long period lapse between two offences

There were 34 cases whose previous convictions happened at least 3 years before.

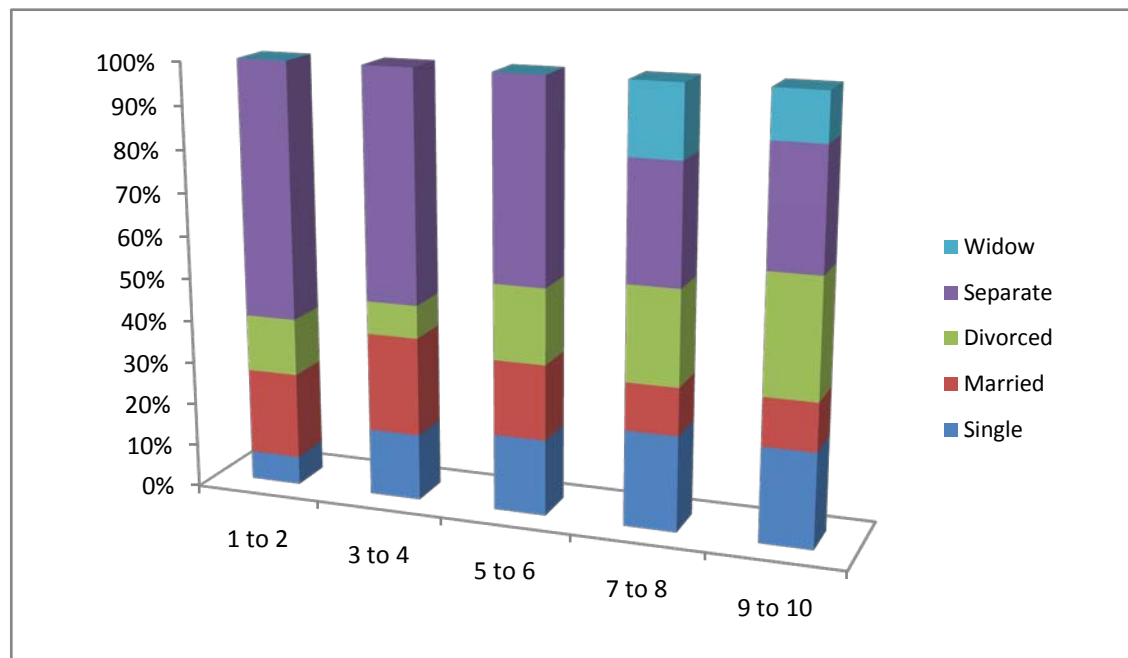
Among these 34 cases, 22 subjects had a clear record more than 10 years period. The researcher found that they went back to the criminal system mainly because of the unpredicted changes in their lives.

Their reasons were of a diverse nature, ranging from their husbands having a mistress, the study matter of their children, to the death of family members. All in all, stressful environment may often be the major force to drive them back to the criminal life.

4.3 Relationship with family before the latest offences

Participants were asked to indicate the degree to the relationship with their family happened to them during the period lapse between two offences. The respondents had to code the degree from the worst (1) to the closest (10).

Table 3. Relationship with family before the latest offences



From these data, we can get a general picture of their relationship with the family.

Back to the former part of this thesis, we have reviewed the four bonding elements of social theory: they are involvement, attachment, belief, and commitment. When we take a look of the finding from these 80 ex-offenders, we can apply the social control theory. It is not too difficult for us to find that among the respondents, the people who are in the divorce status or separate status have unsatisfactory relationship with their family. It is a very common phenomenon in Chinese culture that individuals tend not to disclose their family problem with outsiders, even the concerning comes from their relatives.

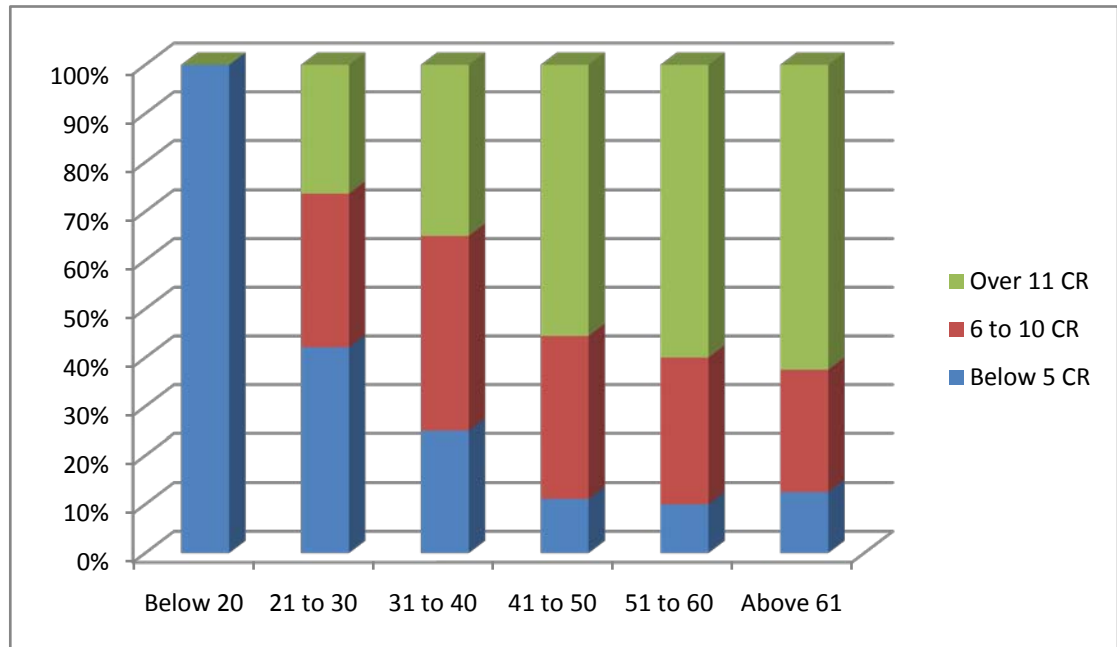
More often, people would not seek for the professional help in the early stage even though they feel a large amount of pressure. These people have the problem with their partner. At the same time, they lose the support from their friends and family connection simultaneously as they may not be willing to share their problems with the others. Thus, this phenomenon, to a large extent, is coherent to the assumption of the social control theory that the less attached a person is to others, the more likely to involve delinquency. The later sections would show that if enhancing the attachment is not the first priority in the rehabilitation process, these people are more likely to relapse.

When these people are often reluctant to join the family function so as to avoid people asking about their family problem, the attachment with their family may get worse and there is a higher risk for them to go astray. When these people lose the support from their family, they lose the attachment. They have no method to relieve their pressure. All these things will affect their mind and this will expose them into a higher risk to do something bad. From the implication of the above mentioned cases of these 80 clients. We can make conclusions that enhancing the attachment which rose by the theory of Hirschi would be the effective way out for handling delinquency.

From this, we can see that the less attached a person is to others, the more likely to involve deviant behavior in these cases. The present research has demonstrated that Hirschi's social control theory is adequate in analyzing the phenomenon of kleptomania in the Hong Kong context and the element of attachment plays a highly significant role in the study of kleptomania. Also, it is significant in the sense that the social control theory may also be applied in the study of adults' crime and deviant behaviours, but not just delinquency acts. As mentioned earlier before, Chinese culture is familial and collectivistic (Hofstede, 1980; Hsu, 1985), social control theory may have to be adjusted when applying in Hong Kong because our culture and the value judgment in differ with the west.

4.4 The Relationship between Age and Criminal Records

Table 4. Relationship between Age and Criminal Records



When we have a close look on the criminal records of the subjects, obviously, our current practice in Hong Kong is hardly an effective one. Grant (2002) had pinpointed my concern that is “Individuals may avoid stealing when immediate arrest is likely, but the chances of apprehension are usually not fully taken into account.” In fact, although a sense of pleasure, gratification or relief is experienced at the time of the theft, individuals will describe a feeling of guilt, remorse or depression soon afterwards. In short term, the chronic offenders can be separated from the public. But the problem cannot be solved completely. The reentry rate is high, because there are not enough resources for offering further education, rehabilitation.

By observation, there are a significant proportion of offenders who would be recalled to the criminal system three years after their previous sentence. There is a need to consider the possibility of offering after-care services. Furthermore, there are some people who can keep a clear record in a long period. But later on, they were back into the circle because, very often, they are influenced by a stressful environment. The related bodies may consider whether it is possible to offer some regular courses for those people so that they may learn some basic techniques to deal with their daily stress.

Chapter 5 - Intensive Case Studies

In this chapter, the focus will be on the three cases selected for local intensive case studies. In the questionnaire survey, the researcher found that some of the subjects, have their special stories and these cases display that our long term practice on kleptomaniacs, very likely, has been the wrong measures. Thus, a total of three cases were selected as local intensive case studies to display the contradiction when we handle cases of kleptomaniacs. For long, in most jurisdictions, a person may defend criminal charges against him/herself on the grounds of insanity. In some jurisdictions, kleptomania is generally not considered a viable legal defense, although it has certainly been tried (Pamela, 2008). It is difficult to claim insanity if you know you are committing a crime, know right from wrong, and are remorseful. The situation in Hong Kong is on a case-by-case basis. But, in the present study, the researcher found that the situation in Hong Kong is quite unbalanced. Our common practice is more likely not to consider kleptomania as a viable legal defense. Thus, three cases have been selected from the 80 cases for intensive case studies to support this observation. They were selected because the researcher found that their experience can display the dilemma to apply kleptomania as a legal defense. All the three subjects were invited to take part in further in-depth interviews.

5.1 Case Study A

Brief facts of the latest conviction

A store security officer saw the subject A took a compact disc from a shelf. Then, the subject went to another part of the shop and in the corner near a smoke screen door she took off the anti-theft plastic sheet of the compact disc. She then put the disc into the left pocket of her outer garment, and then walked back to her original position. She then left the shop. She was taken to the court finally.

Personal information of the subject A

Subject A is a married female who had not previously convicted but had two records of bind-over¹ in the court at her aged 16 and aged 20 which related of theft. Her husband, a family doctor and a psychiatrist were called to give evidence in the trial.

Discussion of the subject A

From the case of subject A, a psychiatrist was called by the subject to tell the court that the she had prescribed medicine for the subject's serious influenza and the medicine would cause confusion.

¹ Bind-over is a legal term relating to a power exercised by magistrates in England and Wales and in other common law jurisdictions such as Hong Kong. Magistrates can bind over to be of good behavior or to keep the peace. No conviction is recorded if the matter is dealt with like this because such an order is regarded as a civil matter.

After that, the subject's husband told the court inter alia about his wife's stress, the causes and her unusual behavior leading up to the incident. And her psychiatrist presented a long and very detailed medical report which had been prepared after she had seen the subject on 3 separate occasions before the prosecution. It was however challenged by questions put by the magistrate. Here is the summary of his clinical report:

For the past one and a half years, the subject has probably been suffering from symptoms of Generalized Anxiety Disorder, as shown by excessive anxiety and worry, difficulty controlling the worry and difficulty concentrating and irritability. At the time of the alleged offence she was very likely suffering from symptoms of Generalized Anxiety Disorder, with difficulty concentrating, dullness, absent-mindedness and diminished awareness aggravated by the medication she was taking and the other factors as mentioned above.

The psychiatrist, to a larger extent, believed that the criminal case of the subject was related to her mental health. However, based on the conversation between the psychiatrist and the magistrate shown below, the magistrate attempted to set up a higher requirement before accepting the evidence from the psychiatrist. During the trial, the magistrate and the answers which he gave to those questions were as follows:

Q. Yes, I have just 2 questions doctor... of course, you are eminently qualified Is there anything scientific or from observations that you made or your experience to ascertain with precision as to the defendant's state of mind at the time that he committed this offence – with precision?

A. Not really 100% precision ... so what I have said is a matter of probability.....

Q. I observe that you use on a variety of occasions throughout the report words like very 'likely': 'probably'; 'possible': 'suggests'. So that there is no precision that you can be 100% sure with respect to any findings that you made is there doctor?

A. That's correct.

At the end of his statement of findings the magistrate then concluded:-

His qualifications and expertise were not challenged. He had prepared a fully detailed report but the report was only based on what he was told and his examination. What he has stated is a matter of probability and likelihood. He had only seen the subject three times which was some days after the incident. He had made his analysis based on what the subject had told him. He could not say what was in the mind of the subject at the time she was in the store. I do not believe that the subject forgot to pay for any reason whatsoever. There can be no other reasonable inference drawn from the evidence other than the inference of guilt.

In this case, the Magistrate was holding a very strict standard in the trial. According to the Magistrate, the psychiatrist could not say what was in the mind of the subject at the time she was in the store. What the psychiatrist has stated is a matter of probability and likelihood. The psychiatrist had seen the subject only three times which was some days after the incident. In fact, in this case, the psychiatrist was called by the subject.

For the rest, who have no financial support to call the experts to defense for them in the trial, they can only approach the psychiatrist after being convicted by the court. Sometimes, when they have to remain in the correctional service department before the sentence, they have only an one-hour counseling session with the psychiatrist in the correctional service department. The appointed psychiatrists often only have two to four weeks to meet the clients, to evaluate the situation and to prepare the report. Very often, they have many cases on hand; therefore, whether they can offer the comprehensive evaluation is a doubt.

The implications from the case study A

Subject A was selected because the study found that by her story, losing the commitment was the main cause of making her to commit the crime. She is now 23 years old is a married female who was in good employment and who had not previously offended. She appears to be a happy housewife. However, when reviewing her early life, it seems that she did not develop a strong element of commitment when she grew up. She came from a law-abiding and supportive family, to whom she has always been treated as a princess. Her father is a lawyer in a law firm and her mother is a medical officer in the Department of Health. They love their daughter very much. They hired two foreign maids to take care of the housework and the daughter because

they were too busy with their jobs. To larger extent, subject A has long been a princess in their mind. She began to have three thousand dollars as her pocket money in secondary school. After graduating from the secondary school, she married with the current husband. Her husband loves her very much and share one third of his salary to her. That is really adequate for her to have a very comfortable live. But, she was not happy with that.

According to subject A, she began to steal when she was studying in the secondary school. She had enough pocket money but she felt lonely. She thought that no one care for her. By the stealing habit, she realized that she felt exciting. Because she had a very rich experience in theft, she had never been realized by the related staff. As she mentioned, she was arrested by the latest case just because she had a common cold and she could not concentrate only. By the suggestion from her lawyer, she approached her family doctor and psychiatrist to give evidence for her in the trial. The lawyer told that defendant likes her with a clear record and good backgrounds often adopt such method to win the trial.

However, she was still being convicted. In her case, the subject shorts of the commitment and this problem has long been ignored. It seems that she has a strong

attachment with family. She had told the researcher that, whenever she was recalled to the court, her husband and parents would stay a longer time with her. She does not know whether she want to have the excited feeling or the caring from her family. One may ask if there is too much attachment on her and led her to ignore the commitment. If fact, some people committing crime mainly because they are attention seeker. It seems that subject A is such a case. Commitment refers when people are faced with the decision to commit a criminal act; they weigh what they can lose and what they can gain if they commit a crime.

Notwithstanding the subject A without any criminal record in the court, she had two records of bind over in the court at her aged 16 and aged 20. It seems that the corresponding judge had realized that the subject only used mental disorder as an excuse. In fact, with such circumstance, should not be difficult to take more steps to follow the case. For instance, the judge can request a background report and a probation report to have further information on hand before sentencing. Nevertheless, after rejecting the evidence, the judge announced the sentence immediately which was a thousand dollar fine. It seems that the sentence without any help for the subject. Very likely, the subject has to bear partial responsibility if she has to be recalled to the court in the further because she did not disclose the wholly picture of her problem.

Actually, various mentioned findings have confirmed that hiding the realize seriousness of the problem in order to avoid the possible further prosecution is a feature of kleptomaniacs. Probably, offering a probation order can enhance her commitment because the probation officer can give her a series of intensive counseling. Although no one can confirm whether the subject just used mental disorder as an excuse in the court, ordering more reports to have an all around understanding before the sentencing maybe is a better practice. We have to spend more resources and time on these people, but they worth this opportunity. If we do so, we can avoid sentencing the innocent people to the jail.

5.2 Case B

Personal information of the subjects

Subject B is now 39 years old. She had her first sentence at 30 years old. The subject was sentenced a total of two times in her life. She was convicted of 6 charges of theft before. She called her psychiatrist to give evidence in the trial.

Brief facts of the latest conviction

Subject B left a grocery store which triggering the shop alarm. The store security guard shouted at her, and the subject ran, but was stopped after a short chase. She was

taken back to the store and asked to empty out the contents of the plastic bag she was carrying. Inside was a container of face cream which belonged to the shop. There was no sales record for the product. A report was made to the police.

Discussion of the subject B

From the case of subject B, a psychiatrist was called by the subject to the court as a witness. According to the witness, the subject was confirmed suffering a “recurrent mood disorder”. Drugs were prescribed, which, with a few relapses, effectively controlled the disorder.

However, the subject told her psychiatrist that around the time of the offence she had reduced the dosage because of its adverse side-effects, relating to sexual dysfunction.

The witness believed that the subject might have been forgetful, rather than having had a genuine intention to steal because she had reduced the dosage without the consent from his psychiatrist. However, the magistrate didn't accept the possibility that the subject had forgotten to pay for the items, and that she had no intention to commit any crime.

The Magistrate stated:-

What the defendant had told the witness contains remarkable and meticulous details.

The court had not overlooked or forgotten the most trivial matters as happened inside

and outside the shop. It is in sharp contradiction to the main thrust of the defence case – the claim that she is at the material time forgetful”. “Statements made to an expert witness were admissible if they were the foundation, or part of the foundation, of the expert opinion to which he testified, but they were not evidence of the existence in fact of past sensations, experiences and symptoms of the patient.

In this case, the Magistrate considered that the extent the value of Dr Chan’s opinion was limited, and the weight to be attached to his evidence was affected adversely. Finally, the subject was sentenced to 15 months’ imprisonment.

The implications from the case study B

The case was selected as one of the intensive case studies because the researcher found that the case can represent the dilemma of treating kleptomaniacs significantly. The case is related to one of the focused elements of the study—attachment. The subject is an orphan. She had been abandoned by her parents when she was 2 years old. Then, she had been living in a local orphanage. She was a diligent student and she also had outstanding academic performance. After obtaining her bachelor degree, she had an offer to study a master degree in the United Kingdom. When she was 25, she was back to Hong Kong and worked in a law firm as a legal trainee. As she mentioned, the workload was heavy and she was under great pressure. She began to be a “thief” after her daily work. She had been in and out of trouble since that moment, mainly

regarding offences of dishonesty. She was involved in several criminal cases. There were orders of probation, community service as well as prison sentences which were suspended. The subject also served various terms of imprisonment.

According to her, she did not have many friends. She was afraid that disclosing her situation too much will be “looked down” by her friends. When she felt anxious, she would go to various shopping malls and steal things, though she did not understand why she did so. After taking something from the shopping mall, she felt released. She had never mentioned her situation to anyone before, including her previous probation officer and psychologist as she was afraid that it would lead to a bad consequence.

In her case, it seems that there is a need to enhance the attachment of which the social control theory suggests. Based on the theory, the less attached a person is to others, the more likely to involve delinquency. In other words, attachment refers to the close affection ties to others, admiration of them and identification with them. There may be a close relationship between her long existed behavior and the lack of attachment.

When she was committing the current offense, she was still under a period of suspended sentence. Thus, she got a total of 18-month sentence. Nevertheless, the sentence did not handle the crux of her problem. In short term, the subject A can be

separated from the public. However, the problem cannot be solved completely. It is predictable that someday she will back to the court.

In fact, individuals with kleptomania differ from “ordinary” thieves in that they do not steal for personal gain, but rather for symptomatic relief (McElroy, 1991). Especially, for those, the objects are stolen despite the fact that they are typically of little value to the individual, who could have afforded to pay for the stolen items. The more understanding of kleptomaniacs, people may have begun to accept that kleptomaniacs will never stop offending. Sentencing those to softer dispositions may be an alternative. When the sentence did not handle the crux of her problem, it is predictable that someday she will back to the court.

Case Study C

Personal information of the subjects

Subject C is a 50 years old housewife. She was convicted of 10 charges of theft before.

Subject C was responsible for looking after her 3 children aged 16, 13 and 6. A year before the case, her mother passed away. Her husband had lost his job a few months before the incident and worked in China afterwards. He came back irregularly and the subject found it a great strain coping on her own.

Brief facts of the latest conviction

A security guard on duty saw the subject took a number of items from different display racks and put them into the trolley. Then she pushed the trolley to the corner near the entrance of the supermarket and put the numerous items into her handbag. After that, the subject was seen to take a magazine, dim sums and drinks, put them in her trolley and pay for them at the cashier counter. She did not pay for the items that she put in her handbag. She left the supermarket and was stopped by the security guard. The case was reported to the police.

Discussion of the subject C

From the case of subject C, she did not call anyone as witness. She defended by herself. The trial proceeded. The Magistrate convicted her and ordered a Probation Report, a Community Service Order Report, a Psychologist's Report and a Psychiatric Report. After the reports were prepared, the counsel of subject submitted that the sentencing should be adjourned because new evidence had been disclosed in the reports and the subject intended to apply for a review of the conviction. Eventually a review hearing was held. The Magistrate granted the application to adduce additional evidence and the clinical psychologist gave evidence before the Magistrate. After

considering the new evidence and hearing further submissions from counsel, the Magistrate decided to remain the charge and convicted the subject.

All above mentioned reports confirmed that at the time of offence, the subject was suffering various significant family stresses. As for subject A, these were exacerbated because her husband was working in China and was returning on an irregular basis to Hong Kong. The combined stresses led the subject to become very depressed, but she was not under treatment at the time of the offence, nor did it appear that she was on any regular medication.

The Magistrate questioned the psychologist with a view to ascertaining the intention of the subject at the time of the offence. The psychologist said that the subject might be forgetful and forgot to do something she would otherwise do. She could not give evidence any more helpful than that. The Magistrate, having examined the matter again, confirmed the original conviction. The Magistrate held that

“...the extent the value of the psychologist’s opinion was limited, and the weight to be attached to his evidence was affected adversely. If in the course of a case it is intended to suggest that a witness is not speaking the truth on a particular point, his attention must be directed to the fact by cross-examination showing that that imputation is intended to be made, so that he may have the opportunity of making any explanation which is open to him, unless it is otherwise perfectly clear that he has had full notice

beforehand that there is an intention to impeach the credibility of his story, or the story is of an incredible and romancing character”.

It is difficult to say that the Magistrate erred in failing to adhere to the rule in counting the evidence from experts. In the clinical report, the psychiatrist considered the subject was suffering a depressive episode and said the stealing appeared to be a cry for help. And, from the detailed background report, the pressure on Subject C at the time of the offence should be considerable. Unfortunately, with such extensive information, the magistrate still did not form a reasonable doubt as to whether the subject had the requisite intention.

The implications from the case study C

The case was selected as the final intensive case study because the researcher found that the case can represent the dilemma of treating kleptomaniacs significantly. The case displays that, sometimes, enhancing the attachment and commitment simultaneously is workable to have a long term positive impact on kleptomaniacs. attachment and commitment simultaneously.

It seems that losing the attachment was the main cause of making her to commit the offense. She had a number of criminal records which had happened between her 23

years old and 28 years. Before getting married, she lived alone. At that period, she was too lonely. At the same time, because she had the problem of impulse buying, this made her become unhappy and under a great pressure. Thus, she went to steal occasionally. However, after getting married with the current husband and having her first child at her 30 years old, she had been keeping a clean record in the last 20 years. When reviewing her case, she had a very clean record for a long period. She started her criminal journey again mainly because of the loss of her attachment. Before the latest case, her husband had found a new job in the mainland, and she had to take care of her children by herself. At the moment, her mother passed away which further made her lose great support because she came from a single parent's family and she had a very close relationship with her mother. Due to her current situation, the sentence from the court was a \$1500 fine.

Although the subject got a very light sentence, her case can have a better option. For example, the impact of losing the attachment with her husband and mother is a significant factor. However, the court did not deal with that. Very likely, after a short period of time, she would take up again her bad habit "to be a thief to release her stress". Actually, we can offer a probation order to her in order to help her rebuild and strengthen her social network, for example, telling her how to make more friends and

seek for the support. This is what we call “enhancing the attachment”. The probation officer can also emphasize the importance of her children. So that she would think twice before she steals again. That is what we call “enhancing the commitment”.

5.4 Summary of the case studies

These three cases are related to people with mental illness and they were all convicted by the court. The researcher has quoted some of the judgments from the judges. From the quotation, it seems that it may be a bit too demanding for the offenders with mental illness. For example, people with mental illness may tend to be absent-minded, but even though the defendants have the psychiatrists to defense for them, the prosecutors and the judges may often ask for more information.

In the case of Subject B, the psychiatrist estimated the subject had cognitive dysfunction such as impaired concentration, memory and awareness. However, the magistrate kept asking the expert to what extent he could able to confirm the situation. Obviously, it is almost impossible for kleptomania as a defense of mental abnormality and individuals are often being held the responsible even when they are confirmed in a very high risk of having kleptomania. The researcher concerns very much of the negative consequence of holding the high standard to define the possibility of having

kleptomania in the court. The researcher is afraid that such an approach would reduce the confidence of the offenders regarding the judicial system. In fact, when these people want to defend their charge in the court, they have to spend around fifty thousand dollars every time on the cost of their lawyers and clinical reports from psychologists. How many of them are rich enough to call the expert to defend for them in the court is a doubt.

Furthermore, one of the interviewees had 10 criminal records of theft. She mentioned to the researcher that she had spent a large sum of money in her first few trials to call her clinical psychologist to use kleptomania as the defense reason. But, in all of the trials it was not successful. And, she realizes that if she pleads guilty in the court, the court often offers a comparative lenient sentence on her. In fact, in the current judicial system in Hong Kong, pleading guilty can have one of the third discounts of the sentence.

On the other hand, when they plead not guilty in the court, they have to undergo a trial. Most of them feel that if they are convicted after a trial, the sentence is often much heavier than the sentence they had been offered by pleading guilty in the court.

The researcher believes that the chronic thieves' negative experience in their previous judicial journeys made them prefer pleading guilty to avoid a harsher sentence. It may be a common practice even though they may have their reasons for the cases. The case illustration of Winnie in the beginning of this thesis is an example for the research to have such assumption. According to the magistrate, the mental health problem of Winnie was not the excuse for her criminal act. The magistrate condemned her pleading not guilty as a reflection of no remorse about what she had done. Thus, it is highly possible that there are some people pleading guilty to avoid a harsher sentence. And, by the case studies, this is a common practice among the chronic thieves, because the results of pleading not guilty may often be worse than those of pleading guilty.

All in all, the three subjects were invited to have a further in-depth interview and discussion in order to have a further understanding by their personal stories can represent enhancing the elements of social control theory are very important. The researcher also interviewed some experts to have further understanding on the dilemma when handling the cases of kleptomaniacs. Peter Yiu, who is a psychiatrist in private practice, mentioned that many repeated thieves were suffering from a depressive disorder and that further imprisonment might hinder their recovery. They

should be receiving psychiatric treatment and the term of imprisonment should be suspended. He further pinpointed that depressive condition is capable of treatment. And the prospect of remaining symptom-free in the long term depends on their commitment to maintaining their medication and psychotherapy. To a large extent, this matches the suggestion of the present study that enhancing the attachment and commitment is workable to have a long term positive impact on kleptomaniacs.

Chapter 6 - Discussion on the Current Dilemma

With increasing numbers of offenders with mental illness in the present criminal justice system, providing assistance to these people is simply the right thing to do, but unfortunately, by the case studies, the courts seem to hold a rather strict requirement before offering any assistance to these people. Thus, not many people with criminal justice histories enter mental health service systems through typical referral channels (Massaro, 2004).

In fact, the researcher cannot ensure whether the dilemma of those chronic offenders from the case studies is just the tip of iceberg. The chronic thieves are used to plead guilty in their trials to get a lenient sentence. As a result, very likely, there are many cases have been treated in a wrong way. Although they can be offered a lenient sentence by pleading guilty, they cannot get the appropriate comprehensive rehabilitation. Their major problems cannot be solved because the court does not know their real situation. The researcher believes that providing assistance to these people does not differ substantially from others and this may prevent future arrest or incarceration. The crux of the problem is that there are some people who really need an alternative treatment. In here, the researcher wishes to introduce two intensive case studies from Singapore, because the stories may offer some innovative ideas.

Recently, Singapore has been adopting an innovative approach on kleptomaniacs. The researcher has met Prof. Hor from the National University of Singapore in the early 2009. By the discussion with him, the researcher, then, had a brief understanding of the kleptomaniacs in Singapore. By his sharing, the researcher observed that Singapore's treatment of kleptomaniacs has changed dramatically since the "new" Chief Justice took office. In the past, the courts did not hesitate to use very long prison sentences on kleptomaniacs to "protect society". But, the courts have begun to accept that kleptomaniacs will never stop offending. Sentencing those to softer dispositions may be an alternative.

After that, the researcher had found out that the stories of two subjects in Singapore which worth to be taken as examples in this study. The two subjects were introduced by Prof. Hor and more information was collected from documents like sentence report, Singapore Law Review as well as from the newspapers.

Ms. Goh, a kleptomaniac who had been shoplifting since she was nine. Ms. Goh was first sentenced to six weeks' jail for shoplifting in August 2005. On her appeal, the judge placed her on a strict probation regime for 24 months. While awaiting the outcome of her appeal, Ms. Goh stole some jewellery but was let off the hook.

However, her stealing spree of Louis Vuitton bags landed her in the dock again. Ms. Goh was sentenced by a Court to a one-day imprisonment and fined \$8,000 for theft. Dissatisfied with the sentence, the prosecutor appealed, arguing that a harsher sentence was appropriate since Ms. Goh had committed the present offences while on probation for similar shoplifting offences she had committed in 2005. However, the judge declined to increase the sentence (Mohan, 2008).

In coming to his conclusion, the judge considered the general principles of sentencing and their relationship to the special characteristics of kleptomania. The judge summed up that “rehabilitation was the most important sentencing consideration in cases of this nature while deterrence and incapacitation were comparatively less significant. Probation would thus usually be the weapon of choice.” And “the offences committed by kleptomaniacs were special as they do not seriously affect or inconvenience to the public,” he noted, especially since the number of kleptomaniac offenders was small. “In cases involving serious offences, incapacitation would usually form the focus of the sentencing process.” (*Public Prosecutor v Lee Yin Goh* [2007])

Then, the judge declared unequivocally that the law would continue to come down hard on run-of-the-mill shoplifters, and that kleptomania will only be considered in

the sentencing process if it has been “rigorously diagnosed by a competent independent psychiatrist”. At the same time, the judge urged the prosecution to be more discerning in bringing cases of kleptomaniacs to the courts. He further pinpointed that the courts are ill-equipped to deal with these cases as they are forced to choose between imprisonment and probation, neither of which is an entirely satisfactory option. Bemoaning the lack of suitable judicial options, the judge summed up that it was better to keep cases involving kleptomaniacs away from the courts and refer them instead to the appropriate Ministry or government agency, where better solutions could be devised (*Public Prosecutor v Lee Yin Goh* [2007]).

Another case, from Singapore again, is also worthy to be a reference. The subject is a housewife; her first brush with the law was in jailed for a day and fined \$1,000. She was jailed for three weeks in the end of the same year and nine months in 2002. In 2006, she was hauled to court the fourth time. After going in and out of prison four times in the past 15 years for shoplifting, a woman suffering from kleptomania - an irresistible impulse to steal - was given a shot at rehabilitation. Mrs. Song, a lady, the Chinese national, who is married to a Singaporean, was caught stealing three watches from a duty-free shop. As for two pending theft charges against her - she stole again while on bail - the judge suggested that prosecutors put them on hold. The judge, then,

made a landmark judgment in the case of 26-year-old Ms. Goh in what has been hailed as an 'enlightened approach' in dealing with mentally ill offenders. Finally, the subject was spared jail time for her latest theft conviction; she was put on probation for 18 months by the judge. The judge also ordered Mrs. Song's husband to sign a \$10,000 bond to ensure her good behavior. The judge, then, ruled that offenders who have been diagnosed as kleptomaniacs by independent doctors should be placed on probation. However, he made it clear that 'acts of pretence' would not be condoned. In his judgment, he noted that the road to recovery for a kleptomaniac is not a straight one but instead follows an 'upward but jagged trajectory' (Lum, 2008).

Back to the intensive cases in Hong Kong, some thoughts from the psychologists and the judges should be of particular attention. Professor Peter W.H. Lee, Consultant Clinical Psychologist at the Queen Mary Hospital would be a good example. Not long ago, he was called to give evidence in a trial; the subject in that case is suffering from a form of adjustment disorder with chronic insomnia, anxiety and depressive mood of fluctuating nature. According to Prof. Lee, the psychological and emotional difficulties would further intensify to the extent that one's chances of developing more severe psychiatric and self destructive tendencies would intensify.

At the same time, the judge from Singapore in case studies does make a similar point in his earlier judgment; he urged the prosecution to be more discerning in bringing cases involving kleptomaniacs to the courts. The judge further pinpointed that the courts are ill-equipped to deal with these cases. Another judgment from Singapore is also a good example for reference.

The other judge mentioned that “the offences committed by kleptomaniacs were special as they do not seriously affect or inconvenience to the public, especially since the number of kleptomaniac offenders was small. In cases involving serious offences, incapacitation would usually form the focus of the sentencing process,”

Obviously, our common practice on the kleptomaniacs is comparatively harsher than that Singapore. This is not to say that we are definitely wrong. But, when we review their sentence reasons in the judgments, then, it seems that, their open-mindedness on kleptomaniacs deserves our attention. The researcher believes that our current practice is not effective. In short term, we can solve the problem, we can separate these people from the public, but the reentry rate is very high, because we cannot offer further education and rehabilitation.

The case studies from Singapore are then recommended to be reviewed. The researcher strongly agrees with the suggestion from Professor. Lee. It seems that there is a need to offer an alternative method to handle these people. Otherwise we will only make their situation get worse. Thus, we have to offer an alternative method to handle these people and to be more discerning in bringing cases involving kleptomaniacs to the courts. We can be no impact on them if we do not change the current practice.

In fact, by the intensive case studies, there are intermediate stages between 'pure' kleptomania and shoplifting and that many shoplifters, even if they do not fulfill the DSM criteria for kleptomania, may have significant medical problems and should be offered support and treatment (Sarasalo, 1997). Alternatives arrangement, thus, may be effective not only in cases of kleptomania but also in more unselected groups of non-professional shoplifters.

Chapter 7 - Conclusion

The concluding chapter of the present study consists of the following parts. The first section of this chapter focuses a summary of the findings of the thesis. The second part attempts to address the research significance, followed by a section on the limitations of the present research. The final section tries to explore the future research directions.

7.1 Summary of Findings

The present study is an initial study that attempts to explore the dilemma of kleptomaniacs in Hong Kong and helps to collect the useful demographics. Based on the finding, kleptomaniacs exist in Hong Kong but to a large extent, they have not been recognized by the present system.

This thesis has investigated the demographic of chronic thieves in Hong Kong. From the stories of the three subjects in the intensive case studies, the researcher observes that, obviously, there are no alternative measures to handle the cases of kleptomaniacs in the present system in Hong Kong. The court often ignores these people rather than offering alternative opportunity and treatment. By the negative experience in their previous judicial journey, the researcher has confirmed that the problem of

kleptomania has long been underestimated because the treatment on kleptomania has not existed. And, the local situation tends to confirm research findings overseas.

Sarasalo (1997) carried out a hitherto largest research which comprising kleptomaniac fulfilling the DSM criteria. According to the research, a majority among kleptomaniacs (86.5%) and 42% among the shoplifters had been caught previously. The findings further pinpointed that the kleptomaniacs reported almost nine out of ten had been caught. The corresponding figures for the shoplifters were about two-thirds had been caught previously. The project demonstrated that there is a range of impulsive and compulsive stealing behaviors, which may have pathological components not strong enough to fulfill the DSM criteria for kleptomania, but may constitute a significant medical problem and they should be offered support and treatment.

According to the local intensive case studies in the present research, even though the subjects were convicted of theft finally, their stories still display that there are some cases which worth the offering of long-term follow-up rehabilitation programme after the conviction. However, it seems that kleptomaniacs have long been ignored and the over demanding treatment from the court make the chronic thieves unwilling to

disclose their real situation. After reviewing the intensive case studies in which we can see a higher requirement is often necessary for the offering of alternative treatment of kleptomaniacs, the researcher believes that alternatives may be effective not only in the cases of kleptomaniacs but also for more unselected groups of non-professional shoplifters (Sarasalo, bergman & Toth 1997).

In fact, individuals with kleptomania differ from “ordinary” thieves in that they do not steal for personal gain, but rather for symptomatic relief (McElroy, 1991). Especially, for those, the objects are stolen despite the fact that they are typically of little value to the individual, who could have afforded to pay for the stolen items. One of the differences may be that many shoplifters and kleptomaniacs denied criminality other than shoplifting, but the shoplifters admitted having been sentenced for other crimes more often (Sarasalo, bergman & Toth 1997).

Comparing the criminal records is the first step to identify the most urgent chronic thieves. Since “pure kleptomania” is not common and the conditions of many chronic shoplifters are not strong enough to fulfill the DSM criteria for kleptomania and their disorders may continue for years, despite multiple convictions for shoplifting (APA, 2000); the researcher believes that doing nothing is never a sensible option. The

longer we delay to take action, and the more painful will be the consequence. Since the crux of the questions has been observed, the researcher considers that there is a need to form an innovative approach to deal with the issues of kleptomania.

By looking at the cases from Singapore, it seems that they have been adopting various alternative methods to help kleptomaniacs. Those alternative methods include: asking their family to sign a bond to ensure the kleptomaniacs to maintain good behavior over a period of time or require the kleptomaniacs to sign an agreement which confirms that they would only go shopping with someone they know.

Of course, no one would ensure that those treatments are much more effective than the previous measures. However, it is still a good start to offer the alternative channels.

The new practice in Singapore attempts to rehabilitate the kleptomaniacs by external factors. Obviously, it matches the social control theory. And, in fact, the result of the study confirms that social control theory has significant impact on the rehabilitation of the kleptomaniacs.

7.2 Significance of the Present Study

As mentioned in the introduction, although described in the medical literature for over 200 years, kleptomania still remains poorly understood and often goes undiagnosed and untreated (Grant, Levine, Kim, & Potenza, 2005). Kleptomaniacs have long been regarded as chronic offenders, which have often been discussed by practitioners and academics, but it has seldom been regarded as the subject of systematic study and this thesis is the first study exploring kleptomania in Hong Kong.

Most previous discussions of the treatment of chronic offenders were rather straight-forward, task-oriented description and using top-down approach. Almost all of those discussions focused on how to deal with these “Chronic Offenders” efficiency, for example, in terms of time and money. However, the study focuses on how to treat these people fairly. In fact, efficiency does not necessarily equal to effectiveness. This study is using Bottom-up approach and is an initial research in this specific field in Hong Kong. Also, by taking a detailed review of kleptomaniacs, this study further derives its significance by virtue of the information that will be generated to consolidate and underscore the contribution on kleptomania.

Furthermore, the study analyzes the factors which motivated them to their most recent offense. Thus, the study is of high significance in the sense that it provides directions for further applications and practice for caseworkers. The research presents some interesting implications for the policy-makers and demonstrates an alternative approach towards kleptomaniacs.

The study aims to offer a better rehabilitation practice for the suspected kleptomaniacs. There are two main research questions: 1. What are the characteristics and experiences of female kleptomaniacs in Hong Kong? 2. Can they be recognized and taken care of by the current sentencing and rehabilitation system? By the questionnaire survey, the thesis has an overview of the characteristics of female kleptomaniacs in Hong Kong. It seems that kleptomaniacs are mainly focus on the middle ages group; they often have a worse relationship with their family.

By the case studies, the thesis confirms that kleptomaniacs cannot be recognized and taken care of by the current sentencing and rehabilitation system. On one hand, most of kleptomaniacs do not willing to disclose their realistic situation because of fear that their treatment providers would notify the police or make a negative consequence. On the other hand, we cannot give them a comprehensive programme, such as the

intensive counseling and an all round evaluation. By the case studies, their experiences have been explored. The information further confirms that there are some cases of kleptomaniacs cannot be realized.

Nevertheless, the present research has demonstrated that Hirschi's social control theory is adequate in analyzing the phenomenon of kleptomania in the Hong Kong context. For example, compare with the other types of sentence, probation services seem to have higher significant for the recidivists, although it may not be able to have deterrent impacts on some shoplifters. The researcher believes that this is because the intensive counseling by the probation officer can offer a platform for the recidivists to enhance the element of commitment. However, we have to bear in mind that social control theory may have to be adjusted when applying in Hong Kong because our culture and the value judgment in differ with the west, for example, the notion of family may play a more significant role in Chinese culture.

Furthermore, the present research has demonstrated that Hirschi's social control theory is adequate in analyzing the phenomenon of kleptomania in the Hong Kong context and the element of attachment plays a highly significant role in the study of kleptomania. Also, it is significant in the sense that the social control theory may also

be applied in the study of adults' crime and deviant behaviours, but not just delinquency acts. As mentioned earlier before, Chinese culture is familial and collectivistic (Hofstede, 1980; Hsu, 1985), social control theory may have to be adjusted when applying in Hong Kong because our culture and the value judgment in differ with the west. The significance of the elements and the related social domains i.e. family, friend, etc may differ in different socio-cultural contexts.

Based on these findings, it seems clear that there is a need to develop practical policy measures to enhance the social network for kleptomaniacs. Thus, there should be more studies encompassing the manifold dimensions of the over common experiences. However, the present study makes a significant contribution to the literature by being an initial study to examine the social control theory on to describe adult criminality, especially on kleptomaniacs in Hong Kong.

7.3 Research Limitations

Although the research has the above mentioned significance, there are still a number of limitations in this study. To begin with, the scope of this study was limited to eighty subjects only. It was conducted by a research student conducting a study

without a research grant and constrained by a two-year time limit. Nevertheless, it is still the first comprehensive empirical study on kleptomania in Hong Kong.

Secondly, the validity of the research findings may have been affected by the reluctance of the respondents to completely disclose the actual situations. Kleptomaniacs are very sensitive and often insecure and reluctant to disclose their situation. As the researcher mention earlier, kleptomaniacs often report that they did not come for treatment at an earlier date because of fear that their treatment providers would notify the police (Grant, 2004). Some of the clients of this study may have felt that the in-depth interviews undertaken for this study are similar to “secret talk” about the life. Still, the clients in the study were willing to trust and permit data collection. However, interpretation of these results should always be handled cautiously.

The study suffers from several limitations. First, the sample size was small, and therefore replication in a larger sample is warranted. Second, the samples were limited; those samples may not be representative of all individuals with kleptomania. Third, the study was not compared with the other cities; thus, it does not have a general standard for evaluation. These findings, therefore, may not generalize to all kleptomania subjects. The researcher has to admit that there is a small group of

participants. The present study does not attempt to make generalization about the larger population of prisoners and the data are not statistically significant.

The number of this study did, however, allow the researcher to spend intensive amounts of time with them one by one, and to gather more detailed narratives (Luborsky, 1993). Since it is an attempt to begin a study in kleptomania, the purpose of the study can be said to be achieved. Nevertheless, the result of finding is limited. It is hoped that a larger size and longitudinal study can be made so we can get a wider picture on understanding of the kleptomaniacs in Hong Kong.

7.4 Future Research Directions

It is expected that research related to kleptomania will be continued to flourish and alternative treatments on kleptomania in the case studies from Singapore will be introduced into the rehabilitation policies in a more efficient manner, while existing rehabilitation will be further improved. Needless to say, the number of kleptomaniacs is difficult to count; it is still worthwhile for the researchers to spend time and effort on those existing chronic thieves. Last but not least, the longitudinal studies of chronic thieves may also be a possible research area. As the case numbers of kleptomaniacs and attention from the public on kleptomania continue to develop at such a rapid rate,

research on kleptomania will never come to an end. The flourishing of the study of kleptomania will continue to add interesting elements and new opportunities into this worthwhile and challenging research area.

Appendix I - LETTER OF CONSENT

RESEARCH PARTICIPATION CONSENT FORM

Dear Volunteer,

My name is Ho Wai-Lun David and I am a research student in The Hong Kong Polytechnic University.

Many thanks for your participant. Your participation is voluntary. If you choose not to participate or to withdraw from the study at any time, you have the choice. The results of the research may be published, but your name will not be used. Maybe, I have to interview you to learn about your experiences for numerous times. During our interview, I will ask you some questions about your past experiences and your ideas on my research topic.

If you have any questions concerning the research study, please call me at 9639 or you may also reach me by e-mail at 0890

Sincerely,

David Ho

Appendix II - Sample questionnaire

1. Ages: 21-30 31-40 41-50 51-60 61 or above
2. Family Income:
 Below \$10000 \$10001 to \$19999 Over \$20000
3. Occupation:
4. Number of Criminal Records:
5. Have you ever heard about kleptomania?
6. What will you do if you suspect you are having kleptomania?
7. Have you ever received treatment to handle kleptomania?
8. Have you ever received treatment for the problem of mental health?
9. May I know your marital status?
10. What was your previous sentence before the current convicted?
11. When was your previous conviction?
12. What did you steal?
13. How much was the stolen item/items?
14. Can you mention the relationship with your family between the previous conviction and the current conviction?

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