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A Study on the Characteristics of Recent Larceny (Theft) Cases and the Actual Conditions of Their Judicial Handlings

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I. Introduction

This study was aimed at investigating into modus operandi, motives and characteristics of larceny (theft) cases which have increased in number in recent years and at analyzing the actual conditions of their judicial handlings, thus providing essential materials relevant to the fair application of punitive power to this crime. The sample of the study consisted of 1,950 adult thieves terminated in the District and Local Public Prosecutors' Offices within the territorial jurisdiction of the Tokyo High Public Prosecutors' Office during the period from March 1 to March 31 in 1975, who were accused of larceny and were over 20 years of age at the time of termination.

The questionnaires involving investigation items were sent to the aforementioned Public Prosecutors' Offices to be filled out by the personnel based on the criminal case records kept by the Offices. Data thus collected were analyzed to make clear of the general characteristics of larceny cases, to illuminate the traits by such modus operandi of larceny as breaking thieving, motorcycle and bicycle theft and shoplifting as well as by sex and areas of offender's dwelling place and offense spot, and to clarify the actual conditions of the judicial handlings of such cases. The gists of the study may be summarized as follows.

II. General Characteristics of Larceny Cases

As for the characteristics of criminals, it was made clear that 48.9 per cent were those not less than 20 years and less than 30 years of age and 29.1 per cent were those not less than 30 years and less than 40 years of age, that 57.9 per cent were the unmarried and 31.1 per cent were the married with children, and that 58.9 per cent were the employed with relatively dominant occupational categories being construction laborers and factory workers and 41.1 per cent were without work including the unemployed, housewives and students. So far as the motives were

concerned, those having committed on the impulse of the moment showed the highest rate of 32.5 per cent, followed by those having committed for the sake of pleasures and amusements with 28.6 per cent and these two groups totaled 61.1 per cent, while those having committed theft from hardships of life which had constituted one of representative motives in the past remained only 13.4 per cent. Taking into account the fact that the unemployment rate has in recent years been not so high as expected, we may safely assert that the impact of economic conditions since oil crisis on the recent trends of theft, if any, seemed not so great. As for the modus operandi of larceny, shoplifting revealed the highest rate of 23.5 per cent, followed breaking-thieving except sneak-thieving with 18.6 per cent and sneak-thieving with 10.4 per cent.

III. Traits by Modus Operandi

Compared with non-breaking-thieving cases, breaking-thieving cases revealed a markedly high rate of male thieves and relatively high rates of the unmarried, the unemployed or those engaged in an unstable job as well as the recidivists with previous criminal records, and showed a greater amount of damage than non-breaking-thieving cases. With regard to motorcycle and bicycle theft cases, the rates of male offenders, the unmarried, the employed as well as the first offenders indicated comparatively high percentages and offenders having committed theft incidentally were involved many in this category. As for shoplifting, it was revealed that the rate of female offenders including a considerable number of housewives was high, that there were many first offenders involved and that a great majority of shoplifters committed crime on the impulse of the moment and few on account of pleasures. Therefore, it may be safe to assert that as to both motorcycle and bicycle theft cases and shoplifting cases which have recently been on the increase in number, those committed by adults were for the most part incidental offenses committed by persons of unadvanced criminality and with economic factors having less weight in motives.

IV. Traits by Sex

In case of female thieves, those over 30 years of age and housewives having a spouse showed the high rates and a great majority of thefts were committed in the areas near the offender's dwelling place. These facts simply denoted that thefts committed by female offenders were incidental shoplifting cases with a small amount of damage with few exceptions.

V. Traits by Areas

The highest rate of theft case per 100,000 population by prefectures within the territorial jurisdiction of the Tokyo High Public Prosecutors' Office in 1975 was 1,481.5

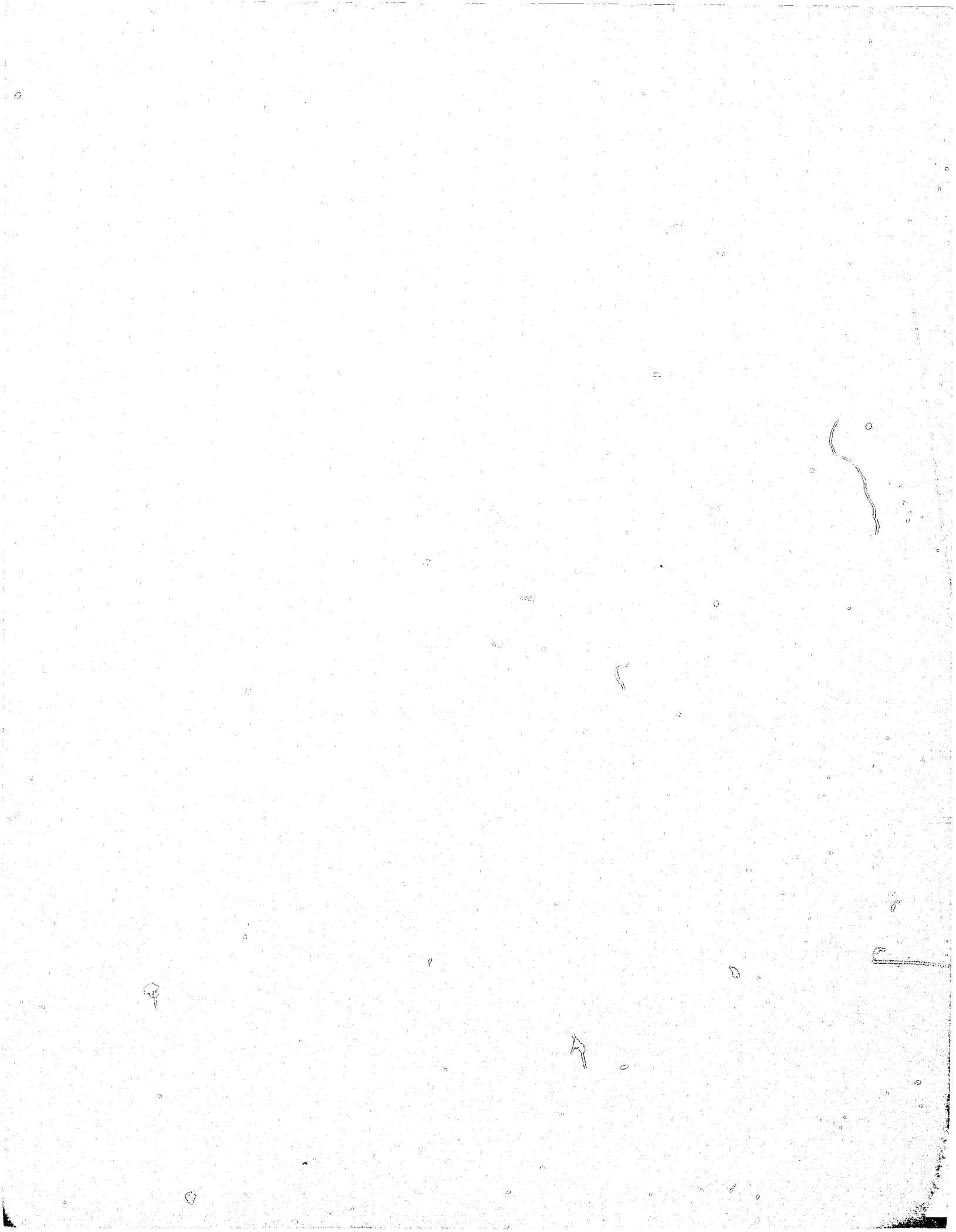
in Tokyo, followed by 959.5 in Kanagawa and 944.0 in Saitama, both of which were adjacent prefectures of Tokyo. In Tokyo, breaking-thieving cases including sneak-thieving revealed relatively high rate, while in Kanagawa and Saitama such trifling cases as shopliftings and motorcycle and bicycle thefts showed relatively high rates. Thefts of female offenders were more problematic in cities located in the surrounding areas of Metropolis rather than in Tokyo.

VI. Actual Conditions of Judicial Handlings

We tried to take a general view of the decision-making of public prosecutors on the prosecution or suspension of prosecution and the utilization of suspended sentence by courts. Especially, in analyzing the suspended prosecution of public prosecutors, we tried to clarify the general mechanism of decision-making, elucidating the actual conditions of what factors exerted and what extent of influence to the decision-making of public prosecutors by way of applying the branch method developed by Macnaughton-Smith, P. Some of the findings were that the factors having a significant influence on the decision-making of suspended prosecution were the number of thefts committed, the total amount of damage, the reparation of damage, the previous criminal records, the kind of the last previous offense, the motives and the relation between the dwelling place and the place of offense, and that several types of offenders most likely to be either prosecuted or granted suspended prosecution emerged through the combination of these factors. Thus, the analysis made it possible to identify the types of offenders to be prosecuted or to be suspended prosecution so clearly that it would provide meaningful criteria for public prosecutors in making decision on prosecution or non-prosecution.

VII. Conclusion

We have clarified some of the characteristics of larceny cases and the actual conditions of judicial handlings in the recent years through the aforementioned analyses. The survey, however, had certain limits in the sense that juvenile offenders were not included in the study and that it was outside the scope of the survey to explore the correlation of the occurrence of theft cases with socio-cultural factors underlying them and with the social structure of communities leading to the different rates of criminality in different localities. The study was focused on the analyses of criminal phenomena and criminal images in recent larceny cases, and so far as it goes, the consequences of analyses would be useful as essential materials for the fair application of punitive power and pertinent treatment of offenders.



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