

TACKLING THE ILLICIT COMMERCIAL EXPLOITATION OF CHILDREN OFF CAMPUS – A CASE STUDY

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Summary: The illicit exploitation of children and young persons for commercial gain by rogue shopkeepers and unscrupulous business proprietors is an important topic seldom considered by criminologists. In this case study we report on research with School Link Officers in Edinburgh in which this interesting topic came up in a focus group. The illicit sale of cigarettes and alcohol to minors is a criminal offence dealt with by both Police and Trading Standards Officers. In this practice note we discuss how campus officers can play a role in detecting, preventing and deterring such activities off campus. In the first part of the note, we provide some theoretical underpinnings to explain the importance of this policing approach. In the second part we present a case study which describes the effectiveness of some very practical policing strategies and why they proved to be so. The emergent theme was dealing with the issues informally and effectively. Part three identifies key factors and draws conclusions.

PART 1 – THEORETICAL UNDERPINNINGS

This paper expands the practice note series and further develops the theme of campus officers by discussing a key role they perform in deterring the exploitation of young people by unscrupulous shopkeepers and business proprietors. Although the issue of rogue shopkeepers has yet to receive much academic attention it is well documented in the press by investigative journalists. For example, Newport (2010), Baker (2011) and Smythe (2012) all refer to rogue shopkeepers who exploit children by selling them cigarettes and alcohol, suggesting that it is a national, not a local problem. The Scottish Government is aware of the issue and in 2004 initiated an innovative campaign whereby children were recruited across Scotland to conduct test purchases at commercial establishments (Scottish Executive, 2004) and in 2007 they commissioned a literature review on the subject (Scottish Executive, 2007). The test purchasing initiative was successful and has led to several prosecutions.

To date, there has been little empirical research in Scotland into how to effectively police the phenomenon of the unscrupulous shopkeeper. This practice note thus pioneers the academic literature on rogue shopkeepers in a British context. According to Bechhofer and Elliott (1976), the Petite Bourgeoisie (small shopkeepers) are a social stratum that has attracted little academic study, arguing that sociologists have a disdain for those who cannot be cast in the hero's role in any of the major developments of western capitalism. In an earlier study Bechhofer, Elliot, Rushforth and Bland (1974) found that the majority of shopkeepers are honest and hardworking people who espouse entrepreneurial ideology and aspire towards social mobility. They are generally viewed by society as hardworking servants to the community. However, Bechhofer, Elliot and Rushforth (1971) identified that the market position of such shopkeepers was precarious with money worries being commonplace. This gives credence to the concept of the greedy shopkeeper (Mirković & Berson, 1980). To plug the gap in the literature we conducted empirical research of our own to gather evidence.

Anecdotally, this is a pernicious and on-going issue which is difficult to quantify and is thus a deniable criminal activity. As it sits between the remit of two agencies, the police and trading standards, there is scope for inertia and inactivity. Traditionally, it has been a 'game of cat-and-mouse' between unscrupulous shopkeepers and trading standards officers. In the scale of priorities in modern policing it ranks low. Likewise, for trading standards it is an issue they keep a watch on and if intelligence is received then they will act on it. However,

one of the major issues is that in terms of police intelligence gathering they do not have the interface with small shopkeepers to gather such low level intelligence. Indeed, Alderson¹ (2003) has argued that in a capitalist society it is the role of the police to also protect the business community.

Using 'Routine Activity Theory' (Clarke & Felson, 2003) one can understand that for shopkeepers young people are a legitimate market to exploit commercially and that the periods before and after school as well as break/lunch times are prime times for such commercial activity. Ideologically, there is nothing wrong with such reasoning, although ethically and morally there is, as such practices, targeted at young people, do not always support them in making positive health and well-being choices in the transition to adulthood. This may lead to victimisation and in some cases criminalisation of young people at a vulnerable time in their development. It is widely recognised that some teenagers tussle with establishing their independent adult identity on a number of counts including fitting in to a changing community, peer pressure, wanting to feel and appear grown up, experimenting with hitherto banned substances (cigarettes and alcohol) and in how to relax, escape and rebel. Such illicit access to alcohol and cigarettes from legitimate business, coupled with these social pressures and advertising, further compounds the issues they face. Furthermore, such illicit practices can also cause problems for shopkeepers as attracting increased numbers of school pupils onto their premises means that staff can feel under pressure and there is an increased opportunity for shoplifting crimes to occur. Some shopkeepers attempt to self-police by allowing only small numbers of children to enter their premises at break times, but nonetheless sometimes tensions between the children and the shopkeepers result in calls to the police. The rowdy behaviour and/or the increased numbers of children in an area can lead to other legitimate shoppers avoiding that area and, anecdotally, there is also an on-going litter issue. Mobile traders such as ice cream vans, burger vans and chip vans who ply their trade near schools, often in unsuitable locations, are another issue. These issues are difficult to police and can lead to complaints from residents.

In Practice Note 1, the Strathclyde campus officer identified similar problems as a recurring issue and noted that many of the problems occurred at break times when pupils left the school and caused all sorts of problems outside the school and in the local shops (Smith & Frondigoun, 2011). He found that pupils were consuming massive amounts of high energy drinks such as 'Red Bull' which was causing behavioural problems in the afternoon. Part of his strategy was to promote better health through healthy school lunches rather than chips from one of the local shops. He arranged for the chip vans to be resituated away from the school to a better location and he negotiated with the shopkeepers to restrict the sale of such drinks and tobacco to periods out-with break times and ten minutes before the start of school. This had a positive effect on community attitudes towards the pupils and there was a reduction in trouble at the shops. His words are worth repeating:-

"The evidence so far suggests that the community is safer ... shops now report less trouble since the pupils have been kept in the school at break times. The break time policy came about as a solution to the poor diet of the kids and also to combat truanting after morning and lunch breaks. Its spin off was more work for the teaching staff, but far less problems in the local area and a massive improvement in time keeping figures for the whole school."

What is less understood and of interest to us is the problem of commercial exploitation by legitimate but unscrupulous shopkeepers and mobile traders to illegally sell cigarettes and sometimes alcohol and/or other illegal substances to young people. This appears from our research to be particularly prevalent in poorer areas where single cigarettes can retail for from 50 to 75 pence each because few young people can afford to pay about £6 for a packet of 20. Such rogue-operators may also increase their profits by selling counterfeit products too. Once such a trade is established it is difficult to stop because a market is created. Unscrupulous shopkeepers can sell cigarettes, alcohol, aerosol spray paint, lighter fuel and even so-called 'legal highs' which, once established, has a spill-over effect and becomes a widespread community policing problem and not a campus-based problem. Our research has uncovered examples of unscrupulous shopkeepers situated in poor, high crime areas who openly sell legal highs, cannabis pipes, bongs, digital scales and industrial sized rolls of tinfoil alongside groceries because there is a market for it and it is not illegal to sell such items. However, there is a need for academic research to verify such anecdotal evidence. From our research we believe that Campus Officers and School Liaison Officers (SLO's) have a crucial role to play in policing this issue.

¹ John Alderson was an ex-chief of police in Devon and Cornwall, an author on policing, and an honorary Professor at the University of Strathclyde.

Methodology

The case study presented below was developed from a focus discussion in which four campus officers reflected on their experiences of dealing informally with unscrupulous local shopkeepers. These observations were later analysed and developed for this practice note, to help narrate these experiences. In line with good practice we have taken care to anonymise both the schools and the officers involved (Davies et al, 2011).

PART 2 – THE CASE STUDY

The Problem to be Resolved

The issue of unscrupulous businessmen arose from a wider discussion on the disposable income and/or lack of disposable income of young people. Apparently, some of the richer, more affluent children have a considerable amount of money to spend at school, whilst others have very little. Examples were given of one ethnic child who had £5,000 in his school locker provided by his parents and another rich girl had £200 per month pocket money. However, the issue of unscrupulous traders was linked more closely with those who had little disposable income and the illicit trade in alcohol and cigarettes. The demand for cigarettes but the lack of income to afford them was highlighted by one of the respondents who raised the issue of 'responsible parenting'. He reported that:

"Some parents used to actually, if they never had enough to feed their kids their lunch, they used to give them cigarettes to sell to get their lunch money".

While the evidence above points to poverty and deprivation as a significant factor in these situations, the unscrupulous or rogue businesses who are knowingly exploiting young people for profit is an altogether different matter. For example, as one of our respondents reported young people are more likely to be able to purchase single cigarettes from small local shops as opposed to the supermarkets and bigger stores on the high streets. It is the selling of singles that is of particular concern to the Campus Officers who feel that they

"have to get involved with all that as well, you know, and it takes quite a while to get round all your shops and say to them 'if I hear you're selling a single again, I'll get the pupils down that do the test purchasing and I'll stand outside your shop' and they go hands up straight away, well it'll not happen anymore, but that's the thing, they buy singles for 50p/60p now I believe".

Not only is it illicit to sell single cigarettes to young people under the age of 16; selling them at 60p a time is equivalent to a mark up of 100%. The average cost of a packet of twenty cigarettes is around £6.00. Sixty pence per cigarette is the equivalent of paying £12.00 for a packet of twenty.

A lack of disposable income was strongly linked to this practice of selling 'singles'. Young people could seldom afford to spend £6.00 on a packet but were willing to pay 60p for one. However, discussions also indicated that this was not applicable to cigarettes alone but also to alcohol. It also emerged that such illicit practices were more widespread than had hitherto been realised. Interestingly the police intelligence on these issues was being enhanced by the young people in the schools in which the Campus Officers worked. The officers were in agreement that the likelihood of this intelligence being passed on by traditional policing methods was minimal. They believe that it was the special relationships of trust that they were able to build with the pupils in their schools that gave the young people the confidence to report illicit trading to them. One of our officers' reminiscences highlights how this problem has been dealt with. When he first started in his area he became aware the young people were travelling, by bus, into the area at weekends to buy alcohol: *"One of them had their brother drop them off and go for it."* The concern of the officers in these situations is two-fold: the illicit selling of alcohol, but also, and perhaps more importantly, the safety of the young people who are purchasing and consuming the alcohol because *"they don't just have a few drinks and get happy, they drink... they don't know when to stop, there's no mechanism to tell them... So they either can harm themselves or get into situations."* This officer took the decision to act on the information and evidence that he had and *"told the boss 'I'm going to see these shopkeepers and I'm going to tell them, I'm not going to accuse them, I'm going to tell them what I know'..."; eventually we had to get one test purchase and he got charged and lost his licence for a period of time.* Consequently there was a positive outcome but also it is worth noting that nine different small shops were actually involved in this practice in a relatively small geographical area - *"That's about one in every three" shops and they were "charging exorbitant prices."*

These shops are now visited by the local Campus Officer who gives them leaflets as a reminder on the legal and ethical selling of alcohol and the licensing officers also ‘*come every now and again just for a wee blether.*’

Interestingly this officer also reported that some of his shop keepers have reported that they prefer the support from the police and licensing officers as previously they were “*being threatened or they felt threatened they’d get their window put in if they didn’t sell the booze or the fags and the jaikies² coming in with, you know, ten cans of hairspray etc.*” Whereas now they can say to these individuals “*well PC [name redacted] will find out and I’m not having nothing to do with it.*”

Significantly, this officer reports that the extent of the problem in his area was identified by “*school pupils themselves, they offered that information up. Named the premises, told the times, told the people that were going in! The benefit of being a School Link Officer is that the kids tell you everything.*”

Furthermore, this trust and access to the police in the less formal setting of the school has also led to the reporting of other and perhaps more serious crimes. The Campus Officers commented on how young people can have knowledge of crime, but perhaps don’t know or are afraid of using formal reporting systems. Consequently in the unique role of the Campus Officer there is the potential for intelligence gathering that is of considerable importance to the policing of the wider community and not just the schools and their immediate surrounding area. For example, another respondent, remarking on the link between this activity and suspected drug dealing:-

“We got some good information at the school, in the new school, two kids had divulged to me and the head teacher that drugs were getting sold from a shop in [name redacted], which is in the east of the city. So on the back of that we managed to get warrants to search it and the intelligence was bang on..”

What the police officers discovered on a warranted search of the premises was that the “*...shopkeeper had drugs hidden in the chiller cabinets at the back and also sixty four grand in his safe...*”. On being questioned about the money he was unable to account for this and consequently “*licensing are on his case [but] he’s still got the court case to go...*” This information and prosecution the Campus Officer claims came about “*as a result of two kids – one of them second year, confident enough to say ‘that’s where they’re getting the drugs and they’re buying them in three pound bags’, tiny wee bags...*” This officer stated it is unlikely that the intelligence would have come to his attention or been shared with him as timeously if it hadn’t been for the two school pupils having the confidence to report it to him - “*I wouldn’t have known that... [and] ... you don’t know if that would’ve been shared*”.

There was agreement from all the campus officers present that this is an example of ‘intelligent policing’ for the benefit of the community, as opposed to the gathering of intelligence against a community, and of resolving a problem informally and effectively in the first instance - as in the above example of the officer who dealt with the illicit trading of alcohol. This is effective and efficient community policing at its best.

PART 3 – CONCLUSIONS AND IMPLICATIONS

Main Findings

From the narrative outlined above we identify a step-by-step process leading to the success of the programme.

- Assess the situation and develop an outsider perspective: this is a crucial first stage.
- Develop a targeted strategic approach: in one case it was the decision to adopt an informal intervention strategy of speaking to and educating the shopkeepers.
- Treat the problem holistically: the decision to treat the problem holistically as a community problem and not an institutional problem was a wise one as schools are part of the wider community.
- Develop a Robust Intelligence Strategy: the partnership approach to intelligence gathering and sharing is an essential element in the strategy. Identifying key informants and tapping into the school’s informal intelligence system laid the foundations of success.

² As in ‘Jakey’ Thus ‘Jaikies’ is a slang Scottish word for an itinerant alcoholic.

- Adopt a High Visibility Approach: accessibility of the Campus Officer is a significant factor in the receiving of intelligence from the young people.
- Analyse and change policies: the case highlights the necessity of challenging and working together to understand better and if necessary change institutional policies such as those on exclusion.

Conclusions

The steps discussed in this practice note can be used effectively to tackle illicit exploitation associated with off-campus school activity in any community with similar demographics and issues. While the informal policing of the problem worked well in practice, other approaches, including inter-agency collaboration and the sharing of intelligence and information with Trading Standards, as discussed, are good practice. The main point emerging from this study is that active campus officers are in a unique position whereby they are likely to hear or be given information/intelligence from the young people with whom they interact in their school/s. This practice note will hopefully be of help to other campus officers; community beat officers; other police officers; Trading Standards officers; and school staff who have to deal with such exploitative practices. Campus officers are a valuable resource in the wider community policing effort because they initiate proactive and intelligent policing practices.

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