

chapter 10

Theft, Burglary, and Robbery

“Such hounds have a way sooner or later of biting the hand that feeds them. They will be arrested for this burglary. The police are already after them.”

Sherlock Holmes

“*The Adventure of the Three Gables*”

KEY TERMS

aggravated robbery	departure signature	sound suppressor
approach to entry	entry access	specialty robbery
asportation	fence	specific intent
ATM robbery	habit pattern	street robbery
bait money	jimmy	stripped
bona fide	joyriding	substance-habituated robber
breaking and entering	larceny	target selection
bump-and-grab	method of entry	theft
burglary	modus operandi (MO) (plural modi operandi)	tire impression
career robber	opportunistic robbers	toolmark
carjacking	point of entry	tracing
casing	residential robbery (home invasion)	truck hijacking
chop	show of force	unauthorized use of a motor vehicle
commercial robbery	smash-and-grab	vehicle identification number (VIN)
conversion		
delivery van robbery		

STUDENT LEARNING OUTCOMES

Upon completion of this chapter, students will be able to:

- Distinguish the different types of burglary
- Identify the entry techniques used to facilitate a burglary
- Distinguish the different types of robberies
- Identify the modus operandi of robbery
- Describe the difference between modus operandi and signature

Introduction

In common law, taking the property of another for the purpose of depriving that person of ownership was called **larceny**. It required three basic elements:

1. A taking
2. **Asportation** (movement of the items taken)
3. An intent to deprive the owner

All three elements are problematic in our contemporary understanding of theft. In many instances, a person may be convinced to voluntarily part with his or her property, which is obviously counter to the common-law notion of “taking.” Some things are so large as to prohibit movement, such as a house, land, and trees, yet today, through fraud, a person may have his or her house, land, or trees stolen. Clearly, for larceny to make sense today, there must have been an evolution of the elements. Taking may now be real or constructive, and asportation may also be real or constructive.

In common law and presently in some jurisdictions, there are numerous types of theft, with different names and definitions, in which one of the traditional elements of theft is lacking. Theft by false pretext, for example, occurs when a person voluntarily relinquishes property under some pretext that allows the thief to deprive the owner of the property. Theft by embezzlement occurs when a person entrusted with property uses the property to his or her own advantage (**conversion**) and with the intent to deprive the owner of possession.

Over time, legislatures and the judiciary have recognized many related offenses that differ in some degree from basic theft, and the result has been an ever-expanding and confusing network of theft-related statutes. Many jurisdictions, aware of the imaginativeness of thieves, decided to consolidate the theft offenses into one statute, forsaking the categories of theft by false pretext, conversion by a bailee, shoplifting, theft from a person, acquisition of property by threat, swindling, swindling by worthless check, embezzlement, extortion, receiving or concealing embezzled property, receiving or concealing stolen property, credit card theft, theft of trade secrets, forgery, and fraud. These special types of theft indicate how earnestly criminals work to separate people from their property.

Theft has come to be defined as an unlawful intentional appropriation of property. Intent to deprive ownership is questionable as an element in only one type of theft: **joyriding**. Many

jurisdictions have added a new section to their penal codes. In addition to statutes prohibiting theft of a motor vehicle, which involves intent to permanently deprive ownership, there are now statutes dealing with **unauthorized use of a motor vehicle**. The lesser deprivation reduces the seriousness of the offense in those jurisdictions that recognize joyriding as differing from outright theft.

Once theft offenses were consolidated, the magnitude of a theft offense became based on how much was taken. Excepted from this consolidation were the offenses of burglary and robbery. The elements of burglary differ in significant degree from those of theft, and burglary is still treated as a separate and more serious offense than theft. Because of the personal confrontation and threat of personal violence involved in robbery, it too is treated as a separate and more serious offense.

Burglary

There is an old joke about shooting burglars that goes like this: If you shoot a burglar outside your home, drag him back inside in order to avoid legal consequences. The conventional wisdom is that a homeowner can use deadly force in defense of his or her property. This may or may not be true, depending on state burglary penal codes. That is why it is in the best interest of investigators to not only understand the penal code definition of burglary but all the cases in a state that have added to or interpreted that code.

Types of Burglary

Most burglaries are products of opportunity perpetrated by noncareer burglars. Open doors and windows are an opportunist’s invitation. Uncollected mail and newspapers are also an invitation. Originally, burglary was referred to as **breaking and entering** and may still be called that by investigators. Burglaries in common law required a breaking (forced entry) component and a physical entry into the premises. Today, neither element is required, but both generally are present. The breaking component is lacking when someone who is originally invited onto the premises extends the visit and secrets him- or herself onto the premises to await an opportunity to commit theft. It is also lacking when entry is made through openings inviting access. Finally, there are those cases in which the burglar does not physically intrude on the premises at all but, for example, pokes a stick through an open window to withdraw a purse on a nearby table.

larceny

In common law, taking the property of another for the purpose of depriving that person of ownership; it required three basic elements: a taking, asportation (movement of the items taken), and an intent to deprive the owner

unauthorized use of a motor vehicle

Use of a vehicle by someone other than the owner without the owner’s permission

asportation

Movement of items taken from another; one of the three basic elements required for larceny in common law

conversion

Using property entrusted to a person by another for the former’s advantage and with the intent to deprive the owner of possession

breaking and entering

Term that was originally used for burglary because it required a breaking (forced entry) component and a physical entry into the premises

theft

An unlawful intentional appropriation of property

joyriding

Stealing an automobile for personal enjoyment

burglary

A crime involving (1) a person who (2) enters or remains on the premises (3) of another (4) without effective consent of the owner (5) for the purpose of committing a felony or theft

Most officers understand the statutory elements of a burglary. In most jurisdictions, a **burglary** involves (1) a person who (2) enters or remains on the premises (3) of another (4) without effective consent of the owner (5) for the purpose of committing a felony or theft. Keep in mind that misdemeanor theft rises to a felony when coupled with an unlawful entry of a dwelling. Often, burglaries are further subdivided into burglaries of:

- Dwellings
- Dwellings with residents present
- Commercial establishments
- Other structures
- Vehicles

When charging a suspect, confusion may arise because of unspoken aspects of the burglary elements. For example, if a person, while supposedly on a business trip, entered his or her own home after the family was asleep and stole numerous valuable items so that an insurance claim could be made, was a burglary committed? Which element is missing? A person cannot burglarize his or her own home: It must be the premises of another. Where would you find the answer to that question? The statute only implies the answer. Try this one: A person trains a monkey to gather bright, shiny objects and throws the monkey through an open window. The animal returns with a cache of jewelry. Strictly speaking, entry by a person is required. A monkey is not a person. Has a burglary been committed? Where would you go to find the answer? The point of describing such scenarios is that statutory language and elements may not be sufficient to determine what crime has, in fact, been committed. It is necessary to be aware of various state court decisions that have interpreted the statute.

Penal codes come in two versions: annotated and unannotated. Annotations are short summaries of court decisions that have helped to interpret vague or ambiguous portions of a statute. Every investigator should have an annotated copy of the appropriate penal code and be familiar with the code elements as well as the court interpretations. How else would it be possible to figure out the crimes involved in a situation like the following? A man follows his wife to the home of a friend and sees her in an amorous tryst with the man of the house. The irate husband backs his pickup into the living room, hoping to crush the occupants. What crimes have been committed? Traffic violations, trespass, criminal mischief, disorderly conduct, reckless conduct, assault, aggravated assault,

attempted murder? The most serious offense will usually determine the charge ultimately brought. The most likely offense for the prosecution to prove would be aggravated assault. However, the behavior in question also constitutes a burglary. Did you get that? If not, go back to the elements of burglary and examine each with respect to the irate husband scenario.

Most burglaries occur at night, usually between 10:00 pm and 2:00 am. It is during this time that a burglar has the best chance of entering a dwelling without being identified. The career burglar will have ascertained that the dwelling is vacant and may look for clues that lead the burglar to believe that the occupants are not at home. Burglaries of residences are riskier than burglaries of commercial sites, because they may be interrupted by the arrival of the residents and they generally carry a higher statutory penalty than commercial burglaries. Less risk is associated with commercial burglaries, except for the security measures taken by the owners to prohibit unlawful entry. Commercial burglaries also require greater planning and may require specific expertise, such as knowledge of computer and security systems, lock picking, safe cracking, and the value of items to be stolen.

Residential burglars focus on homes, condominiums, and apartments in the affluent sections of a community. Most home security measures, short of electronic surveillance, can be overcome easily. The professional burglar generally will seek valuables that can be transported easily, preferring money, negotiable securities, jewelry, and small art objects of value. Some professionals may specialize in art or jewelry and use a network established to provide ready disposal of the stolen items. Drug addicts comprise a significant portion of household burglars and steal to support their habits. (A habit is often referred to in terms of a dollar amount, as in "I got a \$250-a-day Jones [habit].") They will steal items for which a professional would not put him- or herself at risk. Amateur burglars do not specialize, nor do drug addicts. They steal whatever may be turned for a profit.

As much as the public deplors burglars and thieves, it supports their efforts, in a sense. Burglars would have no market if nonburglars refused to buy stolen merchandise. The **fence** (seller) is the middleman necessary to let the majority of people who purchase stolen property pretend they have not been involved. As in most con games, it is people's desire to get something for nothing that allows them to be conned and to blindly (or not so blindly) support the theft industry. If a deal looks too good

fence

Seller; the middleman necessary to let the majority of those who purchase stolen property pretend they have not been involved

to be true, it probably is too good to be true and involves either a con or stolen property. A too-good-to-be-believed deal should put the citizen on notice that it is something better passed by.

Juveniles form a subclass of amateur burglars. Amateurs are often armed and pose a serious threat of violence to unsuspecting returning residents. Juveniles characteristically resort to unnecessary destruction and bravado during the commission of their burglaries. Because the burglaries are usually committed by several juveniles working together, bravura is expected and displayed. They may eat the residents' food, drink their beverages, wear their clothes, use the phone, leave disparaging notes on mirrors or walls, and soil the house with feces or urine. Although the results of the juvenile burglars' gross behavior can be unpleasant, the tremendous amount of trace evidence left at the scene helps law enforcement to make positive identification of suspects.

The professional burglar plans his or her crime, its execution, the departure from the site, and the disposal of stolen goods. The nature and quality of the burglary will determine the level of detail required in the planning as well as the number of people needed to pull off the burglary. The most successful professional burglars work alone and hit big, infrequently, and discreetly.

Although there was no shortage of burglaries in 2009, there were an estimated 2,199,125 burglaries, which was a decrease of 1.3% compared with 2008 data. Of all burglaries, 61.0% involved forcible entry, 32.6% were unlawful entries (without force), and the remainder were

forcible entry attempts. Victims of burglary offenses suffered an estimated \$4.6 billion in lost property in 2009. Overall, the average dollar loss per burglary offense was \$2,096 (Federal Bureau of Investigation, 2010).

Entry Techniques

Burglars use various tools in gaining entry to the premises or to locked containers (**FIGURE 10.1**). Some of the more common techniques to gain entry include the following:

- Doors and window faces can be pried using a **jimmy**, and locks can be picked using burglar picks or commercially designed pick systems that have a pistol-grip handle and interchangeable picks.
- The lock cylinder can be knocked out of a lock by using a slap hammer.
- Windows can be broken and doors kicked down.
- By smashing a store window, a burglar can grab the displayed items.
- By cutting out a glass pane with a glass cutter, a burglar can reach through, unlock, and open the window or door.
- Credit cards or other thin, flexible devices can be slipped between the lock and the doorjamb to force the lock back.
- Hinge pins on a door may be removed, allowing the whole door to be removed.
- Adjacent walls may be removed or penetrated to facilitate entry.

jimmy

Tool used to pry open doors and windows



FIGURE 10.1: Burglar gaining entrance to a residence.

Christian Delbert/Shutterstock.

- Explosives and heavy tools may be used to open safes.
- Bump keys can be used to jar loose the lock pins (Osterberg & Ward, 2010).

Toolmarks and entry evidence are important for identifying the modus operandi and the individual burglar.

Toolmarks and Other Impressions

A **toolmark** is any impression, cut, gouge, or abrasion caused by a tool coming into contact with another object (Saferstein, 2014). Impressions can be found at burglary crime scenes on door and window frames through which entry was made. These impressions are made with screwdrivers, crowbars, or other devices used to pry doors and windows open. An impression itself usually renders only class characteristics indicating the type of tool, although it can have unique characteristics that allow it to be matched to a single tool. A tool retains machined marks from its manufacture, just as firearms. These marks and striations are changed as the result of nicks and breaks in the tool's working surface that occur as the tool is used and misused. The pattern and shape of these modifications are altered by continued use, further individualizing the imperfections. It is unlikely that any two tools will have manufacturing striations, wear markings, and breaks that are exactly the same. It is these small imperfections

that allow the crime laboratory to determine that the impressions at the crime scene were left by a suspect tool.

If a tool edge is scraped against a surface that is softer than the metal of the tool, it will leave a series of markings that reflect the pattern of the tool edge. These markings and the imperfections on a suspect tool can be compared in a laboratory with a comparison microscope. The comparison may show an association between the marks and the tool. The more individualized the tool edge pattern, the more definitive the comparison.

In handling toolmark impressions, it is important to relegate the mark to a photographic record, first from an intermediate distance and then a close-up. Once the impression has been photographed, it is ready to be worked. A molded impression of the marks should be taken. If the portion of the entryway bearing a toolmark can be removed and transported to the laboratory, a molded impression may not be necessary. Do not examine the marking with the aid of a ballpoint or metal probe. Any marks made to the impression that were not a product of the original tool may render the impression inadmissible at the time of trial.

Forced entry is usually accomplished with the aid of tools, and the indentations left can be lifted and preserved with a casting compound similar to DUROCAST (manufactured by Sirchie Laboratories; see **FIGURE 10.2**). The putty-like material enables castings to be made

toolmark
Any impression, cut, gouge, or abrasion caused by a tool coming into contact with another object



FIGURE 10.2: Durocast impression compound.

Courtesy of SIRCHIE Finger Print Laboratories, Inc.

on horizontal or vertical surfaces. The casting material can be molded into a piece long and wide enough to cover the toolmark. Once pressed gently into the toolmark and allowed to dry, the casting material can be removed, and a reverse impression of the toolmark will have been transferred to the casting material, which should then be bagged and tagged as any other evidence would be (FIGURE 10.3).

There may be impressions other than toolmarks left at a burglary crime scene, such as shoe or **tire impressions**. The major task of the investigator is to preserve a reproductive cast of any such impression until it can be transported to and examined by the crime laboratory. The first step in processing any impression, whether of a tool, shoe, or tire, is to preserve it through photography, bringing out as much detail from as many different angles and heights as possible. Photographs are not the preferred laboratory specimens but can supplement and support reproductive casts should the casts for lab comparisons be lost, damaged, or destroyed. Tire impressions can be duplicated by inking the suspect tread with fingerprint

impression ink and running the inked tire over paper (FIGURE 10.4). The best impression involves the entire circumference of the tire, not just the suspect location. A device is available from evidence equipment manufacturers that involves a print-out system. Some defects will not be visible unless the tire is under load. The system uses two sheets of paper affixed back to back. One sheet facing the other is treated with carbon (much like old typewriter carbon paper). Once the tire is run over the two sheets, the carbon side leaves an impression of the tire tread on the clean piece of paper opposite it (FIGURE 10.5). The carbon-treated side is then removed and the side with the transferred impression is treated as any other evidence (FIGURE 10.6).

Shoe impressions may be taken at a crime scene or from a suspect. Crime scene shoe impressions require that the investigator record the footprints photographically and then make a casting of the impression. Something needs to be placed around the footprint to serve as a dam. Anything that is immersed in the tread impression should not be removed, and any loose

**tire
impression**
Imprint left by a tire



(A)



(B)



(C)



(D)

FIGURE 10.3: Durocast simulated application; in an actual case, gloves should be worn during the application process.

Courtesy of SIRCHIE Finger Print Laboratories, Inc.

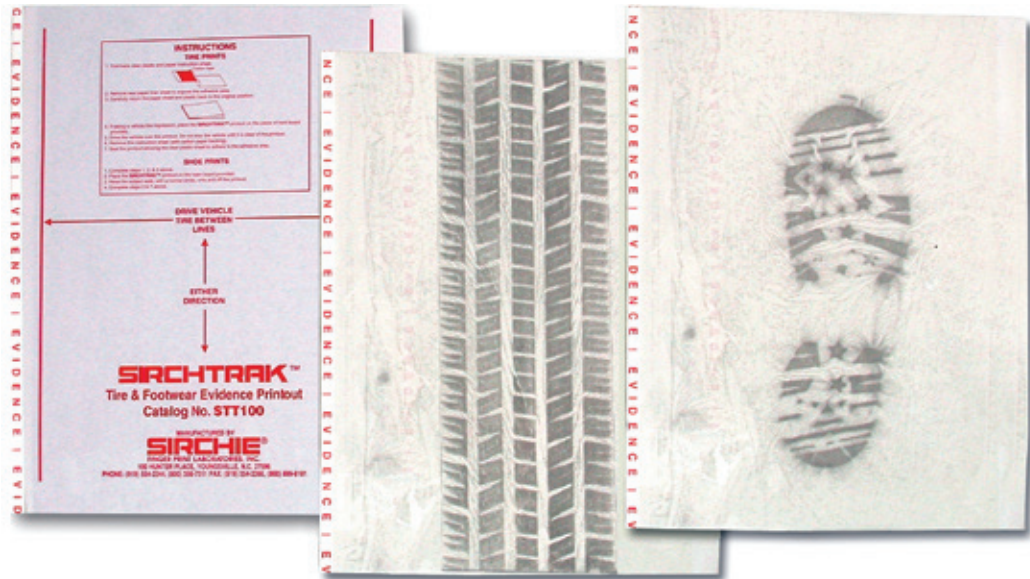


FIGURE 10.4: Sirchtrak.
 Courtesy of SIRCHIE Finger Print Laboratories, Inc.

debris may be removed, but the margins of the shoe impression are fragile and must be avoided. The impression should be prepared by spraying a commercial hardener on the surface. After a

few minutes to allow the hardener to dry, a light coating of release agent can be applied. This will allow removal of the cast without bringing attached soil. In the past, plaster of Paris was used to cast footprint impressions; it worked well but shrunk in the drying process by about 10%. New casting materials dry without shrinking. Many of these new casting solutions come premixed with a hardener embedded in the package (FIGURE 10.7). Shelf life is indefinite



(A)



(B)

FIGURE 10.5: Tire impressions.
 Courtesy of SIRCHIE Finger Print Laboratories, Inc.



FIGURE 10.6: Tire track.
 Courtesy of SIRCHIE Finger Print Laboratories, Inc.



FIGURE 10.7: Shake-N-Cast™.

Courtesy of SIRCHIE Finger Print Laboratories, Inc.

as long as the hardener ampoule is not broken and mixed with the casting material. Breaking the hardener ampoule and mixing it makes the material time dependent.

It is important not to pour the mixture directly onto the impression; it can destroy ridge character. Pouring the mixture onto a spoon held close to the surface of the impression will prevent damage to the impression. Once the contents of the package have been poured over the impression to a depth of no more than half an inch (12.7 mm) and into the dam, all that is left to do is to wait for the casting material to dry. Once dry, the impression can be removed from the frame and tagged and bagged. Nothing should be removed from the bottom of the casting to avoid damage to the impression. The lab can remove it without causing damage.

Impressions in snow pose a real challenge to the investigator. Snow is highly fragile and subject to changes in the weather. Because most gypsum-based casting materials generate heat during the curing process, it is necessary to provide something to insulate the shoeprint from the casting material. Impression wax is sold in an aerosol applicator that can be sprayed over the print; once the impression is protected, the casting material can be poured (**FIGURES 10.8** through **10.10**).



FIGURE 10.8: Placement of the dam.

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FIGURE 10.9: After pouring.

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FIGURE 10.10: Cast footprint (mud and sand).

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FIGURE 10.11: Bio-foam box.

Courtesy of SIRCHIE Finger Print Laboratories, Inc.

Making an impression of a suspect's shoe used to be done by inking the bottom of the shoe and pressing it onto paper; today, new methods are available. Once again, it is best to take an impression under load. Footwear impression lifts use a Styrofoam-like substance in a long box; the suspect steps into the box and onto the foam. The suspect's weight should be controlled so that the suspect does not step all the way through the foam to the bottom of the box, thereby losing the impression. Once the impression has been laid, the same procedure for casting a footprint is used (**FIGURE 10.11**). In this case, once the casting material has dried and hardened, the foam can be torn away from the cast. The remaining cast is then tagged and bagged.

Commercial electrostatic dust lifters consist of a high-voltage power supply, a nickel-plated steel ground plate, and a metallized lifting mat. In the past, it required two lifting mats: a positively charged mat and a negatively charged mat; today, only one sheet is used along with a metal ground plate. The mat is gently floated onto the dust print to be lifted. Once the mat is in place, a fingerprint ink roller can be used to smooth the surface of the mat. As high voltage is applied to the lifting mat, it takes on a negative charge and the ground plate becomes positive. Any dust present under the mat will take on a positive charge and will then be attracted to the negatively charged collection mat. A dust print that is transferred to the lifting mat will appear as a precise mirror image of the original print (**FIGURE 10.12**).

The value of a footprint is determined by the number of class characteristics that match the class characteristics of a suspect

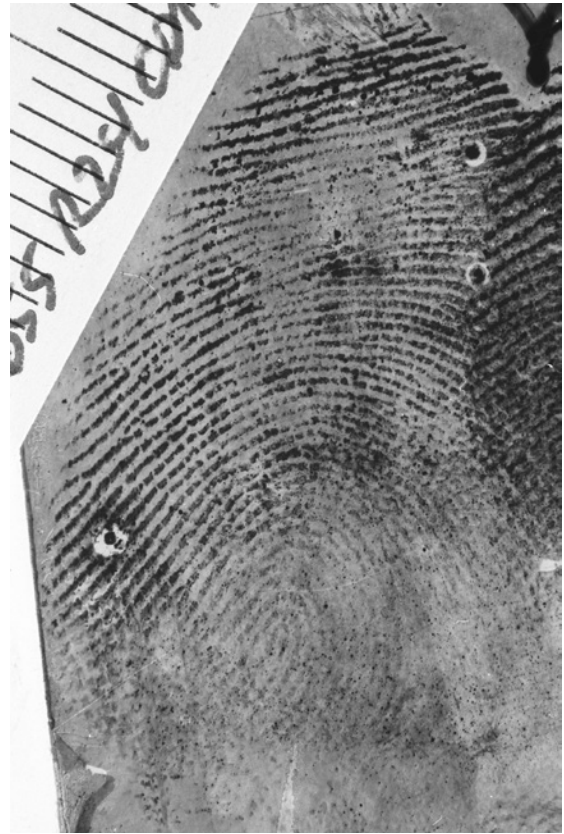


FIGURE 10.12: Lifted dust print.

Courtesy of Maine State Police Crime Laboratory.

item. Agreement in size, shape, or design can only prove that the item in question may have made the impression; a definitive identification cannot be made on the basis of class characteristics alone. It is the presence of individual characteristics from wear, breaks, or tears that, if numerous, will support an opinion that the cast or recovered impression came from one source and one source only: the suspect item (Saferstein, 2014).

The Burglary Investigation

Patrol officers typically are the first responders to burglaries, and these officers consequently face the greatest risk. A burglary-in-progress call holds the potential for violence, although burglary is legally a property crime. Not until the initial call has been resolved does the investigator arrive on the scene. Once again, it is imperative that first responders be treated as members of the investigative team. Any investigation, if it is to be successful, depends largely on scene integrity, but none more so than a burglary investigation. In a homicide, the body and mess preclude rapid repopulation

of the premises. In a burglary, the victims feel personally violated and hasten to remove evidence of that violation and determine how extensive it was and what was taken. It is the responding officers' responsibility to prevent anyone from degrading the integrity of the crime scene; that includes residents as well as patrol officers. The patrol officers can be of assistance to the investigator in a number of ways, including:

- Locating or notifying owners of the burglary and keeping them at a distance until the investigator arrives
- Locating witnesses (anyone who has seen or heard anything that may assist in the investigation)
- Locating the party reporting the burglary if other than the owner
- Listing items taken if owners have already assessed their losses
- Securing the crime scene

Once the investigator arrives on the scene, the primary objective is to recognize and preserve possible sites of forensic evidence. This objective, however, is not the first addressed. The investigator will want to determine the point and **method of entry** onto the premises. The **point of entry** will provide information about the method of entry and provide an indication as to the direction from which the burglar(s) approached the building. The area of approach may contain footprint, tire print, or eyewitness evidence that is easily destroyed, lost, or overlooked. Prior to examining the point

of entry, the investigator should examine this area to discover whatever evidence there is and prevent its irretrievable loss. Examining a window from the outside without examining the grounds first may lead to the trampling of footprints or tire impressions. Likewise, finding out where the burglars parked will allow identification and preservation of any tire impressions, cigarette butts, litter, or vehicular fluid deposits left by the burglars and will prevent haphazard parking by the police and others from contaminating this part of the crime scene. Once the approach areas have been processed, an examination of the interior part of the crime scene can begin.

The most obvious points of entry are windows and doors. An absence of evidence of forced entry suggests that the burglar gained entry by using a key, lock pick, jimmy, or bump keys, or by coming through an unsecured window or door. It should also raise the question of whether a member of the household assisted in or perpetrated the burglary. Burglaries are sometimes committed by a disenchanting or drug-using juvenile family member or by his or her friends and are also sometimes committed for the purpose of fraudulently acquiring an insurance payoff. Suspicions of household involvement must be handled tactfully and held in abeyance until they are corroborated by other evidence.

Once point of entry has been ascertained, the entry portal should be examined for toolmarks, fiber evidence, and fingerprints. Any evidence of toolmarks must be documented photographically and removed to the crime

method of entry

The manner and direction from which the burglar(s) approached the building; it is determined by looking at the evidence at the point of entry

point of entry

Place where the criminal entered the premises; it is a location where forensic evidence is likely to be found

INVESTIGATOR'S NOTEBOOK

Processing a Crime Scene in Which Toolmarks Are Apparent

It is an investigator's responsibility, whenever practical, to submit the entire object possessing the toolmarks to the laboratory. If the object cannot be removed for submission, then photographs and cast impressions need to be provided. Neither photographs nor cast impressions will allow as definitive a comparison as would the actual object.

Under no circumstances should a suspect tool be fit into the impression. An attempt to do so will alter the impression and raise serious questions as to crime scene integrity and the quality of any comparison information provided by the crime laboratory.

If both a suspect tool and impression are available at the crime scene, they should be packaged separately so as to avoid any contact between the two. Failure to separately package and protect the suspect tool and impression could result in a cursory contact that might alter or add to the imperfections of either, rendering a comparison more difficult or impossible. In addition, a tool may bear paint or fiber trace evidence that could be contaminated or destroyed in the handling.

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INVESTIGATOR'S NOTEBOOK

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Processing a Crime Scene in Which Footprints Are Found

Footprints made on surfaces that lend themselves to fingerprint lifting can be lifted in the same fashion as a latent fingerprint. Lift tape large enough to accommodate a footprint is available commercially. The tape should be placed carefully over the impression, just as it would be placed over a fingerprint. A fingerprint roller can be used to squeeze out any air bubbles created by the tape. The lifted footprint should be placed on a white or black backing, just as a fingerprint would be.

When shoe or tire impressions are left in dirt, preservation is achieved through photography first and a reproductive cast second. If dirt or debris adheres to the cast, it should not be removed but packaged with the cast and transported to the crime laboratory.

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laboratory for examination. Reproductive casts are second best. Prior to making a cast or removing the tool-marked item, it should be examined for fibers and fingerprints. An alternative strategy is to handle the marked item as though it contains both and transport it to the crime laboratory to be processed for fibers and prints. A burglar crawling through a window will undoubtedly leave some fiber evidence; the trick is in finding it and processing it. Toolmarks are so forensically valuable, however, that nothing should be done with them that is not absolutely necessary, thereby avoiding the possibility of altering them.

Toolmarks are created when a tool causes a cut, scratch, or impression to be made on another surface. Any tool that can scratch a surface can leave a toolmark. Often burglaries are performed using screwdrivers or crowbars to gain entry to the location to be burgled. Cutting tools used to cut through metal may also leave marks. The marks left by these tools may be specific to the tool used. As tools are used and misused, they develop unique characteristics on their cutting surfaces. These characteristics can be the result of wear or chipping. In either case, the marks left by these characteristics can be matched to the tool that left them. The impressions left by tools with these types of characteristics may be matched to the tools themselves.

Once the point of entry and the **approach to entry** (the area that led to the entry of the crime scene) have been ascertained and processed, the investigator can turn to the interior of the crime scene. It is at this point that a preliminary scene survey with the owner can be instructive. The owner can point out the absence or presence of things that should or should not be there. A tool, used chewing gum, a cigarette butt, or other evidence might be otherwise over-

looked. The owner can also assist in determining what things the burglar might have touched as he or she traveled through the dwelling. The crime scene, including avenues of approach, should be portrayed in a drawing, along with appropriate measurements.

Witnesses should be identified and interviewed, and in-depth interviews should be conducted with the owner and the entire family. A list of family associates, especially juveniles, should be compiled. Neighbors should be contacted, routinely, to help narrow down the time of the burglary, based on what they may have heard or seen. Reducing the possible timeframe can indicate whether the burglary was planned. Narrow timeframes suggest two possibilities: the burglar was a very lucky amateur burglar, or the burglar was provided with information.

One successful method of catching burglars and reducing the threat of burglary is to stamp serial numbers on valuables and record the numbers. Serial-numbered items are more readily identifiable than items for which only physical descriptions are provided. The serial number of a stereo can be included in statewide and nationwide computer databases used to identify stolen property. In addition, when receivers or purchasers of stolen items are confronted with the irrefutability of a serial number, they may become much more cooperative and willingly identify the persons from whom the property was received.

Motor Vehicle Theft

Historically, cars have been stolen for five reasons: (1) joyriding, (2) parts, (3) resale, (4) insurance fraud, and (5) crime use. Temporarily depriving an owner of his or her vehicle, in many jurisdictions,

approach to entry

The area that led to the entry of the crime scene; often seen as a secondary crime scene, it may include parking areas, sidewalks, yards, and building exteriors

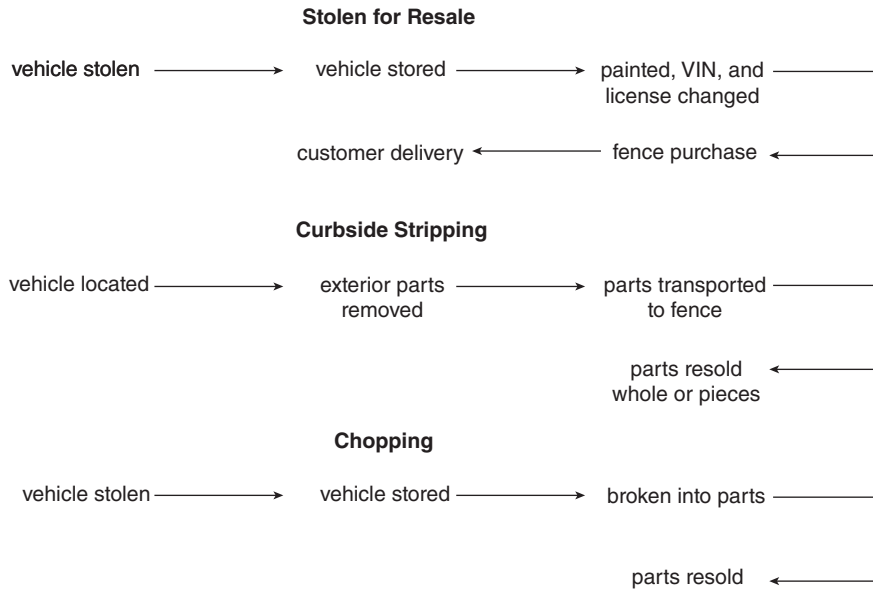


FIGURE 10.13: Stolen-for-resale, stripping, and chopping flowcharts.

does not rise to the level of auto theft. Most joyriding ends with the vehicle being abandoned and available for recovery. Not much in the way of investigation is required in joyriding cases if the culprits are not caught in possession of the vehicle. This section concentrates on the investigation of the remaining four types of auto theft.

Thefts generally occur at night, and auto thefts are no exception. The most commonly reported crime is a stolen vehicle. Other crime data may reflect underreporting, but auto thefts are reported universally, probably because of the statutory requirement that autos be insured and because a police report is required to collect on insurance policies for damages or loss or to get a replacement rental vehicle. Not surprisingly, young people have their vehicles stolen more often than the elderly. Most vehicles are stolen by juveniles who are often in places that are popular hangouts for other juveniles. About half of all stolen vehicles are recovered in part or whole (Harlow, 1988).

Autos stolen for parts are generally **stripped** of the easily removed, easily transported parts, which are resold to individuals or salvage yard dealers. (See **FIGURES 10.13** and **10.14.**) A vehicle may be stripped where parked, or it may be stolen and transported to a location where it can be stripped at leisure. The objective is to remove as many valuable parts as possible, except the engine block and body, and then abandon the vehicle. Air bags have become a choice item for thieves in the stripping business.

The vehicle is usually recovered close to the place where the removal of parts took place. Most auto components are not stamped with numbers based on a universal numbering system and are, therefore, virtually impossible to trace. Investigative efforts should focus on storage rental facilities, gas stations, and public and private garages in the area surrounding the spot where the vehicle was abandoned.

Thieves who **chop** a vehicle have in mind the same objective as those who strip a vehicle: the reduction of the vehicle to its parts. The focus is on the major body components, including doors, fenders, hood, bumpers, and windows—in fact, everything but the frame and the engine block. Auto body components histor-



FIGURE 10.14: Stripped automobile.

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chop

Stealing an automobile to remove the major body components, including doors, fenders, hood, bumpers, and windows, in order to sell them

stripped

Removing and stealing the most easily removable and transportable parts from an automobile in order to resell them to individuals or salvage yard dealers

vehicle identification number (VIN)

Alphanumeric code consisting of 17 characters placed on automobile components to track them in the case of theft

ically have lacked identifying numbers. Manufacturers, aware of stripping and chopping, have begun putting a **vehicle identification number (VIN)** on auto components. The auto thief generally is not the individual who removes the parts. The thief sells the car to a chop shop, and a chopping team reduces it to rubble.

Occasionally, a vehicle is stolen for the purpose of resale. The VIN is altered, a new title and license are obtained, and the vehicle is put on the block for sale. Vehicles can be stolen to order, or they can be stolen by a criminal enterprise specializing in appropriating late-model luxury vehicles and altering, transporting, and selling them, both inside and outside of the United States.

A vehicle's VIN consists of 17 letters and numbers. Altered or false VINs can be recognized by someone who understands what the letters and numbers represent. The first symbol, which is a number, indicates the nation in which the vehicle was manufactured; the

second symbol, a letter, indicates the manufacturer (e.g., G stands for General Motors); and the third, a number, indicates the make of the vehicle (e.g., Chevrolet). The next symbol indicates the type of restraints used in the vehicle (e.g., C for seatbelts). The next three symbols, all numbers, constitute the manufacturer's code for the position of the vehicle in the production line and the body type of the vehicle (e.g., van); the next symbol, a letter, indicates the type of engine. The ninth symbol, a number, is a check digit and is used to validate the VIN. The tenth symbol, a letter, tells the year the vehicle was made, and the eleventh symbol, a letter, tells the city in which the auto plant is located. The remaining six symbols, all numbers, constitute the production number of the vehicle.

The vehicle most likely to be subjected to forensic examination is the vehicle stolen for use in a crime. The automobile becomes a focal point of the investigation of the crime and is processed

INVESTIGATOR'S NOTEBOOK

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Checklist for Use in Vehicle Theft Cases

1. Make, model, license number, and VIN of the vehicle
 - Names of all known operators of the vehicle
2. Where was the vehicle recovered?
3. How was entry made?
 - Break-in
 - Keyed
4. Who witnessed the theft?
5. When was the theft discovered?
 - By whom?
6. Where was the vehicle last legitimately used?
 - Who used it?
 - For what purpose?
7. Where was the operator at the time of the theft?
 - Witnesses to the operator's location and activities?
8. Where was the owner at the time of the theft?
 - Witnesses to the owner's location and activities?
9. Who has possession of keys to the vehicle?
 - Account for each set of keys.
10. Payment history?
11. Repair history?
12. Owner's financial circumstances?

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for fingerprints, hair, fibers, and any other trace evidence that may linger. The automobile should be processed like any other crime scene.

Auto thefts are difficult to investigate. Those autos stolen for profit are usually stripped or disposed of with little evidence of their passing. Those taken for a joyride are abandoned quickly, leaving little usable evidence in their wake. The number of auto thefts occurring in any major metropolitan area is staggering and unmanageable. Thus, resources are best focused on autos used in other crimes. Most auto investigations proceed along the same lines. A checklist for such an investigation is given in the following Investigator's Notebook.

Applicable Case Law

Burglary is a specific intent crime. One cannot accidentally commit a burglary. Often, cases revolve around the intent of the suspect or ownership of the stolen items. The following cases address these two issues.

Ownership

Generally, a **bona fide** (innocent) buyer of stolen goods receives only those ownership rights possessed by the seller. If the seller has stolen the items sold, the buyer has no right to possession or ownership, because the thief had none. The caveat, "Let the buyer beware," puts a bona fide buyer on notice that if the seller is not the owner and has no title to the property transfers, the lawful owner may reclaim the stolen item as having the greater right to possession. This principle can be seen in the case of *Greek Orthodox Church of Cyprus v. Goldberg et al.* (1990).

Intent to Commit Theft

Theft or larceny requires a **specific intent** to deprive an owner of possession of property. The intent to steal may be proved by direct evidence or by circumstantial evidence. Generally, the jury or judge infers intent to steal from the conduct and acts of the defendant. Intent may be obvious or ambiguous. It is the responsibility

bona fide

Innocent, genuine; in Latin, translates as "in good faith"

specific intent

Unambiguous purpose or reason; this must be proved in order to convict a person of theft or larceny

CASE IN POINT

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Greek Orthodox Church of Cyprus v. Goldberg et al., 1990

Peg Goldberg, an art dealer traveling in Europe in search of art purchases, was told of four early-Christian mosaics that were said to have been found in the rubble of a church in Cyprus and exported to Germany with the permission of the Cyprus government. In fact, they were stolen from the Greek Orthodox Church of Cyprus. While in Germany, she made an offer of purchase and bought them for \$1,080,000. They were shipped to the United States. The Orthodox Church made claim for possession based on the fact that they had been stolen and transported to Germany and sold by the thief, not the church. Possession of the mosaics was returned to the church despite the substantial payment made by Ms. Goldberg.

The court held that when circumstances are as suspicious as those that faced Peg Goldberg, prospective purchasers would do best to do more than make a few last-minute phone calls. In such cases, dealers should take steps to ensure that the seller has legal possession of the items being sold. Ms. Goldberg could have had an authenticity check or a full background search of the seller done, could have asked to be provided with the seller's claim to title, or could have purchased buyer's insurance. Had she done any of these things, she might have discovered that the church had a valid, superior, and enforceable claim to these mosaics and was entitled to have them returned.

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CASE IN POINT

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People v. Jaso, 1979

The defendant, Jaso, left a Sears department store with a bag of merchandise for which he did not pay. He was stopped in the parking lot by security. When confronted, he said that he was simply returning to his vehicle to get his wallet from his auto and that he had intended to return to pay for the merchandise. A struggle ensued, and Jaso was subdued and handcuffed. He was convicted, but on appeal, it was determined that the instruction provided to the jury was defective, for it did not include an instruction that "in the crime of theft there must exist in the mind of the perpetrator the specific intent to take property of another and unless such intent so exists that crime is not committed."

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CASE IN POINT

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Commonwealth of Pennsylvania v. Muniem, 1973

Muniem was found leaving an empty warehouse. He was cooperative, had no loot, and did not resist police efforts to arrest him. He told police that he had to go to the toilet and had looked for a restroom in the empty building. The defendant had entered through an open door. Muniem was married, employed, and had no prior record. The Pennsylvania court ordered him released based on this reasoning:

The only evidence produced against the appellant is his presence, perhaps as a trespasser, in a vacant building in daylight.... When found by the police, he was walking to the open door by which he testified he entered the building. The owner of the building testified that nothing was missing and there was no evidence of a forcible entry, or possession of any burglary tools, other tools or anything else.

Each case must stand on its own facts in determining whether the Commonwealth has sustained its burden of proof. At best, the evidence of the Commonwealth may give rise to suspicion and conjecture of guilt but most certainly does not have such volume and quality capable of reasonably and naturally justifying an inference of a willful and malicious entry into a building with the intent to commit a felony so as to overcome the presumption of innocence and establish guilt beyond a reasonable doubt of the crime of burglary.

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of the prosecution to prove intent by direct or circumstantial evidence.

Intent in the Case of Burglary

If a defendant is caught in the act of stealing during a burglary, proving intent to commit theft is a fairly straightforward matter. If, however, there is no evidence of theft or of commission of a felony, proof of illegal entry into a premise that has items worthy of theft meets the requirement of proof of theft.

The Illinois Supreme Court held in *People v. Johnson* (1963) that intent must be proved, usually by inference. Proof of unlawful entry into a building that contains property that could be the subject of theft gives rise to an inference that will support the intent requirement for the offense of burglary. It may be assumed that the unlawful entry was not without purpose and that theft was the most likely purpose. However, in the case of *Commonwealth of Pennsylvania v. Muniem* (1973), the court found that inconsistent evidence refuting theft after illegal entry was sufficient to dismiss the charge of burglary.

Robbery

The crime that visits urban streets and places the populace in fear for their safety consists primarily of robberies—not the gangland slayings and drive-by shootings that fill the evening news. Those most likely to be afraid of robbery are women and the elderly. Those most commonly robbed on the street are men and juveniles. Robbery, although defined differently in

different jurisdictions, has common elements. It involves the taking of the property of a person by another with the intentional, knowing, or reckless causing of bodily injury or the intentional or knowing threatening of imminent bodily injury or death (**TABLE 10.1**).

Robberies can be simple or aggravated. Jurisdictions may categorize robberies based on weapon use or injuries caused. Typically, a person is held to have committed **aggravated robbery** if he or she (1) commits robbery and (2) causes serious bodily injury to another or (3) uses or exhibits a deadly weapon or (4) causes

aggravated robbery

Robbery in which the person (1) commits robbery and (2) causes serious bodily injury to another or (3) uses or exhibits a deadly weapon or (4) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death if the person is 65 years of age or older or is disabled

TABLE 10.1 The Probability of Violence in Various Types of Robbery

Type	Probability of Violence
Vehicle robbery	Low to moderate
Bump-and-grab	Low to moderate
ATM robbery	Low to moderate
Residential robbery	Low to moderate
Commercial robbery	Moderate to high
Carjacking	High
Street robbery	High

bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death if the person is 65 years of age or older or is disabled.

Robberies fall into two broad categories, depending on the use or threat of the use of force:

- Strong-arm robbery, often referred to as common-law robbery, involves the use of physical force or the threat of the use of physical force absent a weapon.
- Armed robbery involves the use of a deadly weapon. The weapon does not have to be a firearm—it can be any weapon that, in its use or intended use, may cause serious bodily injury.

Robbery, in some jurisdictions, is considered to be a crime of property, because the basic objective is theft. The Federal Bureau of Investigation (FBI), for purposes of gathering data for its *Uniform Crime Reports*, regards it as a crime against the person, for the theft is from a person and the threat or use of violence is against the person, not the thing taken. No matter the category, robbery is a felony in all jurisdictions—and a higher-degree felony, if it is aggravated. It is interesting to note that the definition of aggravated robbery given earlier, taken from the Texas Penal Code, 2003, Title 7 Chapter 30, treats a robbery as aggravated if it is perpetrated upon the elderly or the disabled—the two kinds of victims least likely to be robbed but most in fear of being robbed because of media sensationalism.

Although there are more than 500,000 reported robberies a year, many more go unreported. National surveys (Federal Bureau of Investigation, 2010) suggest that the actual number is more than 1 million. Most are committed with a weapon, and the weapon of choice is the handgun. Only 25% of all robberies reported are cleared by arrest. Many crimes are reported to the police as robbery. Anyone who has had something stolen is likely to refer to the crime as a “robbery” when, by legal definition, it may be a theft or burglary. What people call the offense is irrelevant as long as police appropriately identify the offense and charge the offender.

In 2009, nationwide, there were an estimated 408,217 robberies. The 2009 estimated robbery rate of 133.0 per 100,000 inhabitants reflected a decrease of 8.8% compared with the 2008 rate. Robberies in the United States cost an estimated \$508 million in losses. The average dollar value of property stolen per reported robbery in 2009

was \$1,244. Firearms were used in 42.6% of the robberies and strong-arm tactics were used in 41.1%. Of the total number of robberies, knives and cutting instruments were used in 7.7% of reported robberies, and other dangerous weapons were used in 8.7% of robberies in 2009 (Federal Bureau of Investigation, 2010).

Robbers

Although robbers come from all walks of life and have a range of motivations, they fall into several broad categories. Perhaps the most frustrating category is the **career robber**, who has chosen robbery as his or her life’s work. Career robbers are responsible for the majority of robberies committed. The tiresome aspect arises from the fact that these individuals are released again and again to re-offend. The capture of these robbers has been facilitated by the creation of police programs that keep track of repeat offenders and their **modus operandi (MO)**.

Opportunistic robbers are not necessarily lifetime offenders. They are amateurs who prey upon others as the opportunity presents itself. Victims are randomly and hastily selected more because of the favorable circumstances than the loot they may relinquish. Amateur robbers are often violent and reckless, attacking without warning, preparation, or consideration of profit potential. They focus on individuals who are in the wrong place at the wrong time and who are least likely to offer resistance. Women and the elderly are their preferred victims, but they tend to stay away from the isolated areas favored by opportunistic robbers (**FIGURE 10.15**). Most robberies occur in the early hours of the morning before daylight in dark, unprotected areas of cities.



FIGURE 10.15: Opportunistic robber.

Sturti/Getty.

career robber

Criminal who has chosen robbery as his or her life’s work; career robbers are responsible for the majority of robberies committed

modus operandi (MO) (plural modi operandi)

Method of operation; robbers often repeat their MO, which can be useful in figuring out who committed a particular crime

opportunistic robbers

Amateurs who prey upon others as the opportunity presents itself; these robbers focus on individuals who are in the wrong place at the wrong time and who are least likely to offer resistance

substance-habituated robber

A person who commits robbery to support a drug habit

ATM robbery

Robbery that occurs at an automated teller machine; the robbers may wait for the victims to make a withdrawal and rob them upon completion of the transaction or abduct the victims and transport them to various locations to be able to maximize the amount of money stolen

residential robbery (home invasion)

Robbery in a residence, which is usually the result of burglaries gone wrong because the occupants return or the burglar was mistaken about the absence of the occupants; for an incident to be a residential robbery, force must be used in dealing with the occupants, and possessions must be removed from the person of the occupants

street robbery

A theft that occurs in the streets; it includes violence or the threat of force and often involves more than one offender

show of force

Use of violence or the threat of violence

Substance-habituated robbers commit robbery to support a habit. These robbers have graduated to robbery from other less-lucrative criminal activities. They seek immediate cash rather than stolen goods that must be fenced. Occasionally, they rob drugstores or dealers to obtain drugs directly, but, most often, they commit robberies as their need for a drug increases and their ability to purchase the drug decreases. The frequency of these robberies and the amount taken are often clues to the drug dependence that drives these robbers. They will not rob until their drug needs go unaddressed and they will attempt to steal enough to purchase the drug quantity necessary to sustain them. Drug users are generally not under the influence of drugs when they rob, for it is the absence of drugs that motivates the robberies. Alcohol abusers, on the contrary, are generally under the influence of alcohol when they rob (Burns, 2007).

Robberies

People often claim that they have been robbed when their car has been stolen or their homes have been burglarized. In this chapter, we will learn that robbery is a very specific crime involving theft from a person with the use of violence or the threat of the use of violence. If cars have been stolen, it is called auto theft. If homes have been burgled, it is called burglary. Only a person can be robbed.

Street Robberies

Most robberies occur on the streets of our cities (see Table 10.1 for a list of types of robberies and the attendant risk of violence). A typical attack involves a young robber and a vulnerable victim. Muggings and purse snatchings occur on the street. If a mugging or purse snatching includes violence or the threat of violence, it is a robbery. A **street robbery** often involves more than one offender. The mere presence of a number of menacing youths demanding money and jewelry is sufficient for the victim to produce all valuables. If a request for spare change is made from such a menacing group but with no threats accompanying the request, the victim may believe that violence is implied and volunteer all of his or her valuables; without a threat or **show of force**, however, the encounter does not rise to the level of a robbery or theft. The objective of a street robbery is to acquire the victim's money, wallet, credit cards, identification, or jewelry. A street robbery can occur so quickly that the victim, celebrating

his or her escape without injury, may not be able to provide much, if any, information to police (Deakin, Smithson, Spencer, & Medina-Ariza, 2007).

Automated teller machines (ATMs) are a fertile hunting ground for robbers, and ATM robbers have designed special methods to employ during **ATM robberies**. They may lie in wait for the victims to make a withdrawal and rob them upon completion of the transaction or abduct the victims and transport them to various locations to be able to maximize the amount of money stolen, because many machines restrict the amount that can be withdrawn at one time and the number of withdrawals in a 24-hour period. Fortunately, many banks provide security guards and video cameras at their ATM locations. These video cameras have assisted investigators in identifying and apprehending a variety of street thugs who, without knowing it, were filmed in passing by or across the street from an ATM. In investigating any kind of street crime, investigators should examine the environment for the presence of ATMs and their accompanying video cameras.

Residential Robberies (Home Invasions)

Often, a burglary that goes wrong becomes a residential robbery (home invasion), assault, or rape. Most burglars are content stealing from homes in which the occupants are absent. Occasionally, occupants return or the burglar was mistaken about the absence of the occupants. In such cases, what was intended to be a burglary now becomes a **residential robbery (home invasion)**—if force is used in dealing with the occupants and possessions are removed from the person of the occupants (Brown, 2010).

As the prevalence of ATM robbery demonstrates, crime adapts to changes in society. More and more people travel and take their valuables with them, and thus, criminals have developed a repertoire of techniques to take full advantage of people's mobility. For example, hotels and motels are common sites for robbery. Furthermore, the criminals committing these crimes enter when the travelers are in residence for the purpose of relieving them of their possessions, rather than burglarizing the rooms, because they have discovered that travelers generally carry their valuables on their forays.

As a variation on this theme, some robbers gain entrance to people's houses by misrepresenting themselves as repair persons, city

inspectors, or police officers. The victims are selected based on the location and value of their homes. The occupants may be robbed, raped, assaulted, or killed. Some of these residential robberies may be drug-related, and in such robberies, drugs or large quantities of cash typically are targeted. The victim of a robbery in which a large stash of money or drugs were taken will be reluctant to admit the exact nature of the crime, but the criminal history of the victim may be helpful in determining motive.

Commercial Robberies

Most **commercial robbery** sites are small businesses, such as liquor stores and convenience stores (FIGURE 10.16). By far, the favorite sites are convenience stores, because they are operated by one or two persons, their high visibility allows ease of **casing**, public access makes entry simple and unremarkable, and their location on interstates and major thoroughfares makes escape easy (in some parts of the country, these robberies are called “stop and robs”). By casing the premises, robbers can determine peak business periods in an effort to avoid witnesses and logistical difficulties.

Experienced robbers eventually begin to weigh the risks against the benefits of small robberies and start to aim at higher targets. Robbers may progress from convenience stores to businesses that specialize in a product or service. The robbery of a jewelry store or a savings institution requires planning and associates, if it is to be done effectively. Occasionally, a lone offender will rob a bank—usually a branch office that has one employee. Generally, banks and jewelry stores require more manpower and planning. The planning makes the investigation more difficult, but the increase in the number of felons increases the probability that someone will make a mistake or speak about one of the robberies. The perpetrators of a **specialty robbery** may have received inside



FIGURE 10.16: Commercial robbery.

Steve Cole images/Getty.

information from an accomplice or may have had firsthand employment experience in the particular business robbed or in the same industry.

Vehicle Robberies

Commercial vehicles are often robbery targets, especially taxicabs and delivery trucks. Taxicabs are most vulnerable, because they have cash readily available and the drivers may be lulled into taking a passenger to an isolated location where the offense can be committed. Taxicab robbers tend to be violent, and the drivers are often assaulted or murdered. Possibly because a robber has engaged in conversation and has been under visual scrutiny for a lengthy time, he or she might be concerned about identification by the driver and perceive murder as a prevention against prosecution (dead victims cannot testify). A **delivery van robbery** is typically a crime of opportunity perpetrated by a group of young men who have observed the van making a delivery and deduced that cash must have been received for products delivered. The group will often aggressively and violently attack the driver and remove valuables from the victim after seriously injuring him or her.

A **truck hijacking** is a specialty crime committed by well-armed and experienced offenders. In a truck hijacking, an entire transport vehicle and its cargo are taken. The vehicle is selected because of its cargo, and knowing what the cargo is generally requires inside information. The robbers park another truck at an isolated location and offload the stolen cargo into this truck. The driver is usually released unharmed and may have been the source of the inside information. Traditionally, liquor, cigarettes, and high-tech consumer goods are stolen (Fay, 2007).

Another specialty crime is the robbery of passengers in a vehicle. Two methods have developed. In the **bump-and-grab** method, robbers in a vehicle select a vehicle they think contains occupants with valuables. The victims' vehicle is selected based on its monetary value or the fact that it is a rental in a tourist area. The robbers bump the rear of the target vehicle and stop to examine the damage. When the occupants of the bumped vehicle exit, the robbery takes place. The prevalence of this practice in some tourist centers has prompted legislation prohibiting rental agencies from displaying anything on their vehicles that indicates that they are rented. Young robbers without a vehicle may pick a strategic location at a traffic intersection

commercial robbery

Robbery at a place of business, typically convenience stores

casing

Evaluating a chosen robbery site in order to determine peak business periods in an effort to avoid witnesses and logistical difficulties

delivery van robbery

Typically a crime of opportunity perpetrated by a group of young men who have observed a van making a delivery and deduced that cash must have been received for products delivered; the group often will attack the driver aggressively and violently and remove valuables from the victim after seriously injuring him or her

truck hijacking

A specialty crime committed by well-armed and experienced offenders, in which an entire transport vehicle and its cargo are taken.

specialty robbery

Robbery in which the robber(s) may have received inside information from an accomplice or may have had firsthand employment experience in the particular business robbed or in the same industry

bump-and-grab

Method used to rob people in vehicles, in which robbers bump the rear of the target vehicle and stop to examine the damage; when the occupants of the bumped vehicle exit, the robbery takes place

smash-and-grab

Method used to rob people in vehicles, in which the thief uses a pipe or other device hidden in his or her clothing to break the passenger-side window and grab valuables

carjacking

Robbery in which robbers commandeer cars that have stopped and steal the vehicle and possessions of the occupant(s)

target selection

Selection of a person or location for committing a robbery

tracing

Using evidence to identify and locate a criminal

and await a potential target. Looking for an auto with a purse, briefcase, or laptop computer on the seat, the **smash-and-grab** thief uses a pipe or other device hidden in his or her clothing to break the passenger-side window and grab the valuable that was spotted.

An especially frightening type of vehicle robbery is a **carjacking**. Instead of smashing windows of vehicles stopped at intersections, robbers commandeer cars that have stopped and steal the vehicle and the possessions of the occupant(s). In some cases, the occupants are kidnapped, taken to an isolated location, and assaulted, raped, or murdered. Because of the fear of carjackings, Congress has made carjacking a federal crime punishable by up to 15 years in prison, or life imprisonment if death is the result of the carjacking.

Modus Operandi

Because of the confusion and psychological trauma associated with robberies, victims' perceptions are questionable and often not very helpful. The major tool of the investigator in identifying a robber is the method employed in the robbery, along with personal characteristics of the robber cited by witnesses (**TABLE 10.2**). Robbers tend to specialize and to develop a repertoire of behaviors that have proven successful in the past and that they believe will continue to be successful. It is their belief in methods of proven efficacy that is an investigator's greatest ally. The traits and techniques

developed early in a career of robbery remain with the robber in later stages. These include the following:

- Target selection procedure
- Robber's attire or disguise
- Method of entry (if not a street robbery)
- Words or notes employed
- Weapons chosen and used
- Type of force or intimidation used
- Manner of the loot grab
- Departure signatures (if any)
- Method of departure

Target Selection

In street robberies, targets are usually determined by opportunity, but there may be some selection process (e.g., women, the elderly, and the disabled may be the victims of choice). Robberies other than the street variety require some type of **target selection**. That selection may have taken minutes or months, depending on the sophistication and experience of the robber and the nature of the target selected. Hitting a convenience store does not require as much preparation as a bank or jewelry store robbery or a truck hijacking.

The selection criteria employed by the robber give the investigator a place to start. The answers to two questions—why and how was this target selected?—are the first insights into the robber's modus operandi. If the target could not have been selected without some pre-robbery scrutiny, the investigator must inquire throughout the community whether any strange persons or automobiles have been noticed (Jacobs, 2010).

Attire or Disguise

Robbers tend to select clothing and disguises that have proved functional and successful. Most robbers do not engage in extensive planning and restrict themselves to casing the places and persons to be robbed. Robbers have limited wardrobes and better things to do with their money than to buy an array of masks or disguises. Robbers are likely to select, consciously or subconsciously, clothing that hides a weapon, is comfortable, and allows a free range of motion. Just as we all have favorite clothing and just as professionals have preferred attire for specific tasks, so do robbers. A description of clothing is important when **tracing** the identity of offenders. The investigator depends on witnesses when gathering this

TABLE 10.2 Personal Traits and Methods of Operation of Robbers

Personal Traits	Methods of Operation
Age	Geographical domain
Gender	Target specialty
Socioeconomic class	Words used
Literacy	Weapon of choice
Predilection for violence	Method of entry
Power needs*	Clothing

*The power needs of a robber are reflected in how he or she treats victims. Robbery is a predator crime, and often, the power and control exercised over the victim are as much incentives to commit robbery as the valuables that can be obtained, especially in the case of the young, amateur robber.

information and should allow the witnesses to describe attire in his or her own way and in his or her own time. Such information may be helpful in uncovering patterns and connecting robberies.

Method of Entry

Entry access is significant in robberies, as it is in homicides and burglaries. Additionally, the behavior of the offender prior to and during entry may be unique. Entry behavior includes all conduct prior to entry up to the demand for valuables or a show of force. Habit creeps into all of our behaviors, and robbers are no exception. In convenience store robberies, the offender will often enter the store posing as a customer and may handle merchandise, engage in conversation with the clerk and witnesses, or use the restroom. Anything handled by the suspect should be processed for fingerprints. Convenience store video footage is not only useful in making a visual identification of the offender but may also assist the investigator in retracing the intruder's steps and reveal possible locations of fingerprints or footprints.

Words and Notes Employed

If a financial institution is the target of a robbery, the request for money must be conveyed in some fashion. The words used are important in figuring out the MO of the robber. The words may be written or spoken and may reveal more about the offender than he or she recognized. The type of paper used is informative. Was the note prewritten, typed, or handwritten, or was it a pasted collage? What type of paper was used? What does the note show about the robber's command of grammar and syntax? Did the robber use paper available at the crime scene? What words were chosen to convey the robber's demand, whether written or spoken?

Although not case determinative, answering these questions adds information that will assist the investigator in fashioning an MO for the robber. An MO is often as revealing as a criminal profile and may be thought of as information upon which a profile can be partly based. In essence, compiling information about a robber's MO allows the investigator to get into the mind of the robber and determine, with some certainty, whether the offender will rob again, the type of target that will be selected, the chance of violence during future robberies, and the geographic area within which the robber is comfortable operating. The information gathered by the investigator not only helps in tracing the identity of the offender but also helps

sometimes in connecting the robber with prior robberies and allows limited predictions about his or her future conduct.

Weapons Chosen and Used

Robbers have a large range of weapons from which to choose. The choice of weapon may reflect amateur versus experienced status and planned versus opportunistic target selection. A knife is an amateur's weapon of choice, and its use suggests that the robber selects targets opportunistically and has limited resources and experience. If a firearm is used, the choice of weapon may reflect the sophistication and power needs of the robber. Sawed-off shotguns are intimidating, limited in firepower, and often selected out of a need to feel powerful and hence to carry a weapon capable of causing devastating tissue damage. They are chosen despite the fact that they are difficult to secrete upon one's person, difficult to transport, and less likely than handguns to be disposed of upon completion of the robbery. Handguns are the weapon of preference for most robberies, with semiautomatic firearms providing additional firepower and range. A revolver may be selected in the early stages of a robber's career because of its cost and simplicity. Amateurs will use the same weapons repeatedly, whereas a more professional robber will select weapons commonly owned by ordinary citizens (thereby reducing their identifiability) and will dispose of each weapon used immediately upon completion of the robbery (Wells & Horney, 2002).

Hollywood movies portray modern professional robbers as equipped with fully automatic submachine guns and **sound suppressors** (the correct name for a silencer). It should be noted that unless a handgun or submachine gun is equipped with an integral sound suppressor, dissipating the gases that cause the sound means dissipating the gases that operate the bolt, so only one shot can be fired before manually re-cocking the weapon. Also, sound suppressors are only effective when used with weapons that fire bullets at speeds less than the speed of sound. There are two sounds that occur as the result of a firearm discharge. In weapons that fire a round at speeds in excess of the speed of sound, one crack occurs at the barrel and the other where the bullet breaks the sound barrier. This second sound is impossible to suppress. Submachine guns are less available and less likely to be disposed of than more common weapons. If a submachine gun is used in the commission of a robbery, it is likely to be used again.

entry access

The entry point chosen by a robber to gain access to the site of the robbery

sound suppressor

The correct name for a silencer; it is only effective when used with weapons that fire bullets at speeds less than the speed of sound

bait money

Bills that have had their serial numbers recorded and have been set aside specifically to be given to robbers so they can be traced

habit pattern

Things done so often that thinking about them becomes unnecessary and a waste of time; when these habit patterns are a consistent part of a person's robberies, they are called the robber's modus operandi

departure signature

Any last comments or behaviors unnecessary to the completion of the robbery that become the robber's trademark or signature, as though he or she were signing a just-finished letter or work of art

Type of Force or Intimidation Used

The offender brings force to bear in some fashion during the course of a robbery. That show of force may also become part of the robber's **habit pattern**. All people relegate to habit those things that they do so often that thinking about them becomes unnecessary and a waste of time: which shoe to put on first, which arm to wash first in the shower, how to insert the key into the ignition of a vehicle, where to carry one's car keys, which buttons to button first on one's shirt. Many of one's habits can tell an observant person something about who and what someone is. So too do robbers fall victim to habit patterns that are specific to the offenses they commit. Such habits are considered a robber's MO, but they may be indicative of habits that transcend the crime and reflect who and what the offender is, independent of the offense being investigated.

The language used by a robber is such a habit pattern. The words selected for the purpose of committing the offense indicate the type of language with which the offender is most comfortable. The choice of words is not accidental; the robber has picked them and rehearsed them. The words said may be what the victim best remembers about the offender, or they may be the only thing upon which multiple victims can agree. It is a safe assumption that the words selected have been used in the past and will be used again in the future.

Conversations between offenders in multiple-person robberies can also reveal something about the offenders and their relationships. Professional robbers will keep conversation to a minimum and may restrict communication to nods and gestures. Their original demand may be a collage constructed on nondescript paper. Yet, most robberies are charged with excitement and require spontaneous decisions to address the ever-changing circumstances, eliciting verbal responses from the offenders. These responses may add to the profile that is developing of the offenders and their relationships with each other. Spontaneous comments may provide names and demonstrate that the robbers know the layout, the geographical area, the security system, or police procedures. It is important to glean every word uttered and every gesture made by the robbers. The investigator will want to ask each victim when that victim first realized that a robbery was in progress and what the robbers said or did to convey that message.

Manner of the Loot Grab

The loot (possessions) taken was obtained in a particular fashion—by request, demand, gesture, or self-help. It is important to determine

exactly how the robber grabbed the loot. In the robbery of a bank, if the robber directed the teller not to include **bait money** (bills that have had their serial numbers recorded and have been set aside specifically to be given to robbers so they can be traced. They may also contain dye packs, which explode and color the bait money with dye upon exit from the location), several questions are raised:

- Has the robber worked in a financial institution?
- Has the robber learned about bait money through experience (suggesting the possibility of a criminal record)?
- Has the robber been provided with inside information?

Departure Signature

Every robbery comes to an end. Of potential significance is the manner in which the robber exits the premises and the robber's actions toward witnesses and victims—what he or she does to them or has them do. If they have been bound, trace evidence will be present. If they were directed to lie face down on the floor, a **departure signature** may be in the making. Any last comments or behaviors unnecessary to the completion of the robbery may become the robber's trademark or signature, as though he or she were signing a just finished letter or work of art. A signature is a part of the robber's MO and sometimes is the most obvious connection between the robbery being investigated and other crimes committed previously. A signature can occur at any time during the course of the robbery, depending on the imagination and psychological need for recognition of the offender. A kiss to female victims, a slap, or a beverage taken in celebration are examples of signatures left by robbers.

Method of Departure

One of the most valuable variables of the MO is how the robber escapes the scene—on foot, in a car, or on a motorcycle or bicycle. The most easily traceable element of the offense may be the method of escape. Victims may be able to provide the make, model, and color of the vehicle. They may even recognize the vehicle as one they have previously seen in the neighborhood. This is the type of information that may be gathered from a canvass of the neighborhood. Some people are reluctant to approach the police with information, even if they understand that the information is relevant. It is more difficult for a person to shirk his or her civic responsibility

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Goals of Gathering Information

By gathering all of the information possible at a robbery crime scene, the investigator is working toward three separate but interdependent goals:

1. Reconstruction of the robbery
2. Identification of the robbers
3. Construction of the MO and comparison of it with those of other robberies

A complete MO is never forthcoming. The objective of the investigator is to gather as much information as possible in the hopes of being able to construct a working hypothesis as to the offender's MO. By comparing the MO in one case with those of similar robberies, the names of prior offenders may arise as possible suspects.

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when looking into the eyes of a hardworking, courteous investigator who is trying to protect the neighborhood and its citizens. It should not be assumed that all witnesses have been rounded up by the first-responding officers, nor that all witnesses have come forth voluntarily.

Processing the Robbery Crime Scene

The crime scene in a robbery includes the robbers' modes of arrival and departure. It may extend to the area from which a vehicle used in a robbery was stolen and to the location of the vehicle after it has been abandoned. It may include a motel room where the robbers planned the crime and to which they returned to divide the spoils. It is necessary to see a robbery as a dynamic entity, with a beginning and end apart from the person robbed or from the place where the coerced transfer of money or goods occurred. Much of the investigative effort will be focused on determining the beginning point and end point of the robbery. Although not immediately apparent, they become evident during the course of the investigation.

The robbery scene itself may be of evidentiary value, based on what the offender or offenders did while at the scene. The possibility of finding fingerprints, footprints, trace evidence, or tire tracks depends on what the robbers did and whether the investigator discovers what they did. If the investigation revealed that a vehicle had been parked at a particular location for an extended period of time while robbers cased the site, there may be evidence of that wait. Tire tracks, litter, or footprints in adjacent soil may be the product of a lengthy surveillance, and the knowledgeable investigator may be able to discover such evidence and use it to good

effect. The doorway through which entry was made may reveal fingerprints. The cash register or display cases handled by the robbers may render fingerprints, as may any merchandise handled by an offender while posing as a customer. It is the investigator's job to determine which, if any, of these potential repositories of evidence may exist (Fish, Stout, & Wallace, 2011).

Vehicles recovered after a robbery may contain a wealth of forensic evidence. It is impossible to operate a motor vehicle without leaving some type of trace evidence. In one robbery homicide, for example, a black plastic bag was tied with a cord around the victim's head. Upon arrest of the suspect, a box of plastic garbage bags and a spool of cord were found in the trunk of his car. An examination of the striations imparted to the bags during the manufacturing process identified the bag in the homicide as having come from the box of unseparated bags. Also, the end of the rope at the crime scene had been cut, and when that rope and the rope on the spool in the suspect's trunk were viewed under a comparison microscope, there was little doubt that the former had been cut from the spool.

The discharge of firearms at a robbery opens up another realm of forensic evidence. The most common evidence will be shell casings and spent bullets. Both casings and bullets have substantial evidentiary value. Firearm identification, discussed in Chapter 8, is applicable in any investigation in which a firearm is used or suspected.

Robbery Checklist

Every crime is unique and requires an investigation tailored to the crime, the victim, and the situation. Yet, enough commonalities exist among investigations to allow the creation of

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Examples of Trace Evidence to Look for in Vehicles

- Fibers (on seat backs, roof liner, and door frames)
- Soil
- Broken glass, asphalt, gravel (carried in the soles of the shoes)
- Hair on headrests and roof liner
- Fingerprints (on all glass surfaces, door handles, dashboard, and radio controls)
- Cigarettes and litter (in ashtray; on floor; in glove compartment; behind sun visors; on, under, and behind seats)
- Tire treads (impressions and residue, which may be identifiable in dirt or gravel)
- Saliva (left on cigarettes, cups, or discarded bandanas or other items used as a mask)
- Trace materials (fiber, blood, dirt, glass, any of which may be on both the robber and the victim if physical contact between them occurred)
- Toolmarks (identifiable characteristic marks left by knives, pry bars, and other instruments used at the crime scene)
- Rope and tape

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a checklist for the purpose of ensuring that all investigative issues have been addressed. The checklist in the Investigator's Notebook is illustrative only, and the steps need not follow each

other in the order given. The list is best used to determine if an investigation has addressed all of the potential sources of information that may be available.

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Checklist for Processing the Scene of a Robbery

1. Triage the injured.
2. Provide first aid.
3. Contact emergency medical assistance.
4. Identify any victims.
 - a. Ascertain that a robbery has occurred.
 - b. Interview victims (sooner rather than later).
5. Separate witnesses.
 - a. Identify witnesses.
 - b. Interview witnesses.
 - c. Canvass the community.
6. Provide a broadcast dispatch.
 - a. Describe the suspect or suspects.
 - i. Gender
 - ii. Race
 - iii. Clothing
 - iv. Physical characteristics (height, weight, hair color)
 - v. Identifiable characteristics (scars, tattoos)
 - vi. Weapons

- b. Describe the vehicle.
 - i. Direction of travel
 - ii. Time of departure
 - iii. Number of occupants
 - iv. Make, model, year, and color
 - v. License number
 - vi. Stolen status
7. Search the surrounding area (if applicable). Contact hostage negotiators if hostages were taken or the situation becomes barricaded.
8. Process the crime scene.
 - a. Locate the scene (which may include a wide geographic area).
 - b. Protect the scene (including people, places, and things).
 - i. Log all traffic in and out.
 - ii. Handle and package evidence.
9. Identify MO.
10. Utilize street sources of information.
11. Prepare the case for trial (a case summary or prosecutorial summary is a good tool [see the following section]).

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CONCLUSION

This chapter shows that theft, burglary, and robbery can take many forms and that the investigation of each requires attention to detail. Burglaries are the silent dread of everyone who has a lock on his or her door. We often think of burglaries as crimes of property but forget that much of what we have worked hard for and many things of value are worth more because of the sentiment attached to them. Those who say burglary is a property crime have never been burglarized.

In most street robberies, the victim is traumatized to the extent that little useful information is generally available. Most victims of robbery are so pleased to be released unhurt that other considerations pale. In robberies, as in most other “stranger” crimes, the probability of apprehending the offender is remote, and as time passes, that probability lessens. We do know that robbers have turf and that in

most cases, they will rob again. Absent genuine efforts to catch robbers through stings and surveillance, patrol response is likely to be of little help.

Because robberies occur predominately on the street, there is little useful evidence available to responding officers. The area surrounding the robbery should be canvassed for individuals who saw something or who recognized the offenders. In truth, most robbers are caught either in the act or in the act of selling or pawning items taken from their victims.

Often, these crimes are committed by people in search of or in need of drugs. Much of what is stolen in burglaries is fenced for as little as 10 cents on the dollar. That money, in many instances, is used to fuel a drug habit. In the next chapter, we will consider drugs: what they are, what they do, and how law enforcement carries on the war on drugs.

QUESTIONS FOR REVIEW

1. What is the definition of larceny?
2. How does larceny differ from theft?
3. What has been the impact of consolidating theft offenses?
4. How does someone convert property that is not his or hers?
5. How does unauthorized use of a motor vehicle differ from auto theft?
6. What role does a fence play in the theft business?
7. What is the value of toolmarks to a burglary investigator?

8. Of what value are the point of entry, method of entry, and approach to entry to the burglary investigator?
9. What is a VIN, and of what value is it to a burglary investigator?
10. How does stripping a vehicle differ from chopping a vehicle?
11. What right to possession has a bona fide purchaser of stolen goods? Why?
12. What propositions should come to the mind of the carjacking investigator?
13. Why might it be a good idea to photograph a tool impression prior to making a mold of it?
14. Why should tire impressions be taken with the tire still on the vehicle?
15. What is the difference between a simple robbery and an aggravated robbery?
16. What is an opportunistic robber, and how does an opportunistic robber differ from a career robber?
17. What is a street robbery?
18. How might one defend against a street robbery?
19. What social and technological changes have led to the creation of new types of robbery?
20. What are specialty robbers, and what do they specialize in?
21. What is the difference between a bump-and-grab robbery and a smash-and-grab robbery?
22. How is a carjacking conducted?
23. What does it mean to say that a robber has a *modus operandi*?
24. What is a case summary, and what value does it have?
25. What should be contained in a case summary?
26. What would be included in a robbery checklist? Why?

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