

# Arizona Peace Officer Standards and Training

## Basic Curriculum Model Lesson Plan

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**LESSON TITLE: INVESTIGATION OF SPECIFIC CRIMES 5.9**

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SUBJECT:	Investigation of Specific Crimes
AZ POST DESIGNATION:	5.9
HOURS:	8
COURSE CONTENT:	A description of the specialized techniques used in the investigation of assault, burglary, robbery, auto theft, child abuse, missing persons and other criminal offenses.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
5.9.1	Identify the following special investigative considerations associated with each of the listed criminal offenses:
A.	Assault – document injuries accurately, photographing injuries.
B.	Burglary – note Modus Operandi (M.O.) in report; document missing property in detail.
C.	Robbery – obtain surveillance camera photographs, notify FBI of robberies committed at federally-insured institutions, inquire into existence of bait bills or traceable currency and note modus operandi in the report.
D.	Auto theft/recovery – locate/determine VIN's, detect altered VIN's, remain alert/make inquiries as to common motives for false reporting and examine for common physical indicators of auto theft (e.g., tampered ignition, driver does not know name of owner and/or presence of burglary tools, etc.).
E.	Human Trafficking: Child Sex Trafficking.
1.	Define Human Smuggling.
2.	Define Human Trafficking.
3.	Identify key elements about why Human Trafficking

is the second most profitable enterprise for organized crime.

4. Identify the locations where predators locate their potential victims and who the vulnerable populations are.
5. Identify key factors or traits about how/why a person becomes a victim of Human Trafficking.
6. Identify who in law enforcement has the greatest potential to encounter victims or suspects involved in human trafficking.
7. Identify the resources available to victims of Human Trafficking.
8. Identify Arizona Revised Statutes pertaining to Human Trafficking.

5.9.2 Identify the common locations of VIN's.

5.9.3 Identify the common physical characteristics of false/altered VIN's.

5.9.4 Identify the following items of evidence which corroborate child abuse charges:

- A. Photographs of injuries and surroundings.
- B. Physician's report.
- C. Instruments or implements used in the crime.
- D. Past medical history indicating previous abuse.
- E. Witness statements.

5.9.5 Identify the following different types of bad checks and the procedures for handling each:

- A. Insufficient funds – refer to the County Attorney's office.
- B. Closed account – refer to the County Attorney's office.
- C. Forgery – conduct an initial investigation.

5.9.6 Identify the following procedures required for an initial response

to a missing person case:

- A. Verify the report is a missing person case.
- B. Determine the type of missing person case.
- C. Determine if the person is at risk.
- D. Obtain a description.
- E. Obtain a recent photograph.
- F. Attempt to locate.
- G. Request assistance, if appropriate.
- H. Notify other agencies.
- I. Complete required report(s).

5.9.7 Identify the following factors that influence the nature of response to a report of a missing person:

- A. Missing persons:
  - 1. Age.
  - 2. Mental/emotional condition.
  - 3. Medical/physical condition.
  - 4. Family/social environment.
  - 5. Knowledge of the area.
  - 6. Living conditions.
- B. Suspicious circumstances.
- C. Weather conditions.

5.9.8 Identify that it is necessary to conduct a thorough search of a reported missing small child's home and yard at the onset of the investigation.

5.9.9 Identify the following methods for determining whether recovered property is linked to a crime:

- A. National Crime Information Center (NCIC) check.
- B. Check with “Stolen Property Detail” (e.g., Pawn Shop Detail, Property Identification Unit, etc.).
- C. Communication with other officers.

5.9.10 Identify the following procedures which should be followed when investigating instances of child abuse:

- A. Interview all parties involved.
- B. Interview and examine the minor alone.
- C. Look for physical and behavioral indicators of abuse (e.g., suspicious bruises, welts, burns, fear of parents/adults, etc.).
- D. Look for behavioral indicators of abusive parents (e.g. emotional immaturity, referring to a child as “bad”/“evil,” attempt to conceal a child's injury(ies), etc.).
- E. Compare the explanation offered by a parent/guardian and the actual injury(ies) to the minor.
- F. Record all statements from all parties.

DATE FIRST PREPARED: June 1995

PREPARED BY: Steve Johnson

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Lt. Casey Tornberg, Phoenix PD

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**INSTRUCTOR REFERENCES:**

**CLASS LEVEL:** Student

**TRAINING AIDS:** 2014 AZPOST Human Trafficking Video. NICB – Quick Reference Guide <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

**INSTRUCTIONAL STRATEGY:** Interactive lecture and class discussion.

**SUCCESS CRITERIA:** 70% or higher on a written, multiple-choice examination.

**REVISIONS:** Highlighted

**COMPUTER FILE NAME:** 5.9 Investigation of Specific Crimes

**DATE RELEASED TO THE SHARE FILE:** May 27, 2022

**I. INTRODUCTION**

A. Instructor – (self) introduction.

**P. O. 5.9.1**

B. Preview of performance objectives.

**II. INVESTIGATION CONSIDERATIONS**

A. Arizona Revised Statutes.

1. Statutes relating to assaults:

a. Endangerment.

b. Assault.

c. Aggravated assault.

2. Definitions:

a. Culpable mental state.

b. Intentionally.

c. Knowingly.

d. Recklessly.

e. Dangerous instrument.

f. Serious physical injury.

B. Handling evidence.

1. Weapons.

2. Weapons without blood.

3. Clothing.

C. Types of wounds.

D. Assault reports.

1. Synopsis.

2. Narrative.

3. Statements.
4. Miscellaneous information.

**P. O. 5.9.1A****III. CONDUCTING A PRELIMINARY ASSAULT INVESTIGATION**

- A. Assure officer safety – the threat to officer safety, as well as any further danger to civilians in the area, must be of concern to the officer(s) on the scene.
- B. Administer first aid as needed: The officer’s primary concern should be to render aid to injured parties.
- C. Interview victim(s) and witness(es) concerning the incident and document this (including name, address, telephone number, business address and business telephone number).
- D. Establish elements of the crime.
- E. Note the type of injury, hospitalization and doctor’s comments.
- F. Note what type of weapon was used (if known).
- G. Obtain photographs of the victim and the scene.
- H. Note the relationship between the victim and the suspect.
- I. Will the victim prosecute?
- J. Cite, if possible, on misdemeanors.
- K. In serious cases (shootings, stabbings, etc.), call out a detective.

**IV. EVIDENCE**

- A. **Weapons** – if they have no blood, have them printed. Note the position of the shells and if they were handled, indicate by whom.
- B. **Weapons with blood** – carefully put them in paper bags or envelopes.
  1. Do not have them dusted for prints.
  2. Note on the bag(s) or envelope(s) that these items have not been fingerprinted.
  3. **NOTE:** If this is a firearm, it will have to be unloaded before bagging.
  4. Always follow proper evidence preservation procedures and officer safety when handling a firearm.

- C. **Clothing** – inner and outer clothing. ***INSTRUCTOR NOTE:** Let air dry.*
  - 1. If from a shooting, hang up or lay flat. Do not roll or fold.
  - 2. If bloody, hang up or lay out to dry.
  - 3. Dry blood on clothing – roll or fold and put in a paper bag or envelope – never in plastic!  
***INSTRUCTOR NOTE:** Discuss Putrefaction.*
- D. Observe the wound.

## V. STATUTES RELATING TO ASSAULTS

- A. A.R.S. §13-1201 – Endangerment: Classification.
  - 1. A person commits endangerment by recklessly endangering another person with a substantial risk of imminent death or physical injury.
  - 2. Endangerment involving a substantial risk of imminent death is a Class 6 felony. In all other cases, it is a Class 1 misdemeanor.
- B. A.R.S. §13-1202 – Threatening or intimidating: Classification.
  - 1. A person commits threatening or intimidating if such person with the intent to terrify, threatens or intimidates by word or conduct:
    - a. To cause physical injury to another person or serious damage to the property of another; or
    - b. To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly or transportation facility; or
    - c. To cause physical injury to another person or serious damage to the property of another in order to promote, further or assist in the interests of a criminal street gang or a criminal syndicate of a racketeering enterprise.
  - 2. Threatening or intimidating pursuant to subsection A, paragraph 1 or 2, is a Class 1 misdemeanor.
  - 3. Threatening or intimidating pursuant to subsection A, paragraph 3, is a Class 4 felony.
- C. A.R.S. §13-1203 – Assault: Classification.
  - 1. A person commits assault by:



- a. Intentionally, knowingly or recklessly causing any physical injury to another person; or
  - b. Intentionally placing another person in reasonable apprehension of imminent physical injury; or
  - c. Knowingly touching another person with the intent to injure, insult or provoke such a person.
2. Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1, is a Class 1 misdemeanor.
  3. Assault committed recklessly pursuant to subsection A, paragraph 2, is a Class 2 misdemeanor.
  4. Assault committed pursuant to subsection A, paragraph 3, is a Class 3 misdemeanor.
- D. A.R.S. §13-1204 – Aggravated assault: Classification.
1. A person commits aggravated assault if such person commits assault as defined in A.R.S. §13-1203 under any of the following circumstances:
    - a. If such a person causes serious physical injury to another.
    - b. If such a person uses a deadly weapon or dangerous instrument.
    - c. If such person commits the assault after entering the private home of another with the intent to commit the assault.
    - d. If such person is eighteen years of age or more and commits assault upon a child the age of fifteen years or under.
    - e. If such person commits the assault knowing or having reason to know that the victim is a peace officer, or a person summoned and directed by such officer while engaged in the execution of any official duties.
    - f. If such person commits the assault knowing or having reason to know the victim is a teacher or other employee, is upon the ground of a school or grounds adjacent to such school, or is in any part of a building or vehicle used for school purposes, or any teacher or school nurse visiting a private home in the course of his/her professional duties, or any teacher engaged in any authorized and organized classroom activity held on other school grounds.
    - g. If such person is imprisoned in the custody of the State Department of Corrections, a private contract correctional facility, a law enforcement agency, county or city jail, or adult or juvenile detention facility of a city or county or subject to the custody of personnel from such department, agency, jail or

- detention facility, and commits the assault knowing or having reason to know the victim is an employee of such department, agency, jail or detention facility, acting in an official capacity.
- h. If such person commits the assault while the victim is bound or otherwise physically restrained, or while the victim's capacity to resist is substantially impaired.
  - i. If such person commits the assault knowing or having reason to know, that the victim is a firefighter, fire investigator, fire inspector, or paramedic engaged in the execution of any official duties, or a person summoned and directed by such individual while engaged in the execution of any official duties.
  - j. If the person commits the assault knowing or having reason to know that the victim is a licensed health care practitioner who is certified or licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. The provisions of this paragraph do not apply if the person who commits the assault is seriously mentally ill, as defined in section 36-550, or is afflicted with Alzheimer's disease or related dementia.
- 2. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section, is a Class 3 felony, except if the victim is under fifteen years of age, in which case it is a Class 2 felony, punishable pursuant to A.R.S. §13-604.1.
  - 3. Aggravated assault pursuant to subsection A, paragraph 7 of this section is a Class 5 felony.
  - 4. Aggravated assault pursuant to subsection A, paragraph 3, 4, 5, 6, 8, or 9 of this section is a Class A felony.
- E. A.R.S. §13-1205 – Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs: Classification.
- 1. A person commits unlawfully administering intoxicating liquors, a narcotic drug or dangerous drug if for a purpose other than lawful medical or therapeutic treatment, such person knowingly introduces or causes to be introduced, into the body of another person without such other person's consent, intoxicating liquors, a narcotic drug or dangerous drug.
  - 2. Unlawfully administering intoxicating liquors, a narcotic drug or a dangerous drug is a Class 6 felony.
  - 3. If the victim is a minor, then the offense shall be a Class 5 felony.
- F. A.R.S. §13-1206 – Dangerous or deadly assault by prisoner: Classification.

1. A person, while in the custody of the Department of Corrections, a law enforcement agency or county or city jail, who commits an assault using or exhibiting a deadly weapon or dangerous instrument, or who intentionally or knowingly inflicts a serious physical injury upon another person, is guilty of a Class 2 felony.
  2. If the person is an adult or is a juvenile convicted as an adult pursuant to Section 8-327 or 13-501 or the rules of procedure for the juvenile court, the person shall not be eligible for suspension of sentence, probation, pardon, or release from confinement on any other basis until the sentence imposed by the court has been served or commuted.
  3. A sentence imposed pursuant to this section shall be consecutive to any other sentence presently being served by the convicted person.
- G. A.R.S. §13-1207 – Prisoners who commit assault with intent to incite to riot or participate in riot: Classification.
1. A person while in the custody of the Department of Corrections or county or city jail who commits assault upon another person with the intent to incite to riot or who participates in a riot, is guilty of a Class 2 felony and shall not be eligible for suspension or commutation of sentence, probation, pardon, parole, work furlough or release from confinement on any other basis until the sentence imposed by the court has been served.
  2. A sentence imposed pursuant to this section shall be consecutive to any other sentence presently being served by the convicted person.
- H. A.R.S. §13-1208 – Assault; vicious animals: Classification.
1. A person who owns a dog which the owner knows or has reason to know that the dog has a propensity to attack, to cause injury or otherwise endanger the safety of human beings without provocation, or which has been found to be a vicious animal by a court of competent authority, which bites, inflicts physical injury on or attacks a human being while at large, is guilty of a Class 6 felony.
  2. A person who owns a dog which the owner knows or has reason to know has propensity to attack, to cause injury or otherwise endanger the safety of human beings without provocation, or which has been found to be a vicious animal and who keeps the dog or vicious animal in an enclosed area or yard outside of a residence or structure of the property, shall post a notice indicating the presence of the dog or vicious animal.
  3. The provisions of this section shall not apply to dogs owned or used by a law enforcement agency and which are used in their performance of police work.

**VI. A.R.S. §13-105 – DEFINITIONS**

- A. In this title, unless the context otherwise requires.

- B. “Culpable mental state” means intentionally, knowingly, recklessly or with criminal negligence as those terms are thusly defined:
1. “Intentionally” or “with the intent to” means with respect to a result or to conduct described by a statute defining an offense, that a person’s objective is to cause that result or to engage in that conduct.
  2. “Knowingly” means with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
  3. “Recklessly” means with respect to a result or to a circumstance described by a statute defining an offense that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists.
    - a. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.
    - b. A person who creates such a risk, but is unaware of such risk solely by reason of voluntary intoxication, also acts recklessly with respect to such risk.
  4. “Criminal negligence” means with respect to a result or to a circumstance described by a statute defining an offense that a person fails to perceive a substantial and unjustifiable risk that the result will occur, or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.
- C. “Dangerous instrument” means anything that under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.
- D. “Deadly physical force” means force which is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use, is capable of creating substantial risk of causing death or serious physical injury.
- E. “Deadly weapon” means anything designed for lethal use. The term includes firearms.
- F. “Physical injury” means the impairment of physical condition.
- G. “Serious physical injury” includes physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, or serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

## **VII. TYPES OF WOUNDS AND TERMS**

- A. **Abrasion** – a superficial injury involving the outer layers of the skin caused by a tangential or direct friction force (scrape, graze, scratch, bruise, burn or friction burn).
- B. **Contusion** (bruise) – an extravasation of blood into skin, soft tissue or organs by an application of blunt force. You can identify the approximate aging of a contusion as follows:
  - 1. Twenty-four (24) hours – red, dark red, purple or black.
  - 2. Seven (7) days – greenish or green-blue tinge.
  - 3. Fourteen (14) days – yellowing area.
  - 4. Twenty-one to twenty-eight (21-28) days – disappears.
- C. **Laceration** – a deep injury produced by blunt force causing tearing or splitting of the skin, soft tissue and internal organs (characteristics – abraded margins, vessel or nerve bridging frequently associated with contusions).
- D. **Incised wound** – incision, slash or cut that is caused by a sharp-edged instrument (characteristics – the length of the wound is usually greater than the depth and usually produced by instruments such as: Sharp knives, razor blades or fragments of glass).
- E. **Stab wound** – a penetration of the body by a sharp and/or pointed instrument such as an ice pick, needle, knife or sword or pointed rod (the depth of the wound is usually greater than the length).
- F. **Fracture:**
  - 1. Simple – a break in the bone without fragmentation.
  - 2. Comminuted – a break in the bone with fragmentation.
  - 3. Closed – no skin break.
  - 4. Compound – a skin break and also comminuted.
- G. **Gunshot wound.**
- H. **Bite.**

## VIII. REPORTS

- A. Elements of the crime on the case report.
- B. Complete information on victims, witnesses and suspects.
- C. Document what you did, what the victim(s) said, what the witnesses said, what the suspect(s)

said, what the doctor said and any other information.

## **IX. SUMMARY**

- A. Make yourself familiar with the definition of serious physical injury as this is one (1) of the most misunderstood portions of the aggravated assault section.
- B. On misdemeanor assaults, if you have probable cause and the victim wishes to prosecute, make the arrest or issue citations.
- C. When handling any bloody evidence – dry or fresh – that is not being refrigerated, never seal in plastic. This will cause mold and mildew and render your evidence useless.

## **X. BURGLARY INVESTIGATION**

### **P. O. 5.9.1B**

- A. The offense:
  - 1. Two (2) important aspects of burglary are: Its frequency and its economic impact.
  - 2. Nationally, if reported burglaries were distributed evenly in time, one (1) would occur every 10 seconds.
  - 3. Residential burglaries account for two thirds (2/3) of this category of crime, with the rest being attacks on various types of commercial establishments.
  - 4. Despite the fact that in terms of sheer numbers there are more residential than commercial burglaries, the risk of being victimized is greater to a business because there are much fewer of them.
  - 5. The average loss for residential offenses is \$1,060; for non-residential locations, \$1,023.
  - 6. To some extent, this average loss figure for burglaries is deceptive; a national victimization study reported that in 25% of the cases, victims reported losses of less than \$99.
  - 7. Thus, in roughly one fourth (¼) of the offenses, burglars committed a felony for little or no gain.
    - a. In general, property easy to sell is stolen from residences, this includes: Televisions, tape and compact disk players, speakers, jewelry and furs, clothing, firearms, credit cards and drugs.
    - b. In contrast, money and checks that can be forged and cashed are more likely to be taken from businesses. **INSTRUCTOR NOTE:** *Not in Phoenix. High incidents of mail theft by Meth users.*
  - 8. However, certain types of businesses – for example, men’s or women’s clothing stores –

are targeted because they contain property that is easy to dispose of and hard to trace.

9. In about 60% of all burglaries, no property is recovered.
10. Nationally, among reported burglaries, 77% involve a forcible entry in which an instrument such as a pry bars, screwdriver or ax is employed. **INSTRUCTOR NOTE:** 1301505. *Possession of burglary tools; master key; manipulation key.*
11. Twenty-two percent (22%) of the cases involve entries without the use of force, such as through the employment of a master key or lock picking; the remaining offenses are made up of attempted entries.
12. Most burglaries are characterized by entry through a door rather than a window.
13. In general, commercial establishments are attacked at the rear, whereas for residences, entry tends to be at the front.
14. Although burglars prefer to be invisible, attempts to gain entry at the front of a house have a certain logic to them.
15. Burglary of homes tends to be a daytime crime; neighbors who remain at home are used to seeing sales people or political workers approach front doors. Thus, when they see a pedestrian approaching a door, it is not an abnormal occurrence, whereas a pedestrian approaching a house would be.
16. Further, recommending this tactic is the speed with which many doors can be compromised and the fact that doors set back from the main plane of the house's front, serve to limit visibility except to a particularly well-positioned neighbor.
17. Although national data for reported burglaries varies by month, with August the high and February the low, there appears to be little seasonal fluctuation, each month being within two (2) percentage points of the others.
18. Residential burglaries most often occur during working hours on a weekday, when many homes are unoccupied; most commercial burglaries are committed on weeknights, when the absence of people can be predicted accurately.
19. Burglary has a low clearance rate – 14%.
20. As a rule of thumb, very low and high losses are associated with a greater clearance rate than are the more frequently reported mid-range losses, largely because less sophisticated offenders commit petty burglaries and are more easily identified and burglaries involving high losses receive more attention than do burglaries with mid-range losses.

B. Offenders.

1. Burglars are not the product of modern society; the tomb of the Egyptian Tutankhamen was broken into shortly after his death and during the Middle Ages, churches and abbeys were constantly victimized.
2. Burglary does, however, change with time.
3. Types that flourished even in the recent past have disappeared; the transom, cola-slide and dumbwaiter burglars are virtually extinct.
4. A rapidly vanishing type is the so-called step-over burglar: Apartment dwellers often place screening or other impediments over windows that open onto fire escapes, but not the windows next to them.
  - a. The step-over burglar crosses from the fire escape to the ledge and works his/her way to an unprotected window.
  - b. The advent of interior fire escapes has led to a steady decline in the use of this technique.
5. While burglars tend to spring from the lower socio-economic classes and are often not well educated, investigators must never let the higher social status of a suspect deflect from a thorough scrutiny of that person.
  - a. Cases illustrating this point include burglaries by a professor of sociology, a probation officer, police officers in several cities and a psychiatrist.
  - b. A South Carolina psychiatrist, who also held a law degree, earning up to \$100,000 annually, was arrested for burglary.
  - c. Authorities believe the \$500,000 in recovered stolen goods may be linked to as many as 150 burglaries in a single county.
6. Since so few burglaries are cleared, it is difficult to make sweeping generalizations, but based on arrest statistics, burglary is overwhelmingly a male endeavor involving multiple perpetrators, with females representing only about 9% of those arrested for this offense.
7. Of those arrested for burglary, 65% are less than 25 years old, 66% are Caucasian and 32% are black.
8. While burglars may be classified according to a number of variables such as preferences for premises to be attacked and types of property they will, or will not take, the most useful classification is skill.
  - a. Conceived as a continuum, the two (2) extremes would be the amateur and the professional.
  - b. The largest number of burglars would be clustered toward the less skilled end of



the continuum, with progressively fewer toward the skilled end.

9. Professional burglars commit only a few offenses per year, going for the “big score.” Examples include:
  - a. Burglars in Miami, Florida, were described as “hitting the mother lode” after they successfully circumvented a sophisticated alarm system and removed nearly \$8 million worth of gold and silver from one (1) of the nation’s largest wholesalers of precious metals.
  - b. One (1) investigator said that the crime, which resulted in 800 pounds of gold, in addition to the silver being stolen, was a “monster hit” and a “masterpiece.”
  - c. During one (1) weekend, telephone service on Chicago’s north side was disrupted for thousands of customers when numerous cables were cut. Police officials speculate that it may have been a diversion for a burglary by highly-skilled criminals whose break-in at a jewelry manufacturing firm resulted in the loss of gold and uncut diamonds valued at more than \$2 million.
10. While professional burglars may commit only a few offenses a year, they are of considerable interest to investigators because of the large value of cash or property taken and the intimate knowledge of sophisticated fencing systems, which are often detected, and therefore investigated, only following the apprehension of a professional.
  - a. In addition to the “big score,” the hallmark of the professional is the thorough planning which precedes each burglary.
  - b. Professionals refuse to place themselves in jeopardy for anything other than sizable gains and do so only after weeks or even months of painstaking study of the target selected.
  - c. Knowing exactly what they want in advance, professionals do not ransack premises. Thus, if they have employed surreptitious methods of entry, articles taken may not be missed for some time.
  - d. Working nationally or at the very highest professional level, internationally, this type of burglar often operates for long periods of time without being arrested.
  - e. When arrested, such burglars are often released without being charged due to a lack of physical evidence, coupled with their own adroitness in responding to the questions of investigators.
11. When operating in elegant hotels or apartment buildings, the professional will use a business-like appearance and manners to talk his/her way out of a situation should an occupant return unexpectedly.
  - a. If a guest returns to the room, the burglar may confidently pull out a card, say

- that he/she is the house security officer, reprimand the guest for leaving the door open, state that he/she found it that way on a routine inspection tour and explain that because the hotel recently had a number of burglaries, he/she was worried this might be another, thus explaining his/her presence inside the room.
- b. If a guest returns to his/her hotel room, for example room 721, and finds the burglar there, (the burglar) may pretend to be drunk and stagger around. When asked by the guest if he/she knows what room he/she is in, the burglar will reply "Room 821" and feign surprise at being in 721.
  - c. If the legal occupant of the room has asked how he/she got into the wrong room, the burglar will say he/she found the door open and thought the occupant forgot to lock it.
12. However, should these or similar ploys fail or if the burglar's real intent is apparent, the professional will employ violence, if necessary, to escape:
- a. A well-known cardiologist was shot to death when he walked into the burglary of his home in a fashionable section of Washington D.C.
  - b. The police arrested a man who was alleged to be a "super thief" for the crimes.
  - c. Upon searching the suspect's swank suburban home, the police found some \$4 million worth of allegedly stolen property.
  - d. It took the police 472 man hours and 400 legal sized pages to count, tag and describe the property.
  - e. The 18-foot truck, in which the seized property was transported away, contained 51 large boxes and two (2) smelters which are believed to have been used to melt down precious metals.
13. In addition to the "big scores," their intimate knowledge of sophisticated fencing systems, their careful planning and their capacity to use violence, professional burglars are significant adversaries because of the restraint that they can call upon when needed.
- a. A burglar broke into an apartment in Manhattan, taking a credit card with the victim's signature on it and a bank book showing deposits of \$18,000.
  - b. Left behind was \$600 in cash as a ruse to avoid detection of the theft of the bank book.
  - c. The burglar, avoiding the difficulties of closing the account, wrote a withdrawal slip for \$5,250. Then, using a rented office as a cover, the burglar placed an ad in a newspaper for a secretary; the first girl to apply was hired.

- d. Among her first chores was to go to the bank and withdraw some money for her “boss.”
  - e. As the secretary exited from the bank, the boss “just happened” to be passing by.
  - f. On learning she had the money, the burglar thanked her, took the bank book, identification and money and told her to go back to the office, which the burglar never did.
14. The amateur burglar often operates on the basis of impulse or reacts to a suddenly presented opportunity. **INSTRUCTOR NOTE:** *Juvenile offenders stay 1 to ½ miles from home or school.*
- a. Such burglars tend to work not only in one (1) city, but often in a relatively small segment of it. (3-5 miles radius).
  - b. The amateur may cruise in a car looking for a business to victimize, prowl hotels seeking an unlocked door or try to locate doors whose locks can be easily slipped using a celluloid strip.
  - c. While the amateur may occasionally enjoy a relatively “big score,” it is the absence of pre-planning which sharply differentiates the amateur from the professional.
  - d. If a narcotics addict, the amateur must often work four (4) or more days per week committing several offenses each day, in order to support a habit; if not an addict, this may still be necessary to support his/her lifestyle.
  - e. Frequently, using sheer force to enter, the amateur crudely ransacks a business or residence to find anything of value.
  - f. Occasionally, unlike his/her discerning professional counterpart, the amateur takes costume jewelry in the belief he/she has found something of considerable value.
  - g. When confronted by an unexpectedly returning business owner or occupant of a residence, the amateur may become immediately violent and secondary crimes, such as murder and rape, unintended in the original concept of the offense, will occur.
  - h. Finally, the amateur burglar often has a lengthy record and is frequently in and out of jail.
- C. The law.
- 1. The crime of burglary generally consists of the following elements:

- a. Entering or.
  - b. Remaining unlawfully in.
  - c. A dwelling, house or other building,
  - d. Belonging to another,
  - e. With the intent to commit a theft or felony.
2. The common-law crime of burglary necessitates the act be committed in the night time. This element has been deleted in a number of state statutes.
3. Burglary and related offenses are classified as crimes against the habitation, dwelling or building itself; no force need be directed against a person.
- a. The breaking element may be satisfied through acts which constitute a breaking into, a breaking out of, or breaking within. **INSTRUCTOR NOTE:** *Breaking an invisible plane for theft from a vehicle. Back of a pickup bed can be burglary. The taking of rims equals theft.*
  - b. Generally, the slightest force used to remove or put aside something material which constitutes a part of the building and is relied on to prevent intrusion, can be the object which is broken, for example, doors or windows.
  - c. This element can be satisfied whether accomplished at the hands of the perpetrator through the use of some inanimate object, like a brick, or by the participation of an innocent third party.
  - d. Similarly, the element of entry is satisfied once the slightest intrusion has taken place by the perpetrator, the use of some inanimate object, an animal or by an innocent third person.
4. The character of the building at which the breaking and entering takes place, will largely determine the type of offense committed.
- a. The most serious offense is the breaking and entering of a dwelling house, that is, a place used by another person as a residence. **INSTRUCTOR NOTE:** *Burglary in 2nd degree.*
  - b. The nature of the dwelling itself is not determinative, but rather the manner in which it is used. Hence, a hotel room can be considered a dwelling house.
5. The other major ingredient controlling the nature of the crime is the intent with which the perpetrator unlawfully breaks into and enters the building. **INSTRUCTOR NOTE:** *Going to the store with the intent to steal beer is shoplifting.*

- a. The more serious the crime intended to be committed after entry, the more serious the breaking and entering become.
  - b. The most serious breaking and entering offense is that which is done with the intent to commit a felony.
- D. Approaching the scene and initial actions.
- 1. When responding to a burglary-in-progress call, uniformed officers should drive rapidly while avoiding excessive noise such as the dramatic, but unnecessary, use of the siren.
  - 2. The last several blocks to the scene should be driven at lower speeds for two (2) reasons:
    - a. It will eliminate the possibility that the squealing tires of the police vehicle will give the perpetrators, if still on the scene, the advantage of crucial seconds of warning.
    - b. Additionally, it allows the opportunity for observation.
    - c. A vehicle driving away from the vicinity of the scene may be seen and its description and license plate number noted as a possible investigative lead.
  - 3. Under such conditions, late model, expensive cars, such as Cadillac's or Lincolns, should not be discounted.
  - 4. Burglars often select these, not only because of the large amounts of equipment and stolen property such cars can hold, but also because they recognize the fact that the police often act defensively to the occupants of these vehicles because of the implied social status.
  - 5. When dispatched to a burglary-in-progress call, the uniformed officer working alone should attempt to coordinate his/her arrival time and position with the back-up unit.
    - a. This will enable the officers to secure the building immediately.
    - b. One (1) unit can arrive positioned so that it can watch two (2) sides of the building, for example, the north and east sides, while the other unit can observe the west and south sides. **INSTRUCTOR NOTE:** *Important to know your area. Park down the street.*
    - c. When a two (2)-officer unit is dispatched to a burglary-in-progress call, the operator of the police vehicle should drop his/her partner off in a position to view two (2) sides of the building and position the vehicle to allow observation of the remaining two (2) sides.
    - d. When working alone, if it is necessary to begin checking the building immediately, the uniformed officer should drive around the building to

- determine if there is a readily observable break.
- e. If this is not possible, the officer should check rapidly, but cautiously, on foot.
  - f. When using a flashlight during the hours of darkness, it should be held away from the body as the suspect is most likely to aim at the light source if firing at the officer.
  - g. If a point of entry is established, under no circumstances should an officer attempt to enter, as it needlessly exposes him/her to extreme danger.
  - h. Most burglars prefer to go unarmed because, in many states, breaking and entering while armed is a more serious offense than an unarmed breaking and entering.
  - i. However, occasionally burglars are armed and willing to use their weapons to avoid apprehension. **INSTRUCTOR NOTE:** *1st Degree burglary.*
  - j. The fact that no point of entry was established by riding or walking around the building does not mean that a forcible entry had not occurred, particularly at vents and skylights.
6. Even if there is an alarm sounding, there may not be a burglary. Alarms frequently malfunction, particularly during inclement weather.
- a. However, officers must never become complacent about checking a premise with a reputation for false alarms.
  - b. If breaking and entering has occurred, additional cars, if available, should be brought into the general area.
  - c. Burglars often park their vehicles several blocks from the building to be attacked and the perpetrator may not yet have had time to flee the area.
  - d. "Lovers" parked in the general area should not go overlooked by the police.
  - e. Burglars often use couples as lookouts or have their girlfriends remain in the car while they commit the offense.
  - f. The perpetrator may have reached the car, but may have been unable to leave the immediate area; the use of a "just parked lovers" story may allow him to escape detection.
7. If a burglary has been committed and the police department has a dog unit, the uniformed officer at the scene should request its presence prior to entering the building.
- a. The alarm servicing company will ordinarily have a representative at the scene

fairly rapidly to provide officers with access to the building. **INSTRUCTOR NOTE:** *Not always true, sometimes the monitoring companies are out of state.*

- b. If there is no alarm, then the owner must be contacted either from information posted on the door or other sources.
  - c. Before beginning the crime scene search, officers must thoroughly check the building to ensure that the burglar is not hiding on the premises.
  - d. In order to achieve the proper degree of caution, the building check should be conducted as though it were known that the burglar was still there.
- E. Investigative considerations at the scene. **INSTRUCTOR NOTE:** *Discuss officer safety.*
- 1. Caution must be exercised to avoid the accidental destruction of physical evidence while attempting to make a determination whether the burglar is still in the building.
  - 2. Officers should be sensitive to the possible presence of physical evidence, but not act in a manner that might jeopardize the most important value, the officer's safety.
  - 3. If gross physical force has been used in gaining entry, the point of attack is easily established. However, one cannot assume that it is also the point of exit.
  - 4. Often, burglars will break into a building at a particular point of attack which is of particular importance because it may yield good physical evidence.
  - 5. In combination, the determination of the points of attack and exit will suggest the avenues of approach and flight traveled by the perpetrator, which also must be explored for the possible presence of physical evidence.
  - 6. Ask about the presence of surveillance equipment.

## **XI. REPORTING**

### **P. O. 5.9.1B**

- A. Officers must note the type of Modus Operandi (M.O.) used in the crime to match with other crimes and all missing property must be documented in detail.
- B. Investigators must be particularly attentive for unusual signs that may be of investigative value.
  - 1. Juvenile burglars commonly commit destructive acts of vandalism.
  - 2. Also, age may be inferred from the choices of what is taken and what is left behind.
- C. M.O. examples obtained from suspect statements should be documented:
  - 1. Friends of mine convinced me that I was too old to return to petty stuff like stealing bikes, so I participated in my first house breaking along with two (2) 2. other boys who

showed me how easy it was to make entry through windows.

2. To determine if a house is vacant, pose as a person seeking odd jobs and knocking on doors to see if anyone is home to answer.
  3. On that first burglary, as with those that immediately followed, the valuables we sought were cash, stamp books, stereos, CD/DVD players, computers, and television sets.
- D. The sudden removal of trophies or other prized possessions by their owner from a business or residence, followed by a burglary for the purpose of committing an arson, should raise certain questions in the investigator's mind.
1. Further, the weight or dimensions of property taken in a burglary may suggest, if only roughly, the number of people involved in the offense.
  2. Articles or tools left behind, combined with other specifics of the crime, may be useful in the identification of a M.O.
- E. Many commercial establishments keep check imprinters on their premises.
1. A not uncommon occurrence is for a burglar to gain entry to a commercial building, tear several checks (usually from the center of the checkbook) from the company checkbook, imprint them and cash them the next day.
  2. It is of particular importance to have the proprietor ensure that no checks will be taken from several different series in order to lessen the likelihood of detection.
- F. Recognition of burglary tools. ***INSTRUCTOR NOTE:*** *Look at entry cut(s) evidence to compare to burglary tools.*
1. Most often when tools used in the commission of a burglary are recovered at the scene, they will not be greatly differentiated from those found in many households.
  2. A partial list includes:
    - a. Knives.
    - b. Screwdrivers.
    - c. Crowbars.
    - d. Tire irons.
    - e. Pipe wrenches.
    - f. Chisels.



- g. Sledge hammers.
  - h. Hacksaws.
  - i. Hydraulic jacks.
  - j. Bolt cutters.
  - k. Vice grips.
  - l. Axes.
  - m. Glass cutters.
3. In the crude “smash and grab” burglary, where the display window of a jewelry store is broken and articles that are immediately available are taken, the “tool” may be as unsophisticated as a brick in a paper sack.
4. Tools left at the scene may have been subject to certain adaptations to facilitate their use in a burglary.
- a. Screwdrivers or crowbars may be carefully sharpened or shaped to increase their effectiveness in attacking doors and windows.
  - b. Nippers can be transformed into lock pullers if they are honed in a manner that permits firmer biting ability on exposed lock edges.
5. Burglars will also apply masking tape in the shape of a cone to the end of a flashlight so that it emits only a very thin light beam.
6. Apprehension of a suspect not in the act of burglary, but in possession of lock picks, especially modified tools or standard tools which can be used in burglaries, may permit a felony charge of possession of burglary tools.
- a. Some states require that a person has a prior conviction for burglary in order for this charge to be placed.
  - b. Even where this requirement does not exist, proof of intent to commit burglary is essential for conviction.
- G. Surreptitious entries.
- 1. Occasionally, the investigation of a burglary cannot establish a point of entry or exit.
  - 2. What happens in such instances is in large measure determined by the knowledge and thoroughness of the investigator who may:

- a. Initiate a report indicating “entrance by unexplained means.”
  - b. Decline to take a report due to lack of evidence.
  - c. Take a report knowing that due to departmental policy, it will subsequently be designated “unfounded.”
3. Complaints of this nature frequently involve surreptitious entries, that is, a burglary has occurred, but there was no apparent force used.
4. Excluding the case of closed, but unlocked doors, the most common explanations are:
- a. The door was “loided,” the lock picked.
  - b. The premise was victimized by someone who had unauthorized possession of a key.
5. “Loiding” is the act of slipping or shimmying, by using a strip of celluloid, a spring bolt lock which does not have an anti-shim device.
- a. Technically, a spring bolt without an anti-shim device should be considered a privacy, rather than a security, device.
  - b. Simply stated, picking is a process of manipulating a lock into an unlocked position using picks rather than a key.
6. When picking is suspected as the means used to gain entry, the lock should be submitted to the laboratory for examination.
- a. By examining the lock, the laboratory will be able to determine whether or not the lock was picked.
  - b. From the marks alone on the lock, the laboratory cannot state the type of picking device used, except in general terms.
  - c. If a pick is seized as evidence, it is possible to make an individual identification d. by comparing the marks on the lock with test marks made by the seized pick.
  - d. To facilitate the reassembly of the lock following its examination by laboratory personnel, the key should also be submitted.
  - e. The laboratory cannot determine whether a lock was loided, due to the lack of physical evidence associated with this technique.
7. Officers must be familiar with privacy and security devices, as they:
- a. Increase their investigative effectiveness and the credibility of their testimony.

- b. Assist in the construction of M.O. files.
  - c. Generate data to support crime prevention legislation.
  - d. Allow them to talk knowledgeably before community groups.
8. Besides stealing or making an impression there are other ways in which burglars can obtain keys.
- a. Long before a new building is ready for occupancy, its locks are delivered to the construction site.
  - b. Burglars have been able to steal two (2) or more of these locks and then make, or have made, a key which will open every apartment in the building.
  - c. Example:
    - i. Five (5) men and a woman flew to New York City and took up residency at a cheap hotel.
    - ii. Shortly after they arrived, one (1) of the men and the woman registered at a good hotel.
    - iii. After checking in, their accomplices arrived one (1) by one (1) so they would not attract attention.
    - iv. A local lock expert, with whom arrangements had previously been made, also showed up.
    - v. He removed the entire cylinder from the door and within an hour had manufactured a key that would open a number of rooms in the hotel.
    - vi. The cylinder was then replaced.
    - vii. In the evening, when most of the guests were out, the burglars let themselves into a couple of dozen rooms and gave them a thorough, but choosy, going over.
  - d. Burglars are seldom so methodical, but a burglar may stay in different rooms of a hotel over a period of time until he/she has accumulated enough keys to give him/her a choice of rooms to burglarize.
- H. Fraudulent and distorted complaints.
- 1. While most citizens are honest in reporting burglaries, there are others who initiate fake reports.

2. There are situations when a financially troubled individual fabricates an offense, often going so far as to plant physical evidence and create signs of a forced entry.
  3. Armed with a police report of a large but believable loss, he/she then collects from the insurance company.
  4. The fact that an individual does not have insurance should not be automatically taken as an indicator that an offense actually occurred.
  5. Schedule A of the Internal Revenue Service's Form 1040 provides for deductions for casualty losses, including theft.
  6. Perhaps the most widespread and insidious form of distortion involves the legitimately victimized complainant who inflates the value of property taken or overstates the number of things actually taken.
    - a. False reports, those involving inflation of the value of the property taken and misrepresentations of the number of articles stolen, are not easily detected; although occasionally, individuals who seek to create signs of a forced entry on their own homes, do so in such a manner as to give themselves away.
    - b. For example, broken glass at the alleged point of entry will all be on the outside instead of the inside of the residence.
    - c. Such reports cause the waste of large numbers of investigative hours.
    - d. Insurance companies are aware of fake or distorted reporting practices in losses involving sizable amounts.
    - e. Companies are increasingly requiring the insured to take a polygraph or psychological stress evaluator examination.
- I. Importance of the time factor.
1. An important aspect of taking burglary reports is attempting to determine when the offense took place.
  2. Typically, burglaries are reported from several hours to a number of days after they are committed.
  3. Late reporting is largely attributable to the circumstances of businesses being closed for the weekend and homeowners being away for short trips or extended vacations.
  4. Summer communities, populated by people living some distance away who visit their mountain or lake vacation homes only intermittently, represent a large problem for police.

5. Such residences are particularly vulnerable to burglars who may take all the furniture and dispose of it several months before the offense is even detected.
  - a. In such instances, the estimate of the time frame in which the offense occurred would, of necessity, be very broad.
  - b. Frequently, however, it is possible to identify a range of time during which the perpetrator attacked the premises; this can then be correlated with other data for investigative leads to either include or exclude certain persons as suspects.
  - c. For example, a person known to employ a M.O. similar to the one used in a particular offense would be a suspect.
  - d. If, however, a field interrogation report was initiated on him/her some distance away from the scene at about the same time as the offense occurred, his/her presence there would have been virtually impossible, thus, excluding him/her as a suspect.
  - e. While the example is an unusual occurrence, it is the essence which is important; as the time range in which the offense could have taken place narrows, the more useful other information becomes.
- J. Dialogue with a safe burglar.
  1. The following dialogue took place with a 23-year old convicted safe burglar serving a sentence in a state penitentiary.
  2. Although he did not regard his skill as unusual, he demonstrated it by opening, through the use of a truck tire iron, a large fire-resistant safe in only six (6) minutes.
    - Q. Where do you get your tools?
    - A. I buy them at stores such as Sears. That way, you have the most suitable tools for the job.
    - Q. Where do you obtain tanks for burning a safe?
    - A. We steal them or go to rental companies. By doing it that way we can get the best equipment and after the job, return them. Obviously, it is best not to use your name.
    - Q. Do you use your own car for carry-off jobs?
    - A. No. We buy an old junker from a used-car dealer for about \$100, use it on the job and then sell it a day or two (2) later for \$75 to \$80. We have gotten our money out of it. **INSTRUCTOR NOTE:** *Or the vehicles are stolen.*

- Q. How do you identify a business to hit?
- A. We try to avoid large shopping centers, they are patrolled more often. We case a business which is somewhat isolated, determine the volume of business, the method of transporting money to the bank and look for alarm devices, closing hours and frequency of patrol. For example, if the business employs an armored car service, we watch the time of pick up, the business volume for the remainder of the day after the pick up and the business that the store will be prepared to handle on the following day prior to the armored car pick up. We determine if the owner or store manager is bonded for transporting monies to a night deposit box at the bank. We observe the police officer, the time sequence of patrol, whether or not there is a foot officer in the area and if so, we avoid the business. Casing generally requires 10 days to two (2) weeks.
- Q. How is entry gained?
- A. It depends on the building itself and such things as alarm devices and barred windows. If entry is gained through the roof, we attach ropes to exhaust pipes and climb down, generally into a small hallway. On occasion, a building next door is entered and we break through a wall. If the door is secured by the use of a padlock, entry is fairly simple. We take a second padlock, break the original lock off, enter the building, unlock a window, climb out, replace the lock, climb back through the window and close it.
- Q. How does a lookout system operate?
- A. Generally, we have lookouts in telephone booths in the area, with the lookout calling all the numbers of the business' telephone number except the last number. Then, by a pre-arranged signal, by the number of rings on the telephone, the people in the building can know if a police officer is approaching, whether it is a routine patrol or if they have been discovered and then they can act accordingly.
- Q. How is the time selected to make a break?
- A. Generally, the best times are between 10 and 12 o'clock in the evening, after the business closes. At that time, people are on the street so that we do not attract any unnecessary attention. Also, the on-duty police officer has almost worked a complete tour of duty and is anxious to get off work. He/she does not check the buildings and the first thing the oncoming police officer does is stop for a cup of coffee.
- Q. How do you hide your car when you break a safe on the premises?
- A. We usually park it in the driveway of a home in the area, where all the lights are out. When people are asleep, they do not ask any questions.

- Q. How do you learn about how a safe is constructed?
- A. These insurance companies, in describing rates to businesses, list various types of safes and explain their operation, so we just pick up a copy of these books. We also get catalogs from safe companies.
- Q. How do you cope with tear gas in a safe?
- A. Most of the literature on safes indicates that tear gas is used frequently, so we just assume it is in all of them and go at it. You can work for a while before it bothers you. Occasionally, you can use an exhaust fan to draw it away.
- Q. On occasion, the locking devices and the tumblers from the safe have been found carefully laid out on the floor. What is the reason for that?
- A. A new man will go with us and we try to show him what makes those things work.
- K. Tracing and recovering stolen property.
1. Investigators attempt to recover stolen property through a variety of techniques.
  2. Once individual suspects are identified and arrested, legal searches pursuant to the arrest and/or search warrant are carried out in the hopes that property taken in a burglary may be found.
  3. Pawn shop records are monitored, flea markets are observed for visits of known and active burglars or for booths operated by them and classified advertisements in newspapers are checked.
  4. Efforts are made to identify the receivers of stolen property, or “fences,” who act as go-betweens for the actual thieves and those who purchase the property.
  5. Since the mid-1970's, the police have enjoyed significant success in disrupting stolen property markets and in identifying burglars and other types of thieves by going undercover and posing as illegal receivers of stolen property in “sting” operations.
  6. Field notes and reporting, the National Crime Information Center (NCIC) and complementary state and local computer systems provide means of checking to see if property is stolen.
  7. One (1) of the most intriguing applications of automated information systems to the identification and recovery of stolen property deals specifically with office equipment.
    - a. A five (5)-state pilot project matched automated stolen property files.

- b. Among the five (5) cooperating states in this project, 10,000 pieces of stolen office equipment were recovered.
  - c. In California, the recovery of typewriters alone amounted to 2,100 machines valued at a million dollars.
8. One (1) of the principal difficulties police departments encounter when they seek the assistance of other police departments or merchants in recovering stolen jewelry is providing them with an accurate description of the stolen pieces.
- a. Recently, members of one (1) police department, investigating a burglary/homicide involving a female victim, faced such a problem.
  - b. During their investigation of this crime, they learned from the victim's daughter that five (5) pieces of jewelry could not be located in the house and were quite likely stolen by the murderer.
  - c. The police department was given a verbal description of the jewelry by the victim's daughter and prepared a crime information bulletin for distribution to area police departments, pawn shops and jewelry stores.
  - d. Prior to its distribution, there was general agreement among the detectives who were investigating this crime that the bulletin would be of limited value without sketches or photos of the stolen property.
  - e. With the cooperation of a large jewelry store in their area, they were able to locate a photograph of a piece of jewelry that was identical to one (1) of the pieces stolen.
  - f. In addition, with assistance of the victim's daughter, an artist was able to sketch a color facsimile of the other stolen pieces.
  - g. Color prints were then made of the original photograph provided by the jewelry store and the artist's color facsimiles – these were incorporated into the police bulletin.
  - h. The bulletins were then distributed to area police departments, pawn shops and jewelry stores.
  - i. Within 24 hours, the police recovered all of the jewelry and arrested and charged a suspect.
    - i. The first break in the case came when the suspect pawned all of the stolen pieces in four (4) different pawn shops in two (2) nearby cities.
    - ii. The pawn shop dealers had recognized the jewelry from the police department's bulletin.



- iii. The two (2) cities in which these pawn shops were located had ordinances that required all persons pawning items to show identification.
  - iv. The suspect provided each pawn shop dealer with identification that accurately identified his correct name and address.
  - v. He was arrested several hours later after pawning the jewelry and was charged with not only the murder of the victim in this case, but also two (2) other murders that were committed in similar ways.
9. Based upon their experience and success with this case, the police department proceeded to develop a jewelry identification kit.
- a. The kit consists of 16 sections with 116 transparency pages.
  - b. Over 1,800 different pieces of jewelry are depicted, along with rings, bracelets, chains and charms. Included are approximately 160 overlays for constructing jewelry involving a combination of features.
  - c. These include examples of gold coins and other decorative items used in the manufacture of jewelry.
  - d. A system of transferring various cuts and sizes of stones from a printed sheet to a particular item of jewelry is included.
  - e. In addition, a chart that illustrates the array of colors of precious metals, gems and birthstones with color-coordinated pencils is provided.
10. One (1) of the most vexing and troublesome issues in tracing and recovering stolen property has to do with the person who just may actually have been an innocent and unknowing purchaser of stolen goods.
- a. Among indications of a lack of good faith by the purchasers are:
  - b. Buying at prices below a “good bargain.”
  - c. Purchasing from people who are unknown to them and who they do not know how to “contact.”
  - d. Taking delivery of the merchandise under unusual conditions or unusual times.
  - e. Accepting the property without a sales receipt.
  - f. Buying property when its identifying numbers have been removed or apparently altered or when there are unusual identifying stickers such as state inventory

numbers.

g. The criminal history (if any) of the individual who purchases the item(s).

11. Pawnshop ordinances and related court rulings should be reviewed.

## **XII. ROBBERY**

**P. O. 5.9.1C**

A. Importance of the problem.

B. Robbery is defined as the illegal taking of something of value from the control, custody or person of another by threatening, putting in fear or through the use of force. **INSTRUCTOR NOTE:** *The instructor may provide statistics from his/her city/county.*

1. Because of this face-to-face confrontation between perpetrator and victim, the potential for violence is always present and when it does occur, many range from minor injury to loss of life.

2. Because of its personal and often violent nature, robbery is one (1) of the crimes most feared by the public; a fear which may be heightened by perceptions of the police's inability to deal effectively with these offenses.

3. Police solve about one (1) in four (4) reported robberies.

4. The importance of robbery resides in economics, its frequency, the fear created, the potential for violence and its frequent resistance to investigative efforts.

C. Elements of the crime.

D. Robbery consists of the following elements:

1. The taking and.

2. Carrying away of.

3. Personal property of.

4. Another with.

5. The intent to deprive permanently by.

6. The use of force, fear or threat of force.

E. Taking.

1. The property taken in a robbery must be taken illegally by the robber.

2. Someone who has the right to take such property cannot properly be convicted of robbery.
  3. This illegal taking is called “trespassory.”
  4. The property must be taken from the custody, control or possession of the victim and, as will be seen later, from the victim’s presence.
  5. This element of the crime is satisfied once the robber has possession of the property; until possession has occurred, it is only an attempt.
- F. Carrying away.
1. Once the element of taking has been satisfied, the robber must then have carried away the property.
  2. As is true in the crime of larceny, this element can be satisfied simply by showing that the accused totally removed the article from the position which it formerly occupied.
  3. It is not necessary to show that any great distance was involved in the carrying away.
- G. Personal property.
1. The object of the robbery must be personal property as opposed to real estate or things attached to the land.
  2. Again as in larceny, any tangible property and some forms of intangible property represented by tangible items, such as stocks and bonds, gas, electricity, minerals and other such commodities can be objects of robbery.
- H. Another.
1. The property taken must belong to another, not to the accused.
  2. This again relates to the first element of taking.
  3. If the taking is trespassory, illegal, then the property must be the rightful property of one (1) other than the robber.
- I. The intent to deprive permanently.
1. Robbery is a crime of specific intent and requires that the prosecution establish, in court, that the defendant, at the time of taking the property by force or threat of force from the victim or the victim’s presence, did, in fact, intend to deprive the victim of the use and enjoyment of that property permanently.
  2. In most cases this can be concluded from the facts and circumstances surrounding the

case, but in specific-intent crime cases, juries are not permitted to assume this particular fact.

3. The police officer's investigation must be geared to establishing this as an essential element of the crime.
  4. The fact that force, or the threat of force, was used to secure the property from the victim is often enough to convince a jury of the accused's intent to deprive permanently.
- J. The use of force, fear or threat of force.
1. This element of the crime requires that the force, or threat of force, was directed against the physical safety of the victim rather than his/her social well-being.
  2. Threats to expose the victim as a homosexual or an embezzler do not satisfy this element of the crime.
  3. Proof that force was used or, at the very least, that the threats were made such that the victim feared imminent bodily harm is essential for successful prosecutions of robbery cases.
  4. The taking of property without force is the crime of larceny; however, the force used to separate the victim from his/her property in a robbery need not be great.
  5. Serious injury to the victim of a robbery usually presents little difficulty in convincing the investigator or the jury that force was used.
    - a. Difficulties may arise in the case of a victim who claims to have been robbed under the threat of force when no actual injury occurred.
    - b. In this case, the skill of the investigator in determining the facts of the case becomes crucial to successful prosecution.
  6. There are also more subtle situations in which the investigator must know legal requirements as well as investigative techniques.
  7. The typical purse-snatching case in an illustration.
    - a. Often, the force element of the crime of robbery can be satisfied only by determining whether the victim attempted to resist the force used, and if so, the extent of that resistance.
    - b. It is generally accepted by courts that a woman who puts her purse next to her on the seat of a bus without keeping her hand on it or loosely holds it in her hand, is not the victim of robbery if someone quickly grabs the purse and runs.
    - c. In these cases, the woman had not resisted, however, if she were clutching the

bag tightly and someone managed to grab it from her after even a slight struggle, sufficient force and resistance would have occurred to constitute robbery.

- d. A good rule for the investigator to follow in cases of uncertainty is that the removal of an article without more force than is absolutely necessary to remove it from its original resting place constitutes larceny.
  - e. If any additional force, no matter how light, is used, it is then robbery, provided the object is taken from the presence or person of the victim.
  - f. The property does not have to be held by the victim physically or be on his/her person; it merely has to be under the victim's control.
  - g. Control in this sense means the right or privilege to use the property as the victim sees fit.
  - h. It is neither necessary nor essential that the property be visible to the victim when the crime is committed.
8. The force, or threat of force, must either precede or accompany the taking.
- a. Force applied after the taking does not constitute robbery.
  - b. A victim who realized that his/her property had been stolen and attempted to recover that property, at which time force ensued, was not the victim of robbery if the property was originally taken surreptitiously and without force.
9. When force is not used, but is substituted by a threat to the physical well-being of the victim, it is not necessary that the victim actually be frightened to the point of panic, it is enough that the victim is reasonably apprehensive and aware of the potential for injury.
- K. Overview: The offense, the victim and the offender.
- 1. When generalizing about offenses, victims and offenders, certain limitations must be acknowledged.
    - a. Research findings are occasionally inconclusive and conflicting. A variety of factors count for this.
    - b. For example, a study of the various aspects of robbery in one (1) city has limited generalization power because while cities share characteristics, such factors are not precisely duplicated from city to city or perhaps not even in the same city over time.
    - c. If we attempt to compensate for this factor by using national data, a general picture emerges and individual differences disappear.

- d. If we use an intensive scrutiny of a smaller number of cases, their profile may not be like that of other intensive studies or the general profile.
  - e. Additionally, a limitation common to most studies of criminals is that we are focusing upon those who “failed,” that is, those who were caught and whose resemblance to those not apprehended is a matter of conjecture.
  - f. Despite such issues, information concerning offenses, victims and offenders is useful in providing a qualified frame of reference.
2. Robbery is essentially a problem in our large cities.
- a. In metropolitan areas, the robbery rate per 100,000 people is 293.
  - b. In cities outside of metro areas, the robbery rate is only 58 and in rural areas it is 16.
  - c. Regionally, the most populous southern states registered 32% of all reported robberies, followed by the northeastern states with 28%, the western states with 21% and the Midwestern states with 19%.
  - d. Fifty-four percent (54%) of all robberies occur on the street or highway.
3. In terms of weapons used, a firearm is used in 33% of the cases, a knife or cutting instrument is used 13% of the time, some other weapon, such as a blunt object, is used in 11% of the offenses and the remaining 43% of the robberies involve the use of physical force only.
- a. Together, these data reveal that approximately six (6) of every 10 robberies are armed and the balance are strong armed.
  - b. One (1) study showed that armed robbers had carried handguns (60%), knives (40%), sawed-off guns (15%), unmodified shoulder weapons (11%) and other assorted weapons, such as brass knuckles, explosives and martial arts weapons (16%).
  - c. The percentages total more than 100 because 25% of the offenders had carried at least two (2) weapons, most often a handgun and knife, and 10% revealed that they had carried three (3) or more weapons.
  - d. Thus, officers should continue to exercise great caution when approaching a robbery suspect who had thrown down a weapon.
4. Findings on the frequency of injury to robbery victims vary.
- a. A study of three (3) local jurisdictions reported that in one (1) jurisdiction, victims had minor injuries in only 12% of the cases; another jurisdiction reported that

- 45% of its victims had minor injuries.
- b. When the data for all three (3) jurisdictions studied are combined, the results are as follows: No injuries (64%), minor injuries (24%), received treatment and released (7%), hospitalized (3%) and killed (2%).
5. When victims are injured in a robbery, men and women have approximately the same likelihood to have minor injuries, but men are four (4) times more likely to suffer serious injuries.
- a. The self-protective measures most associated with injury to the victim are his/her use of physical force, trying to get help or to frighten the offender and non-violent resistance, including evasion.
  - b. Interestingly, the self-protection strategy most associated with non-injury is also non-violent resistance, including evasion.
  - c. When victims know the robber, they are more likely to use self-protection measures and to be injured.
  - d. Victims know robbers in about 22% of cases.
  - e. The likelihood of injury is greatest when a lone victim is confronted by several youthful offenders employing strong-arm tactics.
  - f. The use of violence by young perpetrators may simply be part of an unvarying technique in which the ability or willingness of the victim to resist is not even considered, but rather the object is to create a fear that paralyzes the victim and for bystanders to get a perverse “kick” or to be part of a hostile act in which the victim is a convenient and symbolic target.
6. Example: There is no doubt in my mind that I would have killed any victim who tried to cross me. You have to understand, I was fighting a full-fledged war against “them.” “Them” was anyone –the establishment, whites, police, anyone. I did seriously hurt a couple of victims and I actually felt pretty good about it. I thought I was getting back at “them.” At times I thought I might be winning the war. They would do something to me, and I would do something back. It was kind of a game. You see, I wanted to make “them” pay for all the shit I had to put up with. Oh yeah, there is no doubt that, especially in my earlier years, I was out to bust some heads.
7. Robberies are highest in the winter months, peaking in December, and lowest during April.
- a. The average dollar loss nationally per robbery is \$701, with an average loss of \$364 for convenience stores and \$3,591 for banks.
  - b. Crime and drugs are intimately related; in some instances, offenses are

- committed to support a drug habit, in others, the use of drugs or alcohol may reduce inhibitions and fears about committing crime.
- c. One (1) study showed that 49% of convicted robbers admitted to being dependent on alcohol or drugs and 57% had been high when they “went out on a job.”
  - d. As a practical matter, drug use has the potential to create difficult situations for investigators because people who use drugs and/or alcohol may react in unpredictable and subsequently violent ways.
8. Robbery is basically an inter-racial crime.
- a. In one (1) study, blacks said that they were robbed by blacks 86% of the time and whites said that they were robbed by whites 53% of the time.
  - b. Nationally, among those apprehended for robbery, 91% were males, 66% were blacks and 60% were under 25 years of age.
9. Although convenience, liquor, grocery and other stores are often the targets of robbery, there are a number of other types of victims.
- a. A 15-member robbery ring pulled more than 50 jobs over several months, referring to their crimes as “going out on a mission.”
  - b. Their method of operation was to cruise “high class” neighborhoods in pairs. When they spotted an expensive car, they would follow the driver home and take cash, furs and jewelry.
  - c. Two (2) robbers, one (1) of them armed with a club, threatened a female Salvation Army “bell ringer” and took both the collection's kettle and the \$40 it contained.
  - d. An armed man wearing a Nazi helmet and a bulletproof vest shot a wrecker driver and drove off in the victim’s vehicle.
  - e. A shotgun-carrying bandit with one (1) or more accomplices robbed a remote mine of one (1) ton of silver valued at \$204,000.
  - f. Before leaving, they disabled all telephones, two (2)-way radios and vehicles, giving them hours of head start before the crime was detected.
10. Despite these variations, three (3) styles of robberies – the ambush, the selective raid and the planned operation – can be classified according to the amount of planning conducted by the perpetrators.
- a. The ambush involves virtually no planning and depends almost entirely on the



element of surprise.

- i. A prime example would be robberies in which victims are physically overpowered by sudden, crude force and in which “scores” are generally small.
  - ii. The lack of planning does not mean, however, that there is no premeditation, a distinction made by one (1) offender.
  - iii. Example: I never really did any planning as you see it. I pulled robberies at random, without disguises or anything, but you must understand one thing, just because I did not do “planning” as you describe it, does not mean I did not think about crime a lot.
  - iv. I had to get myself mentally ready to commit crimes. This does not mean I planned, but I was thinking and preparing for crime constantly; I simply waited for the right circumstances to occur. When I saw the time was right, I would pull the job.
- b. The selective raid is characterized by a minimal amount of casual planning.
- i. Sites are tentatively selected, very briefly cased and possible routes of approach are formulated.
  - ii. “Scopes” vary from low to moderate and several robberies may be committed in rapid succession.
  - iii. Example: When I get ready to fall in for one, I visit the place a couple of times in one (1) day.
  - iv. I want to see how it is laid out, how to get away as quickly as possible and what kind of people work there. Women are bad to rob because they get all emotional; if the man there looks hard, I might not even mess with the place.
  - v. You can tell what people are like by the way they present themselves – I would not want to just blow a family man away, but if it is him or me, that’s business.
  - vi. I like to do pharmacies because besides the money, there are drugs and on the streets that are the same as cash.
  - vii. You can't even worry about being caught because that is negative thinking – I do not mess with any disguises, I just go to some place about 25 to 30 miles away where nobody knows me and do it, sometimes a couple real quick if I am on a roll.

- viii. Before I go out to do one, I try to relax and fish or make love a lot. You want your head to be right because it could be your life or someone else's.
  - ix. I do not take pills or drink until after work for the same reason, but if I need the money and have been doing some of that shit, I will just go ahead and pull one, but working that way is dangerous.
- c. The planned operation is characterized by larger "scores," no force, less likelihood of apprehension and careful planning:
- i. The reason I was never apprehended in five (5) years was because I never had any partners, I worked alone, kept my own counsel, I was not on an ego trip, I was not shooting my mouth off to the girls I went around with and I changed my name like I changed my socks.
  - ii. I had four (4) different aliases during that period – legitimate aliases where I would go down and get a driver's license in a different name and tell them that I was retired military or had just gotten discharged after 13 years and did not have a current license and the only license I had was a military license. With the driver's license, I opened up savings accounts and so forth.
  - iii. As far as the friends I had at the time, I never knew a thief in my life, not even when I was robbing banks. I never knew a thief until I went to prison.
  - iv. I would go into the bank well dressed – a suit and so forth, dyed hair and mustache, a couple of sweatshirts under the suit to look heavier, a hat to look taller, I never wore sunglasses, carried an attaché case and so forth.
  - v. I would go into the manager's outer office where his secretary was and say I had an appointment or something like that. To make an impression on her, I would take a .38 Colt Cobra.
  - vi. I wanted him to call his chief teller or whoever he considered the most reliable and tell him to take my attaché case into the vault and come out with all the larger bills – no one's, five's or ten's – which, incidentally, led to my downfall, that little old line, because I may just as well have signed my name to every bank I ever robbed. So the guy would go and bring the money back and then I would have him open the attaché case in front of me to make sure that there was not a bug or little homing device which could trace me and I would get an idea of how much money was in it.
  - vii. If it looked like a considerable sum of money, then I had transacted my business. Very rarely was anyone in the bank aware of what was going on. I wanted to be in and out of there in three (3) minutes flat.

- viii. The way I left the bank was (I never stole a car in my life) I bought a clunker for \$150 two (2) weeks before I robbed the bank.
- ix. A guy would advertise in the paper and I would go, give him the money, sign the slip and that was all there was to it. I would never re-register it. I would use it two (2) times: Once to drive it from where I bought it and the next time when I robbed the bank. Then, I would ditch it within one (1) minute, however far I could get. I used to pick a shopping center within a mile or so of the bank and there I would have my other car and I would switch cars. I would be wearing dishwashing-type gloves so there would be no fingerprints.
- x. Sometimes I would leave the car running with the key in it hoping some kid would steal it. I would be tickled to death if a kid would run off with it! And then, of course, I would change clothes and sometimes take the old clothes and throw them in a convenient garbage can, Goodwill box or whatever. Then, I would take cover, more or less, whether it be a local hotel, motel or crowded part of town and I would just stay inside.

L. Typology of robberies.

- 1. In addition to knowing the broad profile of the offense, the investigator must be familiar with the various types of robberies.
- 2. Visible street robbery.
  - a. Visible street robberies take place in open areas, frequently on side streets or in parking lots, and are characterized by physical force, the element of surprise and speed.
  - b. Research indicates that visible street robbery is more likely to involve a chance occurrence with little or no planning by the perpetrator.
  - c. Generally, street robberies can be classified in one (1) of three (3) ways: Armed, unarmed and the purse snatch.
  - d. In some jurisdictions, the purse snatch is classified as grand theft.
  - e. Because most visible street robberies occur quickly, the victim is unlikely to be able to provide anything beyond a limited physical description.
    - i. Purse snatches, muggings and car-jackings are the most common of visible street robberies and studies indicate that the perpetrator is not likely to be armed.
    - ii. The use of physical force is not uncommon and the victim may be

knocked to the ground or beaten by the perpetrators.

- iii. In particular, younger offenders often use their numbers as a weapon and consider the commission of a robbery as an act which enhances their status within the peer group.
  - iv. In many instances, the major reward is peer admiration rather than the money.
  - v. Most street robberies occur at dusk or after dark, although some form of artificial light is usually present.
  - vi. Subjects who commit visible street robbery are likely to number two (2) or more, be young, black and have a previous record of involvement with authorities.
  - vii. Preparation for the act is generally minimal and it would appear that the decision to commit a robbery is based largely on opportunity.
  - viii. In many instances, the robbery is a group decision, frequently on the spur of the moment.
  - ix. However, it is not unusual for two (2) or more youths to set out with the idea of committing purse snatches, muggings or carjacking.”
- f. The older robber is more interested in the financial aspect of the robbery and is, therefore, more likely to plan the type of robbery although not the individual/specific victims.
- i. Perpetrators frequently stake out a night depository box at a bank, an automatic teller location or businesses that close late at night.
  - ii. The more sophisticated street robbery involves some planning and the victim may be someone known to carry large amounts of money.
  - iii. In such cases, the perpetrator is usually armed and works with an accomplice, who drives the get-away car.
2. Non-visible robberies.
- a. Although there are many similarities between visible and non-visible robberies, certain aspects give the latter a character of its own.
  - b. Non-visible robberies occur off the streets, usually in a residential or commercial building, a public transportation facility or some similar location.
  - c. They are generally committed by youths, but the average age of the perpetrator

is slightly higher than in visible robberies.

- d. The use of a weapon is more common, especially in robberies occurring in residential lobbies, hallways and elevators.
- e. Frequently, perpetrators have “graduated” from visible street robbery.
- f. They generally work alone or in pairs, particularly in residential buildings, and both the planning and intent to commit robbery are more common.
- g. Victims in public areas, such as train stations and bus terminals, are likely to be elderly men and women.
- h. Robberies in residential buildings, particularly apartments and high-rise buildings, are committed against anyone who comes along.
- i. The tendency toward violence is heightened in non-visible robberies, particularly when the victim refuses to submit.
  - i. Unfortunately, data rarely reveals the mobility of suspects, but few travel great distances to commit the crime.
  - ii. Most are familiar with the neighborhood and escape on foot or in public conveyances.
  - iii. Perpetrators are likely to have criminal records.

3. Residential robberies.

- a. Residential robberies, in which the perpetrator actually enters a home, account for 10% of reported robberies.
- b. It is estimated that slightly more than half ( $\frac{1}{2}$ ) of residential robberies begin as house burglaries in which the perpetrators were discovered by an occupant of the home.
- c. In residential robberies, the victim and suspect may have known each other slightly.
- d. Some victims of robbery are chosen because they are thought to keep money, drugs or valuables.
- e. In wealthy neighborhoods, victims are apt to be chosen randomly.
- f. Perpetrators of residential robberies are likely to be armed with either knives or hand guns.

- g. They will also typically have a prior criminal record.
  - h. Similar occurrences may be the work of a relatively small number of subjects working together.
4. Vehicle robberies.
- a. The vehicle robbery generally involves the hold-up of commercial drivers.
  - b. Taxicabs, buses and delivery vans are the most frequent targets.
  - c. There is a correlation between the probability of robbery and the area a driver works; those working in the inner city are most likely to be victimized.
  - d. Most vehicle robberies occur during evening hours; only delivery vans appear to be robbed more frequently during the afternoon.
  - e. Unlike street robbers, perpetrators are generally armed, in their late teens or early twenties and have set out with the intention to commit a robbery.
  - f. Little or no thought is generally given to the individual victim, although plans are made for the method of escape.
  - g. In the case of a taxicab, the driver is frequently given an address in a quiet or secluded area and robbed at the destination.
  - h. Perpetrators of vehicle robberies tend to be violent and taxicab drivers are often injured or killed.
  - i. Plexiglas screens in taxicabs may reduce hold-ups and injuries.
5. Commercial robberies.
- a. Most commercial robberies are of small businesses and stores that are open in the evening and night hours, such as convenience stores, service stations, bars.
  - b. Robbers also invade restaurants or other premises and take money and valuables from patrons, including cash, watches, wedding bands and other jewelry.
  - c. Victimization studies indicate that while 59% of robberies happen between 6:00 p.m. and 6:00 a.m., 60% of all serious injuries (broken bones, loss of teeth, internal injuries and all other injuries resulting in hospitalization of two (2) or more days) occur during this time period.
  - d. Commercial robbers, who are typically armed with firearms, appear to contribute disproportionately to violence done to victims.

- e. Victims may resist because of the stakes involved and robbers may then use force.
- f. Perpetrators of commercial robberies are more likely to be experienced robbers.
- g. Since a commercial robbery suspect is more likely to have a criminal record, the possibility of developing information from his Modus Operandi (M.O.) is heightened.
- h. The number of adults committing commercial robberies is higher than those involved in street crimes.
- i. Officers should secure business surveillance camera photographs.  
**P. O. 5.9.1C**
- j. The Federal Bureau of Investigation (FBI) should be notified of all robberies committed at federally-insured institutions.  
**P. O. 5.9.1C**
- k. While investigating a commercial robbery, officers should inquire into the existence of bait, bills or traceable currency.  
**P. O. 5.9.1C**
- l. As with other similar crimes, it is important that the officer carefully identifies the M.O. and it should be well documented in the officer's report.  
**P. O. 5.9.1C**

**M. Arrest probabilities.**

- 1. Robbery bears a comparatively low clearance rate, only 26%.
- 2. The reasons for this are:
  - a. Physical evidence may not be found.
  - b. The time perpetrators are at the scene is limited.
  - c. Witnesses are usually shaken so their information runs from minimal to completely erroneous.
- 3. Physical descriptions are the most common evidence, but these are of limited use when offenders enjoy geographic mobility.

**N. Investigative techniques.**

- 1. Police response to the report of a robbery has these components: Responding to the scene, tactical situations at the scene, the original investigation and latent or follow-up investigation.
- 2. Responding to the scene.

- a. On route to the scene of a robbery call, the officer must ensure that all information available from the dispatcher has been obtained.

**P. O. 5.9.1C**

- b. Obtain the answers to the following questions:
- i. What is the exact location of the offense, including the type of business?
  - ii. Is the offense in progress?
  - iii. How many suspects are involved?
  - iv. What type and how many weapons were displayed?
  - v. What description of the suspect is available?
  - vi. By what method and in what direction did the suspect flee?
  - vii. What is the description of the means of transportation used by the suspect?
- c. In approaching the scene, the officer must be alert for several possibilities:
- i. The dispatcher may provide information on the suspects' escape, such as their direction in fleeing from the scene and whether they were on foot or in a vehicle.
  - ii. If the dispatcher cannot supply any information other than the nature of the call, information about the target, M.O., suspects, vehicles, weapons used and other factors in recent robberies may help the responding officer recognize the suspects if they are moving away from the scene on the street along which the officer approaches.
  - iii. The fleeing suspects may, as the officer approaches them on the way to the scene, abruptly turn off, fire at the officer or otherwise suddenly reveal themselves.
- d. The primary tactical objectives of officers responding to a robbery are: Public safety, officer protection and tactical control of the scene.
- i. Secondary objectives include: Conducting the preliminary investigation, perpetrator apprehension and property recovery.
  - ii. Arriving at the scene unobserved by the suspects facilitates the achievement of both primary and secondary objectives.
  - iii. It also allows tactical control and the element of surprise to pass from the robbers to the police.



- iv. Units assigned to a robbery call should plan and coordinate the actions to be taken at the scene.
  - v. Because the perpetrators may have police scanners, care should be taken with respect to radio transmissions.
- e. Arriving officers should not give away their exact positions and should refer to buildings (e.g., the “A” building) by pre-arranged letter designations.
- i. They can never assume that the robber(s) have left the scene, for example, robbers have been known to hide either near or at the scene, seeking to escape detection.
  - ii. Responding units should approach separately on streets parallel to that on which the robbery occurred or is occurring, using emergency lights, but not sirens.
  - iii. The use of emergency lights permits more rapid progress through traffic.
  - iv. The reason for not using a siren is that it may panic suspects either near or at the scene, triggering violence or hostage taking.
  - v. It is believed that nine (9) out of 10 hostage situations that develop out of robberies occur because of a too visible, first-responding officer.
- f. At a distance of three (3) to five (5) blocks from the scene in an urban area and much farther in rural settings, the emergency lights should be turned off to avoid possible detection by a lookout.
- i. The police officer should begin to decelerate smoothly, thus avoiding engine noise, squealing tires or “emergency” stops that could give away the police car’s arrival.
  - ii. The first officer on the scene must quickly “size up” the area to gather any possible intelligence, including location of robbers, lookouts and escape vehicles.
  - iii. The locations of the perpetrators are particularly important given the fact that such criminals may have automatic and other weapons – which they are willing to use.
  - iv. Actually identifying lookouts may be difficult; two (2) officers in New York were killed by a lookout disguised as a nun.
- g. The officer should leave his/her car quietly and move, unobserved, to a protected position to watch, where possible, two (2) sides (e.g., north and east)

of the building.

- i. One (1) of these sides should be the exit most likely to be used by the robbers.
  - ii. Moving unobserved does not necessarily imply moving quickly.
  - iii. Running into position may invite passers-by to “rubberneck,” giving away the officer’s position.
  - iv. Before moving to any position, the officers should make sure that the background of that position, when viewed from the perpetrators’ positions, does not silhouette them.
- h. The officer in the second unit should take the same precautions as the first, in moving into position.
- i. The second officer’s responsibility is to cover the two (2) remaining sides (e.g., the south and west).
  - ii. Both officers should keep their vehicles and portable radios at low volume to avoid being detected.
  - iii. The primary and back-up officers should be sure that their positions in the lines of fire do not engage each other.
  - iv. It is also of particular importance when moving into their respective unobserved positions that officers not get inside of (between) any possible lookouts and the robbery scene.
  - v. Such a position would leave them vulnerable to fire from several sides.
- i. Both in approaching the scene and at the scene, officers should avoid action, physical or situational stereotyping.
- j. **Action stereotyping:** Action stereotyping occurs when the officer’s expectations are so set to see one (1) thing that he/she fails to perceive the event accurately.
- i. For example, the responding officer may expect the suspect to come rushing out of the store, hop into a “souped-up” car and speed away.
  - ii. Although this may be the case, there are also other possible behaviors.
    - a) Two (2) robbers who confessed to over 20 “Quick Mart” robberies had been apprehended during a police surveillance.
    - b) While being interrogated, the pair revealed that they had come

close to being caught on several occasions when responding units arrived at the scene very quickly.

- c) They said they had escaped apprehension at those times by simply walking away in a normal manner. This proved to be an embarrassment for one (1) officer who remembered the pair walking past his car. This officer said they just appeared to be “normal” citizens and that there was nothing extraordinary about them.
- d) In Los Angeles, a young bank robber arrived at the scene to evaluate his target and left after the robbery by the same method, a rented chauffeur-driven limousine.
- e) Officers responding to a robbery call arrived at the scene as several people ran out of the business involved. When the people ignored orders to halt, one (1) officer shot and killed one (1) of them and injured several others. All of them were witnesses or victims running to escape from the robber, who was still inside.
- f) A silent alarm was triggered and officers were dispatched to the scene of a possible robbery in progress.
- g) As the officers got out of their cars, a man calmly walked out and waved at them, stating that the alarm had accidentally been set off. The officers left.
- h) Later it was found that the robber had killed a pharmacist and shot a clerk, who survived to identify the robber/murderer as the man who had greeted the police.

k. **Physical stereotyping:**

- i. Physical stereotyping is an officer’s expectation that the robber will be of a particular description.
- ii. Such stereotypes may allow the suspect to escape or be fatal to officers.
  - a) An officer entered a convenience store in response to an alarm; his gun was drawn, but he started to put it away when he did not see anything out of the ordinary.
  - b) As he approached the two (2) clerks behind the counter, the younger one (1) yelled a warning: The other “clerk” was an armed robber whose appearance (he was 60 years old) did not fit with the officer’s stereotype of a robber.

- l. Situational stereotyping:** In situational stereotyping, the officers' previous experiences with, and knowledge of, a particular location increases their vulnerability:

  - i. A silent alarm went off at a bar; the call was dispatched and as the assigned unit drove toward the bar, the two (2) partners joked about the inability of the owner to set the alarm properly as he was continuously tripping it accidentally, creating frequent false alarms.
  - m. The officer operating the police car parked it in front of the bar; as the two (2) officers began to saunter casually up to the front door of the bar, two (2) suspects burst out with guns in hand and began shooting. Miraculously, neither officer was hit. One (1) of the suspects was wounded and arrested at the scene, the other one escaped and was not apprehended until several weeks later.
  - n. Returning to some earlier points:

    - i. Although the suspects may be observed fleeing the scene or reveal themselves in some manner to the officer assigned to respond to the call, such encounters do not take place with any regularity.
    - ii. In addition, deviating from the assignment to become engaged in a "pursuit" instead of proceeding directly to the call will often be unproductive.
    - iii. In such instances, the "suspect," especially one driving an automobile, may merely be acting in a suspicious manner because he/ she may have committed some minor traffic violation and is fearful that the officer is going to write him/her a traffic citation.
    - iv. The officer actually assigned to the robbery call should not normally deviate from the assignment without a significant reason; the officer's responsibility is to get to the scene and to get accurate, detailed information for the preliminary pick-up order as rapidly as possible.
    - v. By doing so, more resources are then brought to bear on the offense and the likelihood is reduced that other officers may unknowingly stop armed suspects for what they think is only a traffic violation.
  - o. If not assigned to the call as the primary or back-up unit, other officers should not respond to the scene.

    - i. Instead, they should patrol along a likely escape route such as entrances to expressways.
    - ii. They should avoid transmitting routine messages, as the primary unit will need to transmit temporary pick-up orders concerning the offense.

2. Tactical situations at the scene.
  - a. Having arrived undetected at the scene, the first responding officer must make a crucial assessment:
    - i. Have the suspects fled the scene or are they still inside the building?
    - ii. The officer's best course of action is to have the dispatcher call the business and have the owner, operator or an employee come out of the building and approach the officer.
  - b. When this happens, unless the officer recognizes the person as being connected with the business:
    - i. He/she should be asked to raise both hands above the head and to halt 30 feet away in a position not near cover.
    - ii. Raise the coat if he/she is wearing one (so the officer can check for weapons).
    - iii. Approach 15 feet and toss some identification toward the officer.
    - iv. Remain standing there, hands over the head, while the officer examines the identification and shares the information with the dispatcher.
  - c. The officer must be alert concerning what is going on at the business, what the subject is doing and movement on the street in general.
  - d. It is crucial that the officer not leave protected cover until fully satisfied.
  - e. An officer who has any suspicions at any time during the process should require the subject to kneel with hands raised above the head and request assistance.
  - f. Even if the officer recognizes the person who exits the business, he/she must continue to exercise caution.
  - g. Consider a husband and wife who operate a small neighborhood grocery.
    - i. A subject in that grocery may have spotted the officer moving into position and ordered the husband out of the store to "get rid of the cop or get him/her in here or your wife is dead."
    - ii. Thus, any person who comes out of the building should be asked how many people are on the premises.
    - iii. These people should be asked to exit the building individually on the

command of the officer and they should be checked for weapons also.

- h. The officer should enter the building with great care only after he/she has appropriate back up in the proper position.
  - i. Such tactics may occasionally upset the business person who has just been robbed if the suspects have already left the scene.
  - ii. The officer's use of extreme caution is justified by reasons previously noted in this chapter.
  - iii. Experience has shown that most victims will readily accept the use of extreme caution when given an explanation.
  - iv. While the doctrine of some departments limits the use of invisible response tactics to robbery-in-progress calls, others use it for all robbery calls, a position that is reflected here.
- i. If a suspect is immediately observed:
  - i. The investigator/officer should determine the person's most likely avenue of flight and possible locations of any accomplices and be aware of the potential for hostages.
  - ii. If the investigator is fired upon by the perpetrator, he/she should not return the fire unless able to do so without needlessly endangering the victim or passers-by.
  - iii. The dispatcher should immediately be advised of all gun shots so that arriving units will not, unknowingly, be placed in jeopardy.
  - iv. It is far better to allow the escape of the perpetrator than to kill an innocent person by the premature or careless discharge of a weapon.
- j. With a suspect who is **not** attempting to flee or to take aggressive action, but who refuses to drop his/her weapon when so directed:
  - i. The officer is not authorized to open fire.
  - ii. The officer should remain alert for some sign that the suspect intends to discharge the weapon or flee.
  - iii. Assistance will arrive rapidly and at that time, the suspect can be disarmed by standard cover-and-disarm techniques.
  - iv. Deadly force must be used only as a last resort.

- k. When the subject is barricaded or holding hostages:
  - i. The officer assigned to the call should immediately advise the dispatcher of this and proceed as provided by departmental policy.
  - ii. Usually this entails dispatching a supervisor, special tactical units and sealing off and evacuating the area.
  
- 3. The original investigation.
  - a. A robbery may produce a great variety of physical evidence:
    - i. Hair samples.
    - ii. Blood.
    - iii. Fingernail scrapings.
    - iv. Fibers.
    - v. Buttons.
    - vi. Notes and similar materials.
  - b. Such evidence may be discovered only through diligent effort.
  - c. The investigator/officer must always conduct a thorough crime scene search.
  - d. The most common type of evidence is produced by careful interviews of victims and witnesses.
  - e. It usually includes:
    - i. A description of the perpetrator, clothing and the weapon.
    - ii. Directions given in committing the offense.
    - iii. The direction of approach and flight.
    - iv. And less frequently, a description of the means of fleeing the scene.
  - f. The interview phase of a robbery is critical to a successful conclusion.
  - g. Because of the availability and importance of this type of evidence in robbery cases, the investigator/officer must be thoroughly familiar with principles of witness perception and identification.

- h. The investigator/officer must remember that identifications are made by human beings who perceive things differently.
- i. The whole approach to the investigation must be directed toward securing the most accurate identifications and descriptions humanly possible, because no less is acceptable in the courtroom.
- j. A number of departments use a checklist for obtaining personal descriptions, such as the one in Chapter 6, Field Notes and Reporting.
- k. Even experienced investigators/officers will, on occasion, inadvertently fail to obtain a full description resulting in lost information and as a consequence, a reduction in the opportunity for apprehension.
- l. A description report also offers the possibility of computerizing the information so that, by means of periodic “searches” and the correlation of information from offenses involving similar descriptions, the probability of apprehension can be increased.
- m. Typically, robbers approach the scene with care.
  - i. After the robbery, however, they may flee recklessly.
  - ii. The investigator/officer should take great care to establish and check the avenues of flight and approach to locate dropped articles that might help in the identification of the suspect.
  - iii. The immediate area should be canvassed by a “neighborhood check” to locate witnesses to the offense or to the flight of the perpetrator.
  - iv. In the latter case, the investigator is occasionally able to locate a person who observed an individual, matching the suspect’s description, enter a vehicle about which they can provide considerable information.
- n. In addition to obtaining a description of the offense and offender, the interview of the victim should elicit information concerning:
  - i. The exact words spoken by the offender, which may constitute an identifiable M.O.
  - ii. The physical condition of the perpetrator, including anything that would suggest the use of alcohol or drugs.
  - iii. The possibility that a disguise was used.
  - iv. Any nervous mannerisms of the perpetrator, such as tics or stutters.



- v. The possibility that the perpetrator recently had visited the victimized premises and said, did or wore something which would assist with identification.
- o. If resources permit, a likeness of the suspect should be assembled using one (1) of the several types of kits.
  - i. One (1) kit has 576 plastic overlays.
  - ii. These overlays are divided between 11 different categories: Hair, eyebrows, hats, beards, eyeglasses, chins, noses, eyes, lips, age lines and facial tones.
  - iii. Each overlay has a unique designation.
  - iv. When the overlays are “sandwiched” together, a likeness of a suspect is produced.
- p. To learn to operate this type of kit requires a basic course of 20 to 40 hours.
  - i. A skilled officer can produce a likeness of a suspect in 20 minutes, more rapidly than an artist can draw.
  - ii. Each overlay has its own designation so that information can be transmitted nationally or internationally to any qualified operator, who in turn can assemble an exact likeness.
  - iii. In departments where such kits are used regularly, it is not unusual to have a likeness assembled, reproduced and circulated to patrolling units and investigators within two (2) to four (4) hours.
- q. Another means of generating a likeness of a suspect is through the use of a computer program such as Compusketch.
  - i. The process begins with an on-screen interactive interview that includes both multiple-choice and open-ended questions.
  - ii. Upon the completion of the interview, a sketch is automatically assembled from a comprehensive image library of over 40,000 features.
  - iii. This initial sketch can then be further modified to portray unique facial characteristics on the basis of witnesses’ reactions.
  - iv. Compusketch can create images of virtually any race, gender or age beyond approximately 12 years.
  - v. Compusketch can be used, following an eight (8)-hour course, with

appropriately configured Apple or IBM-compatible personal computers.

4. Follow-up investigation.
  - a. The follow-up investigator/officer should review a copy of the original offense report to become familiar with the case.
  - b. The investigator/officer should consider facts that suggest an M.O., such as:  
**P. O. 5.9.1C**
    - i. The target of the robbery.
    - ii. Weapons.
    - iii. The type of property taken.
    - iv. The exact words spoken by the perpetrator.
    - v. The number of suspects and the tasks they performed.
    - vi. Needless or vicious force and similar elements.
  - c. All physical evidence should be personally examined by the officer assigned to the follow-up investigation.
  - d. A file check should be made of the victim's name in case the person has a history of making crime reports.
  - e. Certain types of businesses, such as economy gasoline stations, often do not conduct even a minimal background investigation of employees.
    - i. Given the availability of cash and long periods of isolation during the night hours, an untrustworthy employee occasionally pockets the cash for his/her personal gain and covers its absence by claiming a robbery was committed.
    - ii. A file check on the complaining witness may suggest such a pattern.
    - iii. The investigator/officer should re-interview the victim and witnesses if it appears that there may be information that was not obtained due to incomplete questioning or insufficient recall of the event.
  - f. Occasionally, witnesses will remember some details and not go to the "trouble" of looking up the police department's listing, so the investigator/officer should leave a card with his/her name and department phone number.
  - g. If a likeness of the suspect has not been made, this should be done immediately.

- h. The victim and witnesses should review the mug-shot file of known and active robbery perpetrators.
- i. The investigator/officer should return to the crime scene at exactly the same time that the offense was committed and attempt to locate additional witnesses and the neighborhood check should be re-conducted.
- j. An attempt should be made to tie the offense to other robberies, as the combined information from several offense reports may result in sufficient detail to identify a perpetrator.
- k. Reliable informants should be contacted by the investigator.
  - i. This should be done judiciously.
  - ii. They should not be called on to provide information on every open case regardless of its importance.

**O. The crime scene technician and the laboratory.**

1. In many departments, the uniformed officer is responsible for processing the crime scene.
2. Other departments are fortunate enough to have the services of a special crime scene technician trained in procuring evidence at the crime scene.
3. Technicians are not miracle workers – they cannot develop evidence that simply does not exist.
4. Laboratory personnel can contribute little if they have not been given something substantive with which to work.
5. Evidence must be collected, preserved and identified according to established procedures for the laboratory to process it and for it to be usable in a court proceeding.
6. To ensure the admissibility of physical evidence, responsibility must be firmly fixed for maintaining the chain of custody of each item with a view toward accurate and appropriate identification of the item in court.

**P. The investigator's educational responsibility.**

1. Investigators/officers and their departments should be prepared not only to identify and locate the perpetrator and recover stolen property, but also to prevent as many offenses as possible.
2. Toward this end, a number of departments have undertaken anti-robbery campaigns which focus on preventing the offense rather than reacting to its commission.

3. Typically, the programs take one (1) of the following forms:
  - a. Seasoned investigators speak before community groups.
  - b. Uniformed patrol and/or crime prevention officers visit businesses in their geographic area of responsibility offering observations based upon the individual premises that will make the businesses less attractive to robbers, coupled with the distribution of handout materials.
  - c. Sometimes, convicted robbery offenders speak to groups about the determinants for selecting a business to be “hit.”
4. Regardless of their form, such presentations usually cover three (3) broad areas: Preventive measures, anticipatory strategies and reactive measures.
  - a. Preventive measures.
  - b. Business operators can reduce the likelihood of being victimized through basic “target hardening” and related measures, such as:
    - i. Keeping the interior, exterior and parking areas of the business well lighted.
    - ii. Removing, from the windows and doors, all advertisements that would block a clear view into the store.
    - iii. Placing cash registers where they can be seen through the store’s front windows.
    - iv. Counting the daily receipts out of public view.
    - v. Safeguarding the movement of cash.
    - vi. Armored cars or escort services should be used whenever feasible, but if employees must make cash deposits at a bank, they should vary the routes and times to avoid establishing a pattern.
    - vii. Making bank deposits several times each day to minimize the cash on hand.
    - viii. Using a “drop safe.” A drop safe sits on the floor, is mounted in the floor and has a slot in it through which cash can be deposited. Ordinarily, a drop safe can be opened only by the armored car or escort service with which the business has a contract.
    - ix. Writing money orders only after receiving the cash from the customer

and placing it in a drop safe.

- x. Asking customers for the exact change or their smallest bill.
- xi. Using alarms, which are periodically examined to ensure proper functioning.
- xii. Posting prominent notices concerning cash precautions (e.g., “This store keeps less than \$25.00 on hand after 6 p.m.”).
- xiii. Displaying posters that summarize the state’s robbery statute (e.g., “A conviction for armed robbery requires 10 years in prison”).
- xiv. Keeping “bait money” (currency whose serial numbers and related information, such as denominations, have been pre-recorded) to hand over in the event of a robbery. **P. O. 5.9.1C**
- xv. Placing dye packs in stacks of currency. However, even the presence of such paint does not guarantee that people will contact the police. **P. O. 5.9.1C**
- xvi. Example: A man drove his personal car to a branch bank and robbed it.
- xvii. As he was entering his car after the robbery, a dye pack exploded, covering him and his car with bright orange paint. A witness heard him say, “Oh damn!”
- xviii. The suspect drove back to his place of employment, a large manufacturing plant, and went back to work. When police arrested the man at work a few hours later, they asked his supervisor if he thought it at all odd that the man was covered with bright orange paint. After thinking for a moment, the supervisor replied, “No, a lot of strange people work here.”
- xix. A surveillance camera can take individual photographs and can be triggered by a remote-control device. **P. O. 5.9.1C**
- xx. Alternatively, a closed-circuit television (CCTV) can be used to continuously record the premises.
- xxi. Being alert for any suspicious person on or near the premises.
- xxii. If a vehicle is involved in any such suspicious observation, a full description, including license plate number, should be obtained and all information immediately transmitted to the police.
- xxiii. Greeting each customer personally so potential robbers know that they have been noted and may be identified later.

- xxiv. If an individual enters just ahead of a suspicious person, ask the first individual whether they are together; this will often cause the first person to look at the suspicious person, which creates the attention that robbers want to avoid.
  - xxv. Keep opening and closing hours parallel to other businesses in the immediate area.
  - xxvi. Using protective glass, if in a high-crime district, to secure the cashier enclosure and register.
  - xxvii. The glass should be high enough to keep someone from vaulting over the top and the cash opening should be small enough to prevent the insertion of anything that could be used to threaten the cashier.
- b. Forensic photography analysis.
- c. The Bank Protection Acts of 1968 prescribed certain minimum security requirements for financial institutions.
- i. This, along with the security consciousness created by the crime prevention movement which began during the early 1970's in this country, has resulted in a widespread use of surveillance cameras not only by financial institutions, but also by many other types of businesses.
  - ii. As a consequence, it is not uncommon to have pictures of an actual robbery.
  - iii. In some banks, the number of photographs may be as high as 800 to 1,000, although fewer than a dozen ordinarily yield information of investigative significance.
  - iv. When the robber has not worn a mask, it is possible to compare the forensic photograph with file pictures of suspects.
  - v. The comparison may be a simple visual check or laying a photographic transparency over the file pictures to compare the size, shape and symmetry of the eyes, eyebrows, nose, mouth, ears, facial creases, scars, marks and head shape.
  - vi. Even when robbers wear a mask, the analysis of forensic photographs may yield useful information, such as the height of the suspect and defects in clothing.
  - vii. Despite the fact that analysis of forensic photographs has already demonstrated its utility on a number of occasions, it is a field from which

additional determinations can be expected as the quality of forensic photographs improves and as new methods of analysis are applied.

- d. Anticipatory strategies.
  - i. All business owners and their employees should recognize that as a matter of statistical probability, they may be victimized at some point.
  - ii. They can, however, reduce the impact of a robbery by planning how they will act when it does occur.
  - iii. This process should lead to all employees being thoroughly trained in their responsibilities in the event of a robbery.
  - iv. Post the number(s) for emergency services (police and emergency medical services) near the telephone.
  - v. As a general guiding principle to behavior in such situations, the primary objective must be protection of life, not of money.
  - vi. This is justified not only by fundamental values, but also by the fact that most employers and employees are not properly prepared to resist.
  - vii. Thus, it is generally recognized that during a robbery victims should:
    - a) Not attempt to reason, negotiate or argue with the robber; instead, robbers should be given the cash and/or merchandise that are/is demanded.
    - b) Not fight or attack the robber; trying to overcome an armed robber is not heroic, it is foolhardy.
- e. Reactive measures.
- f. Because robberies are usually completed within one (1) to two (2) minutes, reactive measures need to be pre-established.
  - i. Concentrating on the robber, if this can be done safely, to be able to provide a full description to the police.
  - ii. Although there may be several robbers, it is best to concentrate on one (1) of them.
  - iii. However, if there is more than one (1) employee, there should be pre-established zones of responsibility for each to observe when multiple robbers are present.

- iv. Calling emergency services to get any needed medical assistance and to notify the police immediately.
- v. Once on the telephone with an emergency dispatcher, the victim should not hang up unless instructed to do so.
- vi. Calling for help first is not an automatic response for some people.
- vii. Occasionally, victims will call family members to tell them what has happened and that they are all right.
- viii. Not chasing the robber.
- xi. A chase invites the use of violence; moreover, arriving police units may mistakenly shoot victims or witnesses running out of stores from a perpetrator still inside and/or witnesses in pursuit of the robber.
- x. Protecting the crime scene.
- xi. The person in charge of the premises should be prepared to point out things the robbers touched and or left at the crime scene.
- xii. Discontinuing all business until the police complete their investigation.
- xiii. The doors to the business should be locked as soon as it is safe to do so after the robbers leave.
- xiv. This will eliminate the possibility that robbers panicked by arriving police units will retreat back to the crime and take hostages.
- xv. Separating witnesses and asking them not to talk.
- xvi. Witnesses should be asked to individually fill out a description checklist on each robber.
- xvii. If witnesses absolutely must leave the premises before the police arrive, an attempt should be made by the person in charge to get their identity and all pertinent locator information.

### **XIII AUTO THEFT**

- A. Auto theft is a term which covers the theft of many types of motorized vehicles, including passenger cars, trucks, motorcycles, ATC's, etc.
  - 1. It is one (1) of the most serious problems for law enforcement and is the most costly offense confronting the American public today.



2. The total loss due to vehicle theft in the United States this year will exceed FIVE BILLION DOLLARS!
  3. The average loss in a burglary in 1993 was \$1,133 while the average loss in auto theft for the same year was \$5,032.
- B. Citizen and law enforcement apathy are a part of the problem.
1. There is an attitude that auto theft is a juvenile crime with the motive of joy riding and that the greatest majority of stolen vehicles are recovered.
  2. This attitude also says that those vehicles not recovered are covered by insurance.
  3. Although juveniles are still heavily involved, joy riding is no longer the predominant motive.
  4. In years past, 75% to 80% of vehicles were recovered.
  5. Now, we recover only about 52% and of those recovered, many are stripped.
  6. Anyone who has looked at his/her insurance premium knows that we have a problem. The more an insurance company pays out, the more it charges.
  7. The first line of defense against the crime of auto theft is the patrol officer.
- C. The legal basis.
1. A knowledge of the various statutes under which vehicle theft and its related offenses are charged is essential.
  2. A.R.S. §13-1802 – Theft. Most cases of vehicle theft or possession of a stolen motor vehicle are charged under this statute.
  3. The elements of the crime are as follows:
    - a. “Without lawful authority”: Without the permission of the owner or other legal authority such as repossession.
    - b. “Knowingly”: The person committing the offense knows what he/she is doing is against the law and knows that he/she is committing the offense.
    - c. “Controls property of another”: Takes, or is in possession of, the property of another person.
    - d. “With the intent to deprive”: The person committing the offense means to keep the property from its owner.

4. In addition to the covert taking of a vehicle, other types of theft are also covered in this statute:
  - a. A.R.S. §13-1802(A)(2) – Embezzled auto: This occurs when a person keeps a loaned vehicle for longer than agreed upon.
  - b. A.R.S. §13-1802(A)(3) – Fraud: This occurs when a person obtains a vehicle through a misrepresentation such as a bad check or false identification.
  - c. A.R.S. §13-1802(A)(4) – Lost property: This occurs when a person finds something that belongs to another, keeps it and does not attempt to notify the owner.
  - d. A.R.S. §13-1802(A)(5) – Possession: This applies when a person is in possession of property which he/she knows, or should have reason to know, is stolen. It is charged as theft by control.
  
5. The value of the property taken must be considered in the charging of the crime.
  - a. Most vehicles are valued at over \$1,500 which is a Class 3 felony.
  - b. Class 4 is \$750 to \$1,499.
  - c. Class 5 is \$500 to \$749.
  - d. Class 6 is \$250 to \$500.
  - e. Misdemeanor Class 1 is less than \$250.
  - f. If the item(s) taken has/have a value of less than \$250, but is/are a vehicle or firearm, it is a Class 6 felony.
  
6. A.R.S. §13-1803 – Unlawful use of means of transportation. This is what is commonly known as the “joyriding statute.” The elements are as follows:
  - a. “Without intent to permanently deprive”: The person taking the vehicle does not intend to keep it from its owner for more than a short time, usually less than a day.
  - b. “Takes unauthorized control”: The person taking the vehicle does not have permission to take it.
  - c. “Another’s means of transportation”: A vehicle belonging to another person.
  - d. This statute is charged when a person takes another’s vehicle, drives it around for a few hours and then abandons it in basically the same condition as it was when it was stolen.

7. A.R.S. §13-1806 – Unlawful failure to return rented property. This applies to rental vehicles and other rented property. The elements are:
- a. “Without notice to and permission”: The renter does not contact the owner to get permission to keep the property longer.
  - b. “Knowingly”: The person knows the property should be returned.
  - c. “Fails without good cause”: The person does not have a good reason for not returning the property.
  - d. “Within 72 hours after the time provided”: There is a three (3)-day leeway given for the return.
8. A.R.S. §28-4593 – Altering a serial or identification number. It is under this statute that a VIN switch (the altering or changing of a vehicle’s identification number) is charged. The elements are: **P. O. 5.9.1D**
- a. “Without permission of the department”: A person removes numbers without the permission of the Department of Transportation.
  - b. “Knowingly”: The person knows what he/ she is doing.
  - c. “Removes, defaces, alters, or destroys any manufacturer’s serial or identification number”: This applies to all places the number appears on the vehicle, not just the number on the dash.
  - d. “From any motor vehicle or major component part”: This includes removing the numbers from items like doors, engines, transmissions and those major body parts having numbers.
    - i. The simple act of doing this, such as in a body reconstruction, is a Class 3 misdemeanor.
    - ii. Doing this with the intent to alter the identity of the vehicle is a Class 5 felony.
9. A.R.S. §28-4594 – Altered serial or identification number; seizure. **P. O. 5.9.1D**
- a. This statute gives you the authority to seize a vehicle whose numbers have been removed, defaced, altered or destroyed until such time as the vehicle is properly identified.
  - b. Vehicles meeting the previous conditions can be seized immediately.
  - c. Before doing so, check for a STATE ASSIGNED NUMBER which is a sticker, plate or

stamped number assigned by the Motor Vehicle Division for vehicles whose numbers were removed, altered, defaced or destroyed.

d. **This is usually located on the body inside where the driver's door closes.**

e. Check your department's policy before seizing a vehicle.

10. A.R.S. §28-4846 – Inspection for stolen vehicles.

a. This statute gives you the authority to inspect certain vehicles in transit on the highway.

b. You can inspect bicycles, farm equipment, construction equipment and off-road vehicles which are being transported by another vehicle.

c. You will be inspecting for identification numbers and can then conduct a check for stolen vehicles.

d. Failure to allow such an inspection is a Class 1 misdemeanor.

e. This is a valuable statute, so make use of it.

D. As a patrol officer you will be in an excellent position to detect and recover stolen vehicles.

1. You will be alert, trained observers, spending many hours on the streets and highways.

2. During a typical work day you will come into contact with vehicles during traffic stops, motor vehicle accidents, abandoned vehicles, suspicious vehicle calls and other calls.

3. A quick, but thorough, inspection may provide indicators that the vehicle is stolen.

4. You should be well aware of the stolen vehicle indicators, not only because they help you do your job, but for very personal reasons, knowing them when you see them may save your life!

E. Auto thieves can be just as dangerous as any other criminal.

1. As you approach the vehicle, inspect it for:

a. A broken side window.

i. Late model cars and trucks are more difficult to slim jim, so the less experienced thief may break a window to gain entry.

ii. Often the broken window will be on the right side so it is less visible.

b. A license plate which is held on with wire and/or has no validation tabs.

- i. This may indicate a fictitious plate, a common way to conceal the identity of a stolen vehicle.
    - ii. A front plate taken from another vehicle may not be reported.
  - c. Dealer paperwork in the window or signs that such paperwork was recently removed.
    - i. Such paperwork or the dealer cardboard advertisement plates may still be in the vehicle.
    - ii. Many cars are taken from dealer lots and may not be reported stolen.
    - iii. If you are suspicious and have some dealer paperwork, check with that dealer, it may be stolen and the dealer does not know it.
  - d. A damaged steering column and/or ignition. **P. O. 5.9.1D**
    - i. On your initial approach, if the engine is still running, tell the driver to turn it off.
    - ii. This is a good tactic in any traffic stop, but will possibly reveal a hot-wired ignition if the driver has difficulty turning it off or has to reach under the dash to do so.
    - iii. Look for broken-out spaces in the plastic around the steering column, usually these are quite sizable.
  - e. A key in the ignition.
    - i. Some older cars will run without a key, but on late model cars this is a sign of a damaged ignition.
    - ii. Typically, a thief will use a screwdriver or needle-nose pliers to activate an ignition that has been pulled.
    - iii. Are such items on the seat by the driver?
- 2. On contacting the driver:
  - a. Does the driver fit the vehicle? In the experience you will quickly gain on patrol, you will develop a sense of what type of car or truck a certain type of person typically drives.
  - b. Does the vehicle fit the area it is in? A thief may take the vehicle to the area where he/she lives.

- c. Obtain both the license of the driver and the vehicle registration.
  - i. A driver who says that he/she has neither, is suspicious.
  - ii. If he/she has a license, but no registration, be suspicious.
  - iii. After obtaining the documents, question the driver about his/her address. Is it the same as on the license? Does the picture match the person?
  - iv. Ask the driver to whom the vehicle is registered and at what address.  
**P. O. 5.9.1D**
  - v. Does the driver know the owner's phone number?
- d. If the driver is not the registered owner, ask how he/she comes to be driving the vehicle.
  - i. Listen carefully, as a false story is just as important as the truth.
  - ii. A thief may not have a pre-planned story and will make it up as he/she goes along.
  - iii. Often this will be obvious from contradictions and hesitations.
  - iv. If you catch a thief, note any story told to you in your report! This can be invaluable in prosecution.
- e. If you are suspicious, but still do not have probable cause, ask the driver the mileage of the vehicle.
  - i. Most people will know within a few hundred miles.
  - ii. Ask permission to look in the trunk.
  - iii. This will establish whether or not the driver has a key to the trunk.
  - iv. If permission is granted, ask the driver what is in the trunk before you open it, a person knows what is in the trunk of his/her car.

F. On any contact with a vehicle, check the Vehicle Identification Number or VIN against the registration.  
**P. O. 5.9.1D**

- 1. Does it match?
- 2. This is the only way to ensure that the paperwork you have been given goes with the vehicle you stopped.

3. Since the late 1960's, the VIN appears on the dash of all passenger cars and since 1981, on the dash of all light trucks as well. **P. O. 5.9.2**
4. It is either on the driver's side of the dash or on the windshield pillar of that side.
5. On most motorcycles, the VIN is stamped into the headstock or down tubes near the headstock. Modern cycles will have an engine number which is a derivative of the VIN. The VIN is located near the rear wheels on Scooters. **P. O. 5.9.2**
6. It is important to check the VIN and if you are at all suspicious, conduct a computer check on the VIN, as well as the plate; the car may have been legally registered after having been stolen.
7. Check the VIN plate or stamping for any signs of tampering. **P. O. 5.9.3**
  - a. Some of these signs are scratches, nicks, enlarged rivet holes, bends or altered numbers. **INSTRUCTOR NOTE:** a VIN plate can be either imprinted, embossed, etched or raised.
  - b. Try to lift the plate with your fingernail.
    - i. If you can, you have a problem.
    - ii. With VIN scratches, many times the VIN plates will be glued in place.
  - c. How is the VIN plate attached?
    - i. Most older cars and all current U.S.-made cars will have the plate attached with Rosette rivets, so named for its six (6)-petal design.
    - ii. Most foreign-made vehicles will use pop rivets.
  - d. If you look at VIN plates with each stop, you will soon learn what good ones should look like and will be better able to spot a bad one. **P. O. 5.9.2**
8. There are other places to find a VIN on vehicles and these should also be checked.
  - a. On the driver's door in the areas of the latch or on the door post, you will find a Federal Safety Standards label which can be in the form of an adhesive label or a metal plate. It will have the full VIN on it.
  - b. On some U.S. and many foreign vehicles, the full VIN is stamped in a readily-accessible place in the engine compartment. Quite often it is on the firewall. **P. O. 5.9.2**
  - c. Various court decisions support your right to look at these numbers without a

search warrant. If you are suspicious, look at these numbers.

- d. Do the secondary numbers match the one on the dash?

**P. O. 5.9.3**

- e. If the number on the driver's door is different, it may indicate a change in doors. Look for differences in the underlying paint.
- f. If the number on the door post or firewall is different, seize the vehicle for identification.

- G. It is very important that you watch the driver during your contact, as he/she will give certain clues which may indicate a stolen car.

- 1. Is the driver nervous?

- a. Possibly he/she is frightened of the police, but maybe there is a warrant for his/her arrest or the car is stolen.
- b. If the driver is nervous, be careful!

- 2. Does he/she hesitate when answering your questions?

- a. If a story has not been pre-planned, the driver may be thinking as he/she goes along.
- b. Remember that this story is important.
- c. A false story given to you locks the driver in, such that developing a good alibi later may not be possible.
- d. Make note in your report of exactly what you are told.

- 3. Check the story when possible.

- a. Have phone calls placed to the registered owner or dealer.
- b. You might have a police unit go to the residence.

- 4. Reasonable suspicion is not sufficient to effect an arrest or to seize a vehicle and there will be times that you will be very suspicious that a vehicle is stolen, but you will not be able to prove it.

- a. It is important that you follow up later and continue checking.
- b. Possibly the vehicle will be reported stolen the next day and you will have solid information on the suspect.



- c. If you do not pursue it, no one will know what you have.
  5. There will be cases where you have probable cause to believe a vehicle is stolen and will seize it, but not arrest the driver.
    - a. Keep in mind that possessing a stolen vehicle is not a crime.
    - b. KNOWINGLY possessing a stolen vehicle is a crime.
    - c. You must develop your probable cause that the person knew the vehicle was stolen and was in possession of it before you can affect an arrest.
    - d. This is where false stories can assist you. As such, a story can be an element of your probable cause, showing that the person knew the vehicle was stolen; otherwise, why would the person tell a false story?
- H. The computer is one (1) of the best tools you have to combat auto theft – make use of it.
  1. Run a registration check and a check for wants and warrants on the plate of each vehicle you stop.
    - a. Keep in mind that an entry in the computer system is your probable cause.
    - b. Attempts should be made by your department to verify the computer entry, but it can stand by itself.
    - c. From information available to you at the scene, you may find the computer entry is not correct; such as an owner in possession of a vehicle reported stolen which he/she recovered and forgot to notify the police.
  2. Registration checks can be done for all 50 states.
    - a. When you have a vehicle with fictitious plates or no plates and cannot get a registration on the VIN in Arizona, you can have the VIN run in all 50 states.
    - b. You will need to supply the VIN plus the make and year of the vehicle.
  3. You can also have driver’s license checks conducted in all 50 states.
  4. The validation tab on the rear plate has a unique serial number on which you can get a registration in Arizona and some other states.
- I. The motive.
  1. The crime of auto theft is committed for two (2) basic reasons, transportation and profit.
  2. The profit motive may take different forms.

- a. Theft of a vehicle to remove accessories such as stereos and custom wheels is common.
  - b. Stealing a vehicle to strip it of its body parts, interior and drive train is another form.
  - c. Some stolen vehicles end up in “chop shops” where they are cut apart.
    - i. The parts that have identifiable numbers are discarded.
    - ii. The remainder of the parts is used to repair damaged vehicles.
    - iii. This is big business and in some areas of the country, organized crime operates large chop shops.
  - d. Some thieves will steal a vehicle and use forged documents to show ownership. The thief sells the vehicle to an innocent third party and disappears.
  - e. The most sophisticated is the VIN switch where a wrecked vehicle is purchased and the ownership paperwork obtained.
    - i. A similar vehicle is then stolen.
    - ii. The VIN plates, stickers and sometimes the engine and transmission are switched from the wrecked vehicles to the stolen vehicle.
    - iii. The thief then sells this vehicle to an innocent third party.
    - iv. There are large profits in this type of theft.
3. Theft for transportation also takes different forms.
- a. Some thefts are for basic transportation and often involve situations where family members or acquaintances take a vehicle with permission to drive it for a short time, but keep it for a much longer period of time.
  - b. Another case is when the son or daughter takes a vehicle without permission to use it temporarily.
  - c. Joy riding is when a vehicle is taken for the sole purpose of the opportunity of driving it. Vehicles involved are often four (4)-wheel drive pickups, sport cars and luxury cars.
  - d. Vehicles are stolen to be used in the commission of other crimes where perpetrators want a vehicle that is not traceable back to them.

- J. The investigation.
1. An auto theft investigation is, very basically, the follow-up investigation conducted after a vehicle is stolen.
  2. An auto theft investigation is handled in different ways, depending mostly on the size of the department.
    - a. The Auto Theft Unit: This is a squad of detectives whose sole responsibility is the investigation of vehicle thefts.
      - i. Quite often, such a unit will have detectives with many years of experience in the field.
      - ii. This is the ideal situation.
    - b. The auto theft investigator: This is a one (1)-man unit, much the same as the squad, but much more limited in its capabilities.
    - c. The part-time auto theft investigator:
      - i. This is the most frequent situation.
      - ii. The detective carries a caseload of other criminal activity, such as robbery, in addition to investigation of auto theft.
  3. As a patrol officer, always remember the auto theft investigator can help you. He/she will have knowledge of vehicles, ways to identify vehicles, the statute relating to vehicles and will possess written information about vehicles.
    - a. Many auto theft investigators have manuals that contain pictures of cars which are useful when a witness sees a car, but does not know what make or model it was.
    - b. When you find a vehicle in the desert with obvious numbers removed, the auto theft investigator can assist you in making identification either by responding or telling you where to find hidden numbers.
    - c. Many auto theft investigators have the expertise to restore numbers that have been ground off or obliterated from vehicles, guns and other metal objects.
  4. The auto theft investigator needs your help.
    - a. When you take an auto theft report you must determine ownership. Does the person reporting the theft hold title or represent the person who does?
    - b. Your report should indicate who had permission to use the vehicle and who did

not.

- c. Include a detailed description of the vehicle, including interior and exterior colors, accessories, options, bumper stickers, body damage and contents.
- d. Be as detailed as possible because many stolen vehicles are identified by personal points of identification.
- e. Determine if there are liens against the vehicle. Are the payments current? Include the estimate of value in the report.

K. Sources of information.

1. There are many sources of information that will assist you when dealing with vehicles. A few are:
2. "Digest of Motor Laws" published by the American Automobile Association. This contains information on current laws for each state relating to driver licensing and to vehicle titling and registration.
3. "Passenger Vehicle Identification Manual" published by the National Insurance Crime Bureau. This book contains information on vehicle identification.
4. "Commercial Vehicle and Off Road Equipment Identification Manuals" also published by the National Insurance Crime Bureau.

L. Vehicle Identification Number (VIN). **INSTRUCTOR NOTE:** *Optional: "Rolling Stolen" VH #4646 (8 minutes) VH #4116, (11 minutes) or any other appropriate videos showing similar situations.*

1. The character Vehicle Identification Number or VIN was adopted for use in 1981.
2. Beginning in 1981, all vehicles designed for highway use were required to have a 17-character VIN.
3. Now all motor vehicles will have it.
4. The VIN contains certain information about the vehicle which can be decoded using the NATB Manual.
5. The first three (3) numbers/characters are the country, the manufacturer and the make of the vehicle.
6. Other important parts are:
  - a. The ninth (9th) character is known as a check digit. It is a mathematical computation of the rest of the characters. It is useful in determining if a VIN has been altered or fabricated.

- b. The 10th character is the year. It is represented by an alpha character. In 1980, it was an "A," in 1981, it was a "B" and so on. In 1986, it was represented as a "G."
- c. The last six (6) characters are the sequential numbers for that vehicle.

**XIV. INVESTIGATION OF CHILD ABUSE CHARGES****P. O. 5.9.4**

- A. Items of evidence which corroborate child abuse charges include: **P. O. 5.9.4A**
- B. Photographs of injuries and surroundings.
  - 1. While investigating child abuse charges, officers should use digital photographs with color charts and rulers to correctly show the extent of injuries on children.
  - 2. Digital photographs will allow the prosecutor and jury to determine the extent and seriousness of injuries.
  - 3. Also, the physical surroundings of the home should be photographed and, if applicable, sketched for an accurate representation of the potential crime scene.
- C. Physician's report. **P. O. 5.9.4B**
  - 1. Officers should obtain a copy of the physician's report that was made concerning the child abuse; this would include emergency room paperwork completed at the same time a child was admitted and/or given a follow-up examination.
  - 2. Special note should be taken by the officer to include in his/her report all verbal information communicated to the officer by personnel other than the physician (nurses, lab technicians, etc.).
- D. Instruments or implements used in the crime. **P. O. 5.9.4C**
  - 1. As with all crime scenes, any physical evidence that may be linked to the child should be properly photographed, measured and collected for use in the prosecution of the crime.
  - 2. Common instruments or implements used in child abuse cases include:
    - a. Electrical cords.
    - b. Cigarettes.
    - c. Lighters.
    - d. Tape and other items used to restrain.
    - e. Hot liquids. (Use thermometer)

- E. Past medical history indicating previous abuse. **P. O. 5.9.4D**
1. Officers should obtain information from parents, family and friends concerning any doctors the child may have seen in the past so that a medical history indicating previous abuse can be obtained.
  2. In serious child abuse cases, others, such as teachers and religious personnel, should be contacted for follow-up information.
- F. Past history of family or child with the Department of Child Safety.
- G. Witness statements. **P. O. 5.9.4E**
1. Anyone having direct information concerning the suspected child abuse should be interviewed with their statement being recorded.
  2. Interviews can effectively be done using a digital recorder or written statement form.
  3. Officers should not tell witnesses that their statements will be confidential and/or that they are witnesses and will not need to testify in court.

**XV. INVESTIGATING CHILD ABUSE****P. O. 5.9.10**

- A. The following procedures should be followed when investigating instances of child abuse:  
**P. O. 5.9.10A**
- B. Interview all parties involved.
- C. Interview and examine the minor alone so that the minor will be able to feel free in telling the officer details of the offense.  
**P. O. 5.9.10B**
- D. Officers must be careful to not use the question “Why?” because the child will feel at fault.
- E. Look for physical and behavioral indicators of abuse (suspicious bruises, welts, burns, etc.) and fear of parent(s)/adults, etc.  
**P. O. 5.9.10C**
- F. Look for behavioral indicators of abusive parents (emotional immaturity, referring to the child as “bad/evil,” etc.) and/or attempts to conceal the child’s injuries.  
**P. O. 5.9.10D**
- G. Many parents will make up stories as to how the child had fallen during play when in reality they have struck the child and caused the injury.
- H. Compare explanations offered by the parent/guardian and the actual injuries observed of the minor.  
**P. O. 5.9.10E**
- I. Officers must be careful to be sure that the injuries are consistent and make sense with the

explanation given by the parent/guardian.

- J. Record all statements from all parties involved. Officers should realize the benefit of using a micro-cassette recorder to record the interviews rather than have witnesses/suspects write out statements which may be limited in English/grammar usage. **P. O. 5.9.10F**

**XVI. BAD CHECKS****P. O. 5.9.5**

- A. A.R.S. §13-1807 – Issuing a bad check.
- B. A person in Arizona is guilty of issuing a bad check if he/she passes a check knowing that he/she does not have sufficient funds on deposit with the bank at the time the check is passed.
- C. It is important for officers to realize that a defense to prosecution under this law is that the check is post-dated and sufficient funds are on deposit with the person's bank at that later date indicated on the check.
- D. Issuing a bad check is a Class 1 misdemeanor.
- E. Officers investigating the issuing of a bad check, when it deals with insufficient funds, should: Complete a criminal report, conduct a criminal investigation and then refer the case to the County Attorney's office. **P. O. 5.9.5A**
- F. Officers investigating a closed account should secure documentation from the bank in reference to when the account was closed and who closed it. The case should then be referred to the County Attorney's office. **P. O. 5.9.5B**
- G. Forgery cases should be investigated the same as any other type of case, with the County Attorney's office being consulted for advice during the investigation. **P. O. 5.9.5C**

**XVII. MISSING PERSONS CASES****P. O. 5.9.6**

- A. The following procedures should be utilized in the initial response to a missing person case:
- B. Verify that the report is a missing person case. It is important that officers verify information to indicate whether or not the person is missing, possibly involved in a criminal matter or is a runaway. **P. O. 5.9.6A**
- C. Determine the type of missing person case. Initial information should be gathered to indicate whether or not the missing person case is: **P. O. 5.9.6B**
1. Suspicious and thus may be linked to criminal activity.
  2. Involving a mentally-handicapped individual, an elderly person or a runaway juvenile.
- D. Officers should determine if the person is at risk. **P. O. 5.9.6C**

1. Has sufficient clothing been taken by the person for the weather conditions?
2. Is he/she in need of medical attention/medication?

E. Obtain description.

**P. O. 5.9.6D**

1. A detailed description of the physical characteristics and clothing being worn by the missing person should be obtained and made available to officers and surrounding agencies. **INSTRUCTOR NOTE:** *A good resource is the National Missing and Unidentified Persons System (NAMUS) [www.namus.gov](http://www.namus.gov) . See 5.9 NAMUS Handout.*
2. This information should be included in the missing person computer entry.

F. Obtain a recent photograph.

**P. O. 5.9.6E**

1. A photograph of the missing person's most recent appearance (hair, facial features, etc.) should be obtained.
2. Color photographs are usually best.

G. Attempt To Locate (ATL).

**P. O. 5.9.6F**

1. ATL's should be issued to surrounding agencies and an entry made in the ACIC/NCIC computer system.
2. Officers should:
  - a. Check all of the locations that the missing person is known to frequent.
  - b. Contact known friends and family as to a possible location of the person.

H. Request assistance, if appropriate.

**P. O. 5.9.6G**

I. Notify other agencies.

**P. O. 5.9.6H**

J. Complete required reports. Officers should complete a detailed incident report of the missing person realizing that the missing person case may turn into a criminal case and be used in criminal prosecution of a serious crime at a later date.

**P. O. 5.9.6I**

### **XVIII. FACTORS AFFECTING RESPONSE TO A MISSING PERSON CASE**

**P. O. 5.9.7**

A. Missing persons:

1. Age.

**P. O. 5.9.7A(1)**



2. Mental/emotional condition. **P. O. 5.9.7A(2)**
  3. Medical/physical condition. **P. O. 5.9.7A(3)**
  4. Family/social environment. **P. O. 5.9.7A(4)**
  5. Knowledge of the area where the person is missing. **P. O. 5.9.7A(5)**
  6. Living conditions. **P. O. 5.9.7A(6)**
- B. Suspicious circumstances. **P. O. 5.9.7B**
- C. Weather conditions. **P. O. 5.9.7C**
- D. Officers should realize that there is no mandatory waiting period (24 hours) for police officers to investigate a missing person's report.
1. Time is of the essence and missing persons may die as a result of the lack of quick police response and investigation.
  2. A possibility of assistance for officers investigating a missing person is to ask the sheriff of the county for assistance from the County Search and Rescue Units and Civil Air Patrol.
- E. When responding to a missing person report concerning a child, it is necessary for officers to quickly conduct a thorough search of the small child's home and yard at the onset of the investigation. **P. O. 5.9.8**
1. Many missing person investigations of small children have taken place on a large scale, while the child was at home, either playing or sleeping in the backyard area or the swimming pool.
  2. It is important to conduct a thorough search of the child's home and yard in the event the child has become injured and is still present (drown in the pool, injured in a tree-house fall, etc.).

**XIX. RECOVERED PROPERTY****P. O. 5.9.9**

- A. The following methods should be used for determining whether recovered property is linked to a crime:
- B. Conduct an ACIC/NCIC check of the property. **P. O. 5.9.9A**
1. A serial number or VIN is necessary for running a property item in the computer system.
  2. Officers should secure the make and model of the item being run also, in case of a

“sound-alike number.”

- C. Check with the stolen property details of larger police departments (i.e., pawn shop details, property identification units, etc.). **INSTRUCTOR NOTE:** *Officers cannot seize stolen property from a pawn shop or second hand store.* **P. O. 5.9.9B**
- D. All pawn shops are required, by law, to keep a log of their transactions and make these records available to police officers upon demand.
- E. Officers investigating such property should communicate with other officers as to possible criminal offense reports having been taken by other officers in the same agency or surrounding agencies. **P. O. 5.9.9C**
- F. “Hot sheets” and ATL’s should be examined for possible leads.

## **XX. HUMAN TRAFFICKING – CHILD SEX TRAFFICKING**

### **A. Purpose**

1. The purpose of this course is to inform Arizona law enforcement personnel of the paradigm shift in Human Trafficking and Child Sex Trafficking in the United States (U.S.) and the Arizona Law Enforcement involvement with the movement on a statewide level.
2. To raise awareness among sworn Law Enforcement about possible indicators of Human Trafficking so they can assist in the statewide effort to rescue victims of Human Trafficking.

### **B. Overview**

1. Collectively, officers contact hundreds of people weekly in the course of duties while conducting traffic stops, collision investigations, commercial vehicle inspections, offering assistance to disabled motorists and serving search warrants.
2. In the past, specific investigative groups within municipal agencies have been thought of as the subject matter experts in Human Trafficking while most law enforcement officers have had no direct involvement.
3. Due to a better understanding and rise in awareness about Human Trafficking and Child Sex Trafficking, a paradigm shift has taken place within the law enforcement community.
4. Law enforcement may be missing key indicators of either Human Trafficking or Child Sex Trafficking in their daily contacts with the public. The goal is to educate our sworn personnel on some common indicators of Human Trafficking and Child Sex Trafficking to aid in rescuing the victims from their traffickers.
5. The Governor of the State of Arizona has made creating awareness about Human Trafficking and rescuing its victims a priority through the establishment of the Arizona

Human Trafficking Task Force.

6. Historically, large events such as the Pro Bowl, Super Bowl, the Tucson Open and Phoenix Open Golf Tournaments have attracted large number of prostitutes. Along with the prostitutes, human traffickers supply their victims which are forced to perform as sex slaves.
7. What this means for all of the Arizona law enforcement officers is that all these people have to travel here from somewhere and we may come into contact with them in the course of our duties.
8. There is specialized training being done for Agency Commercial Vehicle Enforcement Units because many of the victims are moved across the country in commercial vehicles. This class is designed to bring awareness to all Arizona law enforcement personnel in order to rescue the victims of Human Trafficking and Child Sex Trafficking.

C. Overview of Human Smuggling

1. Human Smuggling defined:

- a. An offense against the integrity of the U.S. borders.
- b. Requires illegal crossing of the U.S. border.
- c. Smugglers typically charge the alien for crossing into the country.
- d. The “business relationship” terminates once on U.S. soil. Smuggling can become trafficking if a person is forced to provide labor or services.

**P. O. 5.9.1E1**

- e. Smuggling is all about transportation.

D. Overview of Human Trafficking

1. Human Trafficking defined.

- a. Involves the exploitation of a person or persons for commercial sex or forced labor.
- b. Can involve crossing an international border, but does not require moving a victim.
- c. Human Traffickers often involve use of force, fraud, or coercion to control their victims.

**P. O. 5.9.1E2**

- d. Traffickers may use smuggling debt as a means to control their victims. The traffickers may decide to charge an additional fee, which could be based on two main factors, such as:



commercial sex work.

- b. In the U.S., it is estimated there are 15,000 to 18,000 people trafficked annually. This is less than five percent crossing into the U.S. ***INSTRUCTOR NOTE:*** *Yes, they exist; They are U.S. born citizens that are trafficked in the U.S. Estimates from the U.S. department of Justice (USDOJ)*
  - i. Out of approximately 318 million people, you are looking for 18,000 individuals.
  - ii. The math on this works out to be .0000566% of the population.
  - iii. It is difficult to actually locate and identify trafficking victims, because they are part of the large number of people entering the country illegally.
- c. Human Trafficking cases have been investigated in 48 states.

### 3. Domestic Victims

- a. Estimates from the United States Department of Justice (US DOJ).
  - i. There are 250,000 children at risk in the U.S.
  - ii. There are 797,500 children reported missing annually in the U.S. with less than 1/3 of the 797,500 children having been kidnapped or abducted.
  - iii. In the U.S. alone, there are over 536,000 runaways.
  - iv. It is estimated that 82% of those runaways are homeless and engaging in survival sex in exchange for:
    - a) Food.
    - b) Housing.
    - c) Drugs.
    - d) Money.
- b. The pool of young victims being “pre-groomed,” is huge.
  - i. “Pre-Grooming” refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child’s inhibitions in order to sexually abuse them or lure them into prostitution.
  - ii. This is usually done by the pimps or traffickers.

- c. Human Trafficking is the second most profitable enterprise for organized crime. The first is **the** illegal drug trade. **P. O. 5.9.1E3**
- d. The numbers include sexes, all ages and all races. It is important to avoid the profile error that we assume we know what the victims look like.
- e. There are two kinds of pimps:
  - i. “Gorilla Pimp” refers to someone who pimps another person through brute force.
  - ii. “Romeo Pimp” refers to someone who cons vulnerable girls/boys into a relationship with them, pretending to care, then turns them out on the streets as prostitutes.
- f. For example, the profits of one pimp running a 5-girl “stable” could make approximately:
  - i. \$1.5 million a year.
  - ii. A weekly average of \$30,000.
- g. A 2007 thirty year study out of Colorado in and other studies revealed information about Domestic Victims; **INSTRUCTOR NOTE: USDOJ.**
  - i. FEMALES.
    - a) 13 years old nationally.
    - b) 14.8 years old locally .
    - c) Average exit age of 34, due to mortality.
    - d) Long-term incarceration. **P. O. 5.9.1E4**
    - e) Personal decision.
  - ii. MALES.
    - a) 13 years old.
    - b) Average exit age of 25, due to lack of marketability.
    - c) Long-term incarceration.
    - d) Personal decision.

4. International Victim.
  - a. An International victim is defined as a non-U.S. citizen compelled to perform labor or commercial sex work.
    - i. It is estimated there are 500,000 to 2,000,000 people trafficked worldwide annually.
    - ii. There are approximately 27 million people held in slavery worldwide.  
<http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>
5. Victims of Human Trafficking and Sex Trafficking.
  - a. There is no real victim profile; however, there are common traits.
  - b. Children are easier to control and less thought of as a trafficking victim and are not always from low economic households.
  - c. Victims have a 20% higher suicide rate.
  - d. 60% of sex trafficked victims have experienced:
    - i. Familial sexual abuse, incest
  - e. Of that 60%:
    - i. Approximately 80% of them have been physically assaulted or a victim of child abuse.
    - ii. 90% of all sex-trafficked victims have been pimped out by an adult trafficker.
  - f. 90% of all sex trafficked victims have been raped while being trafficked.

**P. O. 5.9.1E4**

    - i. Rape means forcible, sexual assault (legal definition).
    - ii. No still means no, even if the victim is forced into prostitution.
    - iii. Victims are often targeted by violent sex offenders due to the victim's perceived inability to report the act.
    - iv. 75% of the sex trafficked victims have been violently assaulted, including being:
      - a) Shot.

- b) Stabbed.
  - c) Strangled.
  - d) Stomped to death.
6. Labor Trafficked Victims
- a. Labor trafficking victims can appear to be a worker at a dress shop, tailor shop, massage parlor or workers on a field.
    - i. When the victim's status cannot be identified based on appearance alone, Officers should look beneath the surface.
      - a) What appears to be trafficking may actually be a kidnapped human smuggling victim.
      - b) The victims can also be the subjects of sex trafficking.
7. Involvement by Context.
- a. How the victims get involved.
    - i. Voluntary.
      - a) Nowhere to go.
      - b) No education.
      - c) No other marketable life skills, can't get a legitimate job.
    - ii. Involuntary.
      - a) Abducted from previously normal life.
    - iii. Sold to traffickers, mainly due to:
      - a) Family debt.
      - b) Drug debt.
8. Throwaway / Runaway.
- a. There are cases where parents will pimp out their children in exchange for drugs or money.



- b. Homeless street youths resort to survival sex to make it through each day. As mentioned before, this is usually in exchange for food, housing, drugs and money.
  - c. Homeless male juveniles may act as an escort for gay men as a source of income.
    - i. Homeless male juveniles are recruited for the gay sex trade based on their vulnerability.
    - ii. The hustling market then controls the male juvenile.
  - d. Runaway youths are accessed, groomed and seduced by a pimp.
  - e. Thrill-seeking.
    - i. Juveniles will rebel against parental, religious, or societal ideologies.
    - ii. Juveniles may also succumb to peer pressure.
9. Abducted
- a. International or domestic organized crime rings will take victims in order to diversify their criminal activities.
    - i. This is largely due to the fact Human Trafficking has replaced arms dealing as the number two money maker for organized crime worldwide.
    - ii. Victims are taken due to high profitability and low chance of detection.
  - b. Youth are seduced and groomed by pimps.
    - i. Recruiting is done through public venues such as:
      - a) Sporting events.
      - b) Concerts.
      - c) Shopping Malls.
      - d) Schools.
    - ii. Recruiting is also through social networking such as:
      - a) Facebook.
      - b) Instant messaging services/apps.

- c) Dating sites.
10. Human Trafficking and Child Sex Trafficking.
- a. Trafficking often involves forced prostitution.
  - b. In both society and in the movies we see, prostitution is portrayed in an unrealistic light.
    - i. Risky Business.
    - ii. Taxi Driver.
    - iii. Pretty Baby.
    - iv. Trading Places.
    - v. Hustle and Flow.
  - c. The term “modern day slavery” is a depiction of Human Trafficking and Child Sex Trafficking here in the U.S.
11. Signs of Human Trafficking.
- a. There are signs of trafficking that may be recognizable during a valid contact.
    - i. “Tattooing”.
      - a) A tattoo shows ownership, commitment, and pride in belonging to a pimp.
      - b) Tattooing also advertises to other women and is used to recruit for the pimp.
      - c) For the ‘Pimp,’ this is the same as a cattle rancher branding cattle.
      - d) The tattoo may be in a place which would be thought of an unusual place to put a tattoo.
  - b. Bruising and stages which may see on a victim.
    - i. These bruises are not accidental.
      - a) Victims are bruised, volunteers are not!
      - b) Bruises tell a story!
      - c) Fresh injuries appear reddish, slightly swollen and warm to the

- touch.
  - d) In two to three days the bruise(s) will blossom into a darker purple.
  - e) As the bruises heal, it will fade to green, then yellow, and then disappear.
  - f) A victim could have bruises in two colors possibly indicative of continuous beating.
- c. How the victims are controlled.
- i. Injuries from beatings or weapons:
    - a) Injuries from beatings or weapons.
      - i. Fresh.
      - ii. Old.
    - b) Signs of torture, such as:
      - i. Cigarette burns.
      - ii. Cuttings.
      - iii. Brands or scarring which indicate ownership to the trafficker.
      - iv. Signs of malnourishment.
12. Terms or slang you may hear. ***INSTRUCTOR NOTE: The MYTHS of "Human Trafficking" continued.***
- a. "The Life" (East Coast) – term to describe living the prostitution lifestyle.
  - b. "The Game" (West Coast) - term to describe living the prostitution lifestyle.
  - c. "Daddy"; a term used by a victim in reference to the trafficker or pimp.
13. Victim Issues.
- a. The victims may not identify themselves as victims largely due to the fact that they have bought into their lifestyle or have a lack of options.
  - b. Trauma bonding occurs when people in an abnormally stressful situation form a

high level of trust or dependence on the person or persons sharing the same experience.

- i. The victims may also share a romantic bond with the trafficker.
  - ii. This causes them to be behaviorally dependent.
- c. Victims may not speak English, or have a very limited vocabulary.
- d. When contacted by law enforcement, the victims are likely to lie or use rehearsed stories initially to protect themselves or family. This is because they do not want to bring shame on themselves or their families due to cultural or religious beliefs.
- e. Victims do not trust anyone.
- i. Lack of anyone to trust. **P. O. 5.9.1E5**
    - a) No family.
    - b) No friends.
    - c) Isolation by pimp.
  - ii. The one person they do trust is their trafficker or pimp, because that is who provides for them.
- f. Many victims do not trust law enforcement.
- i. Many victims have had negative experiences with law enforcement or have been told that law enforcement would not believe them.
  - ii. The pimps play a large role in the victim's perception of law enforcement. The pimps brainwash victims into thinking law enforcement are the "bad guys."
  - iii. Because law enforcement may make arrests, the pimps have told them about law enforcement.
    - a) If victims receive assistance from law enforcement they will arrest you.
    - b) Would you believe a prostitute?
    - c) This makes it harder and harder for law enforcement to rescue a victim of human trafficking.

- F. The MYTHS of “Human Trafficking”. **INSTRUCTOR NOTE:** *Officer Resources. Patrol officers have a greater opportunity than any other law enforcement unit to detect victims and apprehend suspects during their daily patrol activity.* **P. O. 5.9.1E6**

1. Many different myths are out there. Some of them are:
  - a. The victims knew what they were getting into and “went with the trafficker willingly.”
    - i. This may have started as a boyfriend/girlfriend relationship.
    - ii. The victim may have been born into the lifestyle.
  - b. The victim committed unlawful acts such as “Sex Trafficking,” or acted as a “Drug courier.”
    - i. Victim was forced by a trafficker through physical force.
    - ii. Victim was forced by a trafficker through coercion.
  - c. The victim was paid for services, however, these wages were:
    - i. “Slave wages”
      - a) Non livable wages designed to keep the victim dependent on the trafficker.
      - b) Prevents payoff of trafficking “Debt.”
    - ii. “Company store”.
      - a) In years past, where companies had a cloistered workforce, the workers were forced to make purchases at an inflated price in the store operated by the company due to the remote location of the work sites.
      - b) In turn, the company would subtract purchases at the company store prior to giving the workers their pay.
      - c) This often forced workers into the negative which prevented them from leaving the company and in turn forced them to become company slaves.
      - d) With Human Trafficking, the same process happens making it impossible to pay off any debt. **P. O. 5.9.1E7**
  - d. The victim had freedom of movement.

- i. "Some chains cannot be seen."
  - a) They do not run from their controller, try to escape, or simply ask for help because:
    - i. Brain washing.
    - ii. Fear of everything.
    - iii. Lack of people to trust.
    - iv. Perceived lack of alternatives.
  - ii. Psychological bondage keeps them enslaved.
- e. Trafficking involves the crossing of borders, "domestic victims can be ignored."
  - i. Laws, resources and funding were designated for non-U.S. citizens.
  - ii. Those laws, resources and funding have since been re-designated to apply equally to U.S. citizens and non-U.S. citizens.
  - iii. As law enforcement, you are more likely to find or come across Domestic Victims than International Victims.
- f. Depending on where the victim comes from the trafficker's actions may be culturally appropriate, but illegal in the U.S.
  - i. What is legal in the home country of the victim or trafficker is not legal in the U.S.
  - ii. The trafficker or victim does not realize it is illegal in the U.S.
- 2. This goes much deeper than a myth once you begin to understand the truth about Human Trafficking.

**G. Where to Find the Victims.**

- 1. Sweatshops and factories fenced in with razor wire turned to the inside.
  - a. Normally fences will have razor wire facing to the outside which is designed to keep unwanted people off the property.
  - b. In this case, you see the razor wire turned in to keep people on the property.
- 2. For most people, at some point, travel is necessary.

**P. O. 5.9.1E8**

- a. Where you will come into contact with these victims is during transportation from one place to another.
- b. This could be through:
  - i. Traffic Stops.
  - ii. Collision Investigations.
  - iii. Commercial Vehicle Inspections.
  - iv. Truck Stops.
  - v. Border Checkpoints.
  - vi. Ports of Entry.
  - vii. Whisper Stops.
  - viii. Search Warrants.
  - ix. Motorist Assists.
  - x. Concerned Citizen Reports.
- 3. Victims may be forced to work as maids or servants.
- 4. The victims may be forced to work without pay, while the person who has control of them collects money on their behalf, which essentially turns them into a “modern day slave”.

**H. Rescuing the victim.**

- 1. Traditional police methods.
  - a. Overt methods:
    - i. Traffic Stops.
    - ii. Collisions.
    - iii. Motorists Assists.
    - iv. Commercial Vehicle Inspections.
    - v. Etc....

- b. Covert methods:
  - i. Customer apprehension programs.
    - a) Undercover detectives posing as trafficking victims.
    - b) Undercover detectives posing as prostitutes.
  - ii. Sweeps.
    - a) Detectives visiting known locations of potential trafficking.
- 2. Non-Traditional police methods.
  - a. Task Force Model.
    - i. The task force model is bringing together law enforcement and non-law enforcement entities.
    - ii. The model is devoted to the rescue and recovery of the victim.
    - iii. It provides a holistic response to human trafficking by bringing together all involved.
    - iv. Law Enforcement locates victims.
    - v. Health providers give much needed care to victims.
    - vi. Prosecutors provide an alternative to incarceration by plea agreement, court ordered treatment, and education.
    - vii. Project R.O.S.E., is one example, which stands for Reaching Out to the Sexually Exploited.
  - b. Another source for finding victims is through intelligence gathering. This is usually through open source material on the internet such as:
    - i. Google.
    - ii. Sex Trafficking websites and chat rooms.
    - iii. Chat rooms.
    - iv. Back Page Ads (Craigslist).
    - v. The methods are constantly changing as the human traffickers get more creative.



3. Outreach and Education.
  - a. Information on Human Trafficking can be provided by law enforcement, faith based groups and grant funded non-governmental organizations.
  - b. These organizations provide awareness training to various civic groups, schools and professional groups.
    - i. Shared Hope International.
      - a) Faith based organization in Arizona.
      - b) Dedicated to rescuing victims and aggressively pursuing traffickers and buyers in Arizona.
      - c) <http://sharedhope.org/>
    - ii. Polaris Project.
      - a) Non-Governmental organization (NGO) based out of Washington DC.
      - b) Provides direct and indirect services to the victims.
      - c) Serves as a national reporting center connecting victims with law enforcement and service providers.
      - d) [www.polarisproject.org](http://www.polarisproject.org) : 1-888-373-7888
    - iii. National Center for Missing and Exploited Children.
      - a) The center was established in 1984 to serve as the nation's clearinghouse on issues related to missing and sexually exploited children.
      - b) It is the leading nonprofit organization in the providing assistance to law enforcement and families to find missing children, reduce child sexual exploitation and prevent child victimization.
      - c) <http://www.missingkids.com>
    - iv. Outreach from local civic groups

**I. RESOURCES**

1. Once a victim (s) or a suspect(s) has been identified, there are procedures to follow and

resources available, at any time of day.

- a. Book the suspect utilizing proper procedures.
  - b. The goal is to rescue them and not play into what they have been told by their pimp by booking them.
  - c. If possible, contact a large agency in jurisdiction which has a Human Trafficking Investigation Unit.
2. Resources for further information on Human Trafficking and/or direction on case investigation.
- a. Phoenix Police Department Vice Enforcement Unit.
  - b. Tucson Police Department, Street Crimes Interdiction Unit
  - c. Arizona Department of Public Safety, Criminal Investigations.
3. Arizona Statutes that are related to Human Trafficking:
- a. A.R.S. § 13-1307 Sex Trafficking; classification; definitions;
  - b. A person commits sex trafficking by knowingly enticing, recruiting, harboring, providing, transporting or otherwise obtaining another person with either:
    - i. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion; or
    - ii. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.
  - c. A person commits sex trafficking by knowingly enticing, recruiting, harboring, providing, transporting or otherwise obtaining another person who is under eighteen (18) years of age with either:
    - i. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion; or
    - ii. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.
      - a) A.R.S. § 13-1308 Trafficking of Persons for forced Labor or Services; classification; definitions.
      - b) A person commits trafficking of persons for forced labor or services by knowingly enticing, recruiting, harboring, providing,

transporting or otherwise obtaining another person with the intent to or knowledge that the other person will be subject to forced labor or services.

- c) A person commits trafficking of persons for forced labor or services by knowingly benefiting financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306 (Unlawfully obtaining Labor or Services or section 13-1307 (Sex Trafficking) or this section.
- d) ARS § 13-3214 - Prostitution; classification.
- e) ARS § 13-3212 - Child prostitution; classification; increased punishment.
- f) ARS § 13-3552 - Commercial sexual exploitation of a minor; classification.
- g) ARS § 13-705 - Dangerous crimes against children; sentences; definitions.
- h) ARS § 13-3202 - Procurement by false pretenses of person for purpose of prostitution; classification.
- i) ARS § 13-3203 - Procuring or placing persons in house of prostitution; classification.
- j) ARS § 13-3204 - Receiving earnings of prostitute; classification.
- k) ARS § 13-3205 - Causing spouse to become prostitute; classification.
- l) ARS § 13-3206 - Taking child for purpose of prostitution; classification.
- m) ARS § 13-3207 - Detention of persons in house of prostitution for debt; classification.
- n) ARS § 13-3208 - Keeping or residing in house of prostitution; employment in prostitution; classification.
- o) ARS § 13-3209 - Pandering; methods; classification.
- p) ARS § 13-3210 - Transporting persons for purpose of prostitution or other immoral purpose; classification; venue.

- q) ARS § 13-3821 - Persons required to register; procedure; identification card; assessment; definitions.
- r) ARS § 13-706 - Serious, violent or aggravated offenders; sentencing; life imprisonment; definitions.
- s) ARS § 13-701 - Sentence of imprisonment for felony; presentence report; aggravating and mitigating factors; consecutive terms of imprisonment; definition.
- t) ARS § 13-715 - Special sentencing provisions; human smuggling organization.
- u) ARS § 13-2301 - Definitions.
- v) ARS § 32-4260 - Advertising requirements; civil penalty; definitions.
- w) ARS § 9-500.10 - Escort and escort agency advertising requirements; civil penalty; definitions.
- x) ARS § 41-114 - Human trafficking victim assistance fund; definition.
- y) ARS § 13-3620 - Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions.
- z) ARS § 41-1758.07 - Level I fingerprint clearance cards; definitions.
- aa) ARS § 41-1758.03 - Fingerprint clearance cards; issuance; immunity.

**XXI. CONCLUSION**

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).