



T BURGLARY AND HEFT

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All aspects of burglary and theft are explored in this thorough book: offenders, victims, fences, investigation, evidence, motivations, false reports, criminal interrogation, prevention and punishment.

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BURGLARY AND THEFT

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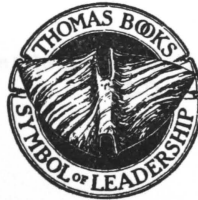
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to my wife

PREFACE

EACH YEAR IN the United States burglary, larceny-theft and motor-vehicle theft account for over 90 percent of the Crime Index offenses recorded in the *Uniform Crime Reports* of the FBI. These are the crimes that are reviewed in this book, and these are the crimes that occupy so much of a police officer's time. They are important crimes which have not received the attention they deserve.

Many citizens no longer feel safe in their own homes. Victims of burglary are outraged by the violation of their privacy and go in fear of the burglar's return. The problem of theft affects everyone directly or indirectly through higher prices for goods and higher insurance rates.

This study is based upon psychiatric evaluation of over one hundred burglars for the courts and interviews with a fence and with many other burglars, sometimes in their own homes. Victims have also had their say. The experience of riding in a police car with burglary detectives on night duty provided insights not otherwise readily available. The aim has been to provide a broad review of these crimes and the persons who commit them. A glance at the table of contents will show the range of inquiry.

The two police officers who have contributed to the chapters on criminal and scientific investigation speak from many years of practical experience. It is hoped that the book will be of value to law enforcement officers as well as to others with an interest in these crimes, the offenders and their victims.

J.M.M.

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BURGLARY AND THEFT

CHAPTER 1

BURGLARY: THE BILLION DOLLAR CRIME

The contagion of crime is like that of the plague.

—Napoleon Bonaparte, *Sayings of Napoleon*

EACH YEAR IN THE United States the number of burglaries is more than three times the total number of aggravated assaults, robberies, forcible rapes and criminal homicides. There are over 3 million burglaries each year in this country, and the annual cost to victims exceeds 1½ billion dollars, ten times the financial loss from robberies.

It is impossible to estimate the full costs of this crime. Citizens have to buy better locks for their homes and pay higher premiums for burglary insurance. Indirectly, citizens pay more for goods and services because businesses and public utility companies pass on the costs of their security systems, merchant guards and losses from burglaries.

Taxpayers meet the costs of an inefficient criminal justice system that has not been notably successful in catching, prosecuting and rehabilitating burglars. For some years, less than 20 percent of burglaries have been cleared by arrest, and almost 30 percent of those arrested have not been prosecuted. Of the adults prosecuted, about 60 percent have been found guilty as charged (*Uniform Crime Reports*).

Citizens pay not only for the prosecution of burglars, but also for their defense in the law courts. Public defenders, paid by the state, are playing an increasingly important role in the defense of persons charged with serious crimes. Rehabilitation of the offender, as well as his punishment, is at the expense of the taxpayer and may cost more than educating one's son or daughter at Harvard University.

Many citizens go in fear of the burglar, not only because they fear the loss of possessions of great sentimental or financial

value, but also because they fear that an unexpected encounter with an intruder may lead to physical injury or even death. Women also face the risk of rape or other sexual assault by a home invader.

This study is based in part upon the psychiatric evaluation for the district courts of Colorado of over 100 burglars and upon interviews with many burglars in jails, penitentiaries, the security ward of a city general hospital and in their own homes. Information obtained directly from these men and from police officers, both within and beyond Colorado, contributes to the clinical examples provided throughout this book.

The opportunity to accompany police officers in their search of a dark warehouse or home, to follow the chase of an intruder who has been flushed from his hiding place, over fences, through backyards and down alleys, and to observe victims in their state of shock following an unexpected encounter with a burglar provided a much more intimate grasp of burglary than the official police reports and statistics on this crime.

BURGLARY DEFINED

Burglary is defined in English common law as *the breaking and entering of the dwelling house of another in the nighttime with intent to commit a felony*. This common law definition has been greatly modified by state statutes so that generally burglary can occur in the daytime and without forcible entry into other structures, including tents, commercial buildings and even telephone booths. The meanings of the words in the original definition have been broadened.

BREAKING. Actual breaking is unnecessary; the essence of the term is unauthorized entry, and it is sufficient if a door or window is pushed open even though it is unlocked. Although some courts have held otherwise, the mere unauthorized act of opening wider a door or window already partly open but insufficient for the entry is generally held to be a breaking (10). *Constructive breaking* refers to entry by some trick or fraud, for example, by impersonating a telephone company employee. If an employee opens a door for an accomplice, both commit burglary.

ENTERING. The slightest entry is sufficient, such as one finger inside a window while pushing out a pane of glass.

NIGHTTIME. Most modern statutes do not restrict burglary to the period from sunset to sunrise.

FELONIOUS INTENT. No breaking and entering amounts to burglary at common law unless there is an intent to commit a felony such as theft, rape, robbery, kidnapping or murder. Thus a man who breaks into a home on a freezing winter night to keep warm commits a trespass, which is not a felony, and he has not committed a burglary at common law, no matter how forcible his breaking and entry. Burglars sometimes give such an explanation of their forcible entry, but their burglarious intent can be shown by their possession of burglary tools, their ransacking of the premises and their piling of valuable items inside the place of entry.

Some courts have taken the very commonsense position that an unexplained intrusion into the dwelling of another at night will support a jury's finding of an intent to steal, and as Perkins also notes, a *prima facie* presumption of burglarious intent arising from such unexplained conduct has sometimes been provided by statute. These presumptions are generally disfavored because they call upon the accused to disprove the presumption and therefore conflict with a "presumption of innocence."

DEGREES OF BURGLARY. Some state statutes describe first, second and sometimes third degree burglaries. First degree burglary, which provides for more severe punishment, may cover burglary of an occupied building, burglary at night, the possession of a deadly weapon by the burglar or the commission of an assault during the burglary.

STATE STATUTES. There are variations among the states in the definitions of burglary and other crimes. In the *Uniform Crime Reports* of the Federal Bureau of Investigation, offenses are classified according to *UCR* definitions, which may differ from some state or local codes.

ROBBERY. The term *robbery* is often used incorrectly to describe acts of burglary. Robbery is a crime that takes place in the presence of the victim to obtain property or a thing of value from a person by use of force or threats of force. The

criminal who breaks into an unoccupied office, opens the safe and takes or attempts to take the contents commits a burglary. If an employee walks into the office during the burglary and is forced to open the safe by the criminal, the crime becomes a robbery as well as a burglary, but the offender is usually charged only with the more serious crime of robbery.

BURGLARY RATES

In recent years in the United States, the annual burglary rate has been over 1,400 offenses per 100,000 population. The crime is most frequent in densely populated metropolitan areas, less frequent in the suburbs and much less frequent in rural areas. Metropolitan areas had over 1,600 burglaries, cities outside metropolitan areas over 1,000 and rural areas over 700 burglaries per 100,000 population (*UCR*).

The incidence is much higher than that recorded in official statistics, as many burglaries are not reported to the police. The President's Commission on Law Enforcement and Administration of Justice initiated the first national survey of criminal victimization. The National Opinion Research Center of the University of Chicago made a random survey of 10,000 households. An adult in each household was interviewed to see whether any member of the household had been a victim of crime during the preceding year, whether the crime had been reported, and if not, the reason for not reporting.

It was found that the burglary rate was three times the rate reported in the *Uniform Crime Reports*. The survey technique, as applied to criminal victimization, has been described as beset with a number of methodological problems, and it is possible that some of the unreported crimes would not be substantiated by thorough police investigation. Nevertheless the survey does provide a guide to the extent of unreported burglaries. The most frequent reason given for not notifying the police was lack of confidence in the effectiveness of the police.

The burglary rate tends to be higher in the summer months, when people are more likely to be away from their homes, but some studies have failed to show any significant difference in the number of burglaries from season to season. Nonresidential

burglaries occur more often at night and on weekends when commercial and industrial buildings are less likely to be occupied. Residential burglaries are more likely to occur during the day on weekdays. Scarr found that almost half of all residential burglaries occurred between 10 AM and 4 PM (14).

Ferdinand, in his study of the criminal patterns of Boston between 1849 and 1951, found that severe economic depressions have consistently been accompanied by a high rate of burglary. Unlike robberies, however, burglaries have not increased during wartime; indeed, the burglary rate in Boston has declined during all three major wars in the last century (3).

THE BURGLAR AND HIS SKILLS

There is great variety in the ranks of burglars, from the crude window smasher who shows little finesse in his chosen occupation to the highly skilled cat burglar who has mastered the art of circumventing burglar alarms. Some operators confine themselves to burglary, while for many, this crime is just a sideline, sandwiched between other nefarious activities.

In their youth, many burglars serve an informal apprenticeship, learning their trade from more experienced associates. Other criminals in their twenties or thirties turn from armed robbery to burglary after learning from painful personal experience the much longer penitentiary sentences for stickups.

Postgraduate courses in burglary are available at reformatories and penitentiaries. Among the skillful burglars are a small number of men who turn to crime for the first time in their late twenties or thirties and who take advantage of their training as security guards, police officers, locksmiths or electronic experts.

Walsh gives the following example of a skilled professional burglar (15):

Greg is a jewelry and fur specialist who has taken a gemology course in order to evaluate and learn about the property he steals. He has jewelers' tools and removes stones from their settings to weigh and safely secure them. His main targets are the homes of wealthy persons who, he takes the pains to discover, have such property in their homes, rather than in a bank vault. Greg spends

considerable time, before contemplating a theft, researching possible victims in order to build a profile of them. He searches the social register, the social and financial pages of the newspapers, the city directory and the directories of corporate officials. He visits the neighborhoods of the wealthy at different times and days to get a feel for their living patterns. When satisfied that an individual not only is likely to possess property in which he might be interested, but also maintains a life-style which includes substantial periods away from home, Greg will add him to a list of possible targets. This list includes the name, address and phone number of that individual as well as a notation about any item that he may have heard about or seen worn by one of the occupants (in a news photo, for example) that particularly interests him.

When he is ready to pull a job, he has a group of three or four other burglars with whom he works. They begin by calling individuals on Greg's list until they find a home with no one answering. Next they proceed toward the target, stopping at a phone booth to try the residence again. If still no one answers, the drama begins.

They are equipped with two police radios and a walkie-talkie. One of them is designated as the driver and he lets the others out of the car somewhere near the preferred approach to the house. The driver then proceeds to a phone booth and giving his cohorts approximately ten minutes he calls the home once more. If no one or someone unfamiliar answers, he proceeds immediately to a pre-determined pick-up point. If his friends answer, he gives them his number and begins waiting at the booth monitoring police calls and phoning them intermittently to be advised of their progress.

In the house the thieves again divide the labors. One of them waits for the phone call and mans the walkie-talkie if it becomes necessary for them to be separated on different floors of the house. The first step is to find the luggage owned by the occupants, for they will be using this to transport the property from the house. This done, they proceed to steal what they will, opening a safe if that is necessary or merely lifting what is around of value. Their ease of operation will depend on what they have calculated to be the maximum time they will have to operate inside. Thus, if they know the occupants to be at a social function, they will use the luxury of several hours to do a thorough job. If, however, they have determined that their victims are out dining, they may allow themselves less time to complete the job and execute their exit.

When they have finished, they notify their driver with whom they have been in intermittent contact, and proceed to the arranged pick-up point, leaving as they came, through a side door or a back window with suitcases in hand. Anything that they decide

is of little value, costume jewelry for example picked up by mistake, is put back in the suitcases and bag and baggage is taken to another predetermined safe place and disposed of. (Their preference was for a desolated wharf area from which they would drop the merchandise they didn't want into a swift-flowing channel.) *

Selection of Partners

Burglars have the same problem as businessmen in finding dependable, honest assistants. The man who is unpunctual, given to strong liquor or to the abuse of drugs cannot be relied upon to fulfill his duties. The negligent behavior of an intoxicated employee can cost a company thousands of dollars, but an intoxicated accomplice in a burglary can cost his partner not only money but also time behind bars.

It is readily understandable why a master craftsman is reluctant to imperil his future by working alongside someone who may open his mouth too wide, telling his friends about exploits that should be kept hidden or bartering this information to the police to save his own skin. The accomplice with no sense of loyalty who talks to the police may gain his freedom but lose his life from a knife between his ribs or a bullet in the night. "You don't want a drunk, if he does show up he will be high; you don't want a lover, he'll tell every broad in town what he does; you don't want a flasher, he'll be overdressed, cracking \$100 bills when he goes in a joint; you don't want a junkie, I can spot them, their oily complexion, always kind of run down. I pick people who've got a bit of nerve. If anything happens he won't fall apart."

In this profession one needs a cool head, sufficient mechanical dexterity to work quickly and efficiently on locks and alarms, and great patience. In a crisis, a burglar confronted by a suspicious householder or warehouse employee will need all the poise and quick thinking of an experienced confidence game swindler to talk his way out of a sticky situation. A friendly wave to a security guard and a self-assured comment may be necessary to avoid arousing suspicion. "I was carrying a TV

* Pages 164 to 166 taken from *The Fence: A New Look at the World of Property Theft* by Marilyn E. Walsh and used with the permission of the publisher, Greenwood Press, Inc., Westport, Connecticut.

set out of the house and a neighbor came running up. Oh, hell! I asked her what she wanted. 'Do you fix TVs?' 'Certainly do.' We fixed hers too."

An assistant lacking in self-confidence and of dull intelligence may run when he should walk, or through some other ill-considered act, draw unwelcome attention at an inopportune moment. It is not surprising that many burglars prefer to work alone except when they need a lookout to warn of danger or an assistant to help remove large items to a nearby vehicle. There are, of course, burglars who need company to bolster their courage so that they can complete their crimes rather than flee at the first hint of danger.

Equipment

Many burglars carry no more than a large screwdriver or pry bar and perhaps a piece of plastic for use on door locks. One cautious burglar always purchased a new screwdriver and pry bar before every burglary so that if he were arrested in possession of these tools, scientific investigation of tool marks on prior burglaries would not match the tools he was carrying.

One professional burglar told police, "I never carried any tools except a three-bladed pocket knife and a small flashlight. That's all you need. My knife had one heavy blade which made a fair pry; a medium sized blade for cutting screens and a small blade for working locks." Channel locks, vice grips or a pipe wrench to twist off doorknobs, bolt cutters, pliers and masking tape for use on windows to prevent the glass from shattering loudly when broken are other useful aids, but the less the burglar has to carry with him the better.

The burglar may have a radio scanner in his car to monitor the police band, but he will seldom carry it with him. If he does so, he will use a compact scanner with an earplug receiver so that no one else can hear the transmission. In major burglaries, walkie-talkies may be used to enable the lookout to warn of danger. Equipment used in safecracking will be reviewed later.

No special clothing is required except by the impersonator who wears the uniform or work clothes appropriate to his assumed role as a telephone company or public service employee.

Dark clothing and perhaps a mask are worn by some night burglars. ("I use a little girl's leotards, size 6, as a mask. I've been stopped half a dozen times by the police, they didn't pay any attention to the leotards on the back seat.") Shoes with rubber soles are an advantage by day or night. Cotton gloves, surgical gloves or sox are used to avoid leaving fingerprints.

Weapons

When questioned by police, burglars will usually deny carrying guns during their crimes. It would not be to their advantage to admit such behavior, and it is difficult to estimate the percentage of burglars who go armed. An experienced offender reported: "Yes, I think that the majority of people who commit burglaries are dangerous people—I'd say two-thirds of them carry weapons. I carried a weapon, I never had set plans, but I thought if he (the householder) would shoot then I would shoot too. It would be either him or me if he would shoot." One burglar carried a sawed-off shotgun. "Just the sight of it would put a lot of people in shock."

RESIDENTIAL BURGLARIES

There are almost 2 million residential burglaries each year in the United States, almost two-thirds of all burglaries, with losses totalling almost \$1 billion. These burglaries are more frequent in the summer months of July and August, when people are away from their homes. There is another peak in December, when the burglars are filling their Christmas stockings.

It is difficult to obtain accurate records on the times of burglaries because so often no one is present when the burglar breaks in, but *UCR* figures suggest that just over 50 percent of residential burglaries occur between 6 AM and 6 PM. Scarr's study showed that almost 50 percent of all residential burglaries for which the time of occurrence could be estimated happened between 10 AM and 4 PM. A five-year study in Washington, D.C., showed that 75 percent of residential burglaries were committed during the day (11).

At night, burglars are most active between 7 PM and 10 PM,

the hours when householders are most likely to be attending some social activity, and the burglar's presence on the streets is less likely to attract attention than in the early hours of the morning.

HOME BURGLARIES

Selection of Targets

Juvenile burglars without transport tend to operate in their own home neighborhood or in neighborhoods between school and home. A juvenile will often have knowledge of those homes near his own that are unoccupied during the daytime. Many adult burglars travel far from their homes to well-to-do neighborhoods, preferably those that are infrequently patrolled by the police. Some burglars prefer average income residential areas because in these homes there is often more cash lying around than in very expensive homes. "I don't fool with Jewish people, their money is in the bank, valuables in a safety deposit box or stashed in the house so well, you couldn't find it in three days. They have valuable furniture, but you can't carry a sofa out."

Various factors influence the criminal's choice of a particular home for burglary. Houses on street corners are favored by many burglars because they are able to get a good look at the two sides of the house that face adjoining streets, they do not have to worry about neighbors on either side seeing or hearing them and they do not feel hemmed in on two sides. Shrubbery that obstructs the neighbors' views of the front or back doors of the target house appeals to the burglar because he can make a forcible entry without being seen.

Valuable items such as antique rifles readily visible through a front living room window arouse temptation. The presence of an antiburglary iron grill in front of windows suggests something of value within. "I pick houses with burglar proof bars held in place with nails, you can pull them right off. I know because I've installed them." One burglar judged a home by its garage. "If the garage is real neat, the people have got a little class, they've got to have something. Most people who've got

nice things keep everything neat, in order. These people have got something, nine times out of ten."

Anyone at Home?

Various methods are used to determine whether a house is occupied. Much is made of the fact that burglars select houses that have an accumulation of newspapers on the porch and overflowing mailboxes. Certainly it is unwise for householders to advertise their absence, but burglars would very soon be out of pocket if they pillaged only these homes. The presence of a single newspaper in the front yard suggests that no one is at home, especially if there are clues such as an open garage door but no car either inside the garage or in front of the house.

Burglars cruising a target area may see a housewife driving off to do her shopping or the whole family leaving the driveway in the early evening to dine out. Some offenders can sense whether or not a house is occupied. "I don't know if it's an instinct or not, but you can tell if people are there. It's like a job, it gets to be a habit, you have a feeling if nobody's there." An old trick is to telephone the home of the intended victim; if the phone is still ringing when the burglar arrives, he assumes that no one is at home.

There are those housebreakers who watch the society columns of the newspapers to find who will be vacationing in the Bahamas or on the ski slopes at Vail. These burglars also check newspaper wedding announcements and then visit the bride's or groom's home during the wedding ceremony. One burglar studied the night duty roster of young resident physicians at a large general hospital. Then there are the warped individuals who read the obituary notices and find the home addresses of recently deceased persons so that they can pay a visit at the time of the funeral.

A carefully cultivated friendship with a maid or chauffeur in a rich person's home may provide useful information on the owner's activities or even duplicate keys to the home. Women seen purchasing or wearing expensive jewelry are followed to their homes, which are placed under surveillance and later broken into. A nationwide group of burglars would note expen-

sive cars with out-of-state license plates and then telephone their colleagues in that state. By checking the license numbers, they could obtain the addresses of the vacationing car owners.

The burglar who works by night watches in the early evening hours for homes with drapes open and no lights on or just the porch light on. He knows that many persons leave lights, TV, or radio on when they go out in the evening, but even so, he may not take the risk of finding someone at home and may not even check for occupancy by ringing the doorbell. "If there are lights on at night or the sound of radio or TV, I'll pass it by. I'll think to myself, 'Is somebody *really* there or are they fronting it out?', but there's no way I'll take the chance" (1).

The night provides protective cover; in residential areas fewer people are on the streets, and drawn blinds reduce the likelihood of a burglar being seen by a householder in an adjoining home. But as one burglar said, "Most of the time people use a gun is at nighttime, that's why I don't pull any nighttime burglaries."

A burglar may be deterred by the presence of a barking dog or a burglar alarm system. Some burglars, however, pride themselves on their ability to handle burglar alarms and dogs. "I just stare at them, pick up something, or close the door on them." Small dogs, which bark incessantly, may be more of a problem than a large friendly watchdog.

Once a house is chosen for breaking and entering, the burglar will walk up to the front door. There may be a note attached to the door that shows that no one is at home. "What made it so sweet was that somebody had left a jar of jelly that was homemade and it had a little note on it that said, 'We came by and left this for you, happy birthday, see you later, Tom.' So I knew right then that these people were gone because the jelly is sitting right in the door."

Usually the burglar will ring the doorbell as a final check to see whether there is anyone inside. If someone answers the door, request can be made to speak to Miss Jones or some other imagined person. This approach shows little subtlety and may arouse the suspicion of anyone who has read police leaflets on burglars and their methods of operation.

Many persons today are also suspicious of callers making marketing surveys and of door-to-door salesmen who offer merchandise or services at outrageous prices unlikely to result in a sale. An enterprising offender obtained a stack of handouts used by Jehovah's Witnesses; he would hand one of these to anyone who answered the door.

Place of Entry

If no one answers the door, the burglar may make a quick check to see if the door is locked and, if so, whether a door key is hidden under the doormat, in a flower pot or taped under the mailbox. Usually entry is made by forcing open the front, rear or sliding glass patio door. (One study showed that a door was the place of entry in 61.4%, a window in 33.7%, the roof in 0.2% and other sites in 4.7% of residential burglaries. *UCR*, 1961).

Channel locks and vice grips can be used to force the door lock open, or a screwdriver or pry bar can be used to open the door. Some doors are so poorly constructed that they can be opened simply by applying pressure to the doorjamb so that the lock bolt slips out of its slot.

A very cautious burglar will leave the house when there is no response to the doorbell, return later, force the door open, leave once again, return to loot the house, place the stolen items under a bush or in the alley, and once again leave the area before returning to pick up the loot. Thus the burglary involves four trips to the house, with a careful check for police response after each trip.

One man would force open the back door, walk through the house, unlock the front door, leave the area, then return later, and enter through the front door, as if someone had opened it for him. One youth was observed by a surveillance team sitting on the lawn of a home for twenty minutes. During this time he rang the doorbell twice before he walked around the back of the home and forced open the door.

In a study of 219 Boston residential burglaries with entry through a door, Reppetto found that the burglar entered through an open door in 10 percent of the cases (13). The most frequent technique of door entry was direct impact (39.3%), followed