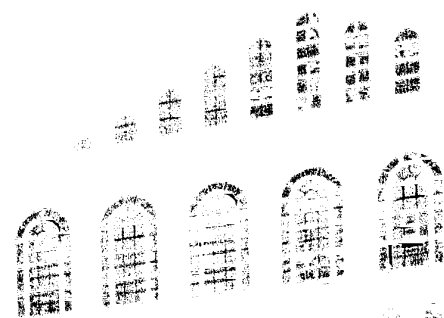


123805-123809

Vol. 200

# Law Enforcement Bulletin



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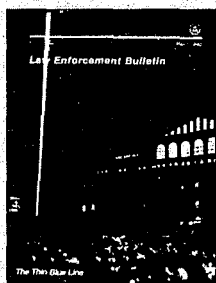
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**The Cover:** During a candlelight ceremony at the proposed site of the National Law Enforcement Officers Memorial, a crystal blue laser symbolizes the "thin blue line" of protection law enforcement officers provide. See page 24. Cover photo courtesy of Walter Gundy.

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# Store Diversion Burglaries

By  
DET. ROBERT P. MEINERS

**S**ore diversion burglaries have plagued retailers across the United States for many years. These crimes occur when offenders, acting in concert with one another, remove valuables from commercial establishments while employing diversionary tactics. It is estimated that retail losses due to such thefts have totaled between \$2-3 million within the past 15 years.<sup>1</sup>

## Offender Characteristics

According to police intelligence information, a core group of

offenders migrated from Canada and settled in the Chicago area. Members of the group, who have identified themselves as Yugoslavian gypsies, are men and women of all ages, even children. These individuals have dark complexions, with dark hair and eyes. As a result owners and managers of victimized businesses frequently describe them as Mexican or Hispanic.

Members of the group use several aliases and dates of birth in an attempt to create confusion and hinder proper identification if ar-

rested or stopped for questioning. Although they are most frequently identified with store diversion burglaries, there is documentation that they have become criminally active in passport fraud, fraud against insurance companies, robberies, residential burglaries, and drug trafficking in recent years.

## Travel Patterns

These individuals travel extensively throughout the United States as a group, employing their criminal expertise; all but eight



States<sup>2</sup> have reported monetary losses attributed to them. While committing a crime, they will use as many as 12 vehicles, usually large, luxury cars, and up to 30 people at one time. The vehicles are equipped with citizen band radios and cellular phones, and in most cases, have legally issued license plates. However, at times, the license plates have been switched, bent, obliterated, or removed to prevent or inhibit identification.

These offenders will also fly commercial airliners to their destinations and then rent cars, which they will return to a different airport. For example, in 1986, a group flew from Chicago to Los Angeles, where they rented vehicles. After committing several diversion burglaries of large department stores in California and Oregon, they abandoned the cars at the San Francisco airport and then flew back to Chicago.

### **Tactics Employed**

Once a business has been targeted, the females of the group, who are responsible for committing the burglary, usually enter first. These women are dressed in colorful long skirts and tops and usually carry no purse. The men, typically dressed in casual western wear, then follow the women into the establishment. These men are often accompanied by children who assist with the diversion.

The diversion begins when the women attempt to confuse store employees by asking nonsensical questions. For example, in a California case, an offender asked for "beer without yeast" and for chickens that could be stuffed with steak. In Milwaukee, WI, one female subject asked the clerk where the dietetic baby food was kept and then insisted that the clerk personally accompany her to the location. In another Wisconsin

grocery mart, a female offender distracted a store employee for several minutes by constantly inquiring about the contents of a jar of beef sticks, asking if they were pork chops.

Some offenders feign illness and threaten police action if clerks and/or managers do not assist them. They have also pretended to be store workers who will lead legitimate customers away from the area where the valuables (usually cash and jewelry) are being removed.

Shoplifting is occasionally used as a deliberate diversion tactic to lure the manager from the office area where the safe is located. And in extreme cases, female offenders have exposed private body parts in an attempt to stop store employees, who have discovered a burglary in progress, from calling the police.

While these distractions are taking place, other members of the group seek out safes, money pouches, or rear storage areas where valuables are kept. In one particular case involving a jewelry store, a clerk was asked to clean and gift wrap some very expensive stemware, engaging all employees in the store to make the sale. While the clerk was doing this, all the valuables in the display cases were removed. The offenders then advised store personnel that they would return later with payment and exited the store. Only after they left was the jewelry discovered missing.

These offenders will also make very small purchases with large denomination bills. This forces the clerk to hand over a substantial amount of change, enabling offenders to discover where the



“  
**Store diversion burglary  
is becoming  
a common problem in  
the United States.**  
”

*Detective Meiners is assigned to the  
Investigations Unit of the Lincolnwood, IL,  
Police Department.*

larger amounts of store cash are kept.

### **Targets**

The size of the establishment, or the type of business, is inconsequential, as long as valuables are present. Small markets, large stores, and even shopping malls have been targeted. The offenders have also "hit" the same chain store at different locations on the same day after learning the layout and security of the stores. The pattern for this type of offense is to strike as many stores as possible in a particular area, often crossing jurisdictional boundaries.

Oftentimes, store losses will not be discovered for hours or days after the crime has been committed. In some cases, store employees have even been accused of committing the crime, because store managers often mistake the crimes committed by groups using diversionary tactics with employee theft.

### **Police/Prosecutor Strategies**

The best evidence is a video tape of the event. Absent this, known offender photographs are the next best resource in attempting to build a case.

If an agency is successful in making an arrest, one individual, always a male group member, will come forward to act as a spokesman for the offenders and will usually offer restitution in lieu of prosecution. When faced with the prospect of making an identification in the store, owners and employees, who actually did not see the crime being committed, opt for restitution, which frees the victim from court appearances.

The criminal case itself may be fundamentally weak since, in all probability, there were several group members present when the offense occurred and little or no evidence as to who actually took the valuables. In such instances, police and prosecuting attorneys, faced

**“ The size of the establishment, or the type of business, is inconsequential, as long as valuables are present. ”**

with the prospect of a weak case, may also favor restitution. This, at least, identifies the offenders and returns the property to its rightful owner. However, since many stores are targeted in the area, and cases of store diversion burglaries are not prosecuted, restitution amounts to simply little more than the price of doing business for these offenders.

Prosecution can be problematic because no two jurisdictions prosecute cases alike, considering the fact that these offenders attack numerous stores in a given area. Additionally, when faced with the prospect of jail, offenders have left the jurisdiction. With their adeptness for using aliases, these offenders remain undetected for long periods of time, and in some cases, completely avoid apprehension.

On a positive note, however, some jurisdictions have been successful in prosecuting these offenders by building a case based on

the group's collective activity or standard method of operation. Other options employed by affected jurisdictions may include Federal charges, such as Interstate Flight to Avoid Prosecution, as the offenders travel across the United States. In some instances, local or Federal racketeering statutes may be applied on a Federal level or locally if the jurisdiction has a similar statute.

The following recommendations may be helpful in apprehending and prosecuting these criminals:

- Verify identity of offenders through FBI fingerprint checks and FBI number
- Educate local retailers as to the methods used in store diversion burglaries
- Ensure all restitution agreements are made after the arrest or indictment
- Photograph and fingerprint all suspects, even if the case is too weak for prosecution and/or restitution is accepted
- Create a clearinghouse within each State for this type of information and a nationwide network to exchange it
- Enact or use existing RICO statutes to prosecute these cases, if this type of crime is considered the work of an organized criminal enterprise
- Update information on the ever-changing tactics of these criminals and circulate among the widest law enforcement audience possible

# Police Practices

## Conclusion

Due to the mobility of these criminals and their stealth and teamwork in committing store diversion burglaries, law enforcement will have to devise creative strategies to deal with them. Patrol officers responding to the crime scene should be well informed about this type of crime so that they can gather critical evidence and witness statements. Follow-up investigators must know where to obtain information and assistance in order to bring these cases to a successful conclusion. Law enforcement managers must ensure that information derived concerning this type of activity is shared and disseminated to the widest law enforcement audience possible.

Store diversion burglary is becoming a common problem in the United States. Law enforcement must be aware of its elements, must develop strategies to police and prosecute these crimes, and must act aggressively in the pursuit of these strategies.

**LEB**

## Footnotes

<sup>1</sup> "Criminal Intelligence Bulletin," prepared by the Lincolnwood, IL, Police Department and the Indiana State Police, April 1989, p. 30.

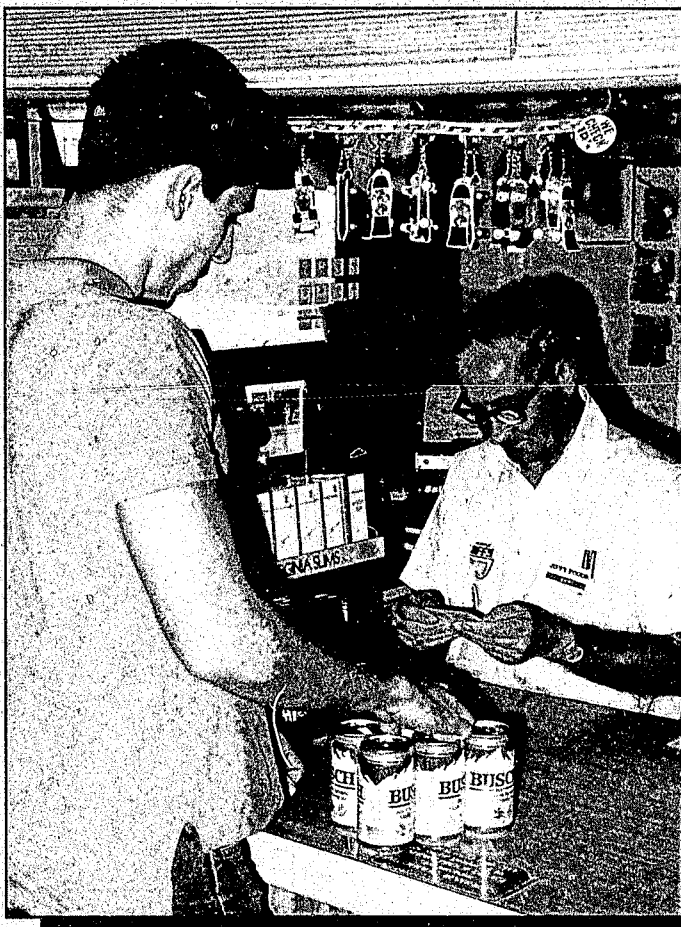
<sup>2</sup> The States are Alaska, Hawaii, Arkansas, Rhode Island, West Virginia, Kentucky, Montana, and Vermont.

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*An index that includes photographs and identifiers on approximately 110 offenders who commit store diversion burglaries can be obtained by writing to the Lincolnwood, IL, Police Department, Investigations Unit, 6918 N. Keeler Ave., Lincolnwood, IL 60646*

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## OPERATION ALERT



**G**raduation night, prom night, spring vacation—these are special times for high school students. But how often have the media carried accounts of tragic accidents that resulted because of intoxication of minors during these special times? Unfortunately, the answer to this question is simply "too many."

In Fernandina Beach, FL, the police department and the Division of Alcoholic Beverages and Tobacco have combined education, public relations, and law enforcement into a cohesive effort to stop underage drinking. OPERATION ALERT (Alcohol—Law Enforcement/Retail Training) is a multi-faceted program that combines retail vendor training, student and