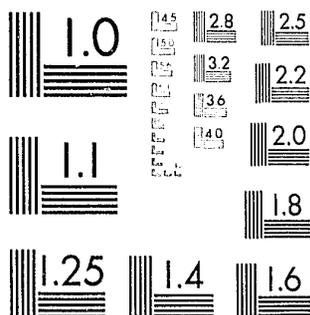


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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
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REASSESSING YOUR AGENCY'S PROPERTY CRIMES ENFORCEMENT MISSION

A GUIDE FOR LAW ENFORCEMENT POLICY-MAKERS



CRIMINAL CONSPIRACIES DIVISION
OFFICE OF CRIMINAL JUSTICE PROGRAMS
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20531

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**REASSESSING YOUR AGENCY'S PROPERTY
CRIMES ENFORCEMENT MISSION**

A GUIDE FOR
LAW ENFORCEMENT POLICY-MAKERS

NCJRS

JUL 16 1979

ACQUISITIONS

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WASHINGTON, D.C. 20531

TO: Henry S. Dogin, Administrator
Law Enforcement Assistance Administration

THROUGH: J. Robert Grimes, Assistant Administrator
Office of Criminal Justice Programs

I am pleased to transmit to you this guide for law enforcement policy-makers entitled "Reassessing Your Agency's Property Crimes Enforcement Mission."

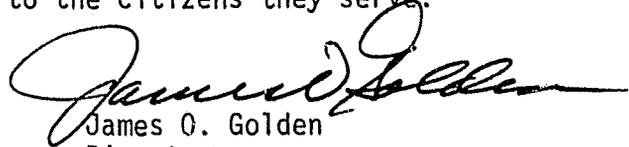
This document represents the latest in a series of reports, manuals, and guides emanating from the Criminal Conspiracies Division's coordinated program to support and disseminate information about promising law enforcement improvement projects in the property crimes area.

Property crimes remain the number one crime problem facing law enforcement agencies across the country, accounting annually for 90% to 95% of all reported crimes. In addition to this dominance of property crimes in the overall crime picture, they also represent the one form of crime victimization with which the public most identifies, as well as the one area of crime control responsibility in which law enforcement performance has been traditionally poor.

Innovative operational and technical assistance projects sponsored by the Criminal Conspiracies Division in the past several years have made it clear that new directions are needed in property crimes enforcement if this crime area is to be brought under control. This guide describes the traditional enforcement approach to property crimes, highlighting its shortcomings. At the same time, the guide provides policy-makers with: (1) a method for analyzing the property crimes mission of their agencies; and (2) an agenda for setting new priorities and directions in this important crime control area.

This document was originally prepared for use as part of a larger manual to be produced under a new project documenting innovative property recovery strategies, using computerized matching techniques on a nationwide basis. However, because of the special significance of the criminal justice system's theft enforcement mission and the importance of this document in addressing the needs of that mission, a decision was made to publish it at this time in the form of a guide in order that a national dialogue on future property crimes enforcement policies and direction might be stimulated. It is critical that such a dialogue begin now so that the law enforcement community is in a position to take advantage of innovative programs currently being formulated and developed.

Because of the importance of this guide in crystallizing the major policy issues in, and in redefining the basic elements of, the theft enforcement mission, I believe its publication will be of great benefit not only to law enforcement agencies, but also to the citizens they serve.



James O. Golden
Director
Criminal Conspiracies Division

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I. INTRODUCTION

PROPERTY CRIMES: WHAT IS THE LAW ENFORCEMENT MISSION?

Each year as crime statistics are tabulated, the disappointing record of the criminal justice system with respect to property crimes enforcement is also portrayed. Revealed is an enforcement record characterized by three major components:

- a high rate of property theft per 100,000 inhabitants, combined with
- a poor rate of case clearance on property crimes (particularly burglary and larceny); and
- a disappointingly low rate of recovery of goods stolen in property crimes.

What this has meant is that while thefts have continued to occur with great frequency, the capacity of the criminal justice system to solve such crimes, to apprehend those responsible, and/or to recover from offenders the fruits of these crimes has been singularly unimpressive. Equally as frustrating as this poor record of performance is the fact that it has persisted year after year with little or no improvement.

Thus the decade of the 1960's saw property crimes increase 180 percent over the pre-1960 level.¹ This pattern has been repeated in the 1970's, with property thefts having increased 39 percent by 1975, over their level in 1970.² In this same period that property thefts were showing a substantial increase, the performance of law enforcement was if anything deteriorating in effectiveness. Blakey and Goldsmith,³ for example, reviewed the value of property stolen and recovered annually between 1960 and 1975, using a base of 1960 dollars to adjust for inflation. They found that while the amount of goods stolen per 100 persons

¹Crime in the United States - 1970, Uniform Crime Reports, U.S. Department of Justice, Federal Bureau of Investigation (Washington, D. C.: U.S. Government Printing Office, 1971), at p. 4.

²Crime in the United States - 1977, Uniform Crime Reports, U.S. Department of Justice, Federal Bureau of Investigation (Washington, D. C.: U.S. Government Printing Office, 1978), at Table 2, p. 37.

³G. Robert Blakey and Michael Goldsmith, "Criminal Redistribution of Stolen Property: The Need for Law Reform," Michigan Law Review, Vol. 74, No. 8, August 1976, pp. 1511-1626.

increased from \$502.00 in 1960 to \$1,061.00 in 1975,⁴ the value of property recovered failed to keep pace with the increased theft rate. Thus, the rate of recovery of stolen property actually declined in the time period studied from a recovery rate of 52.4 percent in 1960 to a rate of 29.9 percent by 1975!⁵

As disappointing as these figures may be, it should be noted that they present a more optimistic view of law enforcement performance in the property crimes area than is justified. This is because they include the theft and recovery of motor vehicles, a class of stolen property traditionally recovered at a high rate, which tend to inflate the statistics. Thus when Blakey and Goldsmith focused on the category of "miscellaneous property stolen"--which includes office equipment, televisions, stereos, firearms, and household goods--they found a much lower rate of recovery for such goods that had also declined over time. In 1960, for example, the recovery rate of miscellaneous goods stolen was 18.7 percent compared with 13 percent in 1974.⁶ Blakey and Goldsmith note that the miscellaneous category of stolen property is of particular significance because since 1966 "[the] sharp rise in the theft rate for miscellaneous property accounts for a substantial, simultaneous increase in the overall property theft rate."⁷ More recently, while the property crime rate has shown a tendency to stabilize and even decline slightly since 1975, the rate of recovery for stolen office equipment, home entertainment equipment, firearms and household goods has declined still further, and was registered at 9.5 percent for the year 1977.⁸ In addition, both during the 1960's and early 1970's when property crimes were showing a tremendous increase and since 1975 when they have begun to stabilize, the clearance rates for these crimes--and in particular for burglary and larceny--have been consistently poorer than for any of the other index crime categories. Thus while violent crimes such as murder, assault and robbery generally record clearance rates in the area of 82 percent, 64 percent, and 27 percent respectively, burglaries and larcenies are consistently cleared at a rate of only 18-19 percent.⁹

⁴Ibid., at p. 1617.

⁵Ibid., at p. 1618.

⁶An earlier draft of the above cited article by Blakey and Goldsmith contained this analysis of the "miscellaneous goods stolen" category. Copy kindly supplied by the authors.

⁷Blakey and Goldsmith, op. cit., at p. 1616.

⁸Crime in the United States - 1977, op. cit., at p. 159.

⁹Average rates calculated using national figures contained in the Uniform Crime Reports for the years 1969, 1971, 1973, 1974, and 1977.

Given this generally disappointing record of performance by law enforcement in the property crimes area, it is not surprising that enforcement executives and administrators have tried many different approaches to more effectively control such crime. Since the late 1960's, enforcement agencies have undertaken such projects as innovative patrol techniques geared to the time and place of thefts; target hardening programs to increase the level of security employed by residential and commercial property owners, and community crime prevention programs such as operation-identification (property engraving) and block watches to enhance citizen participation in theft control efforts. All of these have had limited success in jurisdictions where they were tried, but their overall impact on the theft rate has not been impressive.

These approaches were similar in that they all were directly related to the traditionally conceived mission of law enforcement in the property crimes area, that of identifying and arresting thieves. By the mid-1970's, however, an alternative or additional property crimes mission was gaining currency in the law enforcement community, that of targeting and arresting fences of stolen goods who provide the market for stolen property. Innovative approaches based upon this newly articulated mission (anti-fencing strategies) were successful in jurisdictions where tried, and also showed some promise in affecting the overall theft rate. It is perhaps significant to note, for example, that the national theft rate began to stabilize and decline slightly at the same time that anti-fencing enforcement was at its height. Unfortunately, anti-fencing enforcement has been too often conceived of as a "special effort" not part of an agency's traditional property crimes mission. This view was reinforced to some extent by the fact that most anti-fencing programs were financed through federal assistance projects, only to be quickly abandoned once federal support was discontinued. What has remained is a major area of enforcement responsibility, property crimes, in which there exists a serious confusion as to mission. So great is this confusion and so unsettled is this area of law enforcement that it now becomes important to ask the question that always seemed too self-evident to pose: What is the appropriate mission of law enforcement in the property crimes area?

Quite clearly, major difficulties in property crimes enforcement have arisen because of attempts to represent the enforcement mission in a single objective instead of recognizing that it consists of a series of interrelated objectives that must be pursued in a coordinated manner if success is to be achieved. Thus law enforcement agencies have too often single mindedly pursued the objective of catching thieves to the exclusion of other, equally important objectives such as thwarting the market for stolen goods (focusing on the fence)

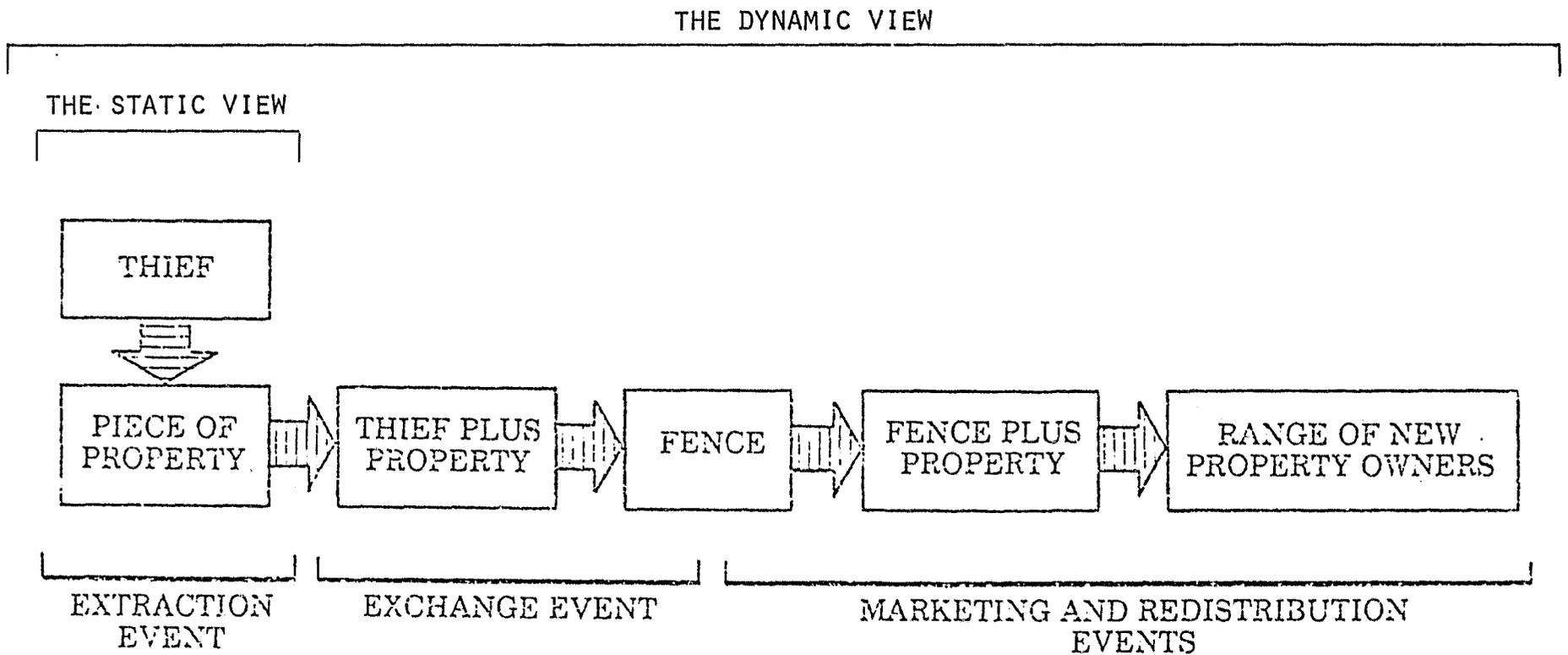
or injecting greater risk into the receipt and purchase of stolen goods (focusing on the ultimate consumer). By doing so such agencies fail not only to meet these additional objectives but also to achieve their stated mission of catching thieves. This is because the series of objectives that are appropriately conceived of as the law enforcement mission in property crimes are interdependent; thus successful performance in meeting one objective is contingent upon there being complementary efforts undertaken in pursuit of others.

It is particularly fateful for a law enforcement agency to select the catching of thieves as the sole embodiment of its property crimes mission. This is because the capacity of the criminal justice system to achieve this objective has declined substantially in the last 15 to 20 years. There are many reasons for this, not the least of which is the significant decline in this same period in the skills exhibited by the average thief. Thus, it is currently far less likely that a thief's identity can be gleaned from evidence available at the scene of a theft, as was the case when the highly developed and differentiated skills of the average thief made his modus operandi tantamount to a calling card. Those agencies which have persisted in pursuing the exclusive objective of catching thieves, then, have virtually set themselves up for failure. They have, in effect, specified a mission for themselves that they cannot expect to achieve. In addition, they have placed themselves in a static and self-defeating posture with respect to property crimes enforcement, when a more dynamic approach could yield more positive results and be more beneficial both for law enforcement agencies and the citizens they serve.

A. DYNAMIC VERSUS STATIC PROPERTY CRIMES ENFORCEMENT

Figure 1 below contrasts the flow of events conceived of under a static as compared with a dynamic view of property crimes. The static view which regards the catching of thieves as the sole and exclusive objective of the property crimes enforcement mission considers only the events in the far left-hand portion of Figure 1 as being of concern. Thus, in this view the only offender of relevance is the thief and the only crime scene of importance to law enforcement is the original site of the theft. Because this view of the property crimes mission considers only a small portion of the events involved in a property crime, it pins all its hopes for success on one critical factor--the capacity to identify the thief from evidence available at the site of the theft. Given the clearance rates on property crimes, we know that this identification is not made more than 80 percent of the time and that the capacity to make it has, for reasons noted above, declined significantly in the past 20 years. It is little wonder, then, that

FIGURE 1: THE DYNAMIC VERSUS THE STATIC VIEW OF THE FLOW OF EVENTS INVOLVED IN A PROPERTY CRIME



agencies which adopt this approach soon find themselves in a stagnating and self-defeating posture with respect to property crimes. In addition, the personnel in such agencies assigned to the property crimes mission generally are poorly motivated, have low morale, and are quickly caught up in a self-fulfilling prophesy of failure.

Contrast this situation with the one where a more dynamic approach to property crimes enforcement is taken. Under the more dynamic approach, the full range of events depicted in Figure 1 is considered relevant to an agency's property crimes mission. Thus rather than having but a single objective, the catching of thieves, as the embodiment of its enforcement mission, agencies adopting a dynamic view of property crimes formulate a series of objectives related not only to thieves but also to fences of stolen goods and to intermediate and final possessors of stolen property. This means that many types of individuals from the original thief to the final consumer of stolen goods become proper subjects of law enforcement attention, and many different crime scenes, ranging from the site of the original theft to the business(es) of the fence(s) involved in trafficking the stolen goods to the businesses or residences of the intermediate and final possessors of the property, become worthy of investigative focus.

What this also means is that the dynamic view of the property crimes mission does not pin all its chances for successful performance on the ability to identify the thief at the original crime scene. Instead, it offers many points in the course of a property crime where enforcement agents have the chance to intervene and successfully achieve their stated mission. Thus, the dynamic approach does not concede away 80 percent of its chances for success at the original crime scene as does the static approach. Rather, by understanding and following the course of the crime, it provides additional opportunities for success. Agencies which adopt this approach have a property crimes enforcement mission that is both alive and exciting. Personnel assigned this mission do not have a self-fulfilling prophesy of failure because even when the thief is not immediately identified they are not defeated. Instead they know they have the chance of intercepting him when he fences the property he stole. Barring that, they may recover the stolen goods from the fence, thereby identifying both the receiver and the thief. And barring that, they may track back to both these offenders by recovering the stolen goods from a final possessor. Rather than being severely limited in their chances for success, theft investigators with a dynamic definition of their mission have many chances to succeed and many options to pursue in achieving their objectives.

B. PRESERVING THE EVIDENTIARY TRAIL -
THE KEY TO DYNAMIC PROPERTY CRIMES ENFORCEMENT

While a more dynamic approach to property crimes enforcement offers obvious advantages to a law enforcement agency, to its personnel, and to the citizens it serves, it may be difficult to determine how to reorient and revitalize a currently static enforcement program in order to reap such benefits. In this regard, it is useful to refer again to Figure 1 where the critical difference between the static and the dynamic approaches to property crimes is seen. The narrow focus of the static approach observed in Figure 1 produces a limited range of events over which law enforcement can prevail in order to successfully intervene in a property crime. The dynamic approach, on the other hand, conceives of a much broader range of events as being significant to the completion of a property crime. Because of this, the dynamic approach has the effect of "keeping the crime alive" for an extended period during which successful investigation and intervention can take place.

The way in which the dynamic approach keeps the crime "alive" is by preserving its evidentiary trail. This is the key to its vitality and success. Thus, instead of focusing on a particular individual or type of individual involved in a property crime, and instead of riveting its attention on one crime scene or one type of crime scene, the dynamic approach sets its sights on the one element of the crime that remains constant, the stolen property. This is because no matter how many people become involved in a property crime, no matter how many different crime scenes become relevant, and no matter how geographically distant the phases of the crime, the stolen property leaves in its wake a trail of evidence capable of establishing the culpability of those who have had a hand in its theft and redistribution. By following the property, then, one has followed the course of the crime itself.

In addition, by following the property, at least one successful intervention in the crime is assured, i.e., the recovery of the stolen goods. This is a crucial aspect of the dynamic approach to property crimes enforcement, for what this means is that even in the case where no conviction is obtained or indeed even where no arrests are made, by recovering the stolen property the criminal justice system will still have succeeded in snatching the fruits of the crime from those who intended to benefit from them. Ideally, of course, the dynamic approach calls for the type of thorough investigation that will support the arrest and prosecution of those culpably involved in a property crime. But even when the approach functions at a minimal level, it still permits the successful intervention of law enforcement in a property crime. Much as the phrase "follow the money" has become a watchword in traditional

organized crime enforcement, then, Follow the Property becomes the keystone of the dynamic approach to property crimes enforcement.

II. DEVELOPING EFFECTIVE PROPERTY RECOVERY STRATEGIES

Since following the property and effecting its recovery is the keystone of a dynamic property crimes enforcement program, developing effective property recovery strategies becomes critical to adoption of such a program. Three steps are important to the development of property recovery strategies: (1) analysis of stolen property transactions; (2) adoption of innovative approaches to developing leads in theft cases; and (3) mobilization of resources to support recovery efforts. Each of these is discussed below.

A. ANALYZING AND UNDERSTANDING STOLEN PROPERTY TRANSACTIONS

In order to develop effective recovery efforts, it is important to understand the types of transactions to which most stolen items are subjected. Most stolen property appears to end up in the hands of possessors who are very similar to the victims from whom the property was stolen. Thus, office equipment and supplies stolen from business and professional victims are most frequently found in business and professional settings. Stolen home entertainment equipment, on the other hand, is most frequently redistributed to individual consumers similar to those from whom it was taken. The complexity of the process by which distribution takes place, however, will differ greatly not only by the type of commodity, but also on the basis of the thieves and fences involved in the original theft and receipt of the merchandise. Depending upon the length and complexity of the redistribution process, the character of the transactions experienced by a stolen item will also change, i.e., those at the end of the process will be less likely to have guilty knowledge of the stolen character of the goods than do those at the beginning.

At minimum, most stolen items undergo two transactions: one, the exchange transaction between the thief and the fence; and, two, the resale transaction where the fence redistributes the item to a final consumer. In virtually all cases, exchange transactions take place between knowledgeable, and hence culpable, parties, i.e., both fences and thieves know they are dealing in contraband.* Resale transactions, however, are not so

*Whether this can be proved in court is, of course, another issue.

easily labeled for while the fence may be assumed to be knowledgeable, the degree of knowledge on the part of the final consumer will turn on two elements: (1) how and where the transaction takes place; and (2) the terms and conditions of the transaction including the price quoted and paid for the item.

In a more complex redistribution process, stolen items undergo a greater number of transactions beginning with the exchange between the thief and fence, and continuing with a series of resale transactions between buyers of the goods until a final sale is made to an ultimate consumer. Though more complex, the same rules apply to this situation as were stated above. The exchange transaction can be presumed in most cases to involve culpable parties, while all subsequent transactions must be judged on the basis of how, where and under what conditions the resale of the item(s) took place.

Perhaps the least troublesome situation for law enforcement is the one where all parties can, by their behaviors, be shown to be culpable. Investigators generally have little difficulty in seizing stolen items from such parties and taking appropriate enforcement action against them. More problematical, however, is the situation where some parties to stolen property transactions (and in particular final consumers) exhibit behavior which, while somewhat questionable, is not clearly culpable. Consider, for example, the case where a business establishment purchases at a "good" price several office machines (shown to be stolen) from an individual who happened by the office one day. Generally the business makes such purchases through regular commercial channels and not from individual sellers. Here, investigators may seize the contraband items, but they may be somewhat reluctant to pursue the matter further because culpability is sufficiently hazy. What should be remembered, however, is that while the law does not intend to assign criminal liability to those who innocently purchase stolen items, it does expect such purchasers to provide a full and reasonable account of how possession was obtained. At minimum, then, investigators should expect to leave such a situation with both the stolen goods and valuable information leading to the seller of the items.

Finally, the most troublesome situation for law enforcement occurs where stolen goods are found in the possession of truly innocent parties. Here investigators may show great reluctance to take any action. Often, this situation occurs after considerable time has passed from the date of the original theft, giving rise to the argument that the case is "too old." This is a specious argument since unlike the theft itself, the statute of limitations on the receipt of stolen goods does not toll until the discovery of the items in the hands of

a possessor has occurred. Nevertheless, investigators may feel that it is quite unfair to seize stolen items from an innocent purchaser. What should be remembered, however, is that it is equally unfair to expect theft victims through their losses to subsidize the activities of thieves and fences, or of final consumers, whether knowledgeable or naive. Similarly, it is highly inappropriate for law enforcement authorities to compromise the ownership rights of the citizens they serve by failing to act conscientiously in a property crime investigation. Thus, as in the case above where a questionable though not clearly culpable purchaser was involved, the innocent purchaser should be expected to relinquish stolen goods and to provide as well valuable information leading to culpable sellers of such merchandise. The law will certainly not hold such purchasers criminally liable, and may even assist them in civilly recouping their losses from the sellers, but neither will the law allow original theft victims to subsidize those persons who have benefitted from their losses.

Stolen property transactions present a broad range of situations to law enforcement, some of which compel immediate and forceful action by investigating officers and some which may be terribly problematical for them. What must remain clear, however, is that no matter at what point the evidentiary trail of a property crime is picked up by investigators through the identification and location of stolen goods, two results must obtain:

- the evidentiary trail must be pursued to identify the culpable parties involved; and
- the stolen goods must ultimately be recovered.

In this there can be no attrition and no exceptions, for to do so is to compromise the basic rights of ownership underlying our society.

B. INNOVATIVE APPROACHES TO DEVELOPING LEADS IN PROPERTY THEFT CASES

As might be expected, it is relatively easy to specify the kinds of theft situations that can confront investigators in property crime cases. It is much more difficult, however, to develop efficient methods for identifying and intervening in these situations on a regular basis. Indeed, one of the major reasons why property crimes enforcement has stagnated in many agencies is the fact that the technology of burglary investigation has remained unchanged for many years. While it is beyond the scope of this manual to describe all of the innovations possible in this crime area, three approaches that are currently available or are being tried in agencies

across the country are described below. These programs should be viewed as examples of the kind of innovations in property theft investigation suggested by the dynamic view of this enforcement mission.

1. Automated Stolen Property Systems. In order to preserve the evidentiary trail of a property crime through the stolen goods, there is a need for high quality record-keeping systems which will permit rapid identification and retrieval of information about stolen items. Because the vast majority of the goods stolen each year are serialized items, automated stolen property files offer great potential for assisting property crimes investigations. Currently, nearly one half of the states maintain either a total or partial automated file of serialized stolen goods. In addition, a national file of stolen property is available through the National Crime Information Center (NCIC), and many large law enforcement agencies maintain such files for their own jurisdictions.

Despite the widespread existence of such automated systems, they are often plagued by one or more of the following problems. First, there is often a lack of participation by law enforcement agencies in national or state-wide systems, or by investigative units in locally based systems. This lack of participation means that the files are often woefully incomplete, thereby decreasing their value. Often this sets up a vicious cycle in which agencies stop participating because the system is not useful, which only further decreases the value of the system. Clearly, automated systems offer great potential for rapid identification of stolen goods, but this potential cannot be capitalized on unless participation is routine and at a high level.

A second problem encountered with automated systems is that their formats, features and overall capabilities have often been designed for the convenience of those who program and maintain them, rather than for the ease of use by investigative personnel. In many cases, investigative input was neither solicited nor received prior to system implementation. This obviously has a serious impact on the rate of participation in the system as well as on its utility for property crimes investigation. Another problem linked to this emerges where investigative personnel are not trained to use the system at all or to use it optimally to accomplish their purposes. Finally, it has often been the case that agencies have invested a great deal of money acquiring the hardware for an automated system and on its basic design and programming needs, but have made no investment in the upkeep and ongoing maintenance of the file. Thus, ongoing input to the system is

left in the hands of a poorly trained, poorly paid and poorly motivated civilian employee of the agency, whose many errors in entering items can render the system virtually useless. Thus, automated property systems which hold the key to rapid identification and verification of stolen goods and to maintenance of the evidentiary trail have, because of one or more of the problems noted here, often failed to live up to their potential.

Some examples of the uses to which automated systems have been put in theft investigations should encourage policy makers to review current capabilities in this area and either overhaul existing procedures, begin participation in available systems or acquire new capabilities not presently available to them. Automated files have been used to identify the true owners of property recovered in a theft investigation. Such files have been successfully compared with automated files of articles pawned or sold to secondhand dealers in order to identify stolen goods and apprehend thieves. Similarly, such files have been used to establish the stolen character of goods observed on the premises of known fences of stolen goods. In many cases, automated systems have provided rapid verification of an investigator's suspicions and produced thereby the legal basis necessary for enforcement intervention. Particularly where stolen goods have crossed jurisdictional boundaries or state lines, automated systems offer the most efficient method of establishing their stolen character, and thereby the culpability of those persons in possession of such items.

2. Repair Records Analyses. Generally, once a stolen item has reached its final destination in the hands of a final consumer, it is lost to law enforcement. This problem has recently been overcome, however, through a new use of automated property systems that deserves special attention here. A new program recently conducted on a pilot basis in the state of California compares the repair records of manufacturers of serialized items with stolen property files. These comparisons were able to generate thousands of identifications of stolen items now in the possession of final consumers. When these comparisons were followed up by field investigations, it was possible as well to determine the paths taken by the stolen items from the time of the original theft and to identify culpable persons who had taken part in the theft and redistribution of the merchandise. It was also possible to discover how and where certain stolen commodities are transported and resold, and how purchases are transacted. In addition, of course, a tremendous number of stolen items were recovered for their true owners.

This repair analysis program generated leads for property crimes investigations that otherwise would not have existed. Most of the cases in which the identified stolen items had been stolen were uncleared and inactive before these leads were developed. The program, then, had the effect of revitalizing many unsuccessful investigations and providing investigating agencies with new successes in the property crimes area. While this program is an especially novel one, it is just one example of the kind of enforcement success that is possible when innovative thinking is combined with a dynamic definition and approach to the property crimes enforcement mission.

3. Common Factors Analyses of Burglary Cases. Once the broader range of events conceived of under the dynamic approach to property crimes is accepted, a number of attitudes about theft and theft enforcement begin to change. One of the first attitudes to change is the notion that thefts are totally random events, determined by the idiosyncrasies of the thief. Agencies and investigators that have adopted the dynamic approach are impressed instead with the degree to which thefts are patterned events either because specific victims are set up for thefts or because of the direction provided by the stolen property marketplace which determines what kinds of goods are likely to be stolen. Sufficient interest has been stimulated in this area that some agencies are now carefully analyzing their theft reports with a view toward establishing specific patterns of victimization and/or of the functioning of the stolen property marketplace.

The key feature of such analyses is that they are intended not merely to assist in the solution of theft cases, but rather to be predictive of those events that will occur as the crime continues. Hence, these analyses attempt to develop leads that will permit further law enforcement intervention and ultimately the recovery of the stolen goods. A typical approach of such programs is to substantially upgrade the procedures followed in the taking of the original theft report. This is done to ensure that valuable information is not lost. Special attention is given, for example, to the description of the property stolen and to the acquisition of identifying information for serialized property items. Notation is also made when items of obvious value are not taken in a theft since this piece of information often has tremendous predictive value.

In some cases, procedures have been established to gather information at the original crime scene that was not previously collected. Some agencies, for example, carefully interview victims to determine what events prior

to the theft may have taken place in and around their homes or businesses that were out of the ordinary and may have led to their victimization. When this is done on a systematic basis it is possible to determine similarities shared by different groups of victims that caused them to be victimized. Using this technique, investigators have been able to discover patterns of victimization based upon a service provided in or around a person's home, rug cleaning or home repairs, for example. In some cases, burglars have been found working for firms providing such services and have used their employment to case residences and the property in them. In other cases, businessmen-fences who own such firms have been found to "set up" many of their customers for thefts. Once again, without systematic gathering of information from victims such linkages between thefts could not be established, nor could the leads generated in the above instances have been developed. Once a "set up" situation has been discovered, it is often possible to identify and recover stolen goods since the fence who fingered a particular victim is likely also to receive the goods stolen from that victim.

As with the repair record analyses described above, common factors analyses of burglaries make possible the development of new leads and new kinds of leads in property theft cases. By doing so, such programs have the effect of endowing a large number of otherwise inactive cases with investigative potential. This results in improvements in case clearances and property recoveries as well as in the initiation of significant investigations into redistribution networks for stolen goods.

C. ORGANIZING RESOURCES FOR EFFECTIVE RECOVERY EFFORTS

Because preservation of the evidentiary trail through stolen property tracking and recovery is not the primary focus of traditional theft enforcement programs, an agency adopting the dynamic approach to property crimes enforcement will want both to redirect existing resources and to seek additional resources that will assist in achievement of its redefined mission. Three resource areas are of particular importance to a dynamic theft enforcement policy: (1) legal remedies and aids; (2) agency resources; and (3) public support and assistance. Each of these is discussed below.

1. Seeking Legal Remedies and Enforcement Aids. The capacity to uniquely identify and trace stolen property items is of critical importance to preservation of the evidentiary trail. In recent years, however, there have been developments in the business sector which have the direct effect of hampering property crimes investigations. Some

large retailers, for example, do not have unique serial numbers on much of the merchandise they sell. Similarly, some large manufacturers of consumer durables are currently moving toward the use of peel off, paper serial numbers. These developments are to be strenuously resisted.

Some states have found it necessary to enact legislation to require unique identifiers for property items and have taken steps to assure some minimal record keeping that can aid stolen property retrieval. The State of California, for example, has two provisions in its Business and Professions Code (Sections 22410 and 22411) which require, first, that all consumer items worth \$50 or more have a unique serial number embossed on the item or permanently affixed to it; and, second, that at the time of purchase the consumer be given a card which contains the manufacturer's complete description of the item, including serial number. Such legislation can go far to ensure that theft victims will be able to provide law enforcement authorities with identifying information for serialized property stolen from them. Ideally, legislation requiring that property owners maintain adequate records of their property as a condition for insurance coverage would be of great assistance to law enforcement. While no state has yet succeeded in passing such legislation, it would seem possible that by consulting with leaders of the insurance industry a workable system for doing so could be developed. Such a system would both aid law enforcement and assist in protecting the insurance industry from insurance fraud.

Another kind of legislation that some jurisdictions have found to be valuable is that dealing with defaced or obliterated serial numbers. Section 537-E of the California Penal Code, for example, makes mere possession of an item with an obliterated serial number prima facie evidence of knowledge of its stolen character. Thus, even in instances where the evidentiary trail may be interrupted through defacement of identifying information on a property item, law enforcement authorities may still intervene and seek to impose a degree of culpability on the part of individuals involved in the theft and redistribution of stolen goods.

One final area in which legal assistance is generally needed for dynamic property crimes enforcement is in the appellate court review of existing case law and investigative strategies. The reason for this is that in many jurisdictions current case law and precedents in property theft cases and especially receiving cases are based on opinions rendered many years ago, when the situation confronting law enforcement was entirely different. A deliberate program of preparing test cases on specific points of law and/or particular investigative strategies for appellate

review, then, can be extremely important in shaping and setting the limits for a dynamic enforcement policy. Obviously such a program requires the assistance of a confident and interested prosecutive agency willing to break new ground and make new law in property crimes enforcement. And while such activity may not be undertaken routinely by investigative and prosecutive agencies in many enforcement areas, it is strongly recommended here because of the unsettled state of case law in property crimes cases.

2. Mobilizing Agency Resources. Achievement of the objectives of a dynamic theft enforcement mission will require the redirection of existing agency resources as well as the acquisition of new ones. Some of the needed resources for dynamic theft enforcement were noted earlier. An agency should review in some detail, for example, currently available automated systems for maintenance of stolen property records. If such systems are not available in the jurisdiction itself, procedures for participation in state-wide or national data systems should be undertaken. Even where an agency has in-house capability in this area, the system should be thoroughly reviewed to assure that: (1) it meets investigative needs; (2) adequate attention has been given to resources and personnel for system upkeep and adding input to the file; and (3) investigators have access to relevant files or to personnel who can provide access, and have been trained to make optimal use of the system.

Personnel is another key resource necessary for a dynamic theft enforcement program. Because this approach expands the investigative targets and crime events seen as relevant to the property crimes mission, it requires either deployment of additional personnel, or new configurations in the work tasks of existing personnel. In this regard, one of the chief benefits of the type of common factors analyses of theft cases described earlier (at pp. 13-14) is that they often assist an agency in determining what proportion of its theft reports require a traditional form of investigative response and which merit a response that looks beyond the original crime scene to the redistribution phase of the crime. Often it is found that only 10 percent to 20 percent of theft cases show promise of investigative payoff through traditional approaches, thereby freeing up the time of existing personnel to perform new functions that become important under the redefined property crimes mission. Alternatively, an agency may decide that the property crimes mission is important enough and the dynamic approach shows enough promise of success that additional personnel can and should be deployed in order to better achieve enforcement objectives.

Two other kinds of agency personnel may be called upon to play a role in a dynamic theft enforcement program.

First, to the extent that procedures at the original crime scene may be expanded or altered as part of a redefined enforcement mission, uniformed officers may see a restructuring of their jobs. This will require at minimum orientation sessions for such personnel, and ideally should include a routinized training program which would explain the objectives of new procedures and assist officers in techniques for debriefing victims and preparing crime reports. A second group of personnel that may be enlisted to aid the enforcement program are those in the community crime prevention (or similar) unit. Public support (as discussed below) is important to a dynamic theft enforcement policy and units which currently take responsibility for administering block watch and operation-ID programs should be asked to play a role as well in the new efforts of the agency. If such a unit does not exist in a jurisdiction, its functions will need to be performed by other personnel.

Finally, the redefined property crimes mission will need to tap an agency's reservoir of informant or investigative funds. Because the dynamic approach foresees investigative involvement in stolen property transactions, buy money or bait property items will be needed to achieve enforcement objectives. Unless such resources can be made available either adoption of a dynamic enforcement program should be abandoned or expectations about what such a program can accomplish should be lowered dramatically.

3. Mobilizing Public Support and Assistance. Public support is an important resource in a dynamic definition of the property crimes mission. In particular, the support of business and residential property owners should be solicited in three areas. First, property owners should be encouraged to participate in agency sponsored target hardening and operation-identification programs. As part of these programs the importance of engraving property items and/or of keeping records of identifying serial numbers for property in order to establish and preserve the evidentiary trail in the event of victimization should be made clear to citizens. Agencies which do not have such programs currently should implement them or encourage and assist public service clubs in the jurisdiction to do so.

A second area in which public support should be sought is in the restructuring of an agency's policies of responding to theft cases. Citizens should be alerted especially if new policies will involve their being interviewed about events they may see as irrelevant to their victimization, or if they will be asked to fill out and return forms to the agency. Similarly, if new definitions of the theft enforcement mission prescribe a streamlined investigative response to many theft cases, the fact of and reasons for this policy change should be made clear to the public. Their support

for alternative enforcement strategies should be directly and honestly sought, and the implications of such strategies for citizens should be explicitly stated. The situation to be avoided is one where citizens find out about an agency's new policies only after having been victimized--a time at which they are not likely to be favorably disposed toward law enforcement.

Finally, the public should be directly solicited for assistance in lobbying for legislation (such as that described at pp. 14-15 above) important to property crimes enforcement. Such solicitation not only can provide additional support for passage of needed legislation, but also can serve an educative function in which the importance of unique identifiers and good record keeping for property items is made clear to citizens.

D. BARRIERS TO EFFECTIVE PROPERTY RECOVERY STRATEGIES

While the advantages of a dynamic approach to property crimes enforcement are compelling, there are likely to exist within an agency significant barriers to adopting such an approach that go beyond the substantive issues discussed above. Some barriers are organizational in nature while others are related to the philosophy and outlook of the personnel that may be asked to implement new policies and procedures. Regardless of their origin, however, it is important that barriers be recognized and confronted directly rather than being allowed to undermine an otherwise sound enforcement program. Three major barriers that may affect an agency's adoption of an innovative property crimes policy are discussed below. While these are likely to be barriers confronted by many agencies, they should be regarded as illustrative rather than exhaustive of the kinds of stumbling blocks that may hamper a dynamic enforcement mission.

1. Competing Priorities in Contemporary Law Enforcement.

Perhaps the single most significant barrier to an agency's implementation of a dynamic property crimes program is likely to be the past history and track record of its traditional theft enforcement mission. This mission is often characterized by a lack of accomplishment and by the kind of self-fulfilling prophesy of defeat noted earlier (at pp. 4-5). Because of this, theft investigation is likely to be held in low esteem within the agency, and assignment to the property crimes mission may not be viewed positively by agency personnel. This is despite the following facts: (1) that property crimes constitute an agency's number one crime control responsibility in terms of frequency and work load; (2) that property crimes are likely to be the one crime area with which the public best identifies and most critically assesses an agency's performance; and (3) that theft cases represent the most difficult and challenging type of investigation confronting contemporary law enforcement.

The contrast between the importance and challenge of the property crimes mission and the low regard in which it may be held can have a significant impact on attempts to revitalize a theft enforcement program. It may mean, for example, that new policies and procedures will have difficulty competing for agency resources and attention without the firm commitment of agency policy makers. It may also mean that theft units will have difficulty attracting the most talented and qualified personnel to implement innovative strategies. Without adequate resources or the best personnel, new strategies showing great promise may fail to meet their objectives, thereby introducing a new cycle of defeatism in the property crimes mission.

Before undertaking a dynamic property crimes enforcement program, then, an agency should assess its competing priorities and determine where the property crimes mission fits in that priority structure. Next, an explicit statement should be made of what priority the agency attaches to the property crimes mission, the expectations the agency administrator has for that mission, and the goals sought through any new policies or procedures that are to be implemented. Finally, steps should be taken to ensure that agency resources committed to the property crimes mission are consistent with its explicitly stated goals and objectives.

2. Training Investigators to Utilize New Sources of Investigative Leads. As noted earlier, the technology of theft investigation has remained virtually unchanged for many years. For this reason an agency may encounter barriers to the implementation of truly innovative property crimes strategies unless a retraining program for theft investigators is instituted. Optimally, adoption of the dynamic approach to property crimes enforcement should result in a thorough retraining and reorientation program for both uniformed and plainclothes divisions of the agency. But where this is not feasible, at least some retraining should be undertaken with personnel specifically assigned to the property crimes mission.

In particular, it will be necessary to redefine the role(s) of theft investigators and reorient thinking away from thief-centered approaches and toward the evidentiary trail and property recovery strategies. A critical element in this retraining process is to instill a high degree of property sensitivity in investigators. What must be clearly understood is that STOLEN PROPERTY IS CONTRABAND when discovered in the possession of anyone but the true and lawful owner. As contraband, stolen goods should be given the same level of attention and concern accorded other types of contraband with which investigators come into contact, i.e., controlled substances, illicit gambling devices, etc. Similarly, those found in possession or control of stolen goods should be regarded with the same

degree of suspicion and should be viewed as having the same level of potential culpability as possessors of other types of contraband items. In addition because identification of stolen items is the key to reconstructing the evidentiary trail, theft investigators should be thoroughly trained in property identification techniques. If such techniques involve the use of automated systems, investigators should be trained as well to utilize these systems in an optimal fashion.

It is important that investigators develop the capacity to begin an investigation wherever and whenever the evidentiary trail is re-established, rather than always beginning with the original crime scene and the suspected burglar. To do so, they will need to learn how to utilize investigative leads that have been generated in novel ways and how to put together the pieces of a property crime regardless of where the investigation begins. The dynamic approach will frequently put experienced investigators in totally different investigative situations than they have confronted before. Their diffidence and/or reluctance to proceed in novel situations should be recognized and strategies to overcome such reactions should be built into the training program.

If a training program is planned for uniformed officers, it should include at minimum an orientation to the agency's redefined property crimes mission; training in the use of new reporting forms or procedures (if these are planned) to be used in the taking of theft reports; and communication of the importance of gathering identifying information for stolen items at the original crime scene. In addition, a review should be conducted of the property crimes portion of the agency's basic training academy program for new officers to assure that the program presented there is consistent with the agency's redefined property crime goals.

3. Overcoming Investigator Intimidation in Dynamic Property Crimes Investigations. Another potential stumbling block to an agency's implementation of an innovative theft enforcement program relates to the degree of self-confidence agency personnel have in carrying out new policies. While such confidence may be related to the training issues noted above, it should be distinguished in the policy maker's mind, for even the most thoroughly trained investigator can demonstrate a lack of confidence when placed in totally new investigative situations. In the pilot repair analysis program cited earlier (at pp. 12-13), for example, it was found that a sizeable number of field investigations stimulated by the program were not fruitfully pursued because of a high level of diffidence, and in some cases intimidation, on the part of investigators when confronted with final possessors of stolen items in business and professional settings. Many investigators seemed to be quite uncertain, first, about how

insistent they should be in debriefing current possessors concerning the circumstances surrounding their acquisition of stolen items, and, second, about how supportive their agencies would be should they staunchly pursue the leads they were given.

Because a dynamic theft enforcement program is likely to place investigators in novel investigative settings and in contact with persons whose culpability may be questionable and who are not normally confronted in a property crime investigation, careful consideration should be given to arming investigators with sufficient information about their legal rights and duties in property crimes investigations so they can carry out such investigations confidently. In particular, arrangements should be made with the local or other prosecutive authority or with in-house legal counsel to brief personnel assigned to the property crimes mission on the actions they are required to take, those they can properly take, and the legal processes they can appropriately invoke to assist their investigations. Such a briefing should include procedures for seizing property items, for obtaining search warrants and for questioning the various kinds of persons who may be found in possession of stolen goods. Too often state statutes specify a law enforcement officer's duties and responsibilities for recovering stolen items incident to an arrest, but they do not make clear what those same duties and responsibilities may be when a seizure is accomplished pursuant to an investigation. Unresolved issues like this can leave investigators confused and uncertain and can seriously undermine their performance.

Finally, investigators should be given every assurance that the actions they take in good faith will be fully supported by the agency. Thus, if a possessor of stolen goods threatens suit for an investigator's seizure of such items, the investigator should not be isolated, but rather should feel that he or she is being backed by the agency. Similarly, the agency should not be viewed as varying its resolve in property crimes investigations depending upon where the evidentiary trail leads. Once the objectives and purposes of the property crimes mission are stated, there must be no attrition from them, nor should there be an unwillingness to deal with the "problems" that may arise when that mission is carried out. Only when armed with a clear understanding of their legal rights and duties and with the assurance of firm agency support can investigators be expected to confidently and successfully implement a dynamic theft enforcement program.

III. THE DYNAMIC APPROACH TO PROPERTY CRIMES ENFORCEMENT - A SUMMARY

It is clear that the dynamic approach to property crimes enforcement offers distinct advantages to law enforcement agencies not available with the traditional, static posture generally adopted for this crime area. Not the least among these advantages is the fact that the dynamic approach prescribes a variety of junctures at which law enforcement authorities may intervene successfully in a property crime investigation. In addition, the focus of the dynamic approach on stolen property and on the evidentiary trail left by it has the effect of "keeping the crime alive" for an extended period during which successful intervention can occur--a situation far less likely under the static approach which succeeds or fails at the original site of the theft.

At the same time that the dynamic approach offers many advantages, it is also clear that it cannot be implemented without considerable planning and a serious commitment of resources. This is because it represents both a major change in enforcement orientation and a redefinition of traditional investigative goals and functions. Because the technology of theft investigation has remained fairly constant over the past twenty years, it should not be expected that basic changes in enforcement strategies can be accomplished without posing some difficulties to the agency, as well as to those individuals assigned to the redefined property crimes mission. Agency administrators should be sensitive to these difficulties and should plan to take steps to overcome potential barriers before they become unalterable stumbling blocks to accomplishment of the agency's goals.

The policy-maker can greatly assist the implementation process to the extent that the goals of the redefined property crimes mission are clearly articulated, understood, and communicated to agency personnel. In order for this to occur, several principles flowing from the dynamic approach to property crimes enforcement should be kept in mind. These principles are:

- that stolen property in the possession of anyone but its true and lawful owner is contraband and should be regarded as such by agency personnel;
- that establishment and pursuit of the evidentiary trail of a stolen property item is the key to an effective property crimes enforcement program; and

- that successful intervention in a property crime is dependent not so much on the point at which intervention occurs but rather on the degree to which that intervention results first, in recovery of the fruits of the crime (the stolen goods); and second, in establishment of the culpability of person(s) involved in the theft and/or redistribution of the stolen property.

Acceptance and understanding of these principles can aid the agency administrator in clearly specifying the objectives of the agency's newly defined property crimes mission. It is particularly important that these objectives be articulated in such a way that agency personnel will have a clear idea both of what is expected of them as individuals; and of what results are anticipated by the agency from adoption of new enforcement policies. While agencies will undoubtedly want to set their own objectives, some suggestions consistent with the dynamic approach to property crimes enforcement are provided below. As each objective is stated, the information it conveys is also discussed.

Objective #1: To maximize the points at which enforcement intervention takes place in property crimes investigations.

This objective is useful in that it tells agency personnel that the new enforcement mission defines as relevant crime scenes and crime targets that go far beyond the original site of the theft and the person of the thief. Similarly, it shows that the agency expects investigative focus to extend to fences of stolen goods and to others (final consumers of stolen property, for example) who may be involved in the redistribution process. With this information, personnel are assured that innovative investigative activities relating to such persons will be favorably viewed by the agency. At the same time, the agency will have made clear that continued pursuit of traditional strategies offering little enforcement payoff will no longer be tolerated.

Objective #2: To maximize the potential for establishing the evidentiary trail in property crimes cases.

Here the agency goes on record making clear the importance of property identification and record keeping systems. Agency personnel are alerted through this objective to the premium placed upon the use of existing identification systems and upon encouraging property owners to maintain adequate records of their property items. Uniformed officers in particular

should receive a clear signal from this objective that recording identifying information in taking an original theft report is of prime importance in achieving agency objectives in the property crimes area.

Objective #3: To maximize the agency's capacity to recover stolen goods.

With this objective, the agency communicates the importance it places on property recovery as a key element in the property crimes enforcement mission. It also tells agency personnel that following the property should be a major principle guiding their investigative activities. When a high degree of such property sensitivity is conveyed to agency personnel, the agency will be well on its way to achieving the benefits of a dynamic theft enforcement program.

These objectives are intended to be illustrative, but whatever objectives are chosen, they should combine an expression of first, what the agency hopes to accomplish; and second, what individual officers can do to assist the agency in accomplishing its property crimes enforcement mission. If this is done, much of the current confusion in this enforcement area can be reduced and the potential for success promised by the dynamic approach will have a much better chance of being realized.

Finally, at many points in the preceding pages the advantages of the dynamic approach to the property crimes enforcement mission both to the agency and to the public it serves have been described. Similarly the importance of the agency's responsibilities in the property crimes area and the visibility of these responsibilities have been stressed. Nevertheless, it is clear that law enforcement agencies face many pressures for performance in other crime areas as well. Thus, agency administrators must carefully balance the advantages of a dynamic theft enforcement program against the energy and efforts that will be necessary to successfully implement such a program. In doing so, one further thought should be kept in mind. Government at all levels currently faces a crisis of confidence on the part of the public. This crisis of confidence has been finding expression particularly in moves to limit government spending and in demands for a showing of specific results from public expenditures. While law enforcement agencies have generally been insulated from such demands, this cannot be expected to continue.

As an agency reviews its current property crimes enforcement program, then, the cost-effectiveness of that program should be considered. Similarly, as the relative benefits and difficulties of implementing a new enforcement program are weighed, cost-effectiveness considerations should enter into the decision-making process. If this is done, what will be clearly seen is that traditional theft enforcement programs offer little to agency administrators in the way of cost-effectiveness justifications. The dynamic approach, on the other hand, with its emphasis on property identification and recovery, provides a useful measure of cost-effective enforcement together with the potential for successful performance. If for no other reason, such an assessment should tip the balance in favor of adoption of the dynamic approach to the property crimes enforcement mission.

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