



Advanced Burglary Investigations

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Fun Fact Stat of the Day

The national average clearance rate for Burglary is

14.1%

*Via FBI UCR reporting

Just a Comparison....

•National Clearance Rate for Murder/Purposeful Death	•National Clearance Rate for Larceny/Thefts
<h1>61.4%</h1>	<h1>18.4%</h1>

Objectives

- Identify key elements of scene investigation
- Identify types of burglars and common patterns
- Identify resources available to help curtail/solve burglaries
- Identify the common issues which make burglary investigations hard to solve and how to overcome them

Objectives (continued)

- Basic strategy for interviews of suspects
- Identify types of technology that can help identify suspects
- Identify types of pro-active approaches to investigations
- Identify statutory elements of burglary

Burglary 1st Degree RSMO 569.160

- 569.160. **Burglary in the first degree – penalty.** – 1. A person commits the offense of burglary in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing an offense therein, and when in effecting entry or while in the building or inhabitable structure or in immediate flight therefrom, the person or another participant in the offense:
 - (1) Is armed with explosives or a deadly weapon; or
 - (2) Causes or threatens immediate physical injury to any person who is not a participant in the crime; or
 - (3) There is present in the structure another person who is not a participant in the crime.
- 2. The offense of burglary in the first degree is a class B felony.

Burglary 2nd Degree RSMO 569.170

- **569.170. Burglary in the second degree – penalty.** – 1. A person commits the offense of burglary in the second degree when he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.
- 2. The offense of burglary in the second degree is a class D felony.

Key Points of Burglary Statutes

"Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. *A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;*

Key Points of Burglary Statutes Cont'd

- (1984) An entry, however slight, by any part of the defendant's body is sufficient to establish the element of entry. *State v. Sincup (Mo.App.), 674 S.W.2d 689.*
- **Inhabitable structure**", a vehicle, vessel or structure:
 - (a) Where any person lives or carries on business or other calling; or
 - (b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or
 - (c) Which is used for overnight accommodation of persons.
- Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;

Key Points of Burglary Statutes Cont'd



- From Burglary 1st RSMO
.....when in effecting entry or while in the building...or immediate flight therefrom the person or ANOTHER participant:
- **(1) Is armed with explosives or a deadly weapon**

Other Criminal Charges to Consider

- Possession of Burglar's Tools (E Fel)– requires “use or knowledge” that someone could use the items to commit a burglary. They do not have to be “breaking” tools. A flashlight and gloves could qualify. *State v. Adkins (MO. App.) 678 SW 2d 855*
- Armed Criminal Action– Any person who commits ANY felony...by, with or through the use...of a deadly weapon is guilty of armed criminal action

Importance of the Crime Scene

The original scene contains the best chance for suspect identification



Things to consider at the scene



FORENSIC EVIDENCE

- Finger Printing – where?
- DNA – **Touch is Limited**
- Examine Point of Entry/Exit - is blood present?
- Shoe Prints/Tire Impressions
- Tool impressions
- **CAN NOT OVER PHOTOGRAPH THE SCENE**

Basic Fingerprinting

- Logically examine the scene and focus on areas where the suspect likely would touch
- Use only a minimal amount of dust
- Photograph and document location of print
- Consider elimination prints from involved parties
- Some items may be better examined in a lab setting
- Forensic evidence can not answer "when?"

Crime Scene Photography

- Start Big to Small, Outside to In
- Capture the scene for those not there
- Use markings/placards to draw attention to evidence
- Consider photographing like/similar items to any taken from the scene
- **CAN NOT OVER PHOTOGRAPH**



Scene Investigation Cont'd



- **Security Cameras** – Multi-Billion Dollar Industry. 2013 study found 15% of households have security cameras. 2016 the number over 27% - IPVM Survey
- **Time Frame** – Could be vital when compared to information learned later in the investigation
- **Victim/Witness Interviews** – Get as much information as they can provide and document it.
- **Area Canvass** - Strangers in the area, vehicles, information about the victim residence, Cameras, etc.
- **Serial Numbers** – Obtain and enter as much as you can into NCIC

Issues that commonly stall the investigation

- **No forensic evidence located at the scene** – Look at technological evidence possibilities
- **No security cameras/camera not working** – Look at nearby buildings/homes for cameras. Consider the route of travel and places nearby
- **The scene is secluded** – This can be a benefit any technological evidence. Area could be less travelled and more awareness by neighbors
- **Victim's have no ID or S/N for stolen property** – Inquire and document any unique features or where it was purchased.



Burglary Characteristics

Residential

- Commonly Day Time
- 576,607 Residential (Total)
- 290,909 Day Time
- 89,814 Unknown Time
- (2019 FBI UCR reporting)
- Residential Burglaries account for 62.8% of Burglary Offenses
- More Opportunity Based
- Targeted for Guns, Jewelry, or Known Valuables

Commercial

- Commonly Night – Afterhours
- 340,857 Non-residential (Total)
- 157,327 Night Time
- 57,976 Unknown Time
- Likely Forced Entry
- Often Multiple Suspects
- Targeted for Cash, Electronics, Specialty Products

Burglary Characteristics Cont'd

- Can be categorized into areas: Organized, Un-Organized, Opportunity, Known to Victim
- Organized Examples: Multiple Suspects with assigned roles, prior planning and equipment, strict "rules"
- Un-Organized Examples: No planning or equipment, ransacked scene (drawers dumped/opened, valuables left behind)
- Opportunity Examples: Vacant homes, multiple homes hit, unsecure homes (garage open, doors unlocked)
- Known Examples: Often narcotic related, relatives

Burglary Characteristics Cont'd

- Category types can crossover. IE Organized and Opportunity etc.
- Tend to operate in a same geographic area or similar population make up.
- Most Burglars stick to same M/O. Residential Burglars stay with home burglaries. Commercial Burglars often target a similar style business or similar items.
- Method of Entry tends to remain similar.



Burglary Survey Video





How Do We Solve Burglaries?

- Use Patterns and M.O.s to your advantage - Be Proactive
- Understand and utilize the resources available.
- Build off of the scene investigation.
- Verse yourself in commonly stolen items (Tools, Electronics, Specialty Items like coins, sports cards, jewelry etc)
- Stay Tenacious with your investigation!

Using Burglary Patterns to Our Advantage

CASE EXAMPLE: Rural Church Burglaries

- Over a two-week period 7 overnight burglaries were reported at rural churches.
- What did we know?
 - Sunday – Tuesday
 - Overnight, Likely 2am to 6 am
 - All areas of the County, but rural
 - Stolen: Music Equipment, Metals, Cash
 - Organized, Opportunity

Church Burglaries Cont'd

• Things Considered:

- Neighboring Jurisdictions?
- Religion Issues?
- Known Suspects? Attending?



Church Burglaries Cont'd...

What did we do about it?

- Proactive Operation
- Detectives/Deputies Assigned to overnight surveillance of similar churches during the same time window.

ON THE VERY FIRST NIGHT OF THE OPERATION.....

NOTHING



DAY TWO.....

In the early morning hours, two suspects were observed in the act of a burglary. After a short vehicle pursuit, the pair were taken into custody.

- Stolen property from a separate burglary in the suspect vehicle
- Suspects confessed to previous burglaries, and directed detectives to home containing the property
- Gained insight/intel into criminal behavior

- Resulting from using patterns against them

Know Your Resources

- Biggest asset are your teammates – Same and Neighboring departments
- Intel Bulletins – M.I.A.C. Also, start your own if it suits you
- Criminal Informants – NARC Units can be a good resource
- License Plate Readers – Availability Varies
- Ring Requests - Blanket request for footage can be sent
- Department Surveillance Camera Database
- Probation/Parole Offender Lists – In house/P&P Office
- Social Media - Weigh the pros & cons
- Federal Agency Involvement – Gun Cases, Multi-State

More Resources To Know

- Scrap Yards – Required to keep and present records 407.300
- Pawn Records – Electronic or In Person Checks – Leadsonline.com
- County or State Government – Create Law/Ordinances
- Grant Funding
- Utilize Victims – Search for their own property online etc.
- Online Market Place Monitoring – Facebook, Offer-Up etc.
- Court Orders/Search Warrants
- GPS Tracking Devices – M.O.C.I.C. Equipment loan
- Facial/Mugshot Recognition Software

Investigative Ace in the Hole?



Technology

- Smart Devices
- Geo-Fence Tracking
- Google



Google Geo-Fence Tracking

- Requires Search Warrant to ID all Google devices within a provided time and geographic area.
- This information is gathered and stored by Google based off of Applications/Processes smart devices perform which link to known IP locations, Cell Towers and Mobile Data Information
- Google provides an initial "anonymous" list to determine which devices are tied to the investigation
- Second request provides device owner information

Google Geo-Fence Tracking Cont'd



- Location information can be collected even with device location off
- Becoming more widely utilized:
 - Google received 982 in 2018
 - 8,396 in 2019
 - 11,554 in 2020

Google Geo-Fence Drawbacks

- The process takes forever....
FFFFFOOOOOORRRRRREEEEVVVVVEERRRR.....
Often takes **at least 6 months** for standard return
- Google could require payment for the records
- Legal Challenges Ahead...and currently
- Information is warrant has to be very accurate
- Still have to ID the Google User
- **REMEMBER TO INCLUDE NON-DISCLOSURE**

Google Geo-Fence Excerpt



- **ATTACHMENT A**
- **Date & Time Period:** XX/XX/20XX at 7:00 am to 12:30 pm Central Standard Time
- **Target Location:** Geographical area identified as a polygon defined by the following latitude/longitude coordinates and connected by straight lines:
 - Point 1: 38.35770 -90.50839
 - Point 2: 38.35757 -90.50712
 - Point 3: 38.35449 -90.50781
 - Point 4: 38.35457 -90.50672
- Further identified as the area around the address of 2099 Stoney Ridge Trail, House Springs, MO 63051.

Google Geo-Fence Excerpt Pt 2

• For each location point recorded within the **Initial Search Parameters**, Google shall produce anonymized information specifying the corresponding unique device tags of all location data, whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, Bluetooth beacons, precision measurement information such as timing advance or per call measurement data, and Wi-Fi location, including the GPS coordinates, estimated radius, and the dates and times of all location recordings (with captured time zone), data source and device type (platform), during the date and time period associated with specific device tags;

Other Tech Based Options To Consider

- Cell Phone Location Information –Both Forward(Real-time) and Backward (Historical)
- Cell Tower Dumps – Federal Assistance
- Specific Google (Gmail) Account Tracking
- Fitbit, Apple Watch or Similar Device
- Offer Up, Facebook, E-Bay or Similar Platform – Can be used proactively or historical
- MIAC, MOCIC for mapping, tracking

Quick Interview Tips for Suspect



- Best interview advice I have ever received, "Be Nice"
- Second Best, "Never be shocked by what you are told"

Interview Tips Cont'd

- Very common to get confessions on events that the suspect can be tied to by evidence (forensic, video) but denials on other crimes that there isn't "hard evidence."
- May not be able to get full confession but attempt to get the suspect to cross the line of the statutory elements in their words.
- Remember the next best thing to a confession is a lie that can be disproved.

Questions



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