

From: 1971-1972 Report of the Pennsylvania Crime Commission

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Professional Crime in Pennsylvania: A Report on the Activities of Large-Scale Theft Rings in the Commonwealth

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NCJRS

DEC 28 1976

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INTRODUCTION: THE PROBLEM OF PROFESSIONAL CRIME

During the 1960's the United States experienced a mushrooming increase in its crime rate, and by the middle of that decade the upward spiral in serious offenses had assumed all the dimensions of a national crisis. The problem became known as one of "crime in the streets," and public apprehension about it centered around staggering increases in crimes (most commonly committed in public places) against persons and against property. Statistics reflected a marked rise in murders, assaults, and rapes in the former category, armed robberies, riots, and destructive acts of political protest in the latter.

Unfortunately, far less attention was focused upon the categories of organized crime, white collar crime, and professional crime, each of which share the advantage of being removed from public view as the result of the intricacies of their calculation and planning. Crime statistics and other objective indicators suggested that these offenses were increasing at an alarming rate as well; however, their largely hidden features had the effect of muting any outcries for action.

This report will concentrate upon the serious but largely invisible problem of professional crime. By doing so, the Commission endeavors to increase the public's awareness of the problem, the objective being to develop a constructive mood of public concern and official action, wherein this disturbing growth of professional crime in Pennsylvania will be halted.

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What is "Professional Crime"?

There is no accepted definition of professional crime that satisfies all criminal justice experts. In general, the term applies to a broad range of crimes against property committed for profit by career criminals who have developed highly specialized skills in one or more of several fields of endeavor. Professional crime includes the offenses of burglary, robbery, hijacking, auto theft, receiving stolen goods, and forgery; it also involves the additional offense of conspiracy to plan and execute those crimes.¹

Because the range of professional crime activity is so extensive, the Commission has concentrated on the problem of highly organized professional burglary rings and, to a lesser degree, upon the offense of armed robbery that such rings have been known to pursue. The Commission considers these two activities to be representative of the more inclusive category of all professional crime offenses.

Crime statistics reported to the FBI suggest that the offenses of burglary and robbery, which usually are committed by professionals, are indeed increasing at a disturbing rate throughout the nation. In the period between 1960 and 1970, burglaries increased at the following rates:²

Residence, daytime	+337%
Non-residence, daytime	+115%
Residence, nighttime	+129%
Non-residence, nighttime	+ 66%

The nationwide increase in robberies was equally steep and alarming:

Bank robbery	+409%
Chain store	+389%
Residence	+213%
Commercial establishment	+144%

In Pennsylvania, the number of burglaries reported to authorities rose from 34,952 in 1960 to 70,086 in 1970—an increase of almost 100%. Reported robberies also rose a staggering 206% during the same period,

¹ So as not to confuse professional crime with organized crime, it should be noted that the former term refers to offenses against property (theft crimes), whereas the latter involves, in most cases, the provision of illegal services (so-called victimless crimes).

² These statistics are based upon offenses reported by local police departments to the FBI. While numerous experts have criticized the reliability of such statistics, the figures nevertheless provide at least an approximation of the actual crime rate as well as its increase.

from 4,084 in 1960 to 12,499 a decade later. Nationwide, law enforcement success in apprehending the perpetrators of these thefts has been extremely limited. In 1970, the most recent year for which statistics are available, only 19% of all burglaries and 29% of all robberies were ever "solved" through the arrest of a suspect. Furthermore, only a small proportion of property stolen by professional criminals is ever recovered. Only 42% of all property reported stolen in the United States in 1970 was retrieved. (However, there is good reason not to include a large percentage of that property since 77% of all stolen auto's were taken by non-professionals for local rides and were recovered due to abandonment. When those offenses—most of which are committed by amateurs—are removed, the amount of property recovered drops to 9.6%.) The following table represents the values and percentages of non-auto property recovered in 1970:³

<i>Type of Property</i>	<i>Value of Property</i>		<i>% Recovered</i>
	<i>Stolen</i>	<i>Recovered</i>	
Currency, notes, etc.	\$101,200,000	\$10,200,000	10 %
Jewelry & precious metals	78,000 000	5,400,000	7
Furs	9,000,000	400,000	5
Clothing	33,300,000	4,600,000	14
Miscellaneous	363,900,000	42,700,000	14
<i>Total</i>	<u>\$585,400,000</u>	<u>\$63,300,000</u>	<u>9.6%</u>

(Average)

Projections concerning the proportion of theft crime committed by rings of highly organized professional thieves is equally startling. The Pennsylvania State Police estimate that while members of such rings commit only 10% of the burglaries and robberies in the state, they are responsible for over 90% of the dollar value of property stolen. Clearly, a single theft by a well organized ring equals several—perhaps hundreds—by amateurs or unorganized professionals. Thus, it is the factor of organization, which brings with it planning and specialization, that explains why organized professionals are able to steal nine-tenths of the valuable property while committing only one-tenth of the thefts.

Experts consider that the above statistics are a reflection of the movement of professional criminals from cities, where policing has posed a deterrent, to more affluent suburbs and small municipalities. Since the professional burglar desires to maximize the value of his thefts and minimize the risks of detection and arrest, nowhere are those two conditions

³ Source: *Crime in the United States*, issued by the Federal Bureau of Investigation, U. S. Department of Justice, 1970, p. 117.

met better than in wealthy, sparsely populated, and poorly policed rural and suburban communities. A review of recent major burglaries in Pennsylvania reveals that a virtual invasion by professional criminals into those areas has been underway for some time.

To further demonstrate the dimensions of large burglaries and robberies, the Commission has assembled some examples drawn from Pennsylvania State Police files. For example, between 1967 and 1968, one burglary and robbery ring committed forty known thefts and stole money and property valued at \$400,000. In another case, the burglary of a millionaire's estate netted close to a half-million dollars in cash and jewels. In a third example, the State Police in 1969 successfully averted a planned \$1 million precious metal armed robbery as the criminals were traveling on a highway to a western Pennsylvania community.⁴ Numerous other examples could be provided, but the fact stands that professional burglary and robbery rings are committing more lucrative thefts precisely because they have chosen victims in the wealthiest, lightest travelled and poorest policed communities in Pennsylvania.

Who is the "Professional Criminal"?

The professional criminal is one of the most cunning and elusive of all lawbreakers, and the profile of a representative professional, the career burglar, reveals several interesting features. The average offender is relatively young, in his mid-twenties to mid-thirties. Often he is a recidivist, with a criminal record dating back to his teens that includes arrests for such offenses as breaking and entering and burglary, and occasionally crimes of violence. Furthermore, FBI crime statistics, based on figures assembled from throughout the United States, show that 76% of burglary and 57% of robbery defendants released from prison in 1965 were arrested again for the same offense at some point during the following four-year period. Thus, as the criminal's career continues, his arrest record lengthens, occasional convictions and prison sentences intervening. Yet, by the time the professional burglar has reached the age of thirty-five, he has moved up from the *commission* of burglaries to a higher, managerial position; he *arranges* burglaries and recruits younger criminals to commit them.

In most cases, the resources available to criminal justice authorities have failed to rehabilitate the career burglar or discourage him from pursuing a life of crime. The best that is done is occasionally to arrest, convict, and imprison him—usually after he and his colleagues have committed scores of thefts and stolen thousands of dollars worth of valuable property; and

⁴ More detailed accounts of the above three incidents appear later in this report.

as previously noted, only an infinitesimal portion of his spoils is ever recovered.

Further evidence suggests that the professional criminal has chosen a career in crime because it is a very financially rewarding vocation. In 1967, the President's Crime Commission published the findings from a research study of professional criminals in four United States cities. The results disclosed that a successful professional criminal could expect to realize an annual income of close to \$100,000. While no comparable research project has been undertaken in Pennsylvania, the Pennsylvania State Police report that the personal effects of many arrested professional thieves include the most expensive watches, jewelry, and clothing; in addition, many of them keep several thousand dollars in cash on their person.

Why the Concern About Professional Crime?

The problem of professional crime, proven to be more serious in recent years, has been compounded by four major developments. First, professional criminals from nearby states, and from as far away as Canada, have been operating systematically in Pennsylvania. These international and interstate dimensions are of particular concern to the Commission insofar as such groups, by their use of interstate and international highway systems, pose extremely difficult problems of apprehension. In fact, many thieves can be several jurisdictions away—towns, counties, even states—before their theft is even detected.

Second, professional criminals more and more are resorting to tactics of force and violence, such actions being considered necessary in order to subdue guards, homeowners, businessmen, and other citizens who might attempt to intervene in and disrupt the execution of a theft.

Third, members of professional burglary and robbery rings have developed strong alliances with major organized crime figures. The purpose of such alliances is, on the one hand, to take advantage of a racketeer's extensive sources of information and, on the other, to utilize his contacts for the disposal of stolen goods. The Commission has developed, and will set forth in the following report, several examples of actual racketeer participation in the planning of major burglaries and armed robberies in western Pennsylvania.

Finally, an alarming condition exists in several Pennsylvania communities as a result of police officials' having actually helped to arrange and plan large-scale burglaries and robberies and subsequently assuring criminals freedom from any law enforcement interference while in their municipality. More than any other single factor, the discovery of these conditions has prompted the Commission to institute this full-scale investigation.

It should be noted at this point that the lack of public awareness about the steady increase in the incidence of professional crime can be traced to two factors. First, the movement of well organized professionals to suburban areas has meant a movement away from sustained attention by the news media in larger cities, and because professionals may strike in a suburban community or small town only a few times in a year, residents feel little cause for alarm. Second, since most thefts are covered by commercial or homeowners insurance, the damage caused by a major loss is soon repaired—either partially or completely. Thus, with few aggrieved victims, only scattered voices have called for increased official action.

Origin and Scope of the Investigation

In March of 1970, the Crime Commission initiated an inquiry into both the systematic operation of professional burglary rings in this state and the adequacy of public and private defenses against them. Commission investigators began to assemble information from federal, state, and local enforcement agencies and at the same time began to develop a plan of attack in order to address the statewide problem in Pennsylvania. Two days of hearings were held on March 10 and 11 of that year and valuable expert testimony about professional crime was furnished by federal, state, and local police officials and prosecutors. In addition, a county commissioner, a representative from a citizen's civic group, and an insurance company representative described the effects of professional crime upon their respective communities.

In September, 1971, an imprisoned member of a large burglary ring offered to cooperate with the Pennsylvania Attorney General's Office in an investigation into professional criminals' operating in western Pennsylvania and neighboring states. On January 19, 1972, a public hearing was held at which the Commission received sworn testimony from ten individuals concerning the planning and execution of over forty, as well as official corruption surrounding several, major burglaries and armed robberies in western Pennsylvania and Ohio over a two year period. Three witnesses who refused to testify (by asserting their Fifth Amendment rights) were later compelled to do so under a state grant of immunity from prosecution. The three received the immunity in exchange for their testimony, which incriminated other individuals.⁵

The following report presents the results of the Commission's investigation and, together with its findings and recommendations, proposes solu-

⁵ Because the Crime Commission is a fact-finding and not a prosecutive body, evidence obtained as a result of the Commission's investigation has been transmitted to the appropriate federal, state, and local authorities in Ohio and Pennsylvania that have jurisdiction over the specific offenses detailed in that testimony.

tions in the form of modern defenses against professional crime.

HOW THE PROFESSIONAL THIEF OPERATES

The Professional Burglary Ring, the "Working Crew," and Supportive Services

The execution of a highly complicated burglary requires a team of thieves ranging in size from two to six specialists. That team, or "working crew" as it is known in professional crime circles, contains experts whose skills are needed to: plan for the smooth execution of the theft; gain entry to the building that houses the valuables; locate and remove the valuables; successfully escape.

The members of a burglary crew are recruited from a considerably larger manpower pool of professional criminals known as a "gang" or "ring." The size of a seasoned professional burglary *ring* may range from thirty to over a hundred individuals. Professional burglars maintain the *ring* for their mutual benefit in that each theft requires a distinct combination of technical skills and a large pool enables a crew leader to choose from among the most proficient and cunning specialists available.

The professional burglary ring is a loosely knit collection of individuals, and thus it is difficult to refer to the ring (in contrast to the *crew*) as organized in any real sense. The amorphous character of the ring is due to the fact that at any one time the majority of its members will be dormant, waiting anxiously for an invitation to participate in a lucrative theft.

In order to maximize their prospects for employment, members of the burglary ring maintain constant communication with one another. That is accomplished by spending their idle days and evenings circulating within a network of "friendly" bars, restaurants, and poolrooms. In those surroundings, which the President's Crime Commission called "job placement centers," burglary specialists linger in anticipation of receiving a job offer.

When information about a prospective job is conveyed to or obtained by a member of the ring, a "crew leader" scrambles to recruit a team of experts to plan and execute the theft and immediately tries to arrange for the disposal of the stolen merchandise. At that point the tightly knit *crew* emerges from the more amorphous burglary *ring*.

After working together on one or more burglaries, the crew may dissolve again into the larger ring, or it may continue to operate for sustained periods that may run into several years. As the conditions surrounding subsequent burglaries change, certain specialists are replaced while other

ones are added on an *ad hoc* basis. This is particularly true if the crew alternates between the burglary of homes and commercial establishments—or between the activities of burglary and armed robbery.

The size of the working crew and the degree of specialization of its members will depend upon the geographic location of the building to be burglarized; upon the construction of the building and the construction of the enclosure wherein the valuables are secured (i.e., the vault, safe, strongbox, or hidden closet compartment); and upon the size, weight, and number of the items to be stolen.

In addition to this specialization, well-organized crews bear another distinguishing trademark, their use of an intricate and effective four-phase process. That process begins when information concerning a lucrative prospect is passed on to or obtained by a member of the ring, the "setup man," who then assembles a crew to commit the burglary—"initiating" the theft. The target location must then be watched closely, or "cased," for several days, or perhaps weeks, in order to arrive at the best time for making the illegal entry, and arrangements must also be made with a "fence" for the disposal of the stolen valuables—"planning." When those two steps are completed, the crew perpetrates the theft and flees—"execution." The fourth and final phase involves the process of disposing of the stolen property and exchanging it for cash through the fence—"fencing."

In addition, members of professional burglary rings rely upon several supportive services in order to function effectively. These services are provided by the tipster, the fence, the fixer, and the corrupt official. The services performed by the tipster and the fence—two individuals who usually operate outside of the burglary ring but in alliance with ring members—are the *sine qua non* of the professional crime underworld. The tipster enables the crew to initiate a theft; the fence facilitates the disposal of the stolen goods. Without those two services—the collection of inside information and the marketing of stolen property—the crew could not operate. The activities of the tipster and the fence also demonstrate how the conspiratorial nature of professional crime extends far beyond the limited membership of the small burglary crew.

Professional criminals form other alliances that reveal additional dimensions of their activities. Arrested burglars often enlist the services of "fixers" to arrange for favorable dispositions of their cases in court. Professional criminals also have been known to form alliances with corrupt public officials. In most cases those alliances are with police officials, who convey first hand information about wealthy residents and provide the burglars with immunity from local law enforcement interference.

This section of the report will discuss the central features of the well-organized professional burglary crew and the nature of its supportive services.

The Working Crew and the Large-Scale Theft

The processes of initiating, planning, executing, and fencing that are involved in a large-scale burglary require that each of the working crew's members, and their supportive services, be involved at distinct steps. The best way to describe the activities of each participant is to follow the four phases and analyze the contribution of each participant as his specialty comes into play.

Phase I: Initiation of the Burglary. Before their criminal act is even considered, members of a burglary ring usually obtain information about a prospective theft from an individual who specializes in the collection and dissemination of information about lucrative targets. As noted above, the two purveyors of those services are generally known as "tipsters" (or "touts"), and "finger men" ("setup men").

The distinguishing trait of the tipster is that he works outside of the ring and in the course of his work obtains general information about the location of money or valuables in a home or commercial establishment. In general, tipsters can also be relied upon to provide an assessment of the best times for committing the burglary and the easiest points of entry to the building.

One convicted burglar submitted a statement to the Crime Commission describing the vital services performed by the tipster:

The most important factor in successfully operating a burglary/robbery crew is knowledge. This means that the key to success is an accurate tipster who supplies the location of the mark,⁶ the amount of the payday and type of merchandise; the number and type of people that will likely be encountered; a working knowledge of the area; the general pattern, if not the timetable of the police patrols; information of the intended victim to the point where his reaction to a given situation can almost be predicted; and a dependable fence . . . the type of safe, etc.

In many cases, tipsters are engaged in occupations that bring them close to sources of general knowledge about wealthy and vulnerable residents. In several cases known to the Commission, police officers have supplied one burglary crew that has operated in western Pennsylvania with information about victims which was probably obtained during the course of the officers' contact with underworld informants. In other situations, persons engaged in marketing stolen goods have doubled as tipsters.

⁶ The "mark" is the target of the theft, i.e., a warehouse, residential dwelling, bank, etc.

Thus, the "fence" often assumes this additional role because of his proximity to illegal markets and sources of demand for such specific commodities as precious jewels, metals, appliances, or securities. So, spurred by the ideal situation of a ready and waiting market, the fence takes personal initiative in locating a victim who possesses the articles in demand. The fence-tipster then works with a burglary crew to commit a "theft-to-order."

Not surprisingly, tipsters are compensated very well for their services and usually receive a commission based upon a percentage of the stolen property. (The testimony of one professional burglar established that the going rate for tipsters is 10% of the cash value of the stolen valuables and may be up to 15% if the information furnished is accurate beyond a flaw.)

The Commission has developed an illustrative example of how burglary crews utilize the services of tipsters. In one 1969 case, the one mentioned above in which the Pennsylvania State Police apprehended a crew of armed robbers on their way to commit a million dollar precious metal theft, state police officers found a black looseleaf notebook among the robbers' personal effects. In it the crew had catalogued scores of tips it had received about prospective thefts in a number of states, including several in Pennsylvania. A typical entry in the notebook began with the address of a house, followed by a description of the dwelling. The entry went on to note that easy entry could be made by way of the back door and that the family owned two automobiles. The telephone number of the owner was also included so that the burglars could call beforehand and ascertain whether any of the residents were home.

Unlike the tipster, who is usually an outside operator, the burglary ring's second source of information, the "setup" or "finger man" is a member of the ring. He seeks out information himself and goes on to help plan and even participate in the thefts. In one notorious case, the setup man of an infamous Philadelphia burglary ring was a personal friend of the victim—a millionaire coal operator in Pottsville. He had managed to obtain the location of the victim's wall safe and the information that large sums of money were kept in it. His precise knowledge was demonstrated on August 7, 1959, when his burglary crew removed \$478,000 in cash and \$15,000 in jewels from the safe.

Phase II: Planning the Burglary. A burglary is effectively initiated when a member of the ring, the crew leader, chooses to act upon the information supplied by a tipster or setup man. At that point, the delicate process of planning for the commission of the burglary is begun. The planning phase involves three distinct steps: the recruitment of the burglary crew; the systematic surveillance of the building; and the making of arrangements for disposal of the stolen valuables.

The crew leader knows that an experienced and effective burglary team needs specialists who are proficient in the techniques of gaining entry to

various types of buildings and specialists who, once inside, are equally proficient in getting into the enclosures where the valuable property is hidden. Also, a crew of experienced specialists will often contain members whose tasks include the subduing of security guards or homeowners and the facilitating of rapid and uninterrupted escapes.

The most essential specialists, however, are those with a working knowledge of modern technological devices. Among this group, specialists in communications equipment and electronic security systems are the two most prominent. For example, most professional burglary crews include a member who situates himself outside a home or building in order to monitor the local police radio frequency. This communications specialist also keeps in frequent contact with the burglars on the inside by way of a portable transceiver, better known as a "walkie-talkie." In addition, lock experts and alarm deactivators are other technical specialists frequently found in burglary crews.⁷

Inclusion of even more specialists will depend upon the circumstances peculiar to each burglary, and among them experts in safe-cracking and driving getaway cars are the most prevalent. Nevertheless, certain tasks must be performed that frequently require the full energies of someone who does not ordinarily need specialized technical skills. Lookouts and strongarm men fall into this category.

Once the crew is assembled, the next step involves the target location itself, which must be systematically watched, or "cased," so that if any police forces exist in the area the crew members will be able to reconstruct the time pattern of police patrol. At this juncture, information supplied by the tipster concerning optimum times and points of entry is checked for confirmation. At the same time, escape routes are also mapped in an effort to find the shortest way to a major highway.

An excellent example of such detailed planning of a major burglary was provided the Commission by the Pennsylvania State Police. Before their apprehension in 1969, a crew of burglars from Canada would travel to locations in western New York and Pennsylvania, committing burglaries of supermarkets on the way there and back. The crew operated out of a nondescript panel truck whose windows were painted the same color as the body. In one of the windows, a small hole permitted a highly sensitive camera with a telephoto lens to photograph the inside of the supermarket offices. The *modus operandi* of the Canadian burglary crew involved parking the van in front of the supermarket office late at night so that the vehicle would be considered as an abandoned, and therefore harmless,

⁷The Commission did receive examples of rings which had no experts in alarm deactivation. Those rings avoided burglaries of establishments with electronic security devices and instead preyed upon the scores of other buildings that were unprotected by any such systems.

object. When the manager arrived in the morning and opened the safe, the crew would photograph him in the act of working the combination. After several days of photographs were developed, the crew was able to reconstruct the combination. Then, late at night, the crew would climb onto the supermarket roof, bore a hole in it, enter the building, and drop to the supermarket floor. The crew would then burglarize the safe and flee with the cash. It is indeed astonishing to note that before these Canadian burglars were apprehended they had committed an estimated forty supermarket burglaries, and in all cases they had used the safe's combination.

Such expert execution of the crime, however, would in most cases be fruitless without inclusion of the final step of the planning phase, arranging for the disposal of the stolen goods. This step is taken very early in planning so that the goods will be transferred to the fence immediately after the theft, thereby reducing any likelihood that the burglars will be arrested with the stolen goods in their possession. Making these arrangements is a relatively simple task in that fences maintain excellent relationships with burglary rings and are aware of markets for any and all types of stolen goods. (A more complete discussion of the fencing process appears later in this section.)

Phase III: Executing the Theft. After the crew is assembled, the building cased, and arrangements to fence the merchandise consummated, the planning is completed. Then, at a selected time, the crew swings into action for the third phase: the execution of the burglary. This execution phase is, in turn, composed of three steps: gaining illegal entry to the home or establishment, locating and obtaining the valuables, and fleeing.

The method selected for the first step, gaining illegal entry, will depend upon the construction and security of the building. Because some commercial buildings and most homes are unprotected by burglar alarms or strong locks, they present minimal problems of entry. Many other commercial establishments, however, are physically and electronically secured and, therefore, create difficult entry problems for the burglars. In most cases, the buildings are vacant at the time selected for the theft, and that situation affords the burglars an opportunity to find a weak point of entry, thus enabling them to deactivate any electronic alarms.

In the case of residential dwellings, entry is often made through an unfastened window or a back door fastened with a simple lock device. Where tipsters have provided detailed information about the floor plan of the house, the location of the valuables is a simple matter; where they have provided only general information, the crew members must undertake their own search for the valuables at the very possible risk of failure.

The burglary of a commercial establishment calls for a different strategy. In these cases, the greatest difficulty encountered is in entering the build-

ing—it may involve considerable time and the use of much equipment, i.e., crow bars, drills, hacksaws, etc. Once inside, however, the location of the merchandise is an easy matter. To give an example, a professional burglar furnished the Commission with this anecdote drawn from his personal experience:

We went down—the two of us—we went in an upstairs window from an adjacent building. There was an inside loading area and there was a company truck there and there were mostly colored TV's, mostly Magnavox's, and we went around the warehouse on different floors and we rounded up the merchandise that we could get the most for. We hauled them down the freight elevator and loaded them on the company truck. When we had a load we called the setup man at the bar and asked him what to do with it. He told us to take the truck across the state line in Ohio where he would meet us. [Vol. III, p. 42.]

While the burglary crew is inside executing the theft, the communications expert on the outside monitors the local police radio band, and the driver and lookout man watch for any indications of potential interference. If any signs emerge, the communications man contacts the crew members inside the building with the walkie-talkie. If no problems arise, the crew members carry the loot to a waiting car or truck and proceed posthaste to their rendezvous with the fence, where the valuables will be exchanged for cash. In most cases, by the time the homeowner or businessman discovers the burglary, the crew members can be several hundred miles away and enjoying the fruits of their act.

Phase IV: Fencing—The Disposal of Stolen Goods.

I don't think the theft is the cardinal factor. I think the cardinal factor is organized crime and the ability to dispose of these securities. There is no purpose in stealing anything that has no value or cannot be disposed of. . . . So why put the onus and the weight on the clerk working in the brokerage firm or the bank? Rather, the onus must fall upon the people who distribute it and the people who accept it and the people who control it and provide the marketing facilities. . . .

I don't think anybody would steal anything that they can't do anything with. It is just not rational to assume that.

—Michael Raymond⁸

(A Professional Criminal)

⁸ Testimony before the Permanent Subcommittee on Investigations, Committee on Government Operations, U. S. Senate, July 22, 1971, Part 3, p. 741.

The demand for stolen goods and an apparatus for marketing them are as important as inadequate law enforcement and lax security in encouraging professional crime, and it is the fence who functions to satisfy the consumer's demand for stolen goods by providing thieves with a market for them. The professional fence combines a knowledge of the underworld and its demand for stolen goods with a cover of legitimacy, both of which allow him to funnel merchandise from the professional thief to "contacts" who buy stolen property. The reason that a fence is so important to an individual engaged in systematic property theft crimes was summarized by Michael Raymond in his testimony before the U. S. Senate Subcommittee on Investigations:

Here you have a thief that goes in and steals [securities]. . . . As far as he is concerned, that is a piece of paper. I have spoken to people who burned stacks of securities because what does a thief who breaks into a house or something of that nature where a man may have a million dollars worth of securities know about it? What will he do about it? He hasn't the vaguest idea. . . . What is a printer going to do with counterfeit securities? He will make wallpaper out of it because he can't do anything with it. In this thing you have to have somebody to act as a catalyst. The catalyst is the [fence] . . . because he knows the people that are stealing the stocks and he has the contacts on the other side to dispose of these securities.⁹

The fence maintains two types of relationships with professional thieves. In the first type, the fence is solicited by a member of the crew, usually during the planning phase, to arrange for the speedy disposal of the goods immediately after the burglary. A convicted burglar, testifying before the Crime Commission under a court-ordered grant of immunity, related how the crew enlists the services of a fence:

Well, once you find out from the tipster what merchandise would be had, from past dealings, you would know which type of fence to go to and who paid the most for that particular type of item and which ones you can trust. Then you approach a fence and tell him you have a possible [theft] and outline the type of merchandise and try to agree on a price per item or price per quantity. If you [close] the deal, you make arrangements as to delivery (III: 41):

⁹ *Ibid.* p. 681.

In the second type of arrangement, the fence takes the initiative and places with the crew an order for merchandise. The crew then attempts to locate a source for that particular commodity, and if the effort is successful the theft is committed. In this situation, the fence has received an order from a buyer of stolen goods who has a demand for a particular commodity—jewels, appliances, precious metals, securities, or furs. After the order is placed, the fence contacts a burglary crew and works with one of the members to plan the “theft-to-order.” Such an arrangement minimizes the risks of apprehension because the ready buyer immediately takes the stolen valuables out of the hands of the fence. Profits are also maximized because a fixed price is negotiated with the buyer prior to the commission of the burglary. Thus, the fence avoids the situation of having to offer stolen merchandise for sale at a substantial loss merely to get rid of it.

The Commission received two examples of thefts-to-order committed by burglars operating in Pennsylvania. In one case, a fence worked with a crew of burglars who stole pre-ordered quantities of postage stamps and postal money orders. The stamps were sold to retail houses in New York that ostensibly marketed over-stocked stamps at a discount to legitimate business firms. The stolen money orders were sold to individuals who had falsified automobile operators’ identification materials in order to cash them.

In a second example, a group of Maryland-based burglars known as the “Forty Thieves” systematically received orders from fences to steal quantities of garments from firms located in south-central Pennsylvania. In this instance, the fence would contact a member of the ring and state that he had received an order for three hundred men’s suits, sizes thirty-six to forty-four. The burglars would then steal such a quantity of suits from a factory and sell them to the fence. Moreover, the fencing of one particular commodity, work clothes, had been planned to such a degree that the items stolen from a York County factory were sold at a Maryland shipyard that very same morning. In that instance, as in the most of their burglaries, the Forty Thieves had received a prior request for the goods from a buyer and subsequently committed the theft.

While on occasion professional thieves dispose of their stolen goods directly to the consumer—especially in the case of television sets, appliances, some jewelry, clothing and meat—the majority of professional criminals enlist the services of a fence.

Even so, fences are usually only middlemen in the disposal of stolen goods. In most cases, they do not retail the valuables themselves but arrange for the goods to be broken into lots and sold to individuals who do retail them. Some fences, however, do use their own legitimate businesses

to retail stolen merchandise. Nevertheless, because the fence is usually a middleman, he must maintain excellent relations with the underworld of professional criminals—the suppliers—and with ostensibly legitimate businessmen and consumers. Usually the fence is engaged in a legitimate business, often in the field of retailing the same types of goods that he contracts with burglars to steal, and known fences in Pennsylvania include dealers in coins, appliances, autos, and expensive jewelry, their outlets comprising everything from large department stores, auction houses and salvage companies, to flea-markets and garage sales.

Many fences are also engaged in occupations other than retail sales. For example, in the normal course of their business bail bondsmen come into contact with members of the underworld, and many bondsmen have actively engaged in fencing stolen property. In many instances, an arrested burglar would rather pay the bondsman's premium in stolen goods instead of cash. As a result of that interaction, a burglar strikes up a working relationship with a bondsman-fence that survives long after the bail premiums have been "worked off."

In addition to retail merchants and bondsmen, many organized crime figures act as fences. Like the unscrupulous merchants and bondsmen, syndicate racketeers maintain excellent communications with members of both the underworld and the business sector. In many cases, the connections of an organized crime figure are better and more extensive than those of other fences because the syndicate member works within a large and highly disciplined organization. That organization can draw upon hundreds of full-time criminals for information while enjoying a monopoly over many types of crime within its own territory. By way of illustration, the Commission received one relevant example where a major syndicate gambling figure in Allegheny County had served as a fence for a burglary crew operating in western Pennsylvania and Ohio, and one member of that crew testified that almost all of the fences with whom he dealt were members of the organized crime syndicate in western Pennsylvania.

In summary, the services of the fence, like those of the tipster, are indispensable to the operation of the burglary crew. It can be argued that if the disposal of stolen goods could somehow be stopped through vigorous law enforcement and prosecution, a corresponding decline would occur in the burglary rate. Stated otherwise, professional crime would plummet if its profits were somehow removed. Unfortunately, the lightning speed with which burglars and fences currently work to dispose of stolen merchandise—and thereby exchange them for cash—makes apprehension with the goods in their possession extremely difficult. Furthermore, goods and valuables which bear no identifying serial numbers make positive identification almost impossible. Thus, when all of these factors are

considered, it becomes apparent that the cards are presently stacked in favor of the professional criminal, the assistance which the fence offers him constituting an unmet and crucial challenge to law enforcement.

Finally, given our understanding of the role that fencing plays in professional crime, this Commission seriously questions whether law enforcement would not do better to concentrate its resources on the disposal of stolen merchandise rather than upon the individual and collective acts of burglary itself—the latter being present practice. This does not mean that strategies designed to apprehend thieves, mark valuable goods, and patrol high crime areas should be abandoned.¹⁰ It does mean, however, that law enforcement agencies in the State of Pennsylvania must attempt to re-deploy at least some of their manpower and planning so as to block the fencing of stolen goods and thwart the buying of stolen property. A change in priorities and new legal tools are, therefore, long overdue.

Special Strategies in the Event of Arrest

Professional burglars take great pains to reduce any chances of arrest. Nevertheless, through either careful investigation or a fortunate tip, law enforcement authorities have been successful on occasion in apprehending members of a professional burglary crew. In the event of arrest, professional criminals usually implement one or more of several pre-arranged strategies designed to place them back on the street as soon as possible.

The first step in one common strategy involves enlisting the services of a professional bail bondsman. The Commission has developed several examples where burglars have pre-arranged bail services for the day of a burglary in the event they are apprehended. As part of that arrangement, burglars have been known to devise a code that informs the bondsman, by way of succinct telephone messages, of their arrest and pending arraignment.

An illustrative example of that practice was furnished to the Commission by a U. S. Postal Service Inspector. In this particular case, the investigation of a group of Post Office burglars in Delaware County had resulted in the arrest of three crew members, and although a fourth member had escaped, the authorities were unaware of that fact at the time of the arrest of the other three.

When the suspects were awaiting their arraignment in Delaware County Court, one of the crew members called his wife and notified her that they had "encountered a little trouble." Thirty minutes later, a bondsman appeared at the courthouse, went immediately to the arraigning judge, and stated that he was authorized to provide bail as high as \$100,000 per

¹⁰ See the Commission's Findings and Recommendations below.

defendant. The judge set bail at \$10,000 apiece for each of the three defendants. The bondsman then filled in the amounts on his bail forms for four—not three—defendants and gave them to the judge. Because of the pre-arranged bail service, the bondsman had assumed that all four burglars had been apprehended and unwittingly identified for authorities the fourth accomplice (who was later apprehended).

If authorities are able to make a *prima facie* case against a burglar, and he is indicted subsequently for the offense, efforts may be made to arrange for an improper disposition of the case. That requires the payment of money to a corruptor known as a “fixer,” who in turn bribes a criminal justice official to assure either an acquittal or some form of lenient treatment for the defendant. In counties where fixers operate, their work entails finding a corrupt official and arranging for the payment of a bribe to him. According to one convicted burglar, the fixers with the best connections (those who can be relied upon continually to arrange for “favorable treatment”) are members of organized crime syndicates.

Two examples illustrate how fixers work hand-in-glove with professional burglars. In the first, the fixer was the tipstaff, or court crier, for a judge of the Philadelphia Court of Common Pleas. Immediately after his arrest on a burglary charge in 1969, the defendant arranged for a friend to contact the tipstaff, who in turn arranged for a specific lawyer to represent the defendant. As soon as those arrangements were made, the defendant was told by the tipstaff that the attorney’s fee would total \$3,800 and would include the amount of \$1,500, which was to be paid to the tipstaff to arrange for the fixing of the defendant’s case. On the day before the trial, the tipstaff contacted the defendant and told him that he would need the \$1,500 immediately to “spread around” in order to transfer the case to a judge well known for his leniency. The fee was paid, the case was transferred to the lenient judge, and the defendant was acquitted at a bench trial.

In the second example, a major Philadelphia bail bondsman was indicted in 1970 for receiving close to \$10,000 to delay indefinitely the imprisonment of a convicted burglar. In that case, a defendant had pleaded guilty to burglary and robbery charges and was sentenced to a term of eleven and a half to twenty-three months in prison. This burglar told the bondsman that he wanted to avoid going to prison. The bondsman told him not to worry, that everything would be taken care of; however, it would cost \$10,000 to postpone the start of his sentence. After paying almost all that amount to the bondsman, the defendant was told to “go home and forget about it”; in effect, he would never have to report for incarceration.

At that bondsman’s preliminary hearing on charges of conspiracy, corrupt solicitation, bribery, and cheating by false pretenses, the burglar whose

case allegedly had been fixed testified that over a period of several years he had paid "close to \$100,000 for bail fees and fixes" to the bondsman for himself and his associates.

In many other cases, where the fix is either too difficult to effect or the defendant lacks the proper connections, another strategy is used. By deliberately delaying the trial process through a series of continuances, defense attorneys attempt to frustrate the prosecutor. In Pennsylvania, nearly all prosecutors serve part-time, are inexperienced in the prosecution of major cases, and work with a tremendous caseload. Because of those factors, the trick of dissipating and undermining the prosecutor is a relatively easy one. Usually, the defendant's attorney will offer to negotiate a guilty plea in return for both the dropping of several counts against the defendant and the recommending of a probated or suspended sentence. Eager to settle for a conviction, many honest but harried prosecutors agree to the plea bargain and recommend lenient treatment.

Whether by corruption or by calculated frustration of the criminal justice process, the professional criminal thus emerges as the victor in the overwhelming majority of cases.

MODUS OPERANDI OF A YOUNGSTOWN-BASED BURGLARY AND ARMED ROBBERY CREW

Background

Since August of 1971, the Pennsylvania Department of Justice has been engaged in an intensive investigation of professional crime activities in western Pennsylvania. The Organized Crime Task Force of the Pennsylvania Attorney General's Office and the Pennsylvania Crime Commission have been jointly investigating the activities of one particular burglary and armed robbery ring operated out of Youngstown, Ohio. Long known as a virtual "capital" of both organized and professional crime in the Ohio valley, Youngstown has headquartered many sophisticated burglary rings whose members have committed hundreds of major thefts in western Pennsylvania communities over the past decade.

One particular ring of Youngstown-based thieves became the focus of attention in August, 1971. At that time, one of the ring's members, serving a sentence for armed robbery in Pennsylvania, notified the Attorney General's office that he wanted to furnish information concerning the illegal activities of his fellow ring and crew members. The Attorney General's office pursued that offer, which was made by James C. Wardrop, a professional burglar and armed robber with a record of fourteen arrests

and twelve convictions for serious offenses. Cooperating under an arrangement whereby the Attorney General would seek to obtain for him immunity from prosecution for certain offenses, Wardrop related in considerable detail the activities of his Youngstown-based ring. He also revealed the activities of the crews with which he had worked during 1967 and 1968.¹¹ Wardrop's ring was composed of twenty to thirty professional criminals who engaged in the known crimes of armed robbery, burglary, bank robbery, hijacking, counterfeiting, abortion, forgery, and sale of stolen credit cards and money orders. Wardrop worked with a limited number of individuals in the ring, in crews that concentrated upon the activities of armed robbery and burglary. The crews ranged in size from two members (armed robberies) to six (more difficult burglaries), with the normal crew size averaging four members. According to Wardrop, during 1967 and 1968, eight to ten crews drawn from several rings operated out of Youngstown, and each crew committed, by Wardrop's estimate, a total of three to four burglaries and robberies per month.

On January 19, 1972, the Crime Commission held a public hearing into the serious problem of organized burglary and robbery groups in western Pennsylvania. The three principal witnesses were Wardrop, a fellow crew member and convict named William Snyder, and the wife of a deceased crew member who was identified publicly only as Beverly. The three figures agreed to testify only upon the condition that they would receive grants of immunity from prosecution.¹² The following section contains a synopsis of the major facts revealed by those witnesses, each of whom related personal accounts of the crew's activities.¹³

Highlights

The members of the Youngstown ring routinely crossed Ohio and Pennsylvania state lines to commit burglaries and robberies. Their area of operations included Mercer, Lawrence, Allegheny, Butler, and Blair Counties in Pennsylvania and several Ohio localities in the vicinity of

¹¹ Wardrop submitted a statement to the Attorney General's office in December, 1971, in which he shared several observations about the operation of professional burglary and armed robbery crews (See Appendix H of this report.)

¹² The Commonwealth Court of Pennsylvania ordered the three individuals to testify before the Commission under grants of immunity from state prosecution on January 10, 1972.

¹³ The following cases are based upon the sworn testimony of the three witnesses. The individuals whose allegedly illegal activities are revealed are referred to by way of a general description rather than a personal identification. This is due to the fact that criminal charges might possibly be brought against those individuals, and the Commission does not wish to prejudice any possible proceedings by identifying the individuals by name.

Youngstown. They even conducted, in several instances, operations as far away as Florida and California. In the 1967-1968 period, the several crews with which Wardrop and Snyder worked committed forty known thefts—twenty-six burglaries and sixteen armed robberies. Wardrop estimated that the amount of valuables and cash stolen in the twenty-seven thefts in which he had participated totaled \$400,000 and that for his part in the crimes he received a share equalling 15% of the combined cash and cash value of the loot.

The Youngstown ring commonly engaged in the burglary and armed robbery of warehouses and commercial establishments, bowling alleys, municipal buildings, churches, and private homes. The prizes in the thefts ranged from a high of \$153,000 worth of jewelry and money in one instance to a dry run of three books of trading stamps in another. In general, the crew committed thefts to obtain such valuable commodities as furs, frozen meats, firearms, securities, television sets, and precious metals—all in addition to the most prized treasure of cash. The ring also maintained a strong interest in rare coin collections, especially since such valuables did not bear identifying numbers (and thus could not be traced), were small in bulk and light in weight, and were in such demand that they could be sold to fences for very near market value.

While such standard burglary tools as crow bars and blow torches were included in their paraphernalia, the Youngstown thieves also employed modern technological devices in the execution of their thefts. For instance, chemical mace was used on occasion to subdue businessmen and home owners. (The Commission received information that a supply of mace had been given to one crew by a police chief of a western Pennsylvania community who helped set up an armed robbery in his municipality.) In most instances, the crew used a portable radio to monitor police radio frequencies and a walkie-talkie to maintain contact between the thieves inside a building and a lookout stationed on the outside. As an example of still another use of technology, a crew planning to rob a courier who transported tax money from a particular race track to the bank rigged an electric cut-off coil to the engine of the courier's auto on the date set for the robbery. The robbers planned to follow the courier and press an electronic control button at a predetermined point, causing the engine to stop, whereupon the crew would commit the robbery.¹⁴

Technology was not always enough, however, and frequently the criminals resorted to tactics of force and violence. On several occasions, home owners were pistol-whipped when they refused to divulge the location of their money and valuable jewels. On more than one occasion, female vic-

¹⁴The theft was foiled when the courier discovered markings on the hood of his car. He opened the hood and discovered the cut-off device, which he mistook for a bomb, and reported the matter to law enforcement authorities.

tims were assaulted by crew members. In another case, the robbers threatened the lives of security guards at an establishment they had robbed, telling their hostages to give authorities a false account of the numbers and physical descriptions of the robbers. In still another example, a setup man who specialized in arranging thefts for the ring became displeased with the results of a medical operation that had been performed on him and arranged to have fifteen sticks of dynamite placed in the mailbox of his physician. (The doctor found the bomb in his mailbox with the fuse sputtering and extinguished it.)

In addition to mastering the skills of organization and planning, the tremendous success of the Youngstown-based thieves can be traced to two more factors: their connections with major organized crime figures and their influence with local police officials in certain western Pennsylvania communities. Wardrop and Snyder worked in crews that relied upon three well-known members of the organized crime syndicate—one each in Erie, Farrell, and Altoona—who supplied inside information used in setting up large-scale burglaries and armed robberies. On one occasion, the crew enlisted the services of a major bookmaker from Allegheny County to dispose of the stolen goods.

Wardrop and Snyder also testified that they worked with a police officer in Youngstown, Ohio, to fence stolen coins and with the chiefs of police in two western Pennsylvania communities (one of whom is now the mayor of his city) to set up burglaries and armed robberies. The police chiefs provided invaluable assistance to the thieves: they furnished inside information about wealthy residents; and they assured the crews freedom from interference by any local officers in their police departments.

Standard Operating Procedures

Initiating the Thefts. The incredible success of the Youngstown crews can be traced to their contacts with some of the best sources of inside information in the underworld of professional crime. According to Wardrop, the two best sources of information that his crew consistently relied upon were police officers and syndicate racketeers. In fact, Wardrop provided the startling allegation that local police officers served as tipsters in roughly half of the twenty-seven thefts in which he participated. He stated that "certain information could be obtained through police departments that [is] unobtainable otherwise—such as police [patrol] schedules." Wardrop and Snyder also related the specific incidents involving the aforementioned chiefs of police in two western Pennsylvania communities, those officials having provided information used in planning crimes against the very citizens they had sworn to protect.

The other reliable source of information, the racketeers, were setup or

fingermen from organized syndicates in western Pennsylvania. Wardrop related one instance where an organized crime figure from Farrell served as the setup man in arranging for the September 24, 1967, burglary of Bolotin's Warehouse in Sharon. (That syndicate member has a criminal record of eighteen arrests and eleven convictions and is now in prison as the result of a 1969 bookmaking conviction.) In this particular case, the syndicate figure allegedly used his connections with the local police department to ascertain the specific evening that a night watchman at the warehouse would be off duty. After the syndicate member obtained that important piece of information, he transmitted it to the crew, whereupon plans for the burglary were finalized.

In another case, convicted armed robber William Snyder testified that an organized crime figure from Warren, Ohio, wanted the crew to rob the owner of the Elbow Inn, a tavern located in Steubenville, Ohio. According to Snyder, the bar owner worked as the layoff man for a gambling operation and was believed to be keeping for himself a portion of the syndicate's money from the illegal operation. The purpose of robbing the owner was to retrieve the money that the syndicate figure from Warren believed was rightfully his. When the robbery was committed on January 3, 1968, it yielded \$5,000 in cash (III: 53-55).

On another occasion in 1968 the crew was inquiring about the prospects of committing a theft in Aliquippa. According to Wardrop, one of his fellow crew members contacted a tipster in Aliquippa, who in turn called upon the chief of police of that city to lend his expertise to a discussion of possible thefts in the area. The chief and the tipster met with Wardrop, who related the major events that took place at the meeting:

The chief took us and showed us the township building. . . . He showed us a warehouse full of copper. He showed us a TV store—none of which we liked, but they had a house in Aliquippa, and the owner also owned a tire shop and he told us the owner bought truckloads of hot tires and he kept—I think the sum was \$20,000 in the house at all times—to buy truckloads of hot tires.

So he took us down and showed us the house and told us how many people to expect and which night it had to be hit because the tires were purchased on a certain night of the week (III: 46).

Subsequent to the burglary of the tire dealer's home on March 27, 1968 (it netted the crew \$11,000 in cash), the Aliquippa Chief of Police allegedly requested that another meeting be called. At that conference, the chief expressed dissatisfaction that he had only received 10% of the value of the loot for his services (III: 48).

Planning. The Youngstown burglars received such precise and comprehensive information from tipsters and setup men that in most cases very little planning was required. Few, if any, additional experts had to be recruited because the composition of the crew remained generally stable. Also, the crew consistently disposed of its loot through an established network of trusted fences and thereby eliminated the time and trouble that ordinarily would have been spent on searching for outlets for the stolen valuables.

In order to reduce any risk of apprehension or possibility of interference, the Youngstown thieves invested a considerable portion of their time in perfecting their burglary and robbery techniques. To begin with, the Wardrop-Snyder crew obtained counterfeit automobile operators' licenses so that if they were stopped on their way to or from a theft, law enforcement officers would not learn their true identities. On certain occasions, in preparation for the thefts where setup men had provided incomplete information, a crew member would monitor police radio frequencies in the target area.

The testimony of Wardrop and Snyder indicated, however, that in most cases the planning phase involved a rather limited procedure of obtaining or confirming miscellaneous details. Because the crew was so well connected with setup men and tipsters who provided almost precise information, the crew was required to do little more than set a date for the theft.

Executing the Burglaries and Robberies. Wardrop and Snyder provided three examples of how their crew methodically executed large-scale burglaries and robberies. Throughout their testimony, the two convicted thieves described the considerable ease with which they gained entry to the target building or household and recounted how casually they were able to commit the theft.

William Snyder furnished the Commission with the following personal account of the Brookfield Dairy burglary, which occurred on May 5, 1968, in Sharpsville, Pennsylvania. The crew was successful in burglarizing the safe in the outer office but ran out of oxygen for their blowtorch and were unable to burglarize the larger safe in the main office. Snyder testified:

There was five of us and one of the parties dropped us off with two suitcases full of tools and acetylene torches for breaking into a safe. We left one fellow on the outside in the field with a walkie-talkie and carried one with me and we made an entry up over the roof in the back.

Upon entering there was a combination square door and a round door. The square door was on a night lock and you turn it back to the last digit and it opens.

We moved the money out with tally slips and there was around \$1,400 (III: 51).

James Wardrop provided an example of how the crew committed an armed robbery of a private residence in Altoona in February, 1968. According to Wardrop, the robbery was arranged by an organized crime figure from Altoona, a member of the John S. LaRocca Cosa Nostra family who often served as the setup man for the Youngstown thieves. Wardrop traced the various steps of the robbery's execution:

Two accomplices went to the house with me and asked for Mr. Sicola, and Mrs. Sicola let them in and they told her it was a robbery. I had been watching the outside area when they made it in and I followed, and they taped Mrs. Sicola and tied her, and we began searching the rooms to see if anyone else was there. We found a daughter in an upstairs bedroom and we took her to the den and she was tied and we waited until Mr. Sicola came, and when he did we tied him up.

We began to search the house and we found a small safe in a little room off of the den . . . [T]he tipster told us there was supposed to be \$30,000 in cash and there was \$7,000 in cash, but we found some paperwork in the safe showing that \$24,000 had just been removed (III: 43-44).

William Snyder testified about a third theft, the previously mentioned armed robbery at the Elbow bar:

We drove down there—and I forget which night it was. . . . We got there and we passed the bar a couple of times and I parked the car around the back. Two of us walked in ahead of time and sat at the front of the bar and moments later two more walked in and sat toward the back. We figured that we would catch the [bar owner] when he came around from behind the bar delivering drinks and he would not be able to get to any guns he might have for protection. He got out from behind the bar and two from the rear jumped up and sprayed [tear] gas over him and the other had a Browning machine pistol or a fully automatic weapon.

I went down behind the bar to stop anyone from coming back up. We herded the people into the back room and we were told that there was a safe there . . . (III: 54).

The bar owner proceeded to open the safe, which yielded the sum of \$5,000. Then, Snyder continued, "We put the people in the basement

and closed the trap door. We left through the rear entrance and drove back to Youngstown" (III: 54-55).

Fencing. The Youngstown-based thieves not only enjoyed access to the best tipsters; they were able to utilize the most highly sophisticated fences as well. In most cases, the crew dealt with established fences in the Youngstown area, but on many occasions their goods were disposed of through major fences in Pennsylvania. Regardless of the location of the fence utilized in any one case, the crew dealt with the very best in the business and consistently was able to recover in cash at least half of the value of the stolen merchandise. In several instances where the crew wanted to dispose of stolen cash coin collections, they either utilized the services of the Youngstown police officer who moonlighted as a fence or used an individual in San Francisco, California, who specialized in the marketing of stolen coins.

Generally, the Wardrop-Snyder crew worked with fences who were skilled at finding markets for the goods before they were stolen. James Wardrop described how the disposal of the stolen goods was arranged during the planning phase. The process included the following steps:

First, the tipster or setup man obtains for the crew the most precise description of the goods possible;

Second, the crew leader selects a fence who handles that type of commodity;

Third, the leader makes a proposition to deliver the stolen goods to the fence, and the two attempt to agree upon a price per item for the goods;

Fourth, if the two consummate the deal, the crew leader makes arrangements with the fence to deliver the goods at a certain place and time.

Wardrop revealed that "almost all" of the fences (as well as tipsters) that he had dealt with were members of the "outfit," as the organized crime syndicate in western Pennsylvania and Ohio was known to him (III: 41). According to Wardrop, the members of the "outfit" who engage in fencing are primarily involved in illegal gambling and prostitution in Ohio and Pennsylvania.

In cases where racket figures did not directly engage in fencing, they at least came into contact with fences in the course of their underworld activities and, as a result, developed alliances with them that were useful to the Youngstown thieves. Wardrop related to the Commission how the goods stolen from the Bolotin Warehouse were fenced. According to him, the setup man in that case, the Cosa Nostra member from Farrell, initiated the burglary and arranged for the disposal of the stolen goods. Wardrop testified that the burglars telephoned the setup man in the midst of the burglary and received instructions for making contact with the fence:

When we had a load we called the setup man at the bar and asked him what to do with it. He made earlier arrangements about fencing. He told us to take the truck across the state line, in Ohio, and he would meet us. We did that and he came in his own car with a fencing agent from Ohio. We went back to the bar and the fencing agent . . . rode with me and we unloaded it, and we took the truck back (III: 42).

Then, the fence, together with Wardrop followed the organized crime figure back to the latter's bar in Farrell:

We went to the setup man's bar where we stayed until after daylight discussing the [burglary]. The following day the setup man and the accomplice went to my house and he paid us off (III: 42-43).

FINDINGS AND RECOMMENDATIONS: GAPS IN PUBLIC AND PRIVATE DEFENSES AGAINST PROFESSIONAL CRIME

The preceding sections have described how easily professional criminals in Pennsylvania have been able to practice their craft. The current rates for burglary and armed robbery offenses could not have grown to such serious proportions without basic deficiencies in our public and private defenses against all forms of crime. The Commission has reviewed the status of the manpower and physical resources enlisted in the state-wide fight against professional crime and notes that modern principles of organization and technology have, indeed, largely been ignored. One cause of that "defense gap" lies in the failure of local officials to adopt innovative strategies in law enforcement and prosecution. A second factor points directly to businessmen and home owners, who generally have failed to employ either available security devices or other methods of self-protection.

Unless more attention is devoted to those public and private defenses—which are novel but not revolutionary—Pennsylvania citizens will continue to suffer losses at the hands of professional thieves.

An Offensive Strategy for the Criminal Justice System

Simply stated, the solution to the control of professional crime involves equipping the criminal justice system with the best known defense: a good offense. Presently, the overall posture of police and prosecutors toward

professional crime is less like an offensive strategy and more like a process of slow and delayed reaction. Authorities wait to receive a complaint about a burglary or robbery and then proceed to conduct an investigation from scratch. Because of manpower shortages, poor equipment, and an absence of legal guidance, the investigations usually are superficial and incomplete and often are made only to place the angry victims at ease.

An excellent analysis of the problem, as well as a proposal for a solution, was presented by Major Albert Kwiatek of the Pennsylvania State Police:

Since there is greater planning and organization for the professional criminal, it is obvious that unique methods have to be applied in the police field. Preventive capabilities for police are limited only by their own planning, their own organization, and technical capabilities. . . . If the professional criminal plans well, then the police must plan better. If the professional criminal is well-organized, the police must be better organized. Finally, if the professional criminal is technically skilled, the police must be more so (II: 91).

The above statement applies equally to district attorneys in Pennsylvania, who presently maintain little specialization in the investigation and prosecution of professional crime cases.

In order to upgrade criminal justice resources that are now deficient, an inventory of present resources must be taken. The place to begin is both with current procedures for the investigation and prosecution of professional crime and with the relevant provisions of the criminal code.

Professionalizing Manpower Resources in Crime Investigation. *The Police.* Throughout the Commission's investigation into professional crime, witnesses repeatedly cited one factor that directly correlates with the incidence of large-scale thefts: The absence of organized and systematic police patrols. In suburban and rural areas, where there are small and poorly organized police forces, thieves can rely upon poor policing to assure them little interference before and during a theft and easy escape afterwards. As a consequence of the small size of departments in suburban or rural areas, little if any specialization exists in crime investigation. In most cases of major thefts, local police departments call upon the Pennsylvania State Police to enter the case and conduct an investigation. However, because their criminal investigative resources are extremely limited and are spread across the entire Commonwealth, the state police are rarely able to conduct a full-scale investigation.¹⁵

¹⁵ In 1940, the state police had 385 criminal investigators. By April of 1972, the number of investigators had grown to 501.

The plight of the police departments in one medium-sized county was described for the Commission by Dauphin County District Attorney Leroy Zimmerman:

We have fifteen police departments in Dauphin County, including the Harrisburg Police Department. None of these police departments is really equipped to meet the challenges of these professional criminals today. These police officers are overworked, overtaxed, and underpaid, and many of them are undertrained. And if they can meet their commitments to traffic control and the myriad other problems that police are called upon to do, they are more than serving their commitment to the community. But when we place on top of them the burden of coping with professionals who come into an area, use the most subtle and newest techniques, I think we are asking a bit too much (II: 150).

Two police enforcement strategies must be adopted if professional crime activities are to be curtailed. First, individual local departments must increase their use of police patrols. In most cases, more officers will have to be added to the departments, an unavoidable but necessary expense to the local taxpayers. The patrols should also be deployed in a tactical manner, which means forming a squad of specially-trained officers to patrol business and commercial neighborhoods in unmarked cars, especially during high crime rate periods. Because tactical patrol raises the probability of detection, it creates an occupational hazard that professional criminals would rather avoid. But the institution of tactical patrol in smaller communities requires a commitment of resources—manpower and equipment—that are both in short supply and extremely expensive. However, it is important that citizens recognize that their collective security, increased by larger and better organized patrols, renders such an investment a wise one.

FINDING I: DEFICIENCIES IN POLICE PATROL

The Commission has reviewed considerable evidence which establishes a strong correlation between small police forces that cannot provide effective patrol and a high incidence of professional crime. In one illustrative example members of a Maryland based burglary ring operated only in those smaller Pennsylvania communities which had no nighttime police patrols. Thus, the continued absence of comprehensive police patrol, and beyond that tactical patrol strategies, serve only to victimize residents of smaller communities and sparsely populated areas in Pennsylvania.

RECOMMENDATION I: UPGRADING POLICE PATROL

The Commission recommends that municipal chief executives in all Pennsylvania boroughs, townships, and third class cities commit whatever resources necessary to assure that citizens receive round-the-clock police protection by residential and commercial patrols.

The Investigation of Major Crimes. Nevertheless, instituting more effective police patrols will, at best, constitute only a partial defense against professional crime. A second important defense is needed for both police and prosecutors: the capability to conduct investigations of major crimes.¹⁸

Very few police departments or district attorneys' offices in Pennsylvania commit specialized resources to the investigation of major crimes, and a 1970 Pennsylvania Department of Justice survey revealed why that is so. Only 6% of the responding departments felt that robbery was a serious problem in their jurisdictions, and only 19% felt that burglary was of similar concern. Only eight of the responding police departments in the entire state reported that they had a special investigative task force of some sort to deal with major crimes. In addition, an informal inventory of investigative resources maintained by district attorneys in Pennsylvania revealed an almost identical failure to commit special resources to the investigation of well planned and skillfully executed crimes.

The Commission is pleased to note that throughout Pennsylvania, many municipal jurisdictions are planning to pool, or coordinate, their various resources in a stepped up initiative directed at the mobility of the professional criminal. In several areas of the state, individual police departments are planning to consolidate their agencies in order to form single departments on a metropolitan or regional basis. In addition to supplying all participating localities with basic police services, many communities will receive the protection of area-wide criminal investigation units, and the Governor's Justice Commission has set the goal of merging 700 separate local departments into a considerably fewer number of consolidated ones by 1976.

However, the consolidation either of specific police functions (e.g. patrol, training, or investigation), or entire departments has long been a controversial political issue. Because local officials surrender much, if not all, control over local policing, they have tended to oppose consolidation, and their constituencies frequently have supported them. To meet that

¹⁸ The term "major crime" refers to highly planned offenses that pose substantial problems of evidence gathering. The term includes the categories of professional, as well as white collar and organized crime, and, in certain cases, homicides and narcotic offenses.

problem, many communities in Pennsylvania have devised arrangements whereby they coordinate their respective resources in one or more specialties while each department retains and exercises control over its own personnel.

Plans are also underway in ten metropolitan regions of Pennsylvania to coordinate investigative functions, and a major subject of their emphasis will be the problems of organized and professional crime. In 1972, five specialized strike forces of local police investigators will be established in the Reading, Allentown, Easton, Bethlehem, and Scranton metropolitan areas. In northwestern Pennsylvania, a countywide strike force will be formed in Erie County. When finally staffed and equipped, the strike forces will employ modern scientific and investigative techniques to combat professional and organized crime, juvenile delinquency, and narcotics traffic. The Governor's Justice Commission projects that by the end of 1976, sixty-five such strike forces, operating at county-wide levels, will be providing upgraded investigative services to combat major crime problems.

FINDING II: THE NEED FOR COORDINATED INVESTIGATIVE FUNCTIONS

The Commission finds that while some progress is being made, Pennsylvania's present system of local investigative resources is still a patchwork one and has been unable to match the mobility and skill of the professional criminal. On the basis of considerable expert testimony furnished by state and local law enforcement officials, the Commission concludes that, unless present plans to consolidate or coordinate police investigative services are accelerated, the problem of professional crime will continue to outpace the efforts expended to control it.

RECOMMENDATION II: ACCELERATED STAFFING OF AREA-WIDE INVESTIGATIVE UNITS

The Commission recommends that special area-wide investigative units, or "strike forces" be created in every county or metropolitan area plagued by major thefts. The strike force should be composed of specially trained investigators drawn from the municipal departments located in the county or metropolitan area. In order to obtain vital legal assistance, the strike forces should maintain close coordination with the district attorney's office.

Further, the Commission recommends that present efforts to have such investigative units operational by 1976 be revised so that the units will be functional no later than January 1974.

Prosecution of Professional Crime Offenses. The prosecutor is the pivotal center of the criminal justice system, and, in general, he screens cases that are initiated by the police and selects those which he feels are strong enough to be presented to the grand jury for indictment. In major crime cases, such as burglaries and armed robberies, the role of the prosecutor takes on added importance. In these major cases the prosecutor enters the investigation at a very early stage and provides the legal guidance necessary to obtain and preserve delicate evidence.

The Commission is happy to note that highly innovative steps have been taken in Bucks and Dauphin Counties to address those areas' respective major crime problems, and in both cases the district attorneys have developed roughly identical specialized investigative capabilities around the countywide jurisdictions of their offices. Both innovations combine the investigative resources of law enforcement officers with the legal guidance of prosecutors and are worthy of description here.

The Bucks County Major Case Squad is composed of investigators who assemble on an *ad hoc* basis in the locality where a major offense has been committed. In most instances, the squad is coordinated by a county detective—a law enforcement officer who works under the supervision of the district attorney. In cases where it is obvious at the very outset that constant legal guidance will be necessary in order to gather evidence, an assistant district attorney is assigned to coordinate the squad.

The representatives of the squad are drawn from three different law enforcement agencies: the Pennsylvania State Police, the Bucks County Detectives, and the police of the municipality wherein the crime is committed. Immediately after an offense is designated as a major case, each of the three respective agencies assigns a representative to the squad. The representative whose agency possesses either the greatest familiarity with the locality or the most technical expertise in investigating that type of offense is designated by the district attorney's office as the "case leader." The other two representatives serve as "sub leaders," and each draws upon the investigative resources of his respective agency. Next, the squad establishes a mobile command post at the scene of the crime and works out of the Bucks County Mobile Crime Laboratory. The squad conducts whatever crime scene searches, fingerprint checks, or ballistics tests that are appropriate. A "lead file" of potential clues about the crime is established and is cross-indexed by standard subjects. Investigative reports are submitted on each lead and for each development that emerges in the case.

The Bucks County Major Case Squad has been credited with providing valuable assistance in the prosecution of complex cases and, as a result, with contributing to a higher rate of convictions in major crime cases. The effectiveness of the Major Case Squad can be attributed to three factors: 1) one individual, the case leader, is responsible for coordinating the in-

vestigation from start to finish; 2) the prosecutor furnishes expert guidance wherever and whenever required—this done by the prosecutor's determination and not by that of the investigator's; and 3) evidence is carefully obtained and preserved from the very outset of the investigation when leads, memories, and other essential items are fresh.

A similar innovation was instituted by the Dauphin County District Attorney's office, and its Criminal Investigation Division closely resembles the Bucks Major Case Squad with only two exceptions. First, its core is composed of a permanent unit of county detectives rather than an *ad hoc* arrangement that varies from case to case. Second, the division collects and analyzes its own intelligence information in order to keep abreast of professional criminals known to operate in and near Dauphin County.

FINDING III: UNDERSPECIALIZATION IN THE INVESTIGATION AND PROSECUTION OF MAJOR CRIMES

The Commission finds that the growing complexity of professional crime activities, coupled with stringent judicial requirements governing the procedures of evidence gathering, arrest, search, and seizure makes it imperative that the investigation of major crimes be coordinated by the office of the district attorney. Armed with county-wide jurisdiction, the district attorney can use his investigative powers to coordinate the resources of the state and local police who serve within his jurisdiction. Presently, however, too few Pennsylvania counties contain such major investigative capabilities supervised by the district attorney. The Commission concludes that until such resources are enlisted in the fight against professional crime, the problem will only increase.

RECOMMENDATION III: CREATING MAJOR INVESTIGATIVE UNITS

The Commission recommends that specialized investigative units be created under the supervision of the county district attorney in all counties where statistics register a marked rise in serious offenses. The units should coordinate their activities with countywide police "strike forces." (See Recommendation II)

Unfortunately, most district attorneys and their staffs are underpaid, overworked, and serve only part-time. The results of a 1970 survey conducted by the Pennsylvania Criminal Justice Planning Board show

that 21 of the 67 county district attorneys serve only part-time. Of the remaining majority of district attorneys, a large number maintain their private practices and consequently divide their attention between matters of personal and public importance. A similar problem exists among assistant district attorneys—the prosecutors who actually try the cases in court. In 1970, half of the 288 assistant district attorneys in the Commonwealth served only part-time.

In addition, most assistant district attorneys are recruited directly from law school, and many of them look upon their terms of service merely as opportunities to gain trial experience. Thus, in many instances, the successful prosecution of major cases is jeopardized when those cases are referred to inexperienced prosecutors, however intelligent and concerned they might be.

Another factor that hinders the recruitment and retention of competent prosecutors is the present salary structure for district attorneys and their assistants. In 1969, the median salary for district attorneys in Pennsylvania was \$9,450. By 1971, it had risen substantially to \$17,200. Nevertheless, with limited staffs who work only part-time and are burdened with the disincentive of low pay, it is no wonder that few district attorneys have developed specialization in the investigation and prosecution of major crime cases. Yet the individual problems of consumer fraud, professional and syndicated crime, and narcotics traffic continue to flourish, in part, because of the absence of vigorous prosecution efforts.

FINDING IV: THE PROBLEM OF PART-TIME DISTRICT ATTORNEYS AND THEIR STAFFS

In all but a very few counties, the present system of prosecution in Pennsylvania is directed by district attorneys, and their assistants, who devote less than full-time to one of the most demanding tasks in public service. That situation strikes the Commission as totally inadequate to meet the challenge posed by professional crime in this state. In heavily populated counties, where they have several assistants, district attorneys serve as administrators. In more sparsely populated counties, where they have few if any assistants, they serve as the principal prosecutors. In either case, it is imperative that all district attorneys, and at the very least their principal assistants, serve full-time. Further, the Commission concludes that the cause of such widespread part-time prosecution in Pennsylvania can be found in the antiquated salary structure for district attorneys and their staffs. Clearly, the salaries paid are far beneath the levels needed to induce successful attorneys to leave their private practices in exchange for opportunities to render a public service.

RECOMMENDATION IV: FULL-TIME AND ADEQUATELY PAID PROSECUTORS

The Commission recommends that the Pennsylvania General Assembly pass legislation to require that all district attorneys devote full time to public office. In order to encourage the recruitment of full-time prosecutors, the General Assembly should raise the base salaries of district attorneys and their assistants to levels that would more adequately compensate experienced attorneys who are interested in a career of public service. While those salaries may be set at a level substantially lower than that received by a successful trial attorney engaged in private practice, a higher salary base could make the office of district attorney a much more tolerable sacrifice than the present salary levels impose.

In order to facilitate that reform, the Commission further recommends that the General Assembly transfer the financial burden of supporting prosecutors' offices from the county treasury to the State General Fund.

Utilizing Modern Technology in Communications, Information Sharing, and Crime Investigation. *Communications Systems.* Several examples presented earlier demonstrate the extensive reliance of professional thieves upon modern communications equipment. Radio monitoring devices and portable transceivers are basic tools for the modern-day professional burglar and armed robber. However, when the resources of the professionals on the other side of the law—the police—are surveyed, the results are disturbing. Until very recently, local police communications systems throughout Pennsylvania were almost universally deficient. A 1970 state-wide Justice Department survey revealed that:

25% of the responding departments suffered interference due to neighboring police frequencies crowding, or "over riding," their own.

44% of the departments reported no countywide police communications networks in their area.

61% of Pennsylvania's local police departments did not operate their own police radio station.

Since that survey was made, many cities and counties have formulated plans to implement area-wide radio networks that will enable each department to keep in constant communication both with its own officers in the field and with other departments in nearby jurisdictions. Consequently, small and sparsely populated communities will be able to both increase their response time to crimes and alert police agencies in neighboring municipalities to the flight of suspects.

FINDING V: OUTDATED COMMUNICATIONS SYSTEM

The Commission concludes that the slow but definite trend in the direction of metropolitan and countywide police radio networks is a development that is beneficial to the fight against professional crime. Multi-jurisdictional coordination of radio frequencies and communications facilities will have a definite impact upon the mobility of the professional thief.

RECOMMENDATION V: UPGRADING REGIONAL POLICE COMMUNICATIONS

The Commission recommends that county and municipal executives take the initiative to enter into mutual agreements for the implementation of regional police radio networks as soon as possible. The communications systems should begin at least at the county level and later expand on a multi-county and regional basis.

Information Networks. In addition to improving radio communications, police departments need to establish networks for the retrieval and dissemination of information relative to criminal records, stolen property, and patterns of illegal activity. Because every department in the state has a need for that data, it is essential that such information be centrally deposited and stored. In order to address that essential and universal need for information, the Pennsylvania State Police, in 1969, began to implement the Commonwealth Law Enforcement Assistance Network, better known by the acronym CLEAN.

When finally completed in 1975, the CLEAN network will afford participating local departments with instant access to information on motor vehicles, stolen property, wanted persons, firearms, criminal records, and other essential data. The CLEAN system will be operated through a network of high-speed computer terminals. Each participating local department in Pennsylvania will be equipped with a terminal in its police station that will permit the instantaneous retrieval of information from the central computer located in Hershey.

As an example of how the CLEAN system will operate, police officers who spot a suspicious vehicle in a neighborhood can call in the license number to their dispatcher, who in turn will lodge an inquiry with the central CLEAN terminal. In a matter of minutes, the officers may find that the vehicle is registered to a professional burglar known to be active in the area, or that the vehicle is listed as stolen. The check may also turn out to be negative.

The completed CLEAN system will be connected through computer interfaces to the National Crime Information Center (NCIC) of the FBI, which catalogues stolen property; to Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories), a program sponsored by the U. S. Law Enforcement Assistance Administration that provides nationwide instant access to criminal records; and to the operators' and registration records of the Pennsylvania Bureau of Motor Vehicles. Unfortunately, however, only the last component of the CLEAN system now is operative.

FINDING VI: THE NECESSITY OF A MODERN SYSTEM OF INFORMATION DISSEMINATION AND RETRIEVAL

The Commission finds that information resources currently available to local police departments in Pennsylvania are entirely inadequate. Without more rapid access to comprehensive information on such subjects as stolen property, firearms, and criminal records, local police will continue to be handicapped in the fight against professional crime at a time when the problem is growing at an alarming pace.

RECOMMENDATION VI: LOCAL POLICE PARTICIPATION IN THE CLEAN SYSTEM

The Commission recommends that all municipal police departments in Pennsylvania undertake a commitment to participate in the Pennsylvania State Police CLEAN System of computerized information sharing. Where they have not already done so, local departments should allocate funds to support a CLEAN terminal to be located in their headquarters.

Auxiliary Services: Mobile Crime Laboratories. In 1967, the President's Commission on Law Enforcement and Administration noted that "the import of recent U. S. Supreme Court decisions suggests that law enforcement agencies must depend increasingly upon scientific analysis of crimes rather than rely upon traditional methods, such as interrogation of suspects." Thus, the techniques of stealth and planning employed by modern-day professional criminals makes professional laboratory analysis an essential service for police departments.

Crime laboratories perform many services. They permit the speedy analysis of such physical evidence as hair, clothing, and dried blood fragments, along with the more well-known ballistics analysis. If the crime is

solved, a skilled laboratory technician can also serve as a valuable witness for the prosecution at the trial of the accused.

In the past several years, crime laboratory services have been expanded in all geographic regions in Pennsylvania, and the Pennsylvania State Police currently operate five crime laboratories—a primary one in Harrisburg, and regional facilities in Greensburg, Erie, Bethlehem, and Wyoming. In addition to those five permanent laboratories, the state police propose that fifteen mobile facilities be operational by 1975. All of the laboratories planned and presently in operation contain facilities for chemical, ballistics, and documentary analysis.

FINDING VII: NECESSARY CRIME LABORATORY FACILITIES

The Commission finds that the three-level state police system of central, regional, and mobile crime laboratories is a welcome and urgently needed development. Expert laboratory analysis will definitely add a long-needed weapon to the public's arsenal of defenses against professional crime.

RECOMMENDATION VII: ACCELERATED ESTABLISHMENT OF MOBILE CRIME LABORATORIES

The Commission recommends that the state police network of mobile crime laboratories, which is scheduled for completion by 1975, be accelerated so that local police departments will have the benefit of scientific crime scene analysis at least by the middle of 1973.

Needed Reform in the Criminal Law. Persons convicted of committing burglaries or armed robberies in Pennsylvania face high fines and long prison terms, the maximum penalty that can be imposed upon conviction for each offense of burglary or armed robbery being a fine of \$10,000 and imprisonment for twenty years.¹⁷

In contrast to those strict sanctions, penalties for the felony of receiving stolen property and the misdemeanor of conspiracy to commit an illegal act are much less severe. For example, the offense of receiving stolen property carries a maximum penalty of a \$1,000 fine and imprisonment for five years.¹⁸ In view of the fact that the receiver of stolen property—

¹⁷18 P.S. §4705 (armed robbery) and §4901 (burglary).

¹⁸ 18 P.S. §4817.

the fence—is usually the mainstay of the professional burglary crew, a penalty is needed that will correspond to the severity of the crime.

An additional shortcoming is the fact that the offense of conspiracy to commit an unlawful act, such as burglary, armed robbery, or receiving stolen property, is only a misdemeanor and carries a penalty that is far less severe than that which exists for perpetrating any of the respective crimes. Under Pennsylvania law, the crime of “conspiracy to do an unlawful act” carries a maximum penalty of only \$500 fine and two years imprisonment.¹⁹

FINDING VIII: INADEQUACIES OF PRESENT CRIMINAL STATUTES

The Commission finds that Pennsylvania's present statutes dealing with receiving stolen property and conspiracy contain ineffective sanctions against professional crime activities. The current penalties for violating those statutes are not severe enough to serve as deterrents to the commission of large-scale burglaries and armed robberies.

RECOMMENDATION VIII: ENACTMENT OF A “FELONIOUS CONSPIRACY” STATUTE AND INCREASED PENALTIES FOR RECEIVING STOLEN GOODS

The Commission recommends that the maximum penalty for violation of 18 P.S. §4817, “receiving stolen property,” be increased to a fine of not more than \$10,000, and imprisonment for not more than ten years.

The Commission further recommends that the Pennsylvania General Assembly pass legislation to make it a felony, rather than a misdemeanor, to conspire to commit a felony. The penalty for conspiracy to commit a felony should be the same as that for the substantive offense that the conspirators undertake to commit.

Better Methods of Self-Protection²⁰

Electronic and Other Security Devices. Businessmen and home owners, generally, have failed to make use of several effective deterrents to

¹⁹ 18 P.S. §4302.

²⁰ For a thorough evaluation of self-protective programs see *The Impact of Crime on Small Business—Part I*, Report number 91-612, issued by the Select Committee on Small Business of the United States Senate in 1969. The findings of the Select Committee, which are addressed to the problems of small businesses, can be applied to the problems of home owners as well.

professional crime, and currently, professional thieves *rely* upon the widespread absence of security devices in homes and commercial establishments. But if the illegal entry of burglars could systematically be obstructed—or even delayed—the rate of thefts would decline sharply. In general, anything that increases the complexity of the act of burglary makes the crime more costly and riskier to commit. Presently available security devices, from burglar-proof locks to electronic alarms, can be installed at a moderate cost to home owners and businessmen. Electronic alarm systems can hinder the intrusion of criminals and speed the arrival of policemen to the crime scene. However, citizens have been slow to implement electronic security systems or employ safer locks unless a community-wide campaign is undertaken to encourage the implementation of those devices.

FINDING IX: INADEQUATE UTILIZATION OF SECURITY DEVICES

The Commission finds that too few businessmen and home owners in Pennsylvania rely upon security devices for burglary protection. Unless community residents begin to employ such devices on a broader basis, the incidence of large-scale burglaries can be expected to continue.

RECOMMENDATION IX: IMPLEMENTATION OF ELECTRONIC SECURITY DEVICES

The Commission recommends that local civic associations in Pennsylvania communities plagued by major thefts undertake public information programs to encourage the use of electronic alarm systems. The program should present the various available security devices, from doors and locks to sophisticated burglar alarms.

Further, the Commission recommends that specific emphasis be placed upon the adoption of electronic alarm systems that can be centrally connected to local police stations.

Self-Protective Methods. Since we have seen how important fencing is to the planning of major crimes, it follows that the disposal of stolen goods could be made more difficult if valuable articles were marked with permanent identifying numbers. While it may be impossible to mark precious jewels, coins, and furs in that manner, larger articles could be marked with a standard identifying number, such as an automobile operator's number, which could easily be traced to the owner.

In several Pennsylvania communities, local police chiefs have offered to provide the service of marking television sets, stereos, and other appliances with a permanent identifying number. If adopted on a community-wide scale and coupled with other protective strategies, such a program could very well prevent professional thieves from executing burglaries in that area.

FINDING X: THE NEED FOR COMMUNITY PROGRAMS OF SELF-PROTECTION

The Commission finds that the vital resource of community concern has rarely been enlisted in the fight against professional crime. Based upon the testimony of several experts in the field, the Commission believes that community action, focused against the problem of large-scale thefts, could make it difficult for professional thieves to operate in that jurisdiction. Exemplary programs include both efforts to publicize articles currently in demand by fences and programs to mark valuable appliances and personal possessions.

RECOMMENDATION X: IMPLEMENTATION OF A MODEL SELF-PROTECTIVE PROGRAM

The Commission recommends that law enforcement agencies undertake projects to sample the types of stolen goods currently in demand, and that they publicize those findings in the form of appeals to the public to identify items currently desired in the illegal marketplace. Such marking would increase both the probability of recovering stolen goods and the likelihood that receivers of stolen goods (fences and consumers) would be prosecuted successfully.

END

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