

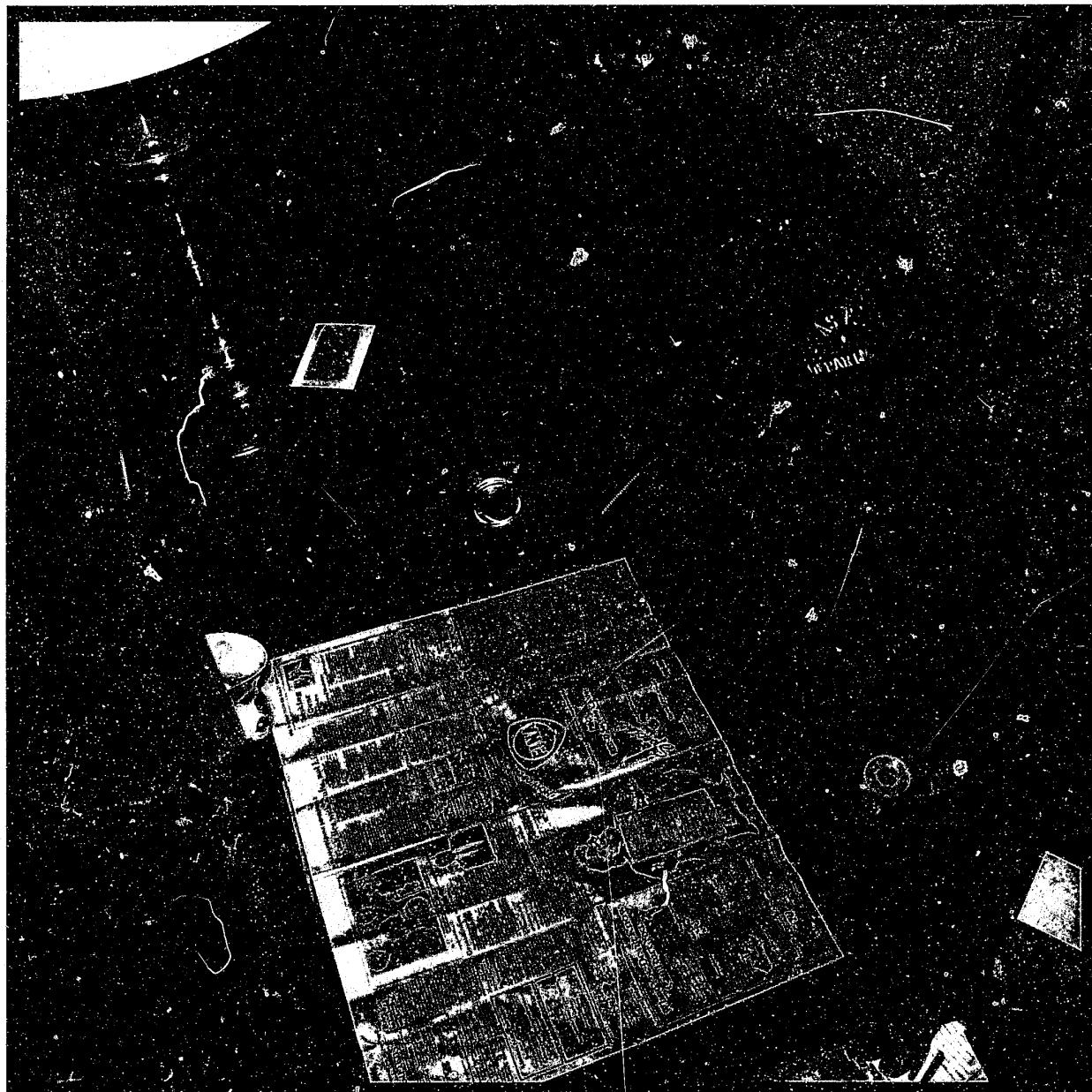
U.S. Department of Justice
Federal Bureau of Investigation



JUNE 1995

FBI Law Enforcement

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Home Invasions



ACQUISITIONS

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155703

Violent Crime Hits Home

Home Invasion Robbery

By
JAMES T. HURLEY, M.S.

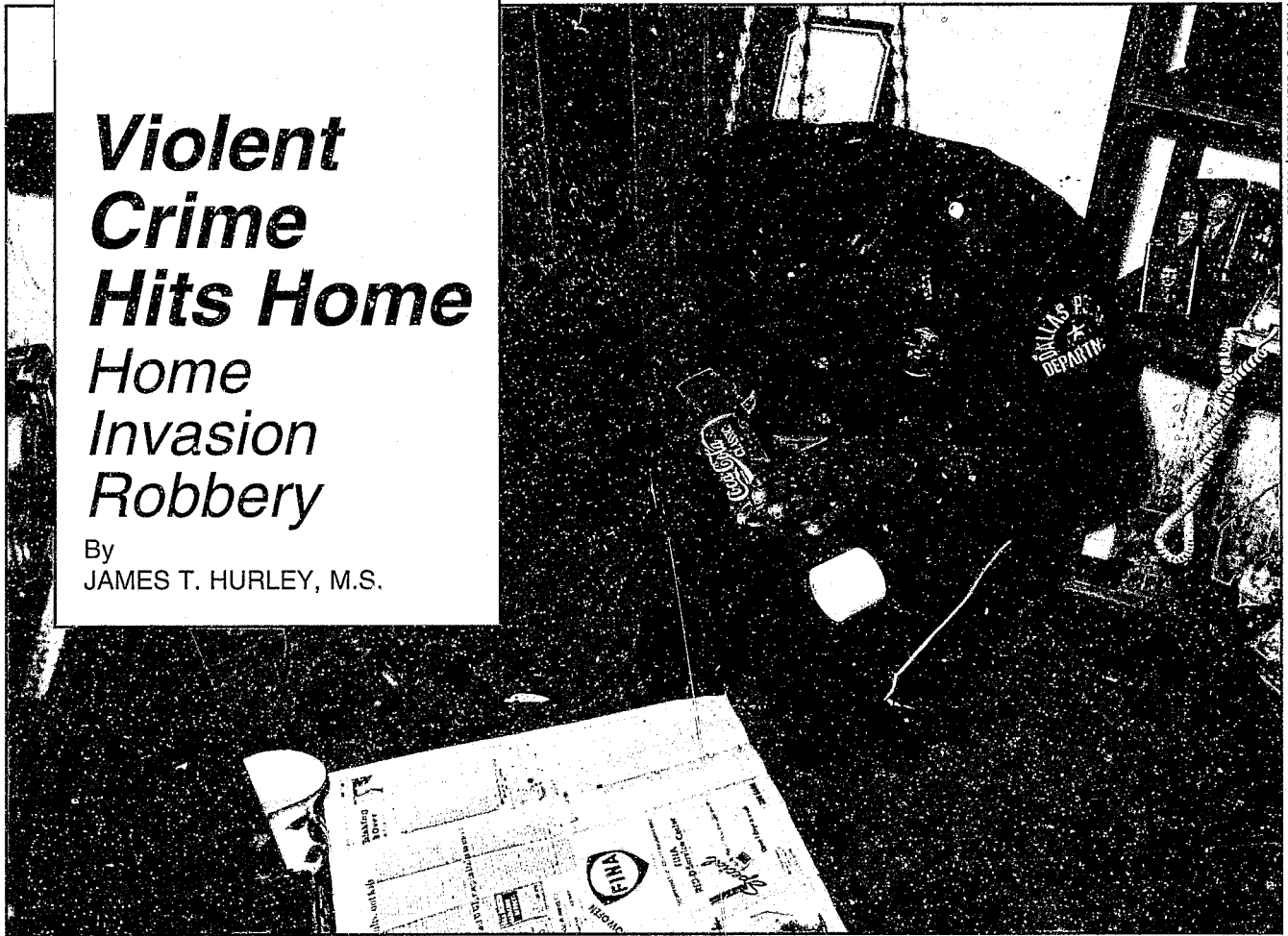


Photo © Peter Hendrie, Tribune

On a sunny February afternoon in 1991, in an upscale section of Fort Lauderdale, Florida, a 75-year-old retiree was working alone in his garage. Through the open garage door, the man noticed a car drive slowly by the house, but he soon refocused his attention on the project at his workbench.

Moments later, someone struck him on the back of the head with a tire iron and left him unconscious and bleeding on the garage floor. His attackers entered the house through the garage and found his wife sleeping on the couch. Using a cellular phone as a weapon, they severely beat her, fracturing her jawbone and

eye socket. The offenders then ransacked the residence at their leisure, taking several expensive items, as well as some with great sentimental value.

While such an attack would be viewed as an anomaly in many parts of the country—even in jurisdictions accustomed to brutal crimes—violent attacks on homeowners are fast-becoming a frightening and all-too-common fact of life in South Florida. Home invasion robbery (HIR) represents an especially troubling crime trend and a formidable challenge to law enforcement.

Many homeowners view this crime as something even more—a personal attack on sacred and

fundamental principles. For residents of South Florida who have witnessed the slow unraveling of once-placid communities, violent crime now truly hits home.

HOME INVASION ROBBERY

Within the criminal justice community, considerable confusion still surrounds this relatively new crime phenomenon. Attempts to introduce the concept of home invasion robbery into the bureaucratic mainstream of the criminal justice system have failed to clarify the issue, primarily because of inevitable comparisons to the crime of burglary. This confusion often compromises statistical analyses and

makes historical data collection nearly impossible because many incidents of HIR routinely are misclassified as burglaries.

While home invaders commit the secondary offense of burglary, it is important that investigators and the courts recognize the unique criminal profile that clearly distinguishes home invaders from other offenders. When a homeowner discovers a burglar inside the residence and the burglar then uses the opportunity to rob the resident, the offense should *not* be considered a home invasion robbery. As a rule, the totality of the circumstances should be examined to pinpoint the offenders' specific criminal intent.

In other words, rather than focusing on the end result, investigators should attempt to determine what the offenders had in mind prior to the offense. To address home invasion robbery adequately, legislatures, law enforcement, and the

courts must first understand the elements that distinguish it from other offenses.

Contrasting Criminal Profiles

In most cases, residential burglars attempt to avoid confronting victims. They tend to probe carefully and to make covert entry at the side or rear of a residence, using available cover. Burglars generally prefer to work alone, and most target unoccupied dwellings. Most incidents of burglary do not result in violence, even when the burglar is discovered. When violence does occur, it often results from the offender's frantic attempt to escape.

Burglars wear dark clothing and gloves and carry prying tools. In addition, burglars must deal with a multitude of potential threats, such as increasingly sophisticated alarm systems, metal bars on doors and windows, guard dogs, and neighborhood watch groups. Not knowing the

homeowners' whereabouts causes additional anxiety. Burglary is, for the most part, a stealth crime that depends on opportunity.

In contrast, confrontation generally is considered the key element in home invasion robberies. Home invaders prefer to make direct entry into a targeted residence. In fact, the entry is often dynamic—relying on sheer force, false pretense, or various forms of impersonation. The violence associated with home invasion robbery generally occurs during the initial confrontation with victims, in order to establish control quickly and to limit the likelihood of later identification by the victims. However, mounting evidence suggests that many home invaders enjoy the intimidation, domination, and violence of the offense.

Unlike the majority of burglars, home invaders carry items that connote control and confrontation, such as firearms, handcuffs, masks, and tape. Because the threat level inside a residence rarely is known in advance, the offense almost always is committed by more than one offender. These offenders often develop well-organized plans and divide specific tasks among themselves. One or more of the home invaders usually control the victims while the other offenders systematically ransack the residence.

Home invaders usually target the *resident*, not the residence. They may make their selection in a variety of ways, often choosing women, senior citizens, or drug dealers.

Moreover, home invasion robbery provides offenders with many criminal advantages. First, they are able to alter their plans in a moment



Captain Hurley serves with the Fort Lauderdale, Florida, Police Department.

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Home invaders usually target the resident, not the residence.
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if they sense that conditions are not right at the point of confrontation. Rather than suspiciously probing around a residence, they can pull their vehicle into the driveway as if they belong there. This simple tactic often causes potential witnesses to look the other way, unaware that their neighbors are in peril.

Home invaders do not have to overcome residential alarm systems, because most systems will not be activated while the residence is occupied. Further, once offenders take control of a residence, they can force victims to open safes, locate hidden valuables, and provide additional information, as needed. And, because they generally leave victims bound or incapacitated, offenders can rely on an ample period of time to escape from the crime scene.

The Evolution of HIR

Although home invasion robbery is considered by many to be a new crime, its roots actually trace back to South Florida's notorious "cocaine cowboys" of the late 1970s and early 1980s. These drug bandits viewed HIR as an effective method to obtain large amounts of cash and drugs from rival dealers. Not surprisingly, the murder rate soared as drug dealers took turns robbing and murdering one another, while enabling a steady stream of minor players to enter the major leagues.

Although this type of turf warfare still occurs, it has been reduced effectively by innovative law enforcement initiatives, such as the Street Terror Offender Program. This joint Metro-Dade County/Bureau of Alcohol, Tobacco and Firearms initiative targets criminals reckless and greedy enough to raid a guarded stash house.¹

vicious predators have introduced variations to established methods of operation. Opportunistic offenders often gain entry into a residence through an open garage door. Following a victim home from a nearby shopping center also has become a popular method of selection. In most cases, however, the victim simply is duped into opening the door to the

home invader through any number of ruses.

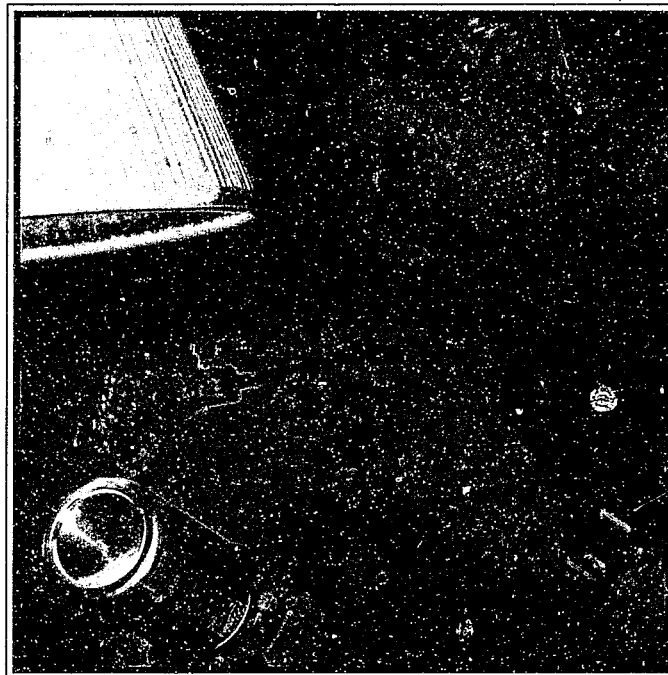
Home invasion groups may be organized street gangs, whose members may be racially mixed and who often use drugs. Homogeneous groups tend to target victims of similar ethnic and cultural backgrounds. The groups almost always are highly mobile, often extending their crime sprees into several jurisdictions.

Contributing Factors

The growth of HIR in South Florida might be explained best within the context of several contributing factors. Ironically, the most obvious is

the development of enhanced technology to combat robbery and theft in traditional target areas, such as convenience stores, gas stations, restaurants, and banks.

For example, the "stop and rob" philosophy that greeted the birth of the chain convenience store industry eventually led to the creation of many target-hardening and environmental design features to prevent theft. Business owners now



Unfortunately, the very violent and confrontational modus operandi of drug dealers have been copied by other criminals. As a result, the most frequently targeted victims now are innocent residents who have no connection to the drug culture. In fact, many law-abiding citizens suffer the stigma of suspicion after being victimized by home invaders.

During the past decade, HIR has grown more commonplace, as

Home Invasion Cases

The following cases illustrate some of the tactics employed by home invaders to enter residences and subdue victims.

- A 59-year-old man opened his front door to two armed offenders wearing masks. The offenders forced their way through the front door and demanded cash at gunpoint. They pistol-whipped the victim and bound him with tape before leaving.
- Four armed suspects entered a party through an unlocked door. The offenders forced the victims to lie on the floor while they gathered cash and jewelry. During the robbery, the offenders pistol whipped one of the victims and fired several rounds.
- Two young men knocked on a woman's door to say that they had struck her parked car accidentally. When she opened the door, the youths produced handguns and rushed inside. Before leaving with cash and jewelry, they handcuffed her wrists and ankles, covered her head with a pillowcase, poured cooking oil over her, and threatened to set her on fire.
- An elderly couple opened their front door to find a man claiming to represent the local gas company. Not believing the man's story, the couple asked him to leave. However, two additional offenders appeared at the door and easily forced their way inside. They made the victims lie on the floor in separate rooms. The husband was then forced to reveal the location of cash, jewelry, and other valuables, while being told that his wife would be killed if he did not cooperate.
- A man carrying flowers convinced a woman to open her front door. Once inside, the "delivery man" produced a handgun and threw the victim to the floor. The offender then found her husband in the bedroom and handcuffed them both. He left them handcuffed in the bathroom after taking cash and jewelry.
- Two suspects knocked on a victim's door, produced a firearm, and demanded money or drugs. They forced the victim to the floor while claiming to be police officers. They fled after ransacking the house.

use surveillance cameras, police frequency alarms, electronic-tracking devices, cash control measures and drop safes, no-contact enclosures, special store design, and enhanced lighting to deter store robberies. As a result, the frequency of convenience store robberies has declined considerably in recent years. Other traditional targets have borrowed many of these measures and are developing their own unique methods to combat robbery and theft.

While these developments certainly are positive, they create unintended negative consequences. As traditional targets of opportunity harden themselves against robbery, potential thieves must explore other alternatives.

In this way, the rise of home invasion robbery closely parallels the emergence of carjacking as a ruthless but effective way to overcome technological barriers. For basically the same reason, home invasion robbery soon may become an attractive alternative to robbing convenience stores and gas stations. For criminals, the act is viewed as a means to an end.

Meanwhile, violent career criminals, having learned the lessons of technology, know the threat posed to them by surveillance cameras, silent alarms, and other antitheft measures. Desperate to avoid additional felony charges, many such offenders look for easier targets. HIR provides a relatively simple alternative to robbing traditional—and increasingly more impregnable—targets. These criminals also understand that the intimidation of their victims and other violent aspects of home invasion robbery effectively reduce the risk of being caught.

ADDRESSING THE PROBLEM

Educating the Public

Currently, the most effective preemptive weapon available against home invasion robbery is education. In communities where HIR emerges as an identifiable trend, citizens should be informed about this new threat to their safety.

In addition to addressing the issue during regular community crime watch meetings and civic gatherings, law enforcement agencies should consider using televised public safety announcements to alert residents. Because home invaders often pose as utility or other service workers, citizens should be advised to verify the identity of anyone coming to their door *before* allowing them inside.

At the same time, the police should avoid creating an atmosphere of panic. Despite the growing popularity of home invasion robbery, it still represents a minute portion of all reported robberies in most South Florida jurisdictions.

Additionally, a small group of offenders often commits a majority of the HIR incidents in any given area. This fact underscores the need for a comprehensive response on the part of the criminal justice system. By enacting effective statutes directed specifically at home invasion robbery, legislators can provide law enforcement with a powerful weapon to protect communities from repeat offenders.

Legislation

In 1991, the Fort Lauderdale Police Department began promoting a new State law designed to send a

strong message to criminals that home invasion crimes would not be treated lightly by the criminal justice system. Based on the principle that citizens have a fundamental right to be free from fear of attack while in their own homes, the legislative proposal gained quick local approval. As punishment for violent residential invasion, the proposed law sought to deny parole, basic gain time, control release, and provisional release credits, while allowing complete judicial discretion in sentencing.

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...confrontation generally is considered the key element in home invasion robberies.

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To promote support for the proposal, the police department produced a 12-minute video and distributed it to more than 150 crime prevention detectives at a State crime prevention conference. The department also sent 5,000 informational pamphlets to legislators and homeowners' groups throughout the State of Florida. This accomplished the dual function of providing practical information to the public concerning home invasion robbery while building support for the legislative proposal.

Despite broad popular support and the endorsement of the law enforcement community, the measure weakened somewhat during the legislative process. Still, the final

version of the law, which went into effect on July 1, 1993, makes HIR a first-degree felony, even when no weapon is used. It also provides for relatively stiff penalties. Perhaps more important, however, the law helped crystalize the concept of HIR within the criminal justice community. For this reason alone, it represents an important step in the counteroffensive against home invasion robbery.

CONCLUSION

During the past decade, the rate of violent crime committed in areas traditionally considered safe havens has risen dramatically. Increasing violence in occupational settings and schools and on America's roadways has a disproportionate effect in eroding the public's sense of safety. Many in South Florida view home invasion robbery as an attack on the last defense available to law-abiding citizens.

Home invasion robbery also represents a formidable challenge to the criminal justice system. As a distinct offense that combines elements of breaking and entering, robbery, and aggravated assault, HIR should not be confused with other crimes.

To address home invasion robbery adequately, investigators, prosecutors, and the courts must first recognize the factors that distinguish it from other offenses. Understanding the problem marks the first step to finding effective responses. ♦

Endnote

"Street Terror Offender Program," presented at an Eastern Armed Robbery Conference, May 21, 1992, Fort Lauderdale, Florida, by Sgt. T. Palmer, Metro-Dade, Florida, Police Department and Special Agent G. Wallace, Bureau of Alcohol, Tobacco and Firearms.