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Organized Retail Theft Interviewing

Preparing for the Process

Most interviewers quickly realize that interviewing in an organized retail theft investigation is going to be *very* different from interviewing a dishonest employee who is known to be guilty. Instead, this might require venturing out of the safe, comfortable confines of a store to visit with people who may or may not be part of the conspiracy. Will it be a small case or one worthy of federal intervention? A whole new strategy of investigation and interviewing is going to be required to resolve this new type of case.

In this series of articles, we will work our way up the food chain from interviewing the shoplifter to the end purveyor of the product stolen.

First, some terms should be clearly defined so there is no confusion about what is being discussed. For the purposes of this column, the term *interview* will mean that the interviewer is attempting to obtain or confirm information, establish an alibi, circumstances, or sequence of events in a *non-accusatory* fashion. *Interrogation*, on the other hand, will indicate that the interviewer is attempting, through an *accusation*, to obtain information against the individual's interest.

It is the investigator's purpose that ultimately defines what is being done. There may be occasions where an interview will transition into an interrogation or visa versa depending on circumstances. An interview may also lead to the individual giving information that is against his interests, although the subject may be unaware that he is doing so at the time.

Ask the "Why Question"

There are many areas where interviews may gather useful information during an organized retail theft investigation, but let's start with the lowest common denominator, the store or department managers. Why are certain commodities being targeted in the stores? Why those particular items?

It could simply be they are high value and easily sold, like razor blades, or trendy, like designer clothes. But there *is* a reason why the item was selected. It could be that an ink tag was used, rather than a tag triggering an audible alarm, or it may be the items' positioning in the store. Why is that same item not being stolen from another store?

After establishing the why, there is one more fundamental question that must be asked. Is there a way to confirm the product's ownership once it has been stolen?

If the organization is going to make a case, first and foremost, it must prove ownership of the allegedly stolen items. What is unique about the item that establishes this critical component of the case? Are there serial or lot numbers that conform to invoices or receiving documents? If not, can the items be marked in some unique way that can establish ownership? In other words, how does the company clearly prove that this particular razor blade or shirt came from its stock?

Selling a large-scale investigation or prosecution to time- and money-strapped law enforcement is easier when the scope of the criminal activity and relationships of the parties can be linked clearly together. Supposition and weakly linked evidence will be quickly discarded by police investigators.

Proving ownership is the foundation around which any case must be built. Failing to establish ownership is like building a sandcastle to hold back an incoming tide, neither will withstand the attack.

Management's answers to these questions may open other avenues of inquiry as well. Plus, asking questions of employees has the positive effect of loss prevention awareness, much like a neighborhood burglary prevention meeting. More eyes equals information and reduced shortage.

Having store LP personnel ask questions might also lead to descriptions of suspects, vehicles, and methods of operation of the shoplifters, much like a neighborhood canvas does in a police case. Sharing information with other organizations focuses the joint resources of companies on a common foe and the most commonly exposed piece of the criminal enterprise, the shoplifter.

Gathering Intelligence

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The U.S. Congress and many states legislatures have passed criminal statutes relating to operating a criminal enterprise and its surrounding conspiracy. So a well-developed, clearly presented case can get the attention it deserves when the players and scheme are clearly defined within the framework understood by law enforcement. But the investigator's homework should be carefully done and presented.

From a prosecutorial standpoint, indicting individuals in a conspiracy puts the same charges against everyone from the lowest to the highest players in the criminal enterprise. Police departments often use this strategy when charging participants in drug rings. The lowliest street peddler is charged with the same conspiracy charge as the drug kingpin, thereby putting tremendous pressure on the lower-level workers to testify for the state in exchange for consideration. The initial goal of the investigation is to identify the members of the organization and their roles.

Organization Structure

In any type of organized criminal enterprise, there will be a structure of sorts, but this structure will be concealed in a fog, clouding the relationships. The intelligence gathering interview will uncloak the structure and open investigative leads as information is developed from the one part of the enterprise that is often first uncovered by the company—the shoplifter. This task falls primarily to the store shoplifting apprehension team.

Apprehension of a shoplifter should not be the final goal and may ultimately be less important than the intelligence gathered from these suspects. In order to gathering usable intelligence, the lead investigator must make sure that information filters to the store-level investigator so that probable members of organized rings can be selected from ordinary shoplifters for additional questioning.

Some objective criteria may be used to help identify organized rings. The types of merchandise selected, methods employed to steal or conceal the items, time of day, day of week, and quantity taken are just a few of the indicators that might flag an organized criminal enterprise.

While some companies have initiated shoplifting task forces to address specific high-incident patterns of theft, more often than not the task falls to the store investigator. Lacking a big picture perspective, the store investigator might not know what information, if any, to seek from those apprehended or even possess the skills to do so.

The first objective in creating an interview format for the store-level investigator is to determine what information targets are potentially important to the investigation and the hierarchy of those targets.

Recruitment. Understanding how a member is recruited into the organization can identify the home ground of the enterprise and potentially give an indication of those involved. This information may also indicate how an undercover agent might be introduced into the operation and identify targets for surveillance.

Training. There will probably be some form of training for the shoplifter, however rudimentary. How was the individual trained? Were they specifically directed to a target or how did they select locations to hit? What did they look for which warned them to stay away from a target? Operational intelligence can focus investigative resources and loss prevention tactics to deter or apprehend additional suspects.

Geographic Coverage. There may be a geographic range for the operation, which may give some indication of the enterprise's size, sophistication, and resources. Some shoplifting teams can travel hundreds of miles to new target locations. How do they move from place to place? What do they do with the goods they have stolen when they move large distances?

Methods of Operation. The training of the individual may give some sense of the method of operation of the organization, but people and groups tend to return over and over to what works best for them. How do they approach an operation? Is there preliminary inspection of the target location? What do they commonly do before, during, and after they execute a theft?

Methods of Travel. How far-ranging the operation is and its sophistication will often be evident in the method of travel chosen by the suspects. How far from home does the suspect travel? Are the vehicles borrowed, owned, or rented? Are there secondary vehicles used for storage or support to keep the operation in the field longer? If vehicles are rented, it begs the questions, are they reserved in advance? Who makes the reservation? And, how are the vehicles paid for? Additionally, does the suspect ever stay overnight? How is the room paid for?

Disposal of Goods. Once the items are stolen, what happens to them next is critical to the progression of the investigation. If the interviewer can determine how the stolen merchandise is transferred from the shoplifter to the enterprise's distribution system and learn those involved, it can open new lines of inquiry for the lead investigator. Whether the items are repackaged or kept in their original containers may give an indication of where evidence might be located and recovered.

Financial Rewards. Determining how much a shoplifter is paid or the amount he is able to sell goods for can be useful in subsequent interviews and help establish the flow of funds from an end purchaser.

Organizational Chart. Shoplifters can often help fill at least the lower level of a criminal enterprise's organizational chart. While there may not be specific job titles, there will be a hierarchy of responsibility that can be identified or confirmed through these interviews.

Developing an Informant. It may be possible that potential informants can be identified and subsequently developed as a result of this post-apprehension interview.

There may be other case-specific information that should be included in the post-apprehension interview as well. Information that needs to be confirmed or missing pieces of the puzzle might become areas to focus on.

In the next column we will outline methods and strategies to train in-store personnel for these interviews and evaluate possible follow up inquiries for the lead investigator. ■