

# **LOUISVILLE METRO POLICE**



## **PATROL OFFICERS REFERENCE GUIDE TO DOOR TO DOOR SOLICITORS**

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## Introduction to the Reference Guide

The following reference guide is designed to educate and assist Louisville Metro Patrol Officers in dealing with problems and calls for service from citizens in the Louisville Metro area dealing with door-to-door solicitors. Through this reference guide, we can better serve the community by educating officers on how solicitors operate and how they are organized. In fact, some solicitors actually become victims themselves. Problems encountered by the police when dealing with solicitors are specifically addressed in this guide.

Louisville Metro is not the only city across the United States that is dealing with unwelcome door-to-door solicitation. Across the nation, many cities have enacted “no knock” ordinances to deter harassment and other crimes committed by some of the sales crews. In Louisville, we believe that it is possible to reduce the number of citizen complaints by strictly enforcing existing laws through a coordinated effort. Our goal is to eliminate fraudulent solicitation in the Louisville area.

## Introduction to Sales Crews

Today it seems like door to door sales crews have been canvassing our cities and neighborhoods in increasing numbers since telemarketing crews have lost ground to “no call” lists. Many of the crews who operate in the Louisville Metro area are operating illegally by not having permits or they are conducting business on posted private property. It is not unusual for sales crews committing fraud to operate without permits to avoid detection from government agencies who would prosecute them for their illegal activities. Many sales crews commit other crimes such as burglary, theft, harassment and assault. Alarming crimes such as rape and murder have also been attributed to door-to-door sales crews across the United States.

## History

Traveling sales crews have been operating since ancient times. Stories of men traversing ancient civilizations to sell and trade goods can be found in history books from all over the world. In the United States there are many stories of men selling household goods door-to-door in the mid 1800’s.

Around 1853, the problem became so bad that some states started enacting laws to deal with annoying peddlers, drummers, and canvassers. After 1929 the great depression started and again men went to work going door-to-door selling goods to make enough money to survive. After WW II, veterans who returned home with war wounds could be found going door-to-door using their wounds to help make sales of goods and books. In the 1980's Congress held two congressional hearings on the sales crews. Nothing changed and the only regulations were through state and local governments. Today crews in the Louisville Metro area can be found selling everything from bogus coupons, candy, cleaning products, magazine subscriptions, books, vacuum cleaners and cell phones. Although we have enforceable laws the crews continue to come.

## Recruitment

Working as a solicitor can be a dangerous and hard lifestyle with very few benefits. Some solicitors realize in just a few weeks that they need to get out and this causes a high turnover rate among door to door solicitors. To get members many crew bosses spend a lot of time recruiting. They place fliers on utility poles, campuses, and other areas teens and young adults hang out. Some of the fliers promise a fun job, rock and roll all day, parties every night, travel, lots of money, scholarships and prizes. They also advertise in newspapers using a lot of the same propaganda. Once in a crew, many realize they work six days a week, long hours, no benefits, and little pay.

The crew bosses have total control of all aspects of the crews and car handlers. The bosses make sure there is no dissent by crew members. Crew members have stated in interviews that no one on a crew is allowed to be negative. Being negative includes wanting to leave the crew, thinking that what they are doing is wrong and not having a positive minded attitude at all times. If a crew member states any thing negative punishment may occur. On many crews the negative crew member will be ignored and the other crew members will even refuse to talk to or acknowledge they exist. In others, the crew members all try to encourage the member to be positive and that tomorrow will be a better day. I've been told in a few interviews that they may even be physically beaten. Many crew bosses know they have crews operating without the permits they need. They make the solicitors believe that what they are doing is legal and if anything happens to the crew

member they will take care of it. The promises of scholarship money and prizes are always on the solicitors mind. Many believe they will soon have the record sales that they are constantly hearing about and are on their way to winning. I have heard from some crew members that had been on more than one crew that they sometimes get burnt by the bosses. Some have stated they end up having a criminal record or arrest warrants because the bosses did not follow through or they were not allowed to return for a court date.

### Sale tactics of crews

Solicitors are typically going door to door selling products, subscriptions, and services. The products, subscriptions, and services are some times over priced, poor quality or non existent. Solicitors manage to sell the items through aggressive tactics, peer pressure, and deceptive practices.

Solicitors are trained to aggressively push the products they are trying to sell. Solicitors make a game out of how many customers say no at first and through aggressive tactics later end up purchasing the product. Many solicitors get a thrill when making a hard sell and take pride in their style. To the amazement of many in law enforcement many customers let complete strangers into their home. Remember some of these crew members have committed rapes, murders and assaults. As a general rule, the solicitors use some of the following methods when engaged in aggressive sells.

- Solicitor introduces himself then quickly begins the sales pitch
- Solicitor will not take no as an answer
- Tells the customer they will never get this opportunity again
- Gets upset at the customer if they indicate they want to end the conversation
- Argues with the customer
- Some will ask for a drink of water
- Some ask to come in the home to use the phone
- Some ask to come in the home to use the bathroom
- Once inside they continue the sales pitch.
- Many demand the customer purchase because the customer has wasted their time
- Every time a customer says no they sell harder and get more aggressive

Solicitors also use deceptive practices and peer pressure. Many will show customers a sign up sheet with names of neighbors and/or others in the area that had purchased a product from them. Solicitors use this method to build trust and put peer pressure on the customer. Many solicitors will make comments about the Jones's purchasing the product because it was a great deal. On many occasions I've inspected the sheets and found them to be deceptive. On one occasion the sheets I inspected stated nothing about purchases only about how effective the sales pitch was. On another occasion the sheet indicated that the following persons had purchased the product from the seller. When I inspected the sheet the first thing I noticed was the handwriting was all similar. The handwriting also seemed to match the handwriting of the solicitor I was investigating. In addition, I went the customer's homes that were listed and only two of the twelve stated they had purchased the product from the solicitor. The following list is of common deceptive practices I've come across:

- No sales tax collected when required
- Charging higher percent sales tax
- No permits when required
- Not registered as a professional charity
- False claims about the product
- False claims about donating to a charity
- If a subscription is not purchased telling customer they can donate to the solicitors educational fund instead
- No receipt issued to the customer with the companies actual name and correct information
- Forged documents

## Operations

To be effective in dealing with the traveling sales crews it is a good ideal to understand how they operate. Not all crews operate exactly this way but according to most of the interviews conducted with crew members and the car handlers that were involved in criminal activity this tends to be the norm. The crews stay in middle to lower priced hotel rooms at least two to a room some times four to a room. When in the Louisville Metro area, the crews

usually stay in hotels outside the jurisdiction of LMPD. It is not unusual for them to stay in southern Indiana, Frankfort, or their surrounding counties.

The crews change localities usually every week. They call the trip to the new location a jump. Once settled in after a jump the crews prepare to make sales. Their manager will rally the sales crew and the car handlers at meetings. The crews may practice sales pitches and get a pep talk about how to be positive and make a sale. The crews then leave the hotel with the car handlers. The car handlers drop off the crew members in various neighborhoods around the Louisville area. The crew members are left walking the neighborhood going door-to-door trying to sell. The car handlers sometimes drive around checking on the crew members and even attempt to sell or work with a poor performer to motivate them. Some crew members have reported that the car handler also recruits new members and even finds drugs for the crew members.

Crew members may be left out on the street for over 16 hours. At the end of the day the crew members wait for the car handler to pick them up. Once everyone has been picked up the crews return to the hotel. Receipts are then turned into the manager or bookkeeper and \$15 to \$20 is given to the crew member for food for the next 24 hours. All other money that is earned is kept by the manager or bookkeeper. Many crew members are led to believe it is better to keep their money in the book keepers account book. Several crew members and car handlers have reported this is also effective in keeping members from leaving because they never have enough cash to get home. Some even stated that when they went to cash out the managers subtracted the \$20 a day for food, the cost for gas in the van, the van lease, hotel rooms and any money owed for drugs. It was not uncommon for those interviewed to state they were not able to leave because they only had \$100 left in their account.

According to statements by crew members drug use seems to be very high. Most only admit to using marijuana. The same subjects will usually admit others on the crew use drugs such as meth, heroin and crack. A few stated certain crews specialize in hard drugs and if your into a particular type of drug you can eventually find a crew to join. Only a few crews of this type seem to come through the Louisville Metro Area. If you are searching a vehicle or person make sure you look for hidden pockets in the clothing and

compartments in the vehicle. I've had two that had extra pockets sewn in a seam to hide marijuana. I usually find drugs or drug paraphernalia when making arrests with solicitors. Watch for concealed weapons during searches. Life on the road is dangerous and many crew members are armed with some type of edged weapon.

The crews typically travel in fifteen-passenger vans. The vans almost always have out of state plates. The vehicle is usually owned by the company the crew works for but is leased to someone on the crew, the manager or the car handler. Some of the leases have a section stating that the person leasing the vehicle should not use the vehicle in an unlawful manner and should have secured any necessary permits before using the vehicle for business.

On some occasions solicitors report to officers that they want to get away from the sales crews lifestyle. Most will not because they think they won't be able to collect their personal belongings and money to travel home. When talking to crew members who have reported abusive situations you will notice they react much like victims in domestic violence situations. This is most likely because the crew members work and live closely together. According to many of the interviewed crew members, the crews become a surrogate family to them. It is also not uncommon that the crew member left home because of problems with their own families. Crew members are sometimes physically and mentally abused by car handlers, managers and other crew members. On several occasions crew members stated they would rather go to jail than give answers to questions about their employer because they would be beaten if others on the crew found out they had talked to an officer about their situation. In an actual case a crew member gave officers information on where to find the marijuana that was in a vehicle occupied by the other crew members. When the subjects in the vehicle were arrested the subject that gave the information stated he had to go to jail with the others or the crew's enforcer would beat him. Make sure you talk to every crew member separately to protect them from this type of retaliation

## Patrol officers guide

Crews descend on areas that are profitable and lax on enforcement. Some reported they typically avoid communities with strict ordinances and enforcement that result in high fines. The cities of Erlanger and Covington

have strong “No Knock” ordinances. Those communities enacted them because of aggressive sales tactics used by solicitors. As a patrol officer you will receive many calls for service involving subjects going door to door. Many of the runs will involve solicitors who were threatening or harassing citizens that would not purchase or donate. In some cases the solicitors may be legitimately conducting business with the proper permits and receipts. Some may be involved in protected religious activities. Others may be asking for donations for a legitimate charity such as the girl scouts or local school fund raiser. In other cases the solicitor may be operating illegally without a permit or registration receipt. The solicitor may also be committing frauds or casing homes in the area for later burglaries.

When responding to a call for service on door to door solicitors use the same precautions that you would use with any suspect that may be acting suspicious or casing homes. It is not unheard of for burglars to use this line of work as a tactic to case homes and businesses for future thefts and robberies. In the 8<sup>th</sup> Division it has been noted that when the crews pass through neighborhoods the number of theft reports sometimes increase. The most effective way to reduce complaints about solicitors is to aggressively enforce all laws that apply to conducting business in the Louisville metro area and Kentucky. If you make multiple arrests from one crew they usually move on to another city or are forced to get a permit.

When dealing with a solicitor, always check for a permit or registration receipt. If the solicitor fails to produce one or states they do not have one see if they meet the criteria to be exempt from obtaining a permit or registration receipt from KRS 367.660 and / or KRS 367.655. If the solicitor is claiming he is practicing religious beliefs and is not selling or collecting money he should be ok, unless you had reasonable suspicion to stop the subject for other suspected criminal activity.

If the solicitor you stopped is collecting donations for charity find out if he is being compensated to solicit. If compensated he may be considered a professional solicitor under KRS 367.650(6) which under KRS 367.990(10)c is a class D felony. If the subject meets the criteria of a professional solicitor ask him to produce a photocopy of the letter of compliance from the Attorney General of Kentucky with the assigned registration number. If he can't, consider using Louisville Metro Ordinance 117.012, which also covers solicitors seeking donations.

Ensure you completely read the exceptions to each KRS before attempting to enforce it with charities and non profits. Also, always know what elements are needed for the charge you use and ensure that all elements of the crime are listed in the summary section on the citation. List the name of the company they work for on the citation. The name of the company may be needed to assist other agencies such as the Attorney Generals Office in prosecuting them for fraud. Look at all sales slips, ID's and documents. Some crew members give customers false information and use false documents to trick customers who pay them in cash. The solicitor then pockets the cash and the customer never receives a subscription or product.

With team work and strict enforcement, the crews operating illegally will not want to stay in the Louisville Metro Area for long. Hopefully we can also help a few crew members to get out and get home to their families. Please visit the web sites listed on the next page and explore the links.

# WEB LINKS

THE FOLLOWING WEB LINKS MAY BE HELPFUL IN OBTAINING ADDITIONAL INFORMATION:

<http://www.parentwatch.org>

<http://www.travelingsalescrews.info>

<http://www.dedicatedmemorial.org>

<http://www.magcrew.com>

<http://edumacation.com/YouthFieldSalesAlert>

# KRS QUICK REFERENCE

## **DOOR TO DOOR SUBSCRIPTION SALES OF PRINTED MATERIALS**

367.513 02689            REGISTRATION OF SOLICITOR            CLASS A MISDEMEANOR

367.515 02689            DISPLAY OF REGISTRATION RECEIPT            CLASS A MISDEMEANOR

## **DOOR TO DOOR SALES OF GOODS WARES MERCHANDISE OR COMMODITIES**

365.660 60167            FAILURE TO SECURE REQUIRED PERMIT            CLASS A MISDEMEANOR

## **PERSONS ACTING AS PROFESSIONAL SOLICITORS FOR CHARITIES**

367.652 91000            REGISTRATION OF PROFESSIONAL SOLICITORS            CLASS D FELONY

189.570 00576            PEDESTRIAN DISREGARDING TRAFFIC REGULATIONS            VIOLATION

## **LOUISVILLE METRO ORDINANCE**

LOUISVILLE METRO ORDINANCE            §117.07

LOUISVILLE METRO ORDINANCE            §117.11

## **OTHER LAWS THAT MAY BE USED ON SOLICITORS AND CAN BE FOUND IN THE CRIMINAL LAW MANUAL**

511.080 CRIMINAL TRESPASS IN THE THIRD DEGREE

511.070 CRIMINAL TRESPASS IN THE SECOND DEGREE

511.060 CRIMINAL TRESPASS IN THE FIRST DEGREE

514.040 THEFT BY DECEPTION

512.080 UNLAWFULLY POSTING ADVERTISEMENTS

516.070 CRIMINAL POSSESSION OF FORGED INSTRUMENT IN THE THIRD