

The Top Five Crimes To Avoid Committing In Sandy's Aftermath

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The Monitor does not need a degree in meteorology to know that Storm Sandy (calling Sandy a Hurricane has certain [adverse insurance coverage consequences](#)) caused massive destruction in the Garden State, particularly along the coast. As we recover and rebuild, it bears noting that there are several potential categories of criminal conduct that law enforcement authorities and the courts are not likely to sympathize with if committed in Sandy's wake. Although no one should ever commit any crime, here are a few to definitely stay away from post-Sandy:

1. Insurance Fraud - New Jersey has one of the nations's strongest set of insurance fraud statutes, and we even have an independent prosecuting agency established with the sole mission to investigate and prosecute (civilly and criminally) insurance fraud. The [Office of the Insurance Fraud Prosecutor](#) (OIFP) is funded by annual assessments levied by the State upon insurance companies doing business in New Jersey. With billions of dollars in claims likely to be filed, expect insurance companies and OIFP to be vigilant in investigating and pursuing cases in which fraud is suspected. Common examples of potential post-Sandy insurance Fraud:

- Claiming flood waters damaged furniture or cabinetry as an excuse for seeking insurance money to remodel a home;
- Claiming a secondary residence or vacation home along the shore was a primary residence because of insurance coverage differences;
- Filing padded loss inventories with an insurance carrier seeking reimbursement for items never really owned, much less destroyed in the storm;
- Asking a contractor to give an inflated written estimate for repair work in an effort to claim a higher loss to an insurance carrier.

2. Arson - Some desperate people might decide, for financial reasons or simply because it will be easier to rebuild a home from the ground up rather than repair a badly damaged one, to set fire to their own home and claim it was accidental. Intentionally setting a fire constitutes the crime of arson, even when you set fire to your own home. If you do set your home on fire, and claim it was accidental, and then file an insurance claim, you will commit several additional, serious crimes in the process. Don't do it. You risk your own safety, and the safety of your neighbors and local first responders.

3. Theft and Shoplifting - It may be very tempting to pick up a few extra items needed for your repairs from the local Home Depot by concealing them in your pockets or by secreting them inside of another larger package you are paying for. This is a crime, and merchants, the police and the courts are not likely to be too sympathetic. It's one thing when someone steals food to eat, or steals diapers or baby formula for an infant. Those types of cases are generally treated with a degree of compassion when the need is genuine. It is quite another to steal a Moen faucet or a new cordless drill.

4. Burglary and Trespass - With very limited exception, if you do not own a structure or have permission to be inside, whether it be a residence or a commercial establishment, and it is not open to the public, you are not allowed to enter it. Police will be particularly vigilant in seeking to prevent looting. The fact that the local Best Buy is closed because the power is out does not mean that it is OK to pick yourself up that new iPad you've been wanting. In the same vein, you cannot take it upon yourself to remove property from someone's abandoned home because you have decided that the owners are not coming back, or won't miss the things

you take. Prosecutors are likely to be very unforgiving in prosecuting individuals accused of committing these types of property crimes. Courts are likely to consider as an aggravating factor that the offense was committed against a victim who was vulnerable because he or she was displaced by Sandy.

5. Obstructing the Administration of Law, Disorderly Conduct, Hindering Apprehension and Resisting Arrest - Especially in emergency situations, police officers expect people to follow instructions, such as to evacuate, to refrain from entering certain areas deemed unsafe, and to obey signals of officers directing traffic. Those who choose to disobey such instructions are likely to hear the clicking of handcuffs around their wrists rather quickly. Under our criminal code, citizens are required to submit to an arrest, even an unlawful one. Any remedy sought by someone aggrieved by an unlawful arrest must be pursued after-the-fact by filing a civil lawsuit or an internal complaint. If you test the authority of a police officer during a time of emergency, you will ultimately lose the battle in the street even if you ultimately prevail.

The Attorney General's Office has already filed a [civil lawsuit](#) against 8 business alleging that they were price-gouging customers in the wake of the storm, has issued subpoenas to 65 business in response to complaints of price-gouging, and is warning consumers to be vigilant to avoid home repair scams. Unfortunately, it likely will not be long before criminal charges are filed for some of the offenses listed above.

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