

February 2001
Volume 70
Number 2

United States
Department of Justice
Federal Bureau of Investigation
Washington, DC 20535-0001

Louis J. Freeh
Director

Contributors' opinions and statements should not be considered an endorsement by the FBI for any policy, program, or service.

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001. Periodicals postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 209, Quantico, VA 22135.

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Features

The Crisis Intervention Team

By Deborah L. Bower
and W. Gene Pettit

1

The Albuquerque Police Department has found an effective and efficient way to deal with individuals in crisis.

Offshore Financial Centers

By Mark D. Ferbrache

10

International offshore financial centers illustrate the need for effective global law enforcement cooperation.

Documenting and Reporting a Confession

By Timothy T. Burke

17

Accurately documenting confessions constitutes an important law enforcement procedure.

The International Sharing Program

By Douglas A. Kash
and Jennifer A. Gorman

27

Cooperative foreign countries are entitled to share in the proceeds garnered from successful forfeiture actions.

Departments

7 Police Practice

The Work Itself as
a Motivator

23 Perspective

Preventing Corruption
within Our Ranks

16 Book Review

Drugs in Society

The Albuquerque Police Department's Crisis Intervention Team

A Report Card

By DEBORAH L. BOWER, M.S., M.A., and W. GENE PETTIT



"The intervention by CIT-trained officers in crisis situations is directly responsible for the decrease in police shootings. This has saved the lives of both citizens and police officers."

—Albuquerque Police Chief
Gerry Galvin

Like most large metropolitan police departments, the Albuquerque, New Mexico, Police Department (APD) faces the challenge of finding the most effective way to deal with individuals in crisis. These individuals often demonstrate inadequate coping with stressful life events by endangering themselves or others and may be at serious risk of injury or death. They may compound their problems with alcohol or other drugs, have a mental illness, or intend to die at the

hands of police (victim-precipitated homicide or suicide by cop). Unwittingly, individuals in crisis may behave in ways that can result in a police shooting. Research on these incidents reveals five key factors associated with fatal police shootings: 1) commission of a serious criminal offense; 2) use of alcohol or other drugs; 3) presence of a mental disorder or irrational behavior; 4) existence of actions that officers can misinterpret easily, such as pointing a toy gun; and



Ms. Bower conducts data analysis on police shootings for the Albuquerque, New Mexico, Police Department.



Sergeant Pettit serves with the Albuquerque, New Mexico, Police Department and administers the CIT program.

5) occurrence of victim-precipitated homicide.¹

In an effort to safely and effectively meet the needs of individuals in crisis, APD studied several crisis intervention approaches. In early 1997, with the cooperation and assistance of local mental health consumer and treatment services, APD instituted a Crisis Intervention Team (CIT) based on the model created by the Memphis, Tennessee, Police Department in 1988. Since the inception of CIT, 230 Albuquerque officers, as well as officers from Houston, Austin, and South Rio Grande Valley, Texas, and Roanoke, Virginia, have graduated from the in-house, 40-hour training course in crisis intervention.

The current designated strength of CIT stands at 108 officers, or approximately one-fourth of the field patrol. These CIT specialists respond in a team effort to crisis situations. They bring psychology to the streets—to individuals with

mental illness and to those who, in a time of crisis, pose a danger to themselves or others. After 3 years of working together, the CIT has gathered facts and tabulated data to examine its effectiveness.

WHAT ARE THE RESULTS?

The CIT program has shown impressive results. In 1999, CIT officers responded to 3,257 calls, an average of 271 calls per month. Almost half of the contacts (48 percent) resulted in transporting individuals to a local mental health facility where they received professional care. Officers arrested, transported to jail, or otherwise took into protective custody fewer than 10 percent of the individuals contacted. Injuries to citizens during CIT contacts occurred in only a little over 1 percent of calls. While mental illness was an apparent factor in 58 percent of the calls, almost half of the calls (45 percent) involved suicide attempts or threats.

Alcohol, present in 27 percent of the cases, constituted the most frequently cited substance of abuse.

Police Shootings

Since the inception of CIT, special weapons and tactics (SWAT) call outs involving a crisis intervention component have decreased 58 percent. Police shootings involving individuals in crisis also have declined incrementally since 1997, as the CIT program has developed. From 1994 through 1996, six individuals were killed in crisis-related police shootings. From 1997 through 1999, four individuals were killed. These data are important in light of the fact that the population of Albuquerque has grown 18 percent in the last 10 years and 7 percent (from 418,454 to 446,400 residents) since 1996. Although the population of Albuquerque has increased, the number of police shootings has dropped. This suggests that CIT officers use skill and discretion in resolving potentially lethal situations. It also demonstrates the department's commitment to less-than-lethal force (e.g., use of beanbag or taser weapons) in resolving life-threatening crises.

Additional Data

In May 1999, APD added other data-gathering categories to CIT reporting, including age and race of the subject, specific drugs or substances present, weapon method (to hurt self or others), and level of threat to officers or other individuals. Of the 2,105 cases from May to December 1999, individuals 36 to 60 years old required the most frequent intervention, followed by

those 19 to 35 years of age. Non-Hispanic whites constituted 59 percent of the cases, followed by Hispanics at 28 percent; African Americans and Native Americans at 5 percent, each; and other races at 3 percent. The ethnic backgrounds of these individuals reflect the demographic composition of Albuquerque where 35 percent of the citizens declare themselves to be of Spanish origin, 3 percent each as African American or Native American, and 2 percent as Asian.²

Second to alcohol, a variety of prescription and over the counter medications (often mixed with alcohol) proved the most frequently identified category of substance abuse. Anecdotal information suggests that individuals, particularly females, used prescribed drugs, such as antidepressants, as the most common medications for overdose.

Individuals brandished edged weapons and firearms (199 and 117 cases, respectively) in 15 percent of the calls. Other weapons included bats or, in the cases of suicide attempts, pills and carbon monoxide (196 cases). Jumping (37 cases) and hanging (20 cases) represent other intended or threatened methods of suicide attempts. Thirty individuals made suicide gestures by jumping out of cars into traffic. Fourteen percent of the cases involved a threat to harm others, and 4 percent threatened to harm police personnel.

Notably, nine cases occurred in which individuals stated that they intended to die at the hands of police. Literature on suicide by cop (also referred to as victim-precipitated homicide and hetero-suicide)

suggests that probable or possible suicidal motivation exists in 16 to 47 percent of police shootings.³ While some individuals make detailed plans for confronting police with the intention of being killed, others may react impulsively to police presence during a crisis.⁴ Still others, caught in the act of committing a crime, would rather be killed than captured.

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While training represents an important aspect of the program, CIT exists primarily as an operational concept.

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WHY DOES CIT WORK?

CIT has worked because the APD studied other successful programs and planned carefully. Also, the department emphasized five main areas: the selection and training of CIT officers, the operational concept of CIT, the team-within-a-team approach of the program, the partnering of community resources, and the cost-effective aspects of CIT.

Selection and Training

Officers selected for CIT training possess superior skills in communication, tactics, and problem solving. Each applicant for a CIT position submits a resume and undergoes an intensive screening

process. After acceptance into the CIT program, officers must complete a 40-hour certification training course. Once on the street, each officer receives \$50 per month as incentive pay.

Training includes instruction in legal issues specific to commitment and the rights of the individual, case management, special populations (e.g., individuals who are homeless, elderly, developmentally disabled, or brain injured), psychopharmacology, substance abuse, and tactical considerations. The bulk of the training, however, involves recognizing mental illnesses and personality disorders and applying appropriate crisis intervention techniques. Practical exercises include professional actors who role-play individuals in crisis. During these simulations, officers demonstrate their crisis intervention skills, which trainers evaluate and provide feedback on.

The training also formally addresses officer awareness, safety, and tactics. Statistical compilations inform officers about the characteristics of those officers killed in the line of duty, as well as the offenders.⁵ The training emphasizes that while good evaluation, empathy, and communication skills are necessary for CIT officers, officer safety remains paramount. While the need for understanding and knowledge in dealing with people in crisis exists, the need for CIT officers to be well-balanced, tactical specialists remains equally important as well.⁶ Therefore, the training stresses tactical issues by addressing the interface between CIT and SWAT units should

a CIT call escalate to a SWAT deployment.

Operational Concept

While training represents an important aspect of the program, CIT exists primarily as an operational concept. A cross section of field patrol officers throughout the city comprises the team. These officers function as generalists and specialists. When not responding to calls in which individuals with mental illness constitute a potential factor or where people are otherwise in crisis and at risk, CIT officers handle regular patrol functions. Strategic placement of CIT officers on all shifts provides for a rapid specialist response to potentially dangerous scenes. These officers operate within squads and report directly to the sector sergeant.

Typically, 911 operators, who have both entry-level and roll-call training in crisis recognition, identify CIT calls. The operators flag the calls for a specialist response and direct them to the police dispatcher who communicates the call to the nearest available CIT field officer. Should the need for a response arise in an area of the city without a CIT officer nearby, a team member from another area command would respond.

Team within a Team

APD's 854 sworn personnel provide community-oriented policing services to approximately 446,000 Albuquerque residents.⁷ Of the 403 officers dedicated to field patrol functions, 108 are CIT officers. A full-time sergeant, four detectives, and an administrative

assistant provide support for these officers. Housed administratively in the Special Investigations Division (SID), this support staff represents one team within the larger team of CIT officers. Each detective is assigned to a specific area command and functions as a liaison between the field and the SID office. This support network, or team-within-a-team concept, has contributed to the dramatic, positive results of the CIT program.

Follow-up of CIT calls by the detectives also has facilitated the success of this team. They carefully review all reports generated by field CIT officers for content. In many cases, detectives initiate intensive follow-up investigations and proactive interventions. The support staff members conduct "knock and talks" where they visit individuals who potentially may pose a threat to themselves or others. The members identify resource-intensive individuals and implement measures to reduce the frequency of police contacts. Officers in the field receive bulletins about these potentially dangerous individuals to enhance safety for police personnel, as well as the involved individuals.

Community Resources

Support from the mental health community has proved critical to the success of CIT. Despite a history of adversarial relationships and misunderstandings, once police personnel and mental health administrators sat down together to solve problems collectively, they expressed mutual goals and objectives. Roundtable discussions with the administrators of the different local facilities eliminated barriers

CIT Results

- Minimized police use of force, resulting in reductions in injuries to police personnel and consumers
- Established proactive intervention to deter crisis-related events from possible undesirable outcomes
- Reduced liability risks through improved crisis management
- Created partnerships between mental health agencies and the police, resulting in problem solving and program development
- Identified deficiencies within the mental health network
- Used police officers as case finders for the mental health system
- Developed an administrative vehicle for supporting a jail diversion program
- Increased public confidence and support

CIT Data for 1999

	Count	Percentage
Total calls for CIT service	3,257	
Mental illness believed to be a factor	1,878	57.7
Mental illness not believed to be a factor	407	12.5
Mental illness not evaluated	972	29.8
Sex		
Female	1,366	41.9
Male	1,871	57.4
Unspecified	20	.7
Suicide calls		
Attempted	505	15.5
Threatened	948	29.1
Threatened suicide by cop*	9	0.427
Weapons involved	457	14.0
Substance abuse		
Alcohol	890	27.3
Other drugs	554	17.0
Injury to subject		
Prior to police contact	426	13.1
Result of police contact	38	1.2
Subjects transported		
Arrests/protective custody	298	9.1
Mental health facilities	1,391	42.7
Admission to mental health facilities**	398	12.2

**Data from May-December 1999, (total equals 2,105)*

***Underestimate, officers leave facility prior to admission*

and promoted positive change. Without the cooperation of this network of mental health care providers, proactive measures by police would have proved fruitless.

Since the inception of CIT, a dramatic shift in attitude has taken place between the police and mental health care providers.⁸ For example,

improved cooperation led to the University of New Mexico Mental Health Center changing the triage system of its psychiatric emergency room to better accommodate law enforcement officers who bring in individuals for evaluation. Now, the system places officers at the top of the waiting list, with the goal of

reducing their wait time and returning them to service as soon as possible.

Other mental health care advocates have noted the impact of improved cooperation. One mental health care professional contends that CIT "is the best thing that has happened for the mentally ill

residents of Albuquerque. They are going to jail less and are treated with more respect.”⁹ This kind of response has led individuals with mental illness and their families to have more confidence in the police handling of crisis situations. In fact, at the annual meeting of the New Mexico chapter of the National Alliance for the Mentally Ill, family members were encouraged to call 911 and ask for a CIT officer should a crisis situation occur.

In the final analysis, for CIT to function, it had to develop partnerships with a variety of mental health resources because these community programs provide the referrals that CIT officers use for individuals in need of mental health services. These resources also enable the CIT detectives to promote favorable long-range alternatives to police intervention in these situations.

Cost-effectiveness

Limited training costs for CIT include materials and the cost of professional role-players for interactive training scenarios. Fortunately, grant funding from the New Mexico Department of Health absorbs these expenses. Another cost-saving aspect involves volunteer CIT instructors cultivated from within the police, legal, and mental health communities.

In contrast, CIT justifies the incentive pay of \$50 per month by the anticipated reduction in risk of injury or death to officers and individuals in crisis and by the reduction of large liability claims, which could result from police use of force. Further, savings incurred by the significant reduction in SWAT

activations and resulting overtime pay also offset the incentive pay.

WHAT ABOUT THE FUTURE?

Given these results, the CIT program administrators have nurtured future plans. These include providing CIT training to APD’s 30 school resource officers, improving data collection to aid in planning and program development, perfecting and implementing an early warning system to identify chronically dangerous individuals, and supporting initiatives to create more community resources critical to the success of proactive intervention.

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CONCLUSION

Effectively handling individuals in crisis poses a difficulty for all law enforcement agencies. The Albuquerque, New Mexico, Police Department implemented a program that stands as an effective and efficient method of crisis intervention. The department has had its Crisis Intervention Team in place for the past 3 years and has collected valuable data on its

effectiveness. The data support the objectives of the Albuquerque Police Department’s community-oriented policing efforts, as well as its goal of resolving crisis situations without the use of force.

Albuquerque’s CIT program exemplifies what law enforcement, the mental health community, and individuals in need of crisis intervention and their families can accomplish when they work together to solve problems. The CIT model can help agencies striving for excellence in community-oriented policing and, more important, help them reduce the often-tragic consequences of dealing with individuals in crisis. ♦

Endnotes

¹ R. Parent, “Police Shootings: Reducing the Risks,” *Law and Order*, January 2000, 82-84.

² City of Albuquerque Planning Department, *Census Information for the City of Albuquerque* (Albuquerque, NM, 2000) available from <http://www.cabq.gov/planning/statistics/census.html>; accessed December 11, 2000.

³ D. Kennedy, R. Homant, and R. Thomas Hupp, “Suicide by Cop,” *FBI Law Enforcement Bulletin*, August 1998, 21-27.

⁴ V. Lord, “One Form of Victim Precipitated Homicide: The Use of Law Enforcement Officers to Commit Suicide,” presentation at the 1998 annual meeting of the Academy of Criminal Justice Sciences.

⁵ Department of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted, 1998* (Washington, DC, 1999).

⁶ Dr. Donn Hubler, former director of APD’s Behavioral Science Unit.

⁷ City of Albuquerque Planning Department, *Population Estimates* (Albuquerque, NM, 2000); available from <http://www.cabq.gov/planning/statistics>; accessed December 11, 2000.

⁸ Nancy Purtell, executive director of the University of New Mexico Mental Health Center.

⁹ Dr. Shirley Washburn, past president of the New Mexico chapter of the National Alliance for the Mentally Ill.

The Work Itself as a Motivator

By John L. White, Ph.D.



For decades, management and leadership theorists have proposed the concept that employee motivation is based upon several factors, including interpersonal relationships, organizational effects, and the work itself. Such theories have de-emphasized the importance of other, longer-held theories about employee motivation, such as salary, benefits, and working conditions. From a motivational standpoint, viewing the work itself as a motivational device usually has depended on internal motives (intrinsic rewards) concerning the type of work employees engage in and their personal beliefs about the work they perform. Amid all material published concerning the phenomenon of motivating employees in the workplace, very little addresses how managers can use employees' work to enhance their professional confidence or how managers can use that work experience to help motivate employees toward better quality work or productivity.

Some individuals believe that police work requires personal motivation, self-pride, professional satisfaction, and individual expectations. By capturing these effects of personal motivations, officers could

promote a deeper commitment to their organization and possibly enhance their career. Douglas McGregor's X and Y theories view employees as either self-motivated and hard working (Theory Y) or mindless, lazy employees who must be coerced into doing their jobs (Theory X).¹ These theories persuaded managers at the Pulaski, Tennessee, Police Department that something that glorified employees at their daily work, while performing routine activities, would serve as a powerful internal motivational force that the department could capitalize upon for wide-spread, long-term organizational benefit. However, the methodology used to accomplish this feat proved the most difficult part of the concept to create.

In educational sessions, leadership theorists cite the intrinsic value of work as one of the significant motivational features of an employment environment, but they provide very little, if anything, to guide managers to successfully accomplish this. How can managers take the work itself and use it as a motivational tool? Traditionally, most theorists suggest using rewards or some type of accolade. This approach has

given rise to the dramatic increase in performance and excellence awards. However, managers often encounter problems when implementing these types of approaches. Albeit powerful motivational tools, they contain many drawbacks inherent in their application. For example, equity issues occur in a variety of forms complicating the process, such as commonly held values prove difficult to define, organizational concerns may arise, and personality-based issues sometimes make recognition awards impractical. Some employee merit systems even praise undeserving employees for substandard efforts—at least in the eyes of the recipient’s peers. Reward/recognition programs of these types usually suffer reversals of intended effect via employee cynicism and a host of creative work reversals.

Police managers should avoid these pitfalls to positively influence employees within their organization. How can a manager use the work employees perform to laud its inherent values, use it to help reinforce the organizational values, and provide first-rate service to the community? The answer to this complex question lies within a single concept—that managers could harness the initial motivations that brought their employees into the service of law enforcement and, thus, provide a continual motivational drive.

THE PULASKI EXPERIENCE

The Pulaski Police Department tried a unique attempt to take “work itself” at face value, capture it on video, and produce it in a valorous presentation to help increase employee motivation. In the past, the media has used sporting events to glamorize certain events and people with great impact. Department managers believed that if portraying sporting-event figures and participants in such dramatic postures, relating to their employment, has such an effect on the participants and those viewing the presentations, then using the same premise in relation to law enforcement personnel should have an equally beneficial result.

Production

Over a 9-month period, a reserve officer made candid videotapes of department personnel during their routine workdays. These videos ranged from field events to office work, from actual operations to organized events of fellowship. Additionally, the officer captured video of a regularly scheduled department meeting, which focused on different individuals as they participated in the meeting.

The photographer also took video of the city and used it for the introductory portion of the tape, accompanied by inspirational background music. The video presentation was divided into segments of each

shift depicting a freeze-frame of officers with a caption of their rank and date of service. Following the still-shot segment, the producer included several vignettes of each officer involved in normal work activities. The videotape ended with a list of all employees, their assignments, and an inspiring message on life.

Presentation

The video made its debut at the end of the year at an annual holiday party for all of the employees and their families. Managers noticed the effect from the outset; department personnel displayed markedly visible emotional reactions as the tape played. Managers presented all officers with a personal copy of the “video yearbook” and told them that it served as tangible proof of their significance and importance to the agency.

Evaluation

The film achieved more than being merely a video yearbook. Taken at its face value, the video serves as a historical document and has accomplished its mission of increasing employee motivation as well. Initially, the tape reaffirmed the employees’ importance to the agency. The fact that the department used resources to make the video not only served as a silent testimony of the officers’ importance to the agency, but it also dramatized their individual role in helping

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Police managers should...positively influence employees within their organization.

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the agency attain its overall mission and sustaining the overall prestige of the law enforcement profession. Both of these factors serve as strong inspirations to employees about who they are and their value to the agency. Such a strong visual presentation becomes a public recognition of the intrinsic value these employees hold in their work. The video allows officers to see themselves through the eyes of others; realize how important their work appears to others; understand how integral their contribution is to accomplishing the goals of the agency; and recognize how vital they are to the everyday operations of the department.

On a far deeper level, the tape may serve as a personal motivator over an extended period of time. As the employees view the tape in the future, they may reinforce their own importance to the organization. Similarly, viewing the tape with friends and family members can serve to enhance the motivational effects to a much greater extent than viewing it with colleagues. Those involved in producing the video believed it would serve as a long-term motivator by reminding employees why they originally began service with the organization, or in law enforcement in general. This reminder may instill a renewed vigor to employees and to the work they perform and help maintain the highest level of professional expertise in daily operations.

Although the idea may appear very simple in concept, numerous employees have proven its impact by asking for a second copy of the tape. This was exactly the reaction that department managers had hoped to accomplish. Each time employees view the video they reinforce their initial reason for becoming police officers, as well as build loyalty to the department they serve.

For other agencies, the cost of producing a similar video cannot be valued in terms of its relationship to the potential benefits it may provide because those benefits are impossible to quantify. An agency merely

needs the services of an individual with the technical skills to create such a motivational tool and to have managers who care enough about their employees to arrange the production. Even if the film does not achieve anticipated motivational goals, it can still serve as an expression of gratitude to employees from their managers. That factor itself should prove a worthy reason to create the video.

CONCLUSION

Because each employee is motivated by different stimuli, a motivational video may not benefit all employees. However, for many people working in modern organizations, such recognition of the work they perform, presented in a positive light, can serve as a beneficial, long-term motivational stimulus.

As with any profession, law enforcement officers need motivational support from their managers as well. To this end, the Pulaski, Tennessee, Police Department created a motivational video for its employees as a way to recognize their contributions to the success of the department and their value to the community they serve. The overwhelmingly positive reaction to the video justified

the department's efforts. Other police managers may discover that they have little to lose from producing such a video for their departments and much to gain. In the interest of their employees, police managers should examine new ways to motivate their officers and, more important, highlight the value of the often-seemingly unappreciated profession these men and women have chosen. ♦

Endnote

¹ For further information, see Douglas McGregor, *The Professional Manager* (New York, NY: McGraw Hill, 1967).

Dr. White recently retired as the assistant chief of the Pulaski, Tennessee, Police Department.



Offshore Financial Centers

The Channel Islands and the Isle of Man

By MARK D. FERBRACHE



Advances in communications technology are making the world a smaller place to do business. A simple mouse click can transfer millions of dollars to the next hemisphere in an instant. As a result, no longer do international borders stand as barriers to criminals who engage in international fraud and money laundering. In fact, they use them to their advantage. To keep tenacious investigators at bay, fraudsters execute their scams in multiple foreign jurisdictions simply to exploit

the difficulties that local law enforcement officers often encounter when dealing with other countries.

Because fraud investigations progress by tracking the money involved, the trail frequently leads to, or passes through, a foreign country. Therefore, the global law enforcement community must respond to the technological advances used by criminals engaged in these activities by actively developing greater cooperation among foreign authorities. This requires the establishment of effective gateways for

the timely exchange of information and delivery of assistance.

THE CHANNEL ISLANDS AND THE ISLE OF MAN CONNECTION

Most experienced fraud investigators view the Channel Islands and the Isle of Man¹ as loosely regulated tax havens immune to inquiries from foreign authorities, which make the Islands the choice of criminals to launder their illegal gains. However, two recent reviews of the Islands' financial and legal

sectors provide evidence to the contrary. The consensus of these reviews found that the Islands have a well-regulated financial industry, money laundering legislation in place, and a demonstrated willingness to cooperate with and provide assistance to foreign authorities.²

In the last 15 to 20 years, the Islands have blossomed as offshore financial centers due, in part, to their proximity to the United Kingdom, low taxes, and overall economic and political stability. What is an “offshore” financial center? Simply, it is any financial center that provides financial services for a substantial number of nonresidents.

Geographic and Historical Aspects

Where are the relatively obscure Channel Islands and their even lesser-known cousin to the north, the Isle of Man? The Channel Islands comprise the islands of Jersey and Guernsey, well known for their two unique breeds of cattle, which bear the islands’ names, their fine agriculture and horticulture produce, and beautiful scenery. Located in the English Channel, the Islands lie approximately 13 miles from the northern coast of France and about 85 miles from the southern coast of Great Britain.

The Bailiwick of Jersey comprises the island of Jersey and a few uninhabited islands and covers approximately 45 square miles in surface area, with a resident population of approximately 85,000. The Bailiwick of Guernsey includes the two smaller islands of Alderney and Sark. Guernsey has a surface area of just over 25 square miles, Alderney approximately 3 square miles, and

Sark slightly more than 2 square miles. The entire Bailiwick of Guernsey has a resident population of approximately 62,000.

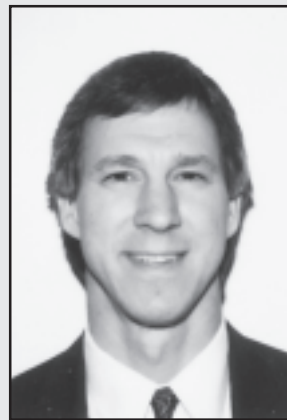
The Isle of Man is centrally located in the Irish Sea between Northern Ireland and Great Britain. The topography ranges from vast stretches of open moorland to thickly wooded glens. A central range of mountains traverses the island from the northeast to the southwest, together with valleys leading to rocky cliffs and secluded bays. The island measures 33 miles running north to south and 13 miles from east to west for a total surface area of 227 square miles, making it 5 times larger than Jersey and 9 times the size of Guernsey. The island’s resident population stands at approximately 73,000.

Local history of the Channel Islands is steeped in the memory of invasions and attempted conquests. Along the coast, gray concrete World War II bunkers and

fortifications contrast with old castle turrets and towers remaining from the Napoleonic wars and medieval times. The Normans added the Channel Islands to their duchy in 933. In 1066, Duke William of Normandy successfully invaded England and became King William I of England. When King John of England lost control of his possessions on mainland France in 1204, the Islands remained loyal to the English Crown and have been English dependencies since that time. The Islands have enjoyed seven centuries of self-government, but still retain some relics of the French-Norman language and law.

The Isle of Man can trace its history from the introduction of farming in the fourth millennium B.C. through the Manx Iron Age (from 500 B.C. to 500 A.D.) and the Celtic traditions to Christianity and the Viking rule of the ninth century. Rule of the territory alternated between England and Scotland, and

**“
...law enforcement
agencies in the
Islands have
established informal
gateways to share
criminal intelligence
on a regular basis
with the FBI.
”**



Special Agent Ferbrache serves as an FBI assistant legal attache in London, England.

less frequently Ireland, during the thirteenth to fifteenth centuries. Throughout the years, the Isle of Man developed its own unique culture. Although spared the Roman and Norman invasions, the Vikings left lasting impressions, such as the island's parliament, known as the Tynwald, the oldest governing body stretching back over 1,000 years.³

Administrative Authority

Since the emergence of the European Union (EU), whose members (with the exception of the United Kingdom) recently adopted the "Euro" as a common currency, the Islands have faced increasing pressure to adopt effective money laundering legislation, broaden their efforts to cooperate and assist with foreign inquiries, and implement financial regulations similar to the United Kingdom and other EU countries. Most of the EU countries are members of the Financial Action Task Force (FATF), established at the 1989 economic summit in Paris, France. The FATF is a multinational group that develops and promotes policies and procedures to combat international money laundering. By 1997, all 26 FATF members enacted money laundering legislation in accordance with FATF recommendations, which set forth international standards for money laundering legislation and financial industry regulation.⁴

However, because the Islands are dependencies of the British Crown, they cannot participate fully as members of the EU and, therefore, do not consider EU directives on such issues as tax harmonization as binding upon them. Their

constitutions allow them the independence to govern their own affairs. While the United Kingdom remains responsible for the Islands' international affairs and for their defense, the Islands have autonomy over their domestic affairs, including taxation. Furthermore, because the Islands are not part of the United Kingdom, the Mutual Legal Assistance Treaty (MLAT) between the United States and the United Kingdom and Northern Ireland does not apply to them.

“Most experienced fraud investigators view the Channel Islands and the Isle of Man as loosely regulated tax havens....”

EU pressure to create a more “level playing field” remained on the United Kingdom and, by extension, on the Crown Dependencies. In January 1998, due, in part, to EU pressure, the United Kingdom Home Secretary, a Justice Minister equivalent, commissioned a review of the laws, financial regulatory systems, and methods for combating financial crime and cooperating with foreign jurisdictions in the Islands. This review culminated in a four-volume report issued in November 1998.⁵

Because the Home Secretary commissioned the report without any prior consultation with the

Islands, the report's anticipated release caused some anxiety for Island officials. But, despite the controversy generated by the United Kingdom's imposed review, the conclusions drawn by the report proved positive. The report concluded that the Islands, “...have infrastructures of legislation, judiciary, prosecution, regulation, and law enforcement, mostly based on United Kingdom models, which for the most part are extremely good for such relatively small jurisdictions. In many areas they have cooperated well, sometimes remarkably so, with the authorities of other countries in the pursuit of crime and regulatory breaches.”⁶

Financial Profile

The Islands' financial industry includes banking investment, as well as insurance and trust companies. Total bank deposits on the Islands (resident and nonresident) currently consist of around 170 billion pounds (Jersey, 100 billion; Guernsey, 50 billion; and Isle of Man, 20 billion pounds).⁷ By comparison, nonresident deposits held in the United Kingdom total approximately 1 trillion pounds.⁸ The independence of the Islands also has enabled them to provide considerable tax advantages to their customers. For example, corporate and personal tax rates generally are 20 percent on all of the Islands as opposed to tax rates in the United Kingdom and Europe, which can vary from approximately 30 to 50 percent.⁹ This proves unsurprising because the Islands have no international debt, a simple tier of government, low unemployment, and a low-cost infrastructure.

Jersey has the largest banking sector of all of the three islands, while Guernsey constitutes a major center for captive insurance companies. The Isle of Man has a relatively large life insurance and commercial insurance sector, with smaller investment and banking sectors.

The financial industry in Jersey represents approximately 55 percent of this island's economy, whereas in Guernsey, it represents approximately 60 percent.¹⁰ In the Isle of Man, the financial industry accounts for approximately 37 percent of this island's economy.¹¹ Finally, Jersey and Guernsey each has a Financial Services Commission designated as regulators of the financial industry, while the Isle of Man has the Financial Supervision Commission.

Global Cooperation

Over the years, the FBI legal attache¹² in London has enjoyed excellent cooperation with the law enforcement agencies from the Islands. In recent years, a growing number of U.S.-initiated fraud and money laundering investigations, with a nexus to the Islands, have ensued. Furthermore, the Islands have adopted new legislation, which requires financial institutions to report any suspicious activities to the police and creates criminal statutes for money laundering offenses. Former legislation required disclosure only when suspicious activities related to drug trafficking or terrorism.

More frequently, the Islands play a role in large-scale international fraud investigations. While these localities offer a variety of

legal, legitimate, and prudent business and tax advantages, these same attributes often attract the more unscrupulous or criminal element. For example, in the Islands, nominee directorships represent an area under considerable scrutiny. Essentially, nominee directors often serve as the directors of so many companies that it proves impossible for them to have detailed knowledge of any individual company's business activities or monetary transactions.



Nominee directors generally receive a fixed annual fee as a director for each company. Usually, nominee directors have no knowledge of the company's true beneficial owners. This problem exists primarily on the island of Sark in the Bailiwick of Guernsey. This island has a total resident population of approximately 575; however, directorships held by Sark residents total approximately 15,000.

Sark residents enjoy a unique tax position together with perceived secrecy. These attributes have created a situation where companies

incorporated in other jurisdictions seek Sark's residents as directors. In recent years, the practice has expanded, with many residents participating in what has become a lucrative business. Some individuals hold in excess of 1,000 directorships. In addition, some residents also supply accommodation addresses, fax and telephone services, and company administration. Most Sark directors have no knowledge of what their companies do nor do they know the identities of the companies' true beneficial owners. The actual running of the company is performed by a company administrator.¹³ To address this problem, the legislative assemblies in the Bailiwick of Guernsey have approved, in principle, legislation that will impose regulation of fiduciaries, company administrators, and company directors. The proposed legislation will require the registration of all company directors, implement regulatory oversight, and impose a specific "know-your-customer" regimen. In November 2000, by authority of the Tynwald, the Corporate Services Providers Act 2000 came into force in the Isle of Man. Similar to Guernsey's response, this act brings company services providers under the supervision of the Financial Supervision Commission, the island's financial regulator. Company services providers now must be licensed and adhere to a set of guidelines governing "good practice" and "know your customer."

Formal Assistance Requests

If U.S. law enforcement agencies, whether local, state, or federal, should require investigative

assistance from the Islands, they should contact the Office of International Affairs (OIA), Criminal Division, U.S. Department of Justice (DOJ) in Washington, D.C.¹⁴ The OIA-DOJ represents the Central or Competent Authority for the United States, and all requests seeking foreign assistance are transmitted through this office. Likewise, a foreign Central Authority responding to a formal request will submit its response to OIA. Upon receipt, OIA will forward the information or evidence to the U.S. prosecutor initiating the request.

Typically, requests to the Islands are made in the context of “letters rogatory.” Letters rogatory, or diplomatic requests, constitute the method by which one country requests assistance from another where compliance by the requested country may require use of the foreign court’s compulsory process. Requests for bank or business records or the testimony of a witness may require the foreign court to issue a compulsion order to satisfy the request. The United States uses letters rogatory to request assistance from any country that it does not have an MLAT with or in instances where the MLAT does not cover the offenses involved.

An MLAT represents a type of bilateral agreement. The United States has entered into MLATs with a number of countries. While these treaties provide the formal mechanisms for the execution of requests submitted to obtain information, documents, and assistance in locating and repatriating assets, they relate only to crimes addressed by a specific MLAT. For example, the

MLAT between the United States and the United Kingdom and Northern Ireland creates procedures to provide mutual assistance in—

- taking the testimony of persons;
- providing documents, records, and evidence;
- serving documents;
- locating or identifying persons;
- transferring persons in custody for testimony;
- executing requests for searches and seizures;

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The Islands’ financial industry includes banking investment, as well as insurance and trust companies.

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- identifying, tracing, freezing, seizing, and forfeiting the proceeds and instrumentalities of crime and assistance in related proceedings; and
- providing any other assistance that Central Authorities may agree upon.

The requested country is not obligated to respond, but usually does so as a matter of comity.

Police-to-police Network

Following the first review of the Islands’ financial industry in 1998, another outside evaluation occurred in the spring of 1999. The

FBI legal attache in London and the Financial Crimes Section at FBI Headquarters coordinated this review from a law enforcement perspective. Welcomed by law enforcement and government officials from each island, the States of Jersey Police, Commercial Branch; the Guernsey Police Fraud and Financial Investigation Unit; and the Isle of Man Fraud Squad all made significant contributions in this effort to improve law enforcement cooperation in the global fight against fraud and money laundering.

The review centered on developing an in-depth understanding of the Islands’ offshore financial industry and the local government’s legal and judicial system, as well as learning how local law enforcement authorities combat financial fraud and money laundering. After gaining some insight and a context for these offshore localities, the review identified gateways and methods for the effective exchange of information relating to criminal matters of mutual interest. These gateways consist of formal (e.g., official or diplomatic) and informal (e.g., police-to-police) communications. Today, law enforcement agencies in the Islands have established informal gateways to share criminal intelligence on a regular basis with the FBI.

A report of the findings of the review serves as a resource and guide to all U.S. law enforcement agencies who have, or will have, investigative contact with the Islands. It provides a detailed, but succinct, review of these offshore financial centers from a U.S. law enforcement perspective. The

report discusses the political and economic climate, as well as the law enforcement and criminal environment, and cites the specific legislation local authorities operate under in conducting fraud investigations and providing assistance. Because each of the Islands stands as a uniquely individual international offshore financial center, the report includes copies of published guides from each island jurisdiction, which provide instructions on how to draft requests for evidence and assistance. Law enforcement agencies can access the report¹⁵ on the FBI's Law Enforcement Online.¹⁶

CONCLUSION

With the technological advances in communications, law enforcement agencies have begun to face the effects of the global criminal. Fraud and money laundering have become commonplace for the international thief due to these modern developments.

Offshore financial centers, such as the Channel Islands and the Isle of Man, demonstrate the need for global law enforcement cooperation. For years, authorities have agreed with the widely held notion that these areas are maverick centers of thinly regulated financial activity attracting money launderers and impenetrable by law enforcement. Fortunately, two reports by outside evaluators have dispelled this long-standing myth. The assessment by the director of the Jersey Financial Services Commission sums up the results of these reviews the best: "...the Commission is very conscious of the completely legitimate demands by international



customers for privacy in their financial affairs.... At the same time, the Commission believes that it is vital that we, like other Jersey authorities, cooperate fully with others internationally in the fight against crime. When there is an international investigation into financial fraud, we are not prepared to allow Jersey to be the place where the trail goes cold."¹⁷ Experience has shown that the authorities in Guernsey and the Isle of Man have adopted the same robust attitude. ♦

Endnotes

¹ For this article, the author refers to both areas collectively as the Islands.

² In 1999, the Offshore Group of Banking Supervisors (OGBS) organized a Financial Task Force (FATF) evaluation of the Islands. Both the OGBS and the FATF reviews proved favorable to the Islands and found all three jurisdictions cooperative.

³ For additional information, see <http://www.isle-of-man.com>; accessed November 2, 2000.

⁴ For additional information, access the FATF Web site at <http://www.oecd.org/fatf>.

⁵ Andrew Edwards, *Review of the Financial Regulations in the Crown Dependencies* (London, England, 1998). This report became better known as "The Edward's Report."

⁶ Ibid., Part I, Chapter 18, page 161.

⁷ Ibid., Part II, Chapter 2, page 4. In U.S. currency, about \$245 billion total, with Jersey at \$144 billion, Guernsey at \$72 billion, and the Isle of Man at \$29 billion.

⁸ Ibid., Part II, Chapter 2, page 4. In U.S. currency, about \$1.4 trillion.

⁹ Ibid., Part II, Chapter 2, page 5; and "Taxing Wages in OECD Countries, 1998-1999," Organization for Economic Cooperation and Development; available from <http://www.oecd.org/daf/fa/stats/wages.htm>; accessed November 2, 2000.

¹⁰ Ibid., Part II, Chapter 2, page 3.

¹¹ Ibid., Part II, Chapter 2, page 3.

¹² FBI legal attaches represent the primary means through which FBI investigations are progressed overseas.

¹³ "Obtaining Evidence in the Bailiwick of Guernsey," *Sark Directors*, Guernsey Police and Commercial Fraud Department and the Joint Customs Financial Investigation Unit, 17.

¹⁴ U.S. Department of Justice, Criminal Division, Office of International Affairs, 1301 New York Avenue, NW, Washington, DC 20530; <http://www.usdoj.gov/criminal/oia.html>.

¹⁵ Because Special Agent Brian F. Warren of the FBI's Charlotte, North Carolina, office conducted the review, the report, *The Warren Review*, bears his name.

¹⁶ Access is free to qualified law enforcement, criminal justice, or public safety professionals. To obtain access, call 202-324-8833 or send an e-mail to feedback@leo.gov.

¹⁷ Richard Pratt, "The Jersey Financial Services Commission," *Jersey International Finance*, 5, no. 1 (January 1999): 14.

Book Review



Drugs in Society: Causes, Concepts and Control, 3rd edition by Michael D. Lyman and Gary W. Potter, Anderson Publishing Co., Cincinnati, Ohio, 1998

Drugs have often been cited as one of the major reasons for the recent explosion in our nation's inmate population. Various points of view, often dependant upon political rhetoric, provide contradictory conclusions on the ties between drugs and crime. Some argue that drug users commit proportionately more crimes than those who do not use drugs. Therefore, their prosecution and imprisonment are justified. Others argue that decriminalization of drugs will alleviate the prison crisis by removing the drug user and drug trafficker from the inmate population. Such a decriminalization would permit criminal justice resources to be devoted to nondrug crimes (e.g., murders, rapes, robberies, burglaries). As a result of these divergent views, many texts are written from either a law enforcement perspective or a treatment or social work perspective.

The authors have avoided the politicalization of the drug issue by writing a balanced, thorough, well-reasoned book on the drug phenomenon in our society. Both authors have impressive credentials for writing such a text.

Together they have over 30 years of experience in the criminal justice field.

The authors divided their text into three major parts: Understanding the Problem, Gangs and Drugs, and Fighting Back. Within these major divisions, they have 14 chapters that cover the whole spectrum of the issue. They devote specific chapters to the history of drug use, the domestic and international drug trade, the role of organized crime and gangs, drug control/prevention, and even the issue of legalizing drugs. Their chapters on the illicit drug trade and the domestic drug production are particularly interesting. For instance, the chapter on the illicit drug trade covers not only the trade routes of various drugs, but also the roles individuals play in this criminal enterprise and reasons for price fluctuations. The book also includes chapters devoted to the political solutions attempted and to various treatment efforts. Information presented in the text regarding the historical roles of various governments concerning drugs is also noteworthy. For instance, the authors discuss the role of Great Britain, France, Russia, and even the United States, in the legalization of opium in China via the Tientsin Treaty (1858).

The entire text is easy to read, and the material proves very interesting. Each chapter includes a list of terms and discussion questions to facilitate the learning of the material.

The authors have provided a historical, theoretical, and fact-driven work on one of the greatest social ills of modern society. Law enforcement personnel, attorneys, judges, correctional officials, and treatment specialists will all benefit from reading this text.

Reviewed by
Art Bowker
Probation Officer
Nothern District of Ohio Probation Office
Cleveland, Ohio

Documenting and Reporting a Confession with a Signed Statement

A Guide for Law Enforcement

By TIMOTHY T. BURKE

Two seasoned detectives interrogate a suspect who initially denies all involvement in the heinous crime under investigation. Employing a ruse, conducting a role-play, revealing evidence collected, exaggerating potential outcomes, and using other cleverly played exchanges enable the detectives to reverse the suspect's position and eventually obtain a confession. The incident ends with one of the detectives pushing a pad of paper and pencil across the table and instructing the suspect to "write it down."

This scene is played out almost weekly in a popular television series, depicting the events impacting a homicide unit within a large police department. Hollywood dramatizations provide the viewer with an entertaining glimpse of police activities, such as the taking of a confession and its importance to the solution of criminal investigations, but usually fall short in describing the details surrounding these events. Real-life investigators know that their job is not complete until they have recorded the events properly in accurate reports and signed

statements, which contain the relevant facts and admissions necessary for expedient prosecution or further cooperative efforts.¹

IMPORTANCE OF DOCUMENTATION

Most subjects feel an inherent need to lie or cover up their involvement in crimes. The ability to develop rapport with these subjects and induce cooperation represent skills that some investigators have mastered to increase their success rates for case resolution.² These investigators also recognize the



Special Agent Burke is an instructor in the Investigative Training Unit at the FBI Academy.

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A properly documented confession...increases the likelihood of swift and successful prosecution of criminals.
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importance of taking accurate and extensive notes during interviews. Moreover, departmental policy may necessitate preparation of an interview log (a document containing pertinent information about the individuals involved and actions taken during the interview) for certain situations. For example, interview logs often accompany interviews in which the advice of rights warning and waiver are required and when a suspect is interviewed on the premise of the investigating agency, even though not under arrest.

While seasoned investigators will attest to the excitement, exhilaration, and relief that often accompany the admission of wrongdoing by a criminal, they realize that they must follow this process with a thorough and accurate recording of the confession in the form of an investigator's report. Investigators also know that they can further enhance these reports by including signed statements. As with all investigative techniques, it is

important to anticipate the legal requirements faced by prosecutors who inherit the results of evidence collection and are responsible for securing criminal conviction. They will rely on these reports and signed statements as proof of the admissions to violations of criminal code. Therefore, investigators must properly document these events in a suitable format.

CONTENTS OF A SIGNED STATEMENT

Once subjects have confessed and provided a detailed explanation of their role in a particular crime, their signed statements will further support the official report to follow. Written in the first person, the statement follows a logical format and contains the subject's own words as much as possible.³

The Opening

The opening paragraph identifies the subject, the investigators, and the nature of the crime. The second paragraph further describes

the subject's education and ability to comprehend the statement he prepares and signs.

The Body

The body of the statement employs language that the subject used previously in the confession or can understand. Because most subjects are not professional writers, investigators may assist in the formulation of these sentences. However, investigators should avoid composing statements that do not fit the subject's level of intelligence and language abilities or that contradict previous admissions. The statement should describe fully important general facts, including the events leading up to the crime, the subject's intent and motivation, how the subject committed the crime, and crime-specific items, such as the amount of money stolen or number of people victimized. The statement should reflect the same relevant facts recorded in the investigator's official report of the confession, but may summarize some details succinctly as long as the omission of this information does not change the context of the statement. For example, the following type of information may appear in a signed statement: *In 1999, I came up with the idea to obtain money from my then employer, XYZ Insurance Company, by submitting false claims using the fictitious names of John Doe and Mary Jane and my knowledge of internal procedures for approval of claims payments. From March to June, I acquired over \$250,000 in payments pursuant to my scheme to defraud XYZ Insurance Company.*

Signed Statement Format White Collar Crime Sample

I, *(subject's name and address)* hereby make the following free and voluntary statement to *(officer's official name and title)* who has identified himself/herself as a *(title of officer and name of department or agency)*. I have been advised that I have been interviewed concerning my involvement in *(phrase describing scheme or nature of crime and victim, such as "the misappropriation and theft of \$100,000 from the First National Bank while I was employed there during 1999")*.

I was born on *(subject's date of birth)* at *(subject's place of birth)*. I attended *(last school attended)* and completed *(last grade or graduation date)*. I read and write the English language.

Officers should use the next few paragraphs to summarize what the subject did and how the subject did it, in his own words. Because this statement occurs after the subject's confession, officers can assist the subject in formulating the statement, using information previously provided. Officers should include any information the subject provides regarding what happened to the stolen money, how it was spent, items purchased, and other related details.

I knew that what I was doing was wrong, and I regret my actions. I wish to cooperate with the *(name of agency)* investigation and get this matter resolved. *(Optional paragraph, depending on circumstances and subject's remorse)*

I have read this *(number of pages)* page statement, have initialed all corrections, and I am signing it because it is true and correct. *(The subject writes this after reading the statement aloud and accepting its contents.)*

(subject's signature and date)

First witness: _____
(officer taking statement, title, agency, location, and date)

Second witness: _____
(third-party individual, title, agency, location, and date)

(NOTE: Officers always should have the subject read the statement aloud to them and initial any corrections. Also, they should avoid blank lines between sentences and paragraphs in the statement.)

I deposited the claims checks into the fictitious-name accounts that I had established at First National Bank and subsequently withdrew this money for my personal use. However, the investigator's official report undoubtedly would contain greater detail of each fraudulent event, painstakingly obtained from a review of specific items of evidence with the cooperating subject.⁴

If appropriate, a paragraph reflecting the subject's acknowledgment of wrongdoing, regret, and intention to continue cooperating can further demonstrate the subject's ability to understand the consequences of his actions. Also, investigators possibly could use such a statement to discredit later attempts by defense attorneys arguing "state of mind" and "insanity" pleas.

The Approval

Whether typed by law enforcement personnel or handwritten by the subject, the statement should be single-spaced and ultimately reviewed (read aloud) by the subject who will initial corrections and write a final sentence acknowledging his understanding of the statement. *I have read this (number of pages) page statement, have initialed all corrections, and I am signing it because it is true and correct.*

Once the subject has completed the statement and has read it back to the investigators, the subject and the witnesses (who are typically the investigators) should sign and date the document. Occasionally, a second witness may include a third-party individual (nonlaw enforcement), such as a relative of the

subject, a lawyer, or a representative from the victim business/institution where the interrogation occurred. The second witness signs as a witness to the subject's signature, and not necessarily the subject's admission. Investigators may have signed statements transcribed, with quotations, into the body of their official report, which details the entire interview. The original signed statement is then preserved as documentary evidence. Like other forms of evidence, investigators should refer to departmental policy or seek prosecutor advice before furnishing copies of signed statements to subjects, their attorneys, or other third parties.

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Investigators may have signed statements transcribed, with quotations, into the body of their official report....

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APPLICATIONS OF DOCUMENTATION

False Statements

Newly assigned investigators and law enforcement trainees often wonder how to document statements that subjects make prior to a confession, such as false statements or denials that commonly dominate the first part of the interview. The

extent to which investigators should record this information in a final report generally relates to the completeness of the confession and the investigators' abilities to corroborate the admissions with other evidence. *After providing an initial denial, and other misleading information, (subject's name) acknowledged he/she wanted to cooperate with the (name of law enforcement agency) and thereafter admitted his/her involvement in this matter as follows* illustrates how investigators can summarize these false statements and other extraneous items, such as rapport-building discussions, in their final official reports.

However, in the case of a subject who confesses and thereafter becomes a cooperating witness for the government, investigators must remember that prosecutors have an ethical and constitutional obligation to provide defense attorneys with any exculpatory evidence and with any information that reflects negatively on the credibility of this witness. Although the previously suggested sentence is legally acceptable to this point, a codefendant's defense attorney subsequently may seek greater detail of these denials or false statements in an attempt to discredit this witness and the government's version of these events. Investigators can anticipate this possibility and document the misleading statements more thoroughly in the official report, followed by a transitional sentence which identifies the subject's acknowledgment of wrongdoing, willingness to cooperate, and subsequent confession.

Multiple Subjects

Some cooperative subjects will provide false information during and after a confession, which investigators always should include in their official reports. Cases involving multiple subjects typically include cooperating subjects who redirect blame or exaggerate coconspirators' roles in an attempt to minimize their own exposure. The investigator's report should include this information (the totality of the circumstances will determine later each subject's role and resultant prosecution), along with the factual details set forth in the confession.

The report concludes with a transcription of the signed statement, prepared after the confession. Investigators should maintain interview notes and logs as supporting records for the official report until the matter is adjudicated.

Anticipating the confessor's later refusal to take the witness stand in a subsequent joint trial constitutes another consideration for signed statements in cases involving two or more subjects. In this situation, legal representatives may consider any references to codefendants in the confessor's signed statement as prejudicial to

their clients' rights and possibly restrict using the statement as evidence. Several options exist for investigators to appropriately address this issue. One involves simply preparing the statement and then allowing prosecutors the discretion to redact portions that they cannot use. Alternatively, investigators may incorporate a paragraph into the statement (just after the introductory paragraphs) in which the confessor states his involvement in the crimes without naming the coconspirators. Another option involves preparing two separate statements, one relating all details of the offense as

Interview Log Contents

- | | |
|---|--|
| 1. Identity of person interviewed | 13. Identity of person preparing statement |
| 2. Identity of officers conducting interview | 14. Time statement completed |
| 3. Location of interview | 15. Time subject or suspect reviewed statement |
| 4. Date of interview | 16. Time subject or suspect signed written statement |
| 5. Time of arrest, if applicable | 17. A record of requests and complaints of subject and the action taken thereon, such as the time a subject requests permission to call an attorney, the time he made a call to his attorney, the time subject complained of illness, the time and action taken on this complaint, the time subject requested food, the time and action taken on this request, and the details as to how this request was handled. |
| 6. Location of arrest | |
| 7. Identity of officers making arrest | |
| 8. Time interview began | |
| 9. Time officers informed subject or suspect of his rights, and if more than one officer, name of officer advising subject or suspect | |
| 10. Time subject or suspect waived his rights | |
| 11. Time interview concluded | |
| 12. Time preparation of statement commenced | |

Source: FBI Special Agent's Legal Handbook

furnished by the confessor, and the other containing only admissions of the confessor that relate solely to his guilt.⁵ Whichever method they employ, investigators should remain consistent throughout the entire investigation.

CONCLUSION

Law enforcement officials understand the importance of sufficiently reporting investigative results to withstand the scrutiny of the legal system. A properly documented confession accompanied by a well-prepared signed statement

increases the likelihood of swift and successful prosecution of criminals. Although many television and movie depictions of police obtaining confessions inaccurately portray or fail to emphasize this aspect of the confession, it remains a necessary part of effective police work. ♦

Endnotes

¹ The author based this article on the knowledge he gained during 12 years in the FBI's Detroit, Michigan, office, participating in numerous subject interviews and over 100 confessions involving bank robbery, violent crime, and white collar crime investigations.

² For additional information on interrogations, see David Vessel, "Conducting Successful Interrogations," *FBI Law Enforcement Bulletin*, October 1998, 1-6; and Michael R. Napier and Susan H. Adams, "Magic Words to Obtain Confessions," *FBI Law Enforcement Bulletin*, October 1998, 11-15.

³ For illustrative purposes and to avoid confusion in the article, the author refers to subjects as males.

⁴ When investigators use evidentiary items during a witness interview or subject confession, they should avoid exposing original evidence to the interviewee and potentially tainting its forensic value for future use at legal proceedings. Investigators should prepare working copies or photographs of these materials beforehand in anticipation of the necessity for witness identification.

⁵ *FBI Special Agent's Legal Handbook*.

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Repairing Broken Windows Preventing Corruption within Our Ranks

By Frank L. Perry, Ph.D.

In the last two decades, research and commentary regarding the causes and effects of law enforcement corruption have intensified and diversified. Efforts in Australia, Canada, Great Britain, and the United States have effectively identified symptoms and remedies in those countries, as emerging democracies in Africa, Eastern Europe, and the Pacific Rim face the more immediate and stark realities of self-governance and the police role. Comparative reviews of problems and best practices, as well as academic research, suggest that corruption follows certain predictable routes and that precursory signs occur prior to any actual *quid pro quo* corrupt activity.

Three organizational failures can foster a resentful, cynical, and demoralized work force leading to individual and collective acts of corruption. These failures are: little or ineffective discipline and deselection of trainees (a commitment to fairly but firmly graduate only those individuals who truly demonstrate performance and integrity standards); ignorance of the nature and effects of the goal-gradient phenomenon (the farther away individuals remain from their goal, the less the tendency to remain passionately interested in its attainment); and the allowance of a double standard within the organization, thereby decreasing moral accountability as professional responsibility increases. All of these factors represent instances of what sociologists have referred to for many years as the “broken window theory”—if enough broken windows in a neighborhood go unattended, the neighborhood falls into a moral and material malaise. Law enforcement applications of this theory are addressed rarely.¹

Understanding Corruption

Corruption can include an abuse of position, although not all abuses of position constitute corrupt acts.² Committing a criminal act under color of law³ represents one example of corruption, while using one’s law enforcement position for a *de minimus*, or

insignificant, private gain may not necessarily rise to what reasonable persons will call a corrupt act, though it may be corrupting.⁴ All self-interested or potentially corrupt acts are not completely corrupt.⁵ In fact, these acts can constitute police deviance,⁶ which best captures the nature of the precursory signs of corruption, as opposed to actual corruption.

Precursory signs, or instances of police deviance, may be agency-specific, or generic and found in law enforcement as a profession. Unprofessional on- and off-duty misconduct, isolated instances of misuse of position, improper relationships with informants or criminals, sexual harassment, disparaging racial or sexual comments, embellished/falsified reporting, time and attendance abuse, insubordination, nepotism, cronyism, and noncriminal unauthorized disclosure of information all represent precursory signs of police deviance that inspection and internal affairs components must monitor. When agencies determine a trend of increasing frequency and egregiousness of such deviance, they must take steps before classic or *quid pro quo* corruption occurs. An organization with an increase in such deviance becomes a “rotten barrel,” even without completely “rotten apples.”

Special Agent Perry,
former chief of the Ethics
Unit, Office of Professional
Responsibility, at the FBI
Academy, now heads the
FBI’s Raleigh, North
Carolina, resident agency.



Literature on the rotten-barrel concept has become more sophisticated. One study surmises that most of the major inquiries into police corruption reject the “bad-apple” theory: “The rotten-apple theory won’t work any longer. Corrupt police officers are not natural-born criminals, nor morally wicked men, constitutionally different from their honest colleagues. The task of corruption control is to examine the barrel, not just the apples, the organization, not just the individual in it, because corrupt police are made, not born.”⁷

Examining Corruption

How, then, can agencies examine the barrel? They must analyze the increasing frequency and egregiousness of precursory signs, then assess their department’s training. Agencies must not treat deselection expressly or implicitly as a negative or detrimental policy. No trainee has a right to become a law enforcement officer, although all qualified persons have an equal right to compete for such an assignment. Personnel, applicant, or recruitment officers within police agencies cannot predict who will meet all suitability and trustworthiness standards prior to the training setting. Therefore, the training components must make this determination with an overriding focus on the agency’s mission, image, and efficacy, while maintaining a respect-of-persons principle. This means deselection—a commitment to fairly but firmly graduate only those who truly demonstrate performance and integrity standards. Organizational laziness in this regard is detrimental to the agency and to the community it protects. Once immersed in the weighty discretion and low visibility of law enforcement culture, those who do not meet minimal suitability and trustworthiness standards will contribute invariably to the frequency of the precursory signs. The practical conclusion drawn from recent research is that, “in order to distance oneself morally from serious corruption, it is important not to engage in any corruption, albeit corruption of an apparently trivial kind.... Once a certain practice is

accepted, people are likely to go on to accept other practices that are increasingly unacceptable.”⁸

Failure to impartially deselect trainees based upon suitability and trustworthiness standards eventually determines the organizational grade of the infamous slippery slope. The higher the performance and integrity standards for successful completion of the training program, the greater the angle from actual performance and moral peak to potential failure. Metaphorically, the organizational culture will help prevent individual slide because the ethical and performance slope is so steep and the incremental slide more obvious and preventive. Conversely, the more gradual the slope, the less the perception of moral and administrative slide.⁹

Additionally, law enforcement agencies must understand and confront the goal-gradient phenomenon, a facet of human behavior most relevant to law enforcement work and culture. In general, the closer individuals get to their goal, the faster they run (a race), the harder they try (a career), or the more interest they show (working late the night before a vacation). Applied to law enforcement, the goal-gradient phenomenon suggests that the midpoint in an officer’s career can present a danger zone for malaise, resentment, cynicism, or just plain boredom. Such attitudes fuel precursory corruption or police deviance, if not actual corruption. Most professionals in any field of

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Corruption can include an abuse of position, although not all abuses of position constitute corrupt acts.

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endeavor can deal with and overcome the “too late to quit and too early to retire” syndrome successfully, but when burdened with the rigors of the very nature of law enforcement, such as high discretion, low visibility, and criminal element interaction, and weighed down further by an agency culture of poor recruitment, ineffective training, and inept internal controls, then the goal-gradient phenomenon can become fatal—to a career and to an organization.

Preventing Corruption

How can law enforcement agencies counter this tendency of human nature? First, agencies should

consider frequent assignment moves, especially from and to the areas of policing more prone to corruption.¹⁰ Geographical and intradivisional reassignments prevent stagnation, broaden experience, and preempt lasting effects of deleterious associations—albeit perhaps at the expense of deepening expertise in a single area.

Second, agencies should “feed the eagles.” One police corruption investigation “perhaps best known for its distinction between ‘grass eaters’ and ‘meat eaters,’ also included a third category: the ‘birds.’ The birds were the officers who flew above the corruption, seeking safety in the safe and rarified air of administrative positions.”¹¹ The birds fly above corruption or deviance, but sometimes they also confront it. Certainly, these birds who aspire for management ranks can, to further the analogy, become “eagles.” The eagle confronts corruption, soars to perform duties in the most noble fashion possible, and, thereby, raises the organization’s dignity and effectiveness. Thus, agencies should select, nurture, and promote individuals who demonstrate these attributes early.

Efforts to counter the goal gradient should include positive reinforcement. Individuals relish fair and honest praise, commendation, and recognition. Agencies should do the same for all of their employees as long as flattery, political gain, or gratuitous self-promotion are not intended. True professionals respect each other, and the goal gradient simply will not take hold where a culture of support, commonality, respect of persons, and appreciation of performance exists.

Third, the double standard must die. “Those who serve the public must be held to a higher standard of honesty and care for the public good than the general citizenry.... A higher standard is not a double standard. *Persons accepting positions of public trust take on new obligations* and are free not to accept them if they do not want to live up to the higher standard” (emphasis added).¹² Beginning a career in law

enforcement—perhaps the most entrusting and powerful service for the public good—entails a higher standard of conduct and calling for the trainee.

Certainly, this reasoning should continue up through and to the command or executive management level. Who could argue that with increasing rank within a law enforcement agency comes either diminished or even the same obligation to the public good as that of a support employee, patrol officer, or street investigator? If the premise that individuals accepting positions of public trust take on new obligations, then it follows

that the higher the position, the higher the standard. Birds must fly but they also must land. Noble eagles do not hide in the underbrush of hidden agendas or attempts at cover-up and cronyism. Administrators must hold law enforcement eagles more accountable for their actions because they see more, know more, have more visibility, receive more pay, and must make responsible decisions for the sake of the agency’s mission and, correspondingly, for the public good. Law enforcement

agencies most resistant to corruption remove temptation, increase the fear of detection, and emphasize managerial responsibility.¹³ Moreover, leadership on the part of these agencies’ senior officers consists of their willingness to “state explicitly and openly that...they will personally serve as role models for integrity.”¹⁴

Conclusion

The benefits of preventing corruption lie in stark contrast to the contempt, cynicism, and resentment generated within an organization—and for an organization as viewed by the taxpayer—when it winks at misconduct, whether precursory, deviant, corrupt, or criminal, on the part of management. As some researchers emphasize, increasing managerial moral responsibility and accountability builds institutional pride. It dies when a policy creates a double standard or when favoritism, cronyism, or career aggrandizement develop it.



Therefore, internal controls must remain firm, fair, and fast, as well as forthright. Even an appearance of management protecting its own in substantiated cases of misconduct will not only cause forfeiture of an agency's internal police powers, but will ruin the agency itself.

Avoiding deselection, ignoring the goal gradient, and promoting or permitting a double standard of internal controls can result in corruption in law enforcement agencies. Internal affairs and ethics components within law enforcement agencies, therefore, must remain, "vigilant and skeptical."¹⁵ Neither attribute is akin to cynicism or arrogance, and neither vigilance nor skepticism need be born of zealots. Monitoring human conduct within law enforcement agencies—themselves designed to monitor human conduct writ large—must be done with uncompromising care for human dignity, while carefully maintaining and enhancing the mission of the agency. ♦

Endnotes

¹ For more information on this topic, see Edwin J. Delattre, *Character and Cops—Ethics in Policing*, Third Edition (Washington, DC: The AEI Press, 1996); M. Punch, *Conduct Unbecoming: The Social Construction of Police Deviance and Control* (London: Tavistock, 1985); and J.Q. Wilson and G. Kelling, "The Police and Neighborhood Safety: Broken Windows," *The Atlantic Monthly*, March 1982, 29-38.

² Tim Newburn, *Understanding and Preventing Police Corruption: Lessons from the Literature* (London: Her Majesty's Press, 1999).

³ For a complete definition of color of law, see 18 U.S.C. § 242.

⁴ Supra note 1 (Punch).

⁵ John Kleinig, *The Ethics of Policing* (Cambridge, MA: Cambridge University Press, 1996).

⁶ Supra note 1 (Punch).

⁷ Supra note 2; quote by former New York Police Commissioner Patrick Murphy, regarding findings by the Knapp Commission, which was appointed in 1970 to investigate police corruption.

⁸ Supra note 5, 175-176. See also L.W. Sherman, *A Sociological Perspective* (New York, NY: Doubleday, 1974). See Sherman's account of "constant" and "variable factors" in police corruption.

⁹ Supra note 5, 175. The logical and psychological versions of the slippery slope appear in excellent summary in *The Ethics of Policing*.

¹⁰ Supra note 2, 46. Generally known within the FBI culture for many years, one of J. Edgar Hoover's basic tenets depended upon this intuitive notion.

¹¹ Supra note 2, 36

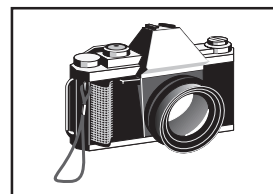
¹² Supra note 1 (Delattre, 68).

¹³ Supra note 2, 30.

¹⁴ Supra note 1 (Punch).

¹⁵ Supra note 2.

Wanted: Photographs



The *Bulletin* staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the various tasks law enforcement personnel perform.

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The International Sharing Program

Fostering International Cooperation

By DOUGLAS A. KASH, J.D., and JENNIFER A. GORMAN, J.D.

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During the past few years, the DEA has received numerous requests from foreign countries through their respective investigative and prosecutorial agencies to participate in the U.S. Department of Justice's sharing program. This article presents an introduction to the substantive and procedural aspects of the

international forfeiture and sharing program.

Legislative History

In 1992, Congress enacted Title 28, U.S. Code, Section 1355(b)(2), which vests U.S. district courts with extraterritorial jurisdiction over assets located abroad.¹ The assertion of U.S. jurisdiction under this

statute, by the filing of a civil forfeiture action, depends completely upon the cooperation of the foreign country in which the property is located. If the assets are not repatriated to the United States prior to or during a judicial forfeiture, then the repatriation request should be suspended until a final order of forfeiture is entered. Once the forfeiture

judgment is entered and final, it should be transmitted via the U.S. Central Authority, the Office of International Affairs, U.S. Department of Justice, to the foreign sovereign for enforcement or repatriation of the asset.

Criminal forfeiture cases are somewhat different than civil forfeitures because they are actions brought against defendants, not their property. Upon conviction, all of the assets named in the indictment may be included in the forfeiture order. Unless the defendants agree to the repatriation of the assets (i.e., through a plea agreement), or, unless the foreign sovereign is willing to enforce the (criminal or civil) final order of forfeiture, the United States has little chance of successfully securing physical custody of the asset and may never realize the value of the asset through the forfeiture process.

In 1986, Congress enacted Title 18, U.S. Code, Section 981(a)(1)(B), which enabled the United States to provide forfeiture assistance to foreign governments as required by its obligations under the United Nations Convention Against Illicit Narcotics Trafficking of Narcotic Drugs and Psychotropic Substances ("Vienna Convention"). The Vienna Convention was drafted in response to the increasing frequency and complexity of international drug-related money laundering. Section 981(a)(1)(B) authorizes the United States to seize and forfeit assets within its borders that represent the proceeds of drug-related felonies committed abroad even where there has not been a violation of domestic law. U.S. law currently does not authorize the seizure and forfeiture of instrumentalities used or intended to be used in violation of a foreign drug law.

In addition, proceeds from drug trafficking can be forfeited under the recently enacted Civil Asset Forfeiture Reform Act of 2000 ("CAFRA"). Pursuant to an amendment to Title 18, U.S. Code, Section 981(a)(1)(C), the proceeds of all specified unlawful activities will be directly forfeitable, including Title 18, U.S. Code, Section 1956(c)(7)(B)(i) offenses in which individuals commit crimes against a foreign nation involving the manufacturing, importation, or sale of controlled substances.

Asset Sharing

It is the policy and practice of the United States, pursuant to governing statutory authority, to share the proceeds of successful forfeiture actions with countries that make possible or substantially facilitate the forfeiture of assets under U.S. law. Pursuant to Title 18, U.S. Code, Section 981(i) (money laundering offenses) and Title 21, U.S. Code, Section 881(e)(1)(E) (drug trafficking offenses), asset sharing is a discretionary authority vested in the Attorney General, the Secretary of Treasury, or their designees to transfer a percentage of the net forfeited assets or the proceeds of the sale of any forfeited property to any foreign country that participated directly or indirectly in the seizure or forfeiture of property. Such a transfer must be—

- agreed to by the Secretary of State;
- authorized in an international agreement between the United States and the foreign country; and



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Ms. Gorman, Esquire, is a Dyncorp law clerk who is working with the U.S. Department of Justice, Asset Forfeiture Section, in Washington, D.C.

- made to a country which, if applicable, has been certified under Title 22, U.S. Code, Section 2291(j).²

A Mutual Legal Assistance Treaty (MLAT) is the typical agreement between the United States and other countries that will provide the basis for legal assistance in drug and other criminal matters, including international asset sharing. In addition, executive agreements, which are not treaties and, therefore, do not require Senate approval, are narrower in scope than MLATs and also can provide for international asset sharing. Finally, if neither an MLAT nor an executive agreement exists, the State Department can draft a case-specific agreement with a foreign country to satisfy the statutory requirements governing the international transfer of forfeited funds. Thus, an existing international agreement is not necessary in order to effectuate sharing with a foreign country.

International Sharing Procedures

A portion of the net forfeited property, or the proceeds from such property, may be transferred to a foreign government (not a foreign police agency³), as reflected by its participation in the investigation and forfeiture of the asset. U.S. foreign counterparts must understand that the investigative agency and U.S. agents with whom they are dealing cannot bind the United States to transfer any particular amount of sharing because the ultimate decision rests with the Attorney General and the Secretary of State, or their designees.

While a foreign government may submit a sharing request under an applicable MLAT, sharing agreement, or through diplomatic channels, the foreign investigative agency is not required to submit any memoranda requesting a share of the forfeited assets. Instead, the responsibility to prepare the “justification memorandum” explaining the assistance rendered by the foreign law enforcement entity and recommending a sharing percentage rests with the case agent and must be signed by the special agent in charge or country attaché.

“

The international sharing program is a critical tool to develop and foster relationships with foreign governments and their respective law enforcement agencies.

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Similarly, the foreign government need not submit a Request for Equitable Sharing (form DAG-71), although there should be a notation on the Decision Form for Transfer of Federally Forfeited Property (DAG-72) indicating that an international sharing request has been or will be submitted.

When a case involves multiple assets, the Asset Forfeiture and Money Laundering Section

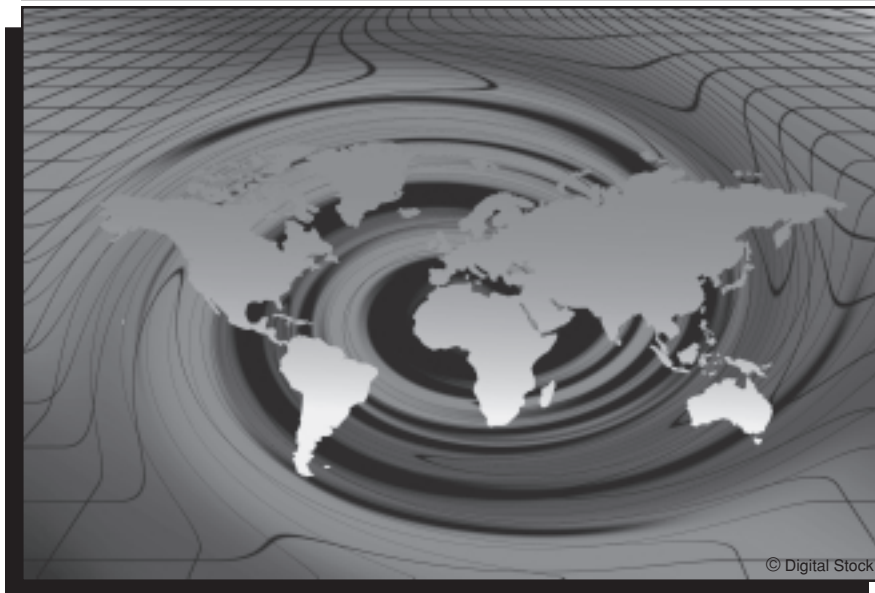
(AFMLS), Criminal Division, U.S. Department of Justice strongly urges submitting one sharing recommendation covering all assets that were forfeited in the case. But, if there are multiple assets and the foreign government contributes a different amount of assistance for each asset seizure, the request for sharing will still be processed.⁴

The justification memorandum must detail all of the pertinent case information such as—

- specific explanation of the assistance provided by the foreign country, type of conditions surrounding the case, and length of participation;
- whether any assistance was received from domestic law enforcement agencies; and
- whether confidential informants were used and awards are anticipated.⁵

If the DEA is the seizing agency, the justification memorandum is then forwarded to the chief of the Asset Forfeiture Section (AFS). If the assets were forfeited administratively, the AFS sends its recommendation directly to the AFMLS. If the assets were forfeited judicially, the AFS sends its recommendation to the responsible U.S. Attorney’s Office (USAO) so that the DEA’s recommendation can be incorporated with the USAO’s recommendation and be forwarded to the AFMLS.

The AFMLS reviews the request and forwards its recommendation to the Deputy Attorney General (DAG).⁶ In an effort to maintain parity and consistency in



the Departments of Justice and Treasury international sharing programs, the AFMLS also notifies the Treasury Department about the pending request. Once the DAG approves the recommendation, the AFMLS forwards it to the State Department for its concurrence.

The Departments of Justice and Treasury entered into a Memorandum of Understanding (MOU) on May 4, 1995, to provide guidance on what percentage is appropriate to recommend for a foreign government. The MOU outlines three percentage-based ranges. The MOU recommends a sharing of 50 percent or more to foreign governments that—

- repatriate forfeitable assets to the United States without the cooperation of a signatory authority or property owner;
- relinquish or waive the option of proceeding against the defendants or their property to allow the United States to forfeit the assets;

- defend against, in litigation brought by owners, claimants, and third parties, attempts to impede the foreign government's efforts to assist the United States; or
- provide the United States with all, or substantially all, of the evidence needed to prevail in a domestic forfeiture action against property deposited in the United States.⁷

The MOU recommends a sharing of 40-50 percent for foreign governments that provide important assistance, although not necessarily essential to the successful forfeiture action. These foreign governments should—

- enforce a United States forfeiture order and repatriate the assets;
- freeze assets at the request of the United States and lift the freeze to enable the witness defendant to repatriate the assets to the United States;

- return the property for forfeiture pursuant to an extradition request;
- expend substantial law enforcement resources to assist the United States; or
- engage in law enforcement activity that places foreign law enforcement personnel in physical danger.

The MOU recommends a sharing of up to 40 percent to foreign governments that—

- disclose information that leads to a U.S. investigation resulting in a successful forfeiture action;
- provide bank or other financial records that allow the United States to determine the location and extent of forfeitable wealth;
- support efforts of the United States to persuade foreign banks to take steps that facilitate the forfeiture of account proceeds in the United States;
- assist in the service of process or conduct discovery;
- permit foreign law enforcement officials to testify at U.S. forfeiture proceedings; or
- allow foreign territory to be used in an undercover operation involving U.S. law enforcement officials that ultimately leads to the forfeiture of assets.

As more countries enact sharing legislation, the United States increasingly is submitting requests to other countries for a share of assets

forfeited with U.S. investigative or judicial assistance. Similar to the procedures set forth above, the country attaché or special agent in charge must prepare a memorandum to the AFS. The AFS will then draft a memorandum to the AFMLS which, if there is an applicable treaty or agreement, will forward its request to the Office of International Affairs for transmission to the foreign country.

Uses of Shared Property

Unlike the policy underlying domestic equitable sharing, there is no statutory or regulatory authority by which the United States can insist that a foreign country use shared property or proceeds in any particular manner or allocate them to any particular government component. Accordingly, as a general rule, the United States does not place conditions or stipulations on how the recipient country must use the proceeds.⁸

Conclusion

The international sharing program is a critical tool to develop and foster relationships with foreign governments and their respective law enforcement agencies. If a U.S. law enforcement agency requests and receives assistance from a foreign counterpart that results in the seizure and ultimate forfeiture of assets, case agents should not let that assistance go unrecognized. They should draft a memorandum justifying the transfer of a percentage of the net forfeited proceeds to the assisting government. The justification memorandum should be submitted before the forfeiture is complete and should accompany

the domestic sharing package (DAG 71 and 72) so that the reviewing officials will be aware of all domestic sharing requests and international sharing recommendations to the forfeited property.

The nature of large-scale drug investigations routinely requires foreign assistance because illicit narcotics are typically manufactured or produced in one country and distributed in another. Moreover, shipment routes may transgress the territorial boundaries of several other foreign countries.

**“
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”**

Therefore, successful criminal prosecutions and civil forfeiture actions will depend invariably on international cooperation. Where countries have worked together, it is fair that they share in the fruits of their efforts. U.S. law enforcement officials have an obligation to ensure that those cooperating nations receive their fair share. ♦

Endnotes

¹ In such actions, the United States will require assistance from the foreign authorities to perfect the court's *in rem* jurisdiction over the property by: restraining the property, providing notice to all interested parties, arranging for foreign publication, and most

important, recognition of a U.S. forfeiture judgment.

² This section requires annual certification that a specific country has cooperated fully with the United States, has taken adequate steps to achieve full compliance with the goals and objectives established by the Vienna Convention, or that such certification is warranted as a vital interest of the United States.

³ The statute provides for government-to-government sharing. Consequently, the United States does not share with foreign police agencies unless the sharing agreement or MLAT authorizes such a sharing.

⁴ Neither the Department of Justice nor the Department of State wants to seek approval from high level officials for multiple assets for the same foreign government in the same case in a piecemeal fashion. Moreover, there is a greater likelihood that if recommendations are processed individually for assets in the same case, the sharing allocation may fall below the \$10,000 threshold that the State Department has imposed for processing international requests.

⁵ Pursuant to *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies* (March 1994), the net proceeds available for international and domestic sharing are calculated after the expenses, such as awards to informants, are deducted from the “gross receipts,” Chapter IX, Section A. The available federal share from which domestic sharing is calculated is determined after the international sharing has been allocated.

⁶ *Id.*, the ultimate determination of the actual percentage shared by the Department of Justice is at the sole discretion of the Attorney General or a designee.

⁷ It is highly unusual for the United States to share more than 50 percent with any one country in a case. Restitution to foreign victims is an acceptable basis for recommending the maximum percentage.

⁸ There is the possibility of requesting the transferred amount to be used specifically for anti-narcotics law enforcement efforts. Approval of the recommendation, however, is not routine and requires Congressional notification.

Law enforcement officers of other than federal jurisdiction who are interested in this article should consult their legal advisors. Some police procedures ruled permissible under federal constitutional law are of questionable legality under state law or are not permitted at all.

FBI Law Enforcement Bulletin

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The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize their exemplary service to the law enforcement profession.



Officer Miller

Officer William P. Miller of the St. Joseph, Missouri, Police Department responded to a situation where a man, armed with an assault rifle, a 12-gauge pump shotgun, a black powder pistol, numerous rounds of ammunition, and a large hunting knife, was randomly shooting motorists with the assault rifle. The subject injured four citizens and the first officer on the scene was killed instantly when struck in the back of the head as the subject hit his patrol unit with numerous shots. As officers arrived, they came under immediate fire from the gunman. Officer Miller circled around the suspect, who was still firing at other officers and citizens, and fired two shots, striking the gunman and killing him. Investigation revealed that the subject had fired approximately 225 shots before the rampage ended. Tragically, one officer lost his life, but Officer Miller's courageous efforts saved the lives of many other individuals during this terrifying ordeal.



Sergeant Grove

While on patrol, Sergeant Wilbern Grove of the St. Louis, Missouri, Police Department noticed several students standing away from their school bus, which was parked in a convenience store parking lot. When the students saw Sergeant Grove, they motioned towards the bus. Approaching the area, Sergeant Grove heard the bus motor racing out of control—the transmission was stuck in drive—and saw the driver yelling frantically into her emergency radio. Sergeant Grove instructed the driver to turn off the key and put the bus in park or neutral. After this attempt proved unsuccessful, Sergeant Grove radioed for the fire department and instructed the store manager to shut down the gas pumps.

Upon the arrival of the fire department, the bus suddenly became engulfed in flames. A fireman put chocks in front of the bus wheels to prevent the bus from running into the pumps and the store, and the driver exited quickly through the rear door of the bus. Sergeant Grove's quick response thwarted a potentially dangerous incident.

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