

## Raising the Stakes in Carnival Fraud

# FBI LAW ENFORCEMENT BULLETIN

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**The Cover:**  
Knowledge of carnival games and carnival fraud techniques assist law enforcement personnel in ensuring that games are kept legitimate. See article page 1.

**Federal Bureau of Investigation  
United States Department of Justice  
Washington, D.C. 20535**

**William H. Webster, Director**

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### **RULES OF GAME**

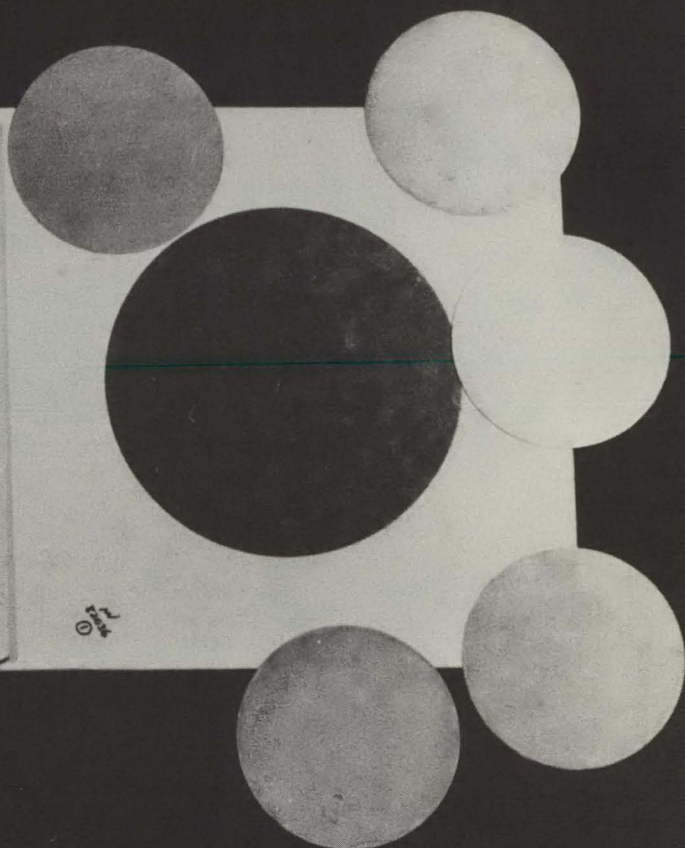
**1 HOLD PLATES UP 1" & DROP**  
**2 DO NOT TOUCH OR MOVE**  
**AFTER DROPPED, OR YOU**  
**LOSE.**

**3 WHEN THE COLOR CIRCLE**  
**SHOWS, YOU LOSE.**

**GOOD LUCK**

**1-PRIZE PER PLAYER**

**IF YOU DONT UNDERSTAND**  
**DONT PLAY !**



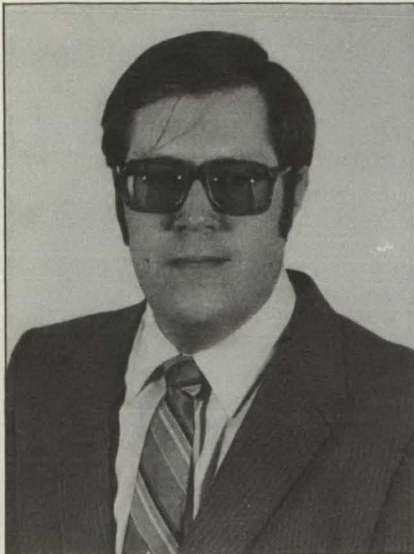
## **Raising the Stakes in Carnival Fraud**

**"With both the razzle dazzle and operator-controlled games, arrest and prosecution are often successful when pursued, since the game itself is sufficient evidence to insure conviction."**

Carnival game investigators quickly find the "how" in razzle dazzle schemes.<sup>1</sup> Any one of a hundred variations of a game is played in this scam to get a number that is compared to a conversion chart. The number will give either points toward the winning total, nothing, or a doubling of the possible prize. At this point, of course, the wager also doubles. Each time the doubling number is hit, the wager goes up accordingly from 50 cents, to \$1, to \$2, to \$4, to \$8, to \$16, to \$32, etc. The prospective prize also goes up accordingly, but since the player can never get the

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Chief of Police*

total needed to win, it matters little to the carnie what prize is promised.

Games in which the outcome is totally controlled by the operator are also escalated in a similar fashion but without the conversion chart. These include games that have a hidden device that controls the success or failure of every attempt by the player.<sup>2</sup> The player is told that if he can succeed at the game 10 times, a commensurately larger prize will be offered. Frequently, this is a large cash sum. The escalation occurs because each time the player fails on his way to 10 successes, he must double the wager. The usual course of play would be four to six successes, a failure, then success and failure interspersed to keep the player interested and the cost per play rising. The player may be successful 9 times but never 10.

With both the razzle dazzle and operator-controlled games, arrest and prosecution are often successful when pursued, since the game itself is sufficient evidence to insure conviction. The method of deception and wager escalation is a physical part of the gameboards, charts, scoresheets, and devices employed in the games.

These games contain what the carnies call a gaff,<sup>3</sup> which is a method or device that is built into the game to escalate the wager and decide the outcome. In razzles, the gaff is in the conversion charts, gameboards, and the operator's spiel. In operator-controlled games, the gaff could be anything from false bottoms on buckets to weighted bottles. Surfaces that are

tilted at angles at which it is impossible to win,<sup>4</sup> a hidden foot pedal that stops a spinning wheel at a specified spot, or any one of a thousand similar devices or scams are employed in illegal games.

### **Spot the Spot**

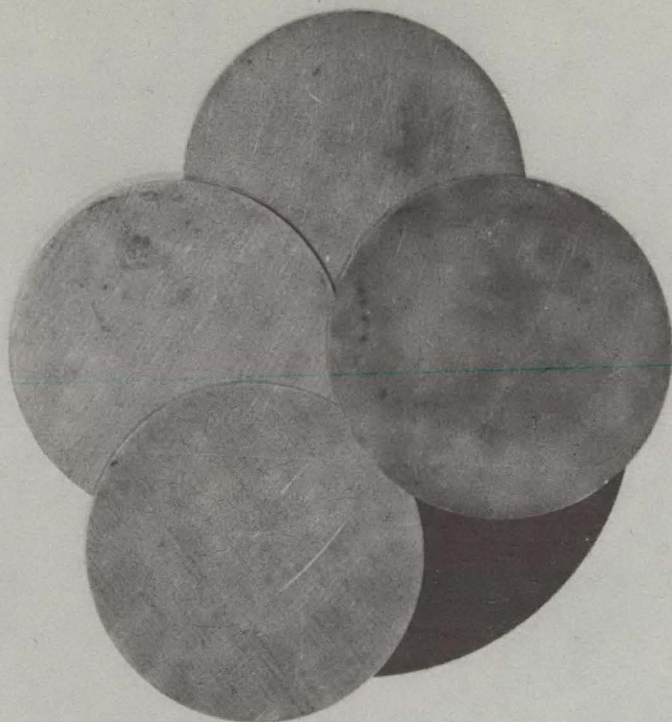
This game has been on the midway since the 1920's and various methods have been used to control the outcome of the game.<sup>5</sup> During recent carnival seasons, methods that insure the ultimate failure of the player and increase the take for the crooked operator have been used.

The game is played by dropping five metal discs onto a gameboard that contains a round painted spot. The object of the game is to cover the spot completely with the discs so that *no* color is visible. When played legitimately, the player pays 50¢ or \$1 per attempt to win a large stuffed animal. The game can be legitimately played if the discs are of a sufficient size to cover the spot. The tiniest fraction of an inch difference in the size of the discs or the spot can change the game from one that can never be won to one that is either difficult or quite simple to win. Usually the investigator will find that the board being used on the carnival midway is just possible to cover.

When the operator wishes to up the ante before defrauding the player, he begins dropping some of the discs for the player while increasing the cost per play. The climax of this deception is when the operator drops all the discs on the spot, completely covering it. He then removes just one disc and offers the player the opportunity to drop the disc for a specified number of attempts at an inflated cost. For example, he might offer three tries for \$20 to cover just the



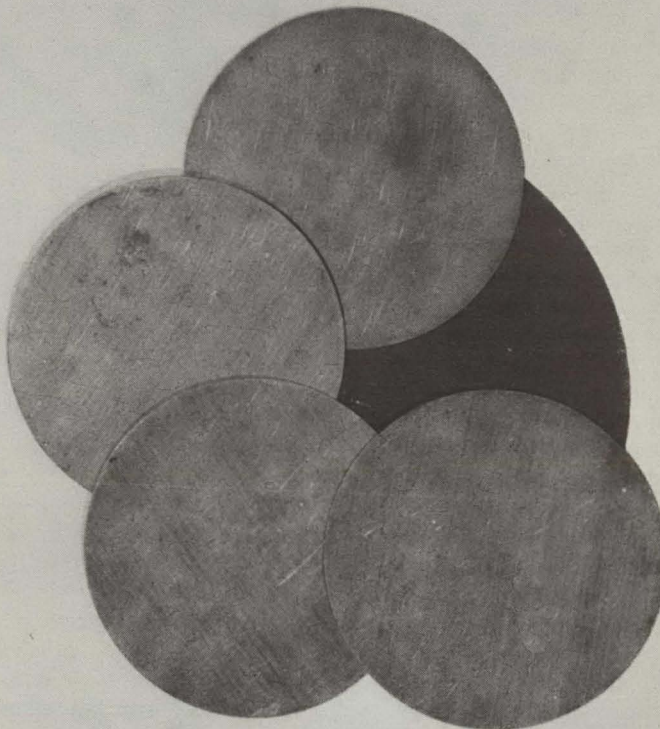
*Three-point drop*



follow the movement, and the carnie spreads his thumb and index finger, slightly spreading the discs. The increase in spot revealed is extremely slight, but just enough to make the task of covering it nearly impossible.

Another method used to cheat the victim is more subtle. When the carnie plays the game, he covers the spot in such a way that the last disc dropped will cover a spot that has only three points. Other discs, when individually removed from the spot, will reveal four- or five-point areas. The carnie drops all the discs, completely covering the spot, but the disc he removes for his victim's attempt is not the three-point disc—it is one which must cover five points.

*Five-point drop*



amount of spot revealed by removing one disc. A couple of tricks make this a much more difficult task than it would appear to be to the unsuspecting victim.

The odds of a player covering the spot on a tight board (one in which the discs will just barely cover the spot) are very slim in any event. The operator makes it look easy because he has had a great deal of practice. Few, if any, players will have a fraction of his skill.

In order to further insure his victim's failure, the skillful carnie may manipulate the discs. He covers the discs that are on the board with his left hand. The disc that is positioned between the thumb and index finger of that hand will be the one offered to the player for his attempts. He need only cover the remaining portion of the spot. However, as the carnie removes the disc, the player's eyes



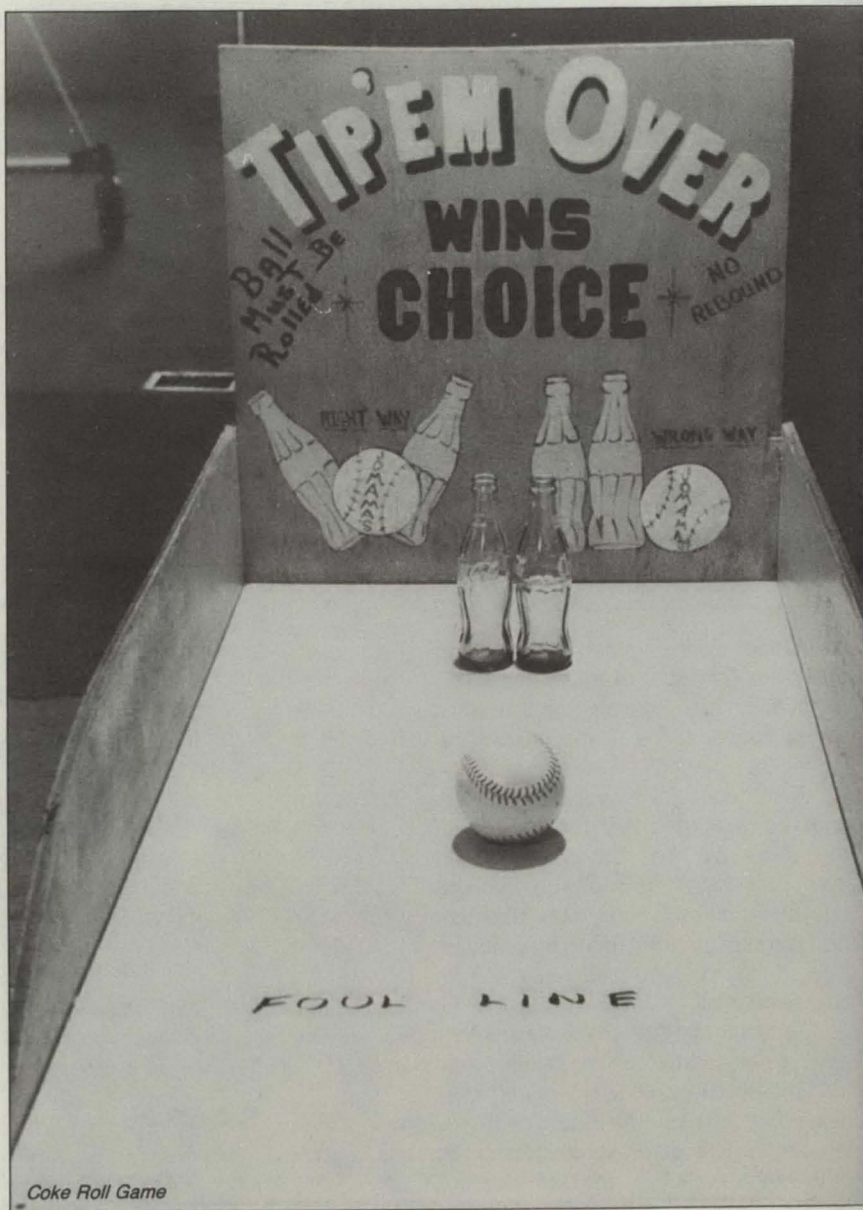
Again, the player is offered a number of attempts at an inflated fee. The five-point drop, of course, is considerably more difficult than the three-point drop because of the need to line the disc up over so many more points for the drop. The odds of the player successfully covering the spot are extremely slim. If the player should win, the operator will produce an alibi to cheat his victim out of his success. He may place the point of a pin in an area between two discs. When the discs are moved away, the pinpoint is in the colored area. The carnie may lay his head on the playing surface and from this position he will "see" some of the spot revealed. Of course, the carnie may simply bump the board or move the discs to cause a speck of the spot to be revealed.

Making up the rules as he goes, the carnie can explain success into failure—the disc was not held high enough when dropped, or the victim's hand was on the board, nullifying the drop. The net result is always the same—large amounts of money lost, no winners, and a difficult case to prosecute because it is the victim's word against the word of the operator.

### Coke Roll Game

The coke roll game is very popular at carnivals and looks like a sure win to the unsuspecting victim. The carnie places two small soda bottles at one end of the board with the object being to hit the bottles, knocking them both over with one roll.

The "regulation" softball is actually a styrofoam ball with a thin leather cover. When played legitimately, the odds of success are approximately 35 to 1 against the player, with variances based on ball weight, surface slickness, and ability of the player to hit the area between the two bottles.

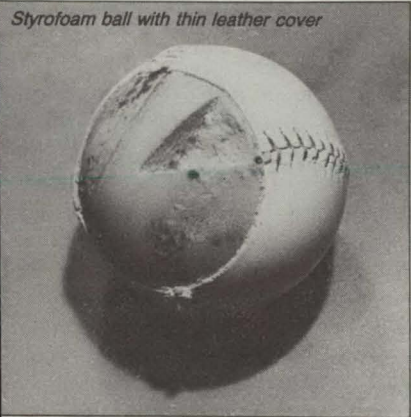


Any contact of the ultralight ball with one bottle expends so much of the ball's energy that there is not enough left to knock down the second bottle. The only way the player can win is to hit both bottles at precisely the same time, and even then, they may not fall.

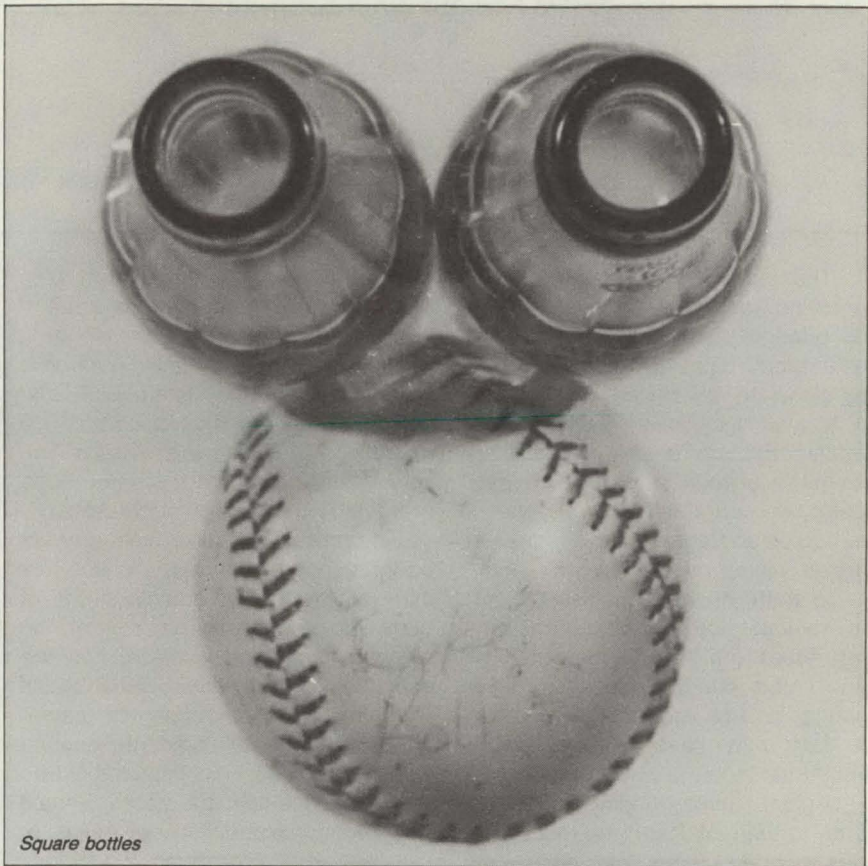
If the bottles are offset, one slightly closer to the player than the other, the task becomes impossible. The offset bottles now make the exact middle of the two target bottles more difficult, or perhaps even impossible to hit.



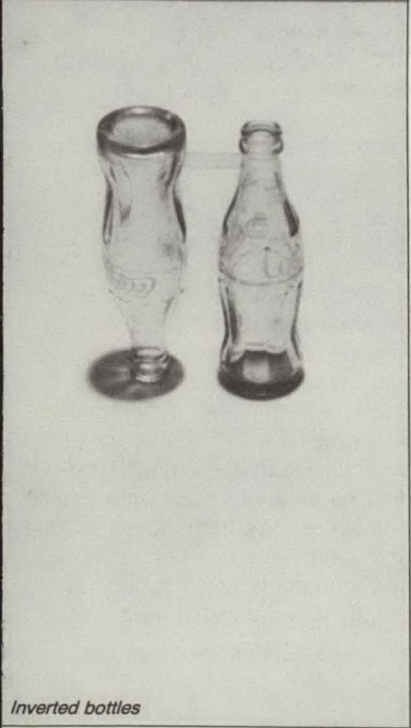
*Styrofoam ball with thin leather cover*



*Square bottles*



*Inverted bottles*



*Offset bottles that decrease chance of success*





The carnie escalates the bet by appearing to make the game easier and offering tries for an inflated cost per attempt. First, he moves the bottles closer to the player. This may be up to half the distance closer, but slightly offset. After the player finds that he is unsuccessful at the closer target, the operator will invert one of the bottles and again offer attempts at an even higher price.

In truth, neither the distance nor the inversion of the bottle has any real effect on the outcome of the game. The odds of success never change to any large extent. In fact, the task may have become harder with the changes.

Again, should the player have the good fortune to beat the odds, the rules of alibi come into play. Your hand went over the foul line, you did not hit the bottles in the middle (side shots are a foul), or the bottles hit the side before falling.

### Enforcement

A few simple steps can be employed by law enforcement agencies to help control carnival fraud on the midway.

Law enforcement officials should learn about the games and carnival fraud techniques. There are trained law enforcement personnel around the country who know how the games work and what tricks carnies employ. They should be contacted in order to obtain the information needed for enforcement.

There should be a list of rules and applicable laws in your area. If none exist, suggest a carnival ordinance or law.<sup>6</sup> Make sure the carnival operators know the rules in your jurisdiction when they sign a contract to operate. If they know the rules and your intent to enforce them, the odds of fraud on the midway decrease.

As a requirement of their contract or through an ordinance, require the carnival to post a complete set of rules of play on every game front, the owner's name and address, and the exact cost of play with no variance (all signs should be of permanent material, neatly lettered, and large enough to be prominent). Foul lines should be prohibited. Instead, the carnie should use a longer board, a wider trailer, or customer retaining ropes. Foul lines are a built-in alibi designed to defraud the successful player of his prize. Have officers from your department warn the operators that violations will not be tolerated and will result in arrest and seizure, not warnings and game closures. Conduct undercover

operations to determine if there is compliance. If violations occur, follow through with arrest.

Document, followup, and prosecute citizen complaints. Out of thousands of persons questioned at carnival seminars, hundreds admit to having been cheated at carnival games, but only a tiny fraction of these ever reported the offense. If 10 complaints are received, it should be presumed that there are many more being defrauded in the games, and action should be taken. **FBI**

### Footnotes

<sup>1</sup> Phillip Harker and Gary Bald, "The 'Game' of Razzle Dazzle" *FBI Law Enforcement Bulletin*, May 1981, p. 2.

<sup>2</sup> John Scame, *Scame's New Complete Guide to Gambling* (N.Y.: Simon and Schuster, 1974), pp. 556-624.

<sup>3</sup> Walter B. Gibson, *Carnival Gaffs* (Las Vegas: Gambler's Book Club, 1976), p. 7.

<sup>4</sup> FBI Laboratory, "The Basket Game," *FBI Law Enforcement Bulletin*, June 1981, p. 14.

<sup>5</sup> *Supra* note 3, p. 10.

<sup>6</sup> Chapter 6, Article IV, *Code of Ordinance of the City of Cheyenne*, (Ord. No. 2700, Sec. 1, 6-13-83).

## Reminder To Return UCR Survey Questionnaire

A questionnaire on the UCR program was recently sent to the heads of all law enforcement agencies serving populations in excess of 10,000 and to all other agency heads who returned the coupon included in the May issue, indicating their interest in participating in the survey. We urge those included in the survey to ensure that their views are counted by responding promptly to the questionnaire.



# Measuring the Productivity of Managers in a Municipal Police Department

**“ . . . police managers should be just as accountable for the efficient use of the resources allocated to them as their managerial counterparts in the private sector.”**

By  
CAPT. WILLIAM J. HOOVER  
*Police Department  
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How can you objectively measure the productivity of police department managers? In public employment there are no bottom line profit or loss figures as there are in private enterprise. Yet, police managers should be just as accountable for the efficient use of the resources allocated to them as their managerial counterparts in the private sector.

As inflation has eroded the buying power of the dollars available to local governments, the number of personnel has generally not increased. However, the workload has continued to rise. Public expectations with regard to police are higher than ever; yet, municipal police chiefs are constantly being told that they cannot hire more personnel, and in many cases, that they cannot fill existing vacancies.

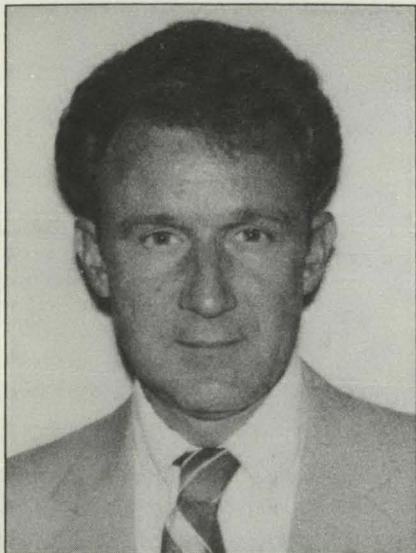
In recent years, increased productivity by the police has been the subject of discussions at every level of the police organization. Responding to increasingly tight budget constraints, city administrators are being held accountable by elected officials for the “productivity” of the police department—the amount and quality of the service provided when compared to its cost. Police administrators, through their organization’s management structure, are seeking innovative ways to accomplish tasks and provide services more efficiently. Police department supervisors have recognized that the quantitative measurement of job performance has become an increasingly large part of

their supervisory responsibilities. At the negotiation table, the conversation often centers around a series of management-initiated contract changes that affect work schedules, assignments, and methods of performing the job, all of which are designed to increase productivity.

As the realities of doing more with less have set in, police administrators have looked at various methods of measuring what their departments are accomplishing. They are beginning to realize that they are probably not going to obtain more resources and may not be able to keep the ones they have, unless they can show city administrators and elected officials the value of what they are achieving with those existing resources.

Generally, the concept of quantifying and evaluating what we produce, especially on an individual or sectional basis, is new in municipal police work. For many years, we have reported general crime statistics to the FBI under the Uniform Crime Reporting system, and in more recent years, we have begun to measure other categories of police work, such as police response time. While these measures can be important, they generally describe activity for the organization as a whole and are difficult, if not impossible, to use as measures of productivity.





*Captain Hoover*



*William J. Corbett  
Chief of Police*

As we become more conscious of our need to be accountable, the evaluation of individual performance and the results achieved becomes increasingly important. Questions such as "What is it that we really produce here?" "What is it that we should be accomplishing?" "How much should I be accomplishing?" and "How do I know that my objectives are reasonable?" begin to arise. Experience has taught us that left to their own discretion, people will generally work at the things they like to do, not necessarily the things they need to do.

Managerial performance evaluation is generally not well-developed in police departments. The most common practice consists of using a subjective form on which personnel are rated annually or semiannually with respect to global categories, such as initiative and appearance.<sup>1</sup> Because of the subjectivity involved, police managers don't always view departmental evaluations as important tools. That attitude, combined with the inherent reluctance of some managers to tell subordinates face-to-face that their work is unsatisfactory, frequently results in an overall departmental evaluation that is excessively high.

In 1979, the Ann Arbor, Mich., Police Department was directed to develop a zero-based budget (ZBB) for fiscal year (FY) 1979-1980, as well as the standard line item budget formally prepared. "ZBB is a technique which complements and links the existing planning, budgeting, and review processes. It identifies alternative and effi-

cient methods of utilizing limited resources in the effective attainment of selected benefits. It is a flexible management approach which provides a credible rationale for re-allocating resources by focusing on the systematic review and justification of the funding and performance levels of current programs or activities."<sup>2</sup>

As part of the zero-based budget preparation, managers of each of the various budget entities of the organization were required to review their responsibilities and specify at least five quantifiable objectives that best describe the most important results their units were to accomplish in the coming budget year. The impact of that assignment was significant. Police managers have not routinely been required to think in terms of establishing realistic, reasonable, quantifiable objectives that they should work to accomplish over a fixed period of time. Generally, when policy managers are asked to describe their objectives, they respond in broad terms, such as to protect life and property, apprehend criminals, and recover stolen property. While these are important goals, they are too general for measuring performance.

The requirements of the ZBB assignment caused managers at every level of the organization to think seriously about specific quantifiable objectives with which their work groups were to be concerned.

Initially, the department, in a presentation to city council, listed 25 "performance objectives" that it would accomplish in FY 1979-1980, if the resources requested were allocated. One of the values of the ZBB approach was that for each budget entity, the council had several alternative "cost/production" packages from which to choose. (See fig. 1.)



Figure 1

### Cost/Production Packages

QUANTIFIABLE OBJECTIVES	PERFORMANCE LEVELS FOR VARIOUS COST/PRODUCTION PACKAGES			
	#1	#2	#3	#4
1. Maintain units available for emergency response; at least	95.35%	96.40%	96.60%	96.86%
2. Number of traffic fatality and injury accidents; no more than	1,097	850	803	740
3. Apprehension of traffic code violators; at least .....	12,906	16,667	17,636	19,115
4. Recovery of stolen property; at least .....	\$458,840	\$592,567	\$627,000	\$680,000
5. Arrest of criminal offenders; at least .....	1,932	2,495	2,640	2,860
6. Number of citizen complaints; no more than .....	84	69	50	45

Although the Ann Arbor City Council decided not to implement the ZBB that had been prepared by the department, police administrators set up a system of measuring their actual 1979-1980 performance vis-a-vis their stated ZBB performance objectives. The results were generally good, although somewhat questionable in specific areas. In some cases, performance exceeded objectives by over 25 percent; yet in others, performance was over 25 percent short of expectation. Overall, there were several positive results to the efforts put into the ZBB project. Individual managers were forced to put a great deal of thought into identifying the results that the resources assigned to them were to accomplish. In addition, they had to quantify those objectives and be concerned throughout the budget year as to the ongoing level of results achieved.

In FY 1980-1981 and each budget year since, the "performance indicator system," as it is now known, has continued to evolve within the Ann Arbor Police Department. Today, it is a management tool to review the performance of budget entities and their managers throughout the organization, as well as the police department as a whole.

At budget preparation time, each budget entity manager must submit at least five performance indicators (objectives). Objectives are statements of reasonable, measurable, specific results to be achieved within a certain period of time.<sup>3</sup> They are statements of what is to be accomplished within the section, division, or department with the personnel, capital equipment, and dollars allocated. Objectives consist of both inputs, such as hours worked, and outputs, such as arrests made. The intent is to measure both efficiency and effectiveness.

In substance, these objectives must relate to the higher-level mission or goal statement of the agency. Mis-

sion or goal statements are continuing, nonspecific, and broad.<sup>4</sup> Upon completion, a section manager's performance indicators are channeled to the division commander who reviews and then modifies or adopts the proposed objectives in light of the resources to be used. Next, the division's performance indicators are forwarded to the chief of police, where a similar process occurs. Finally, the entire set of performance indicators is forwarded to the city administrator as a list of specific objectives to be accomplished in the coming budget year with the resources requested. When the budget is finalized, modifications in expected performance are made, if necessary, such as in cases where expectation was predicated upon acquiring resources that were not funded. In this instance, as in the preparation of the initial list of performance indicators, each level of management seeks a "meeting of the minds" with the "boss" as to what is "reasonable" to produce in light of the resources granted.

One of the primary features of the Ann Arbor Police Department's performance indicator system is the ability to score section, division, and department performance. The first step of that process is the determination of the "weight" to be attached to each of the performance indicators of each budget entity. For example, in FY 1982-1983, the patrol sections of the patrol division had 9 of the patrol division's total of 15 performance indicators, and the patrol division had 15 of the police department's total of 70



Figure 2

## 1982-1983 Ann Arbor Police Department Budget

### PATROL DIVISION

Patrol Sections .....	\$3,792,588
Special Services .....	326,332

### INVESTIGATIVE DIVISION

General and Major Crimes .....	717,530
Special Investigations ..	501,530

### ADMINISTRATIVE SERVICES DIVISION

Data Processing .....	230,040
Communications .....	615,610
Records and Property ..	217,860
Training, Budget, and Payroll .....	131,980
Civil Defense .....	65,530
Support Services .....	70,540

ADMINISTRATION .....

TOTAL .....

performance indicators. For the patrol sections, the nine performance indicators constituted their performance indicator system objectives for FY 1982-1983. For the patrol division, 15 objectives were considered when evaluating FY 1982-1983 performance, and for the entire police department, the FY 1982-1983 performance evaluation was to be based on the results of all 70 objectives. Obviously, each of the objectives for a budget entity does not have the same importance and thus does not carry the same "weight."

To determine the weight to be attached to each objective, the budget entity manager assigns weights to the objectives which, when totaled, equal 100 percent. Recognizing that the objectives are not equally important, the budget manager must identify that objective on which the most emphasis is to be placed in the coming year, the next most important, and so on. The importance of this step cannot be overemphasized. While these weights will be reviewed at each upward level of the organization, in typical manage-

ment by objective (MBO) fashion, their determination will have a significant bearing on the entire organization. In effect, the personnel of that budget entity are being told what their objec-

tives are for the coming year and the relative importance of those objectives to one another.

In our department, there are 10 sectional budget entities assigned to

Figure 3

## 1982-1983 Ann Arbor Police Department Budget By Performance Indicator Budget Entity

BUDGET ENTITY	DOLLARS ALLOCATED	PERCENT-AGE OF DIVISION BUDGET	PERCENT-AGE OF DEPARTMENT BUDGET
Patrol Sections .....	\$3,413,329	92.1%	50.5%
Special Services .....	293,699	7.9%	4.3%
Subtotal Patrol Division .....	3,707,028	100.0%	54.8%
General and Major Crimes .....	645,777	58.9%	9.5%
Special Investigations .....	451,377	41.1%	6.7%
Subtotal Investigative Division ..	1,097,154	100.0%	16.2%
*Data Processing .....	219,733	18.3%	3.3%
*Communications .....	566,746	47.3%	8.4%
*Records & Property .....	208,771	17.4%	3.1%
*Training, Budget, & Payroll .....	131,479	11.0%	1.9%
*Civil Defense .....	71,674	6.0%	1.1%
Subtotal Administrative Services Division .....	1,198,403	100.0%	17.8%
**Department as a Whole .....	757,515		11.2%
TOTAL .....	\$6,760,100		100.0%

\*The Support Services Section of the Administrative Services Division is the office of the division commander. No specific performance indicators are required for that office. Since the division commander's resources and efforts are spread throughout his division, each of the five remaining sections is equally allocated the budget dollars of the Support Services Section for performance indicator purposes.

\*\*The "department as a whole" dollars allocated amount comes from the administration portion of the total department budget and 10 percent of each budget entity's budget. This, in effect, creates a new budget entity for performance indicator purposes. The types of performance indicators used here are those that relate to the entire department, such as number of Part I Crimes, number of Part II Crimes, citizen complaints, etc.



**"In addition to informing managers of their performance to date, the periodic scoring of the performance indicators can serve to advise management of areas in which too much or too little emphasis may be being placed."**

one of three divisions. An additional budget entity entitled Administration (chief's office) is separate from the three divisions. In the budget preparation process, each of these 10 sectional budget entities and the Administration are allocated a certain amount for the budget year. (See fig. 2.) As previously indicated, managers must be accountable for the resources allocated them. Each budget entity manager is allocated a portion of the department's budget. The next step in the performance indicator scoring process is to determine the percentage of the division and department budget allocated to each budget entity. Figure 3 shows the department's FY 1982-1983 budgeted dollars by performance indicator budget entity and the percentage of the total budget allocated to each performance indicator budget entity.

Notice that the total of the division weight in figure 4 (92.1) is equal to the patrol section's share of the patrol division budget in figure 3 (92.1 percent), and the total of the department weight (50.5 in fig. 4) is equal to the patrol section's share of the department budget (50.5 percent in fig. 3.) This follows the premise that as a manager, each of us is expected to "produce" with the resources allocated to him. With a specific share of the department or division budget, a manager is responsible for that share of the department's or division's productivity.

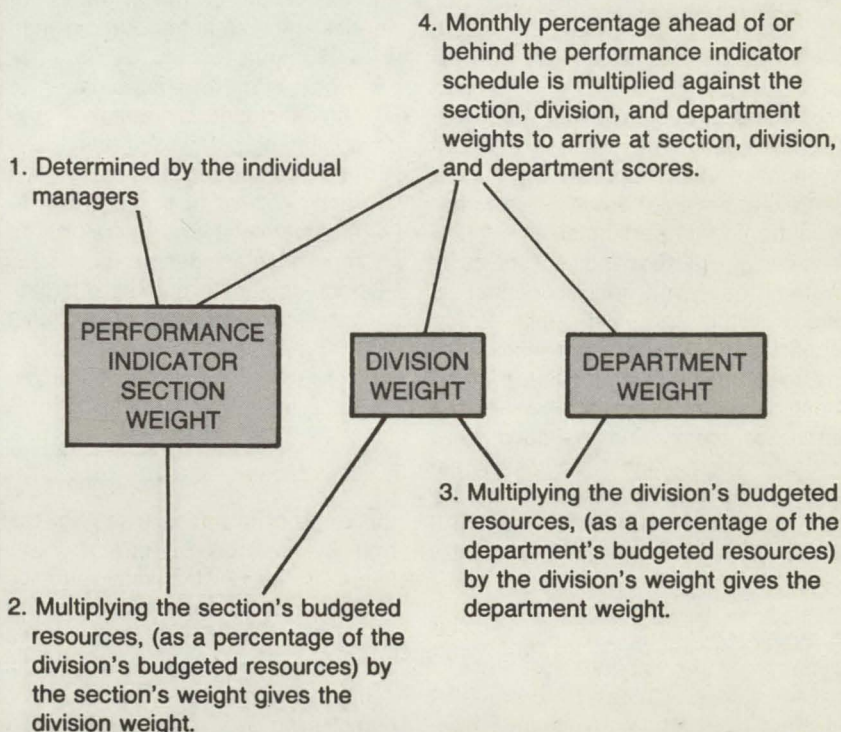
In our department, the performance indicator report is published by approximately the 15th day of each month and includes activity for the fiscal year as of the last day of the previous month.

As seen in figure 5, the patrol section's average emergency response time was 4.1 minutes between July 1, 1982, and June 30, 1983. When compared to the objective of 4.0 minutes established prior to the budget year, we can see that we are accomplishing 97.6 percent of our stated objective. To score that objective, the percentage of the objective achieved is multiplied by the weight established at the section, division, and department levels. In this case, 97.6 percent times a section weight of 20 equals 19.5 section points, 97.6 percent times a division weight of 18.4 equals 18.0 division points, and

97.6 percent times a department weight of 10.0 equals 9.76 department points.

With the budgets developed and the performance indicator weights established for each objective, scoring the performance of the section, division, and department by month or other time period becomes a process of multiplication and addition. The obvious value of scoring the performance indicator system, in spite of its subjectivity, is the ability to quantitatively compare the performance of managers and the resources assigned to them against their stated objectives.

#### Determination of a Performance Indicator Score





**“If an organization is to be accountable, it needs to determine methods of making sure reasonable results are being achieved with the resources allocated.”**

Figure 4 shows the patrol section's FY 1982-1983 performance indicators, their section weights, and the developed division and department weights.

When all the patrol section objective scores are added together, the patrol sections are at 99.6 percent of the expected level of performance as of June 30, 1983. (See fig. 5.) To obtain the patrol division score, add the score of the other section of the patrol division (special services) to the 91.8 division points earned by the patrol sections. Finally, to obtain the department score, add the department scores of all performance indicator budget entities together.

In addition to informing managers of their performance to date, the periodic scoring of the performance indicators can serve to advise management of areas in which too much or too little emphasis may be being placed. If, for example, injury and fatality accidents start to increase above the expected levels, appropriate managers can react and decide upon a course of action, such as a decrease in time spent in another area, transfer of personnel, etc.

The performance indicator system has and will continue to evolve within the Ann Arbor Police Department. A significant aspect of the system is our recognition that we must become objective oriented. Too often, we accept what we do or have done for years without periodically assessing the value of what we are accomplishing. Often, we believe that it is too difficult or impossible to quantify

Figure 4

### 1982-1983 Ann Arbor Police Department Patrol Section Performance Indicators

PERFORMANCE INDICATOR	SECTION PERFORM- ANCE INDICATOR WEIGHT	DIVISION PERFORM- ANCE INDICATOR WEIGHT	DEPART- MENT PERFORM- ANCE INDICATOR WEIGHT
1. Average response time to all emergency calls of less than 4.0 minutes .....	20	18.4	10.0
2. Percentage of time units are available for emergency response at least 98% .....	15	13.8	7.6
3. Reduction of the number of accidents involving fatalities and injuries to no more than 750 .....	15	13.8	7.6
4. Providing road patrol street supervision of at least 4,500 hours ...	15	13.8	7.6
5. Reduction of officer hours of sick time usage to not more than 5,980 hours .....	10	9.2	5.1
6. Increase the percentage of crimes closed by arrest or exception by patrol to at least 35% of those handled.....	10	9.2	5.1
7. Achievement of at least a 40% enforcement level on all State reportable accidents.....	5	4.6	2.5
8. Increase in the number of stolen vehicles recovered to at least 100 .....	4	3.7	2.0
9. Reduction of patrol miles driven to no more than 568,739 .....	6	5.6	3.0
TOTAL WEIGHT .....	100	92.1	50.5

the value of a particular task or tasks that we routinely perform. Our challenge is to be innovative—to constantly seek to improve our performance. To do that, we must find ways to measure and evaluate what we are doing. If the current system is not accomplishing all we thought it was, we may need to modify or even discard it,

but we will not know what action should be taken until we evaluate it. Police work will continue to have broad general goals, such as suppressing crime, but we must recognize our limitations and our strengths. If an organization is to be accountable, it needs to determine methods of making sure reasonable results are



being achieved with the resources allocated. To foster results on an individual or section level, one method is to predetermine reasonable levels of achievement and then push employ-

ees and managers toward those objectives. It will be easier to get where we are going if we have a road to follow and some way of recognizing when we have reached our destina-

tion.

In FY 1980-1981, the Ann Arbor Police Department scored 109.8 percent on its performance indicator system. In FY 1981-1982, the score was 115.4 percent. In FY 1982-1983, our score was 106.8 percent. Each year, our objectives are modified, normally in an upward direction, as we continue to challenge ourselves to do more and more with the resources we have. While the performance indicator system features many of the concepts of ZBB and MBO, its feature of timely quantitative feedback to all levels of the organization makes it a system which we believe is even more useful.

The Ann Arbor Police Department will be pleased to supply any interested agency with further details of the system, such as forms used, data collection methods, etc. Inquiries should be directed to the author at the Ann Arbor Police Department, 100 North Fifth Avenue, Ann Arbor, Mich. 48104.

**FBI**

Figure 5

### Patrol Section Performance Indicator Score

PERFORMANCE INDICATOR	SERVICE LEVEL THROUGH 6/30/83	PERCENT- AGE OF OBJECTIVE	SECTION/ DIVISION/ DEPARTMENT SCORE
1. Average response time to all emergency calls of less than 4.0 minutes .....	4.1 Minutes	97.6%	19.5/18.0/9.76
2. Percentage of time units are available for emergency response at least 98% .....	97.87%	93.9%	14.1/13.0/7.14
3. Reduction of the number of accidents involving fatalities and injuries to no more than 750 .....	777	96.5%	14.5/13.3/7.33
4. Providing road patrol street supervision of at least 4,500 hours .....	4,500 Hours	122.2%	18.3/16.9/9.29
5. Reduction of officer hours of sick time usage to not more than 5,980 hours .....	5,980.6 Hours	100.0%	10.1/9.2/5.10
6. Increase the percentage of crimes closed by arrest or exception by patrol to at least 35% of those handled ....	30.6%	87.5%	8.8/8.1/4.46
7. Achievement of at least a 40% enforcement level on all State reportable accidents..	33.9%	84.8%	4.2/3.9/2.12
8. Increase in the number of stolen vehicles recovered to at least 100 .....	85	85%	3.4/3.1/1.70
9. Reduction of patrol miles driven to no more than 568,739 .....	503,387 Miles	113%	6.8/6.3/3.39
<b>TOTAL .....</b>			<b>99.6/91.8/50.29</b>

#### Footnotes

<sup>1</sup> Richard C. Larson, *Police Accountability* (Lexington, Mass.: D.C. Heath & Co., 1978), p. 16.

<sup>2</sup> Peter C. Serant, *Zero-Base Budgeting in the Public Sector, A Pragmatic Approach* (Reading, Mass.: Addison-Wesley Publishing Co., 1978).

<sup>3</sup> Ibid, p. 37.

<sup>4</sup> Ibid.



# ANAPOL

## A Method of Structure Analysis for Law Enforcement Agencies

The city of Basel, Switzerland, and two small towns form the smallest of the 26 Swiss states, with approximately 200,000 residents. Located in the northwestern part of Switzerland, where the Federal Republic of Germany, France, and Switzerland meet, Basel was founded more than 2,000 years ago and is the second largest city in Switzerland. It is the center of a region covering areas of all three neighboring countries with about 700,000 residents.

Basel has played an important role in the European traffic system since 1225, when the first bridge over the Rhine was built. Most of the important international express trains run through Basel, where more than 4.5 million passengers enter Switzerland each year. The European super-highway from Hamburg to Naples runs through Basel as well, and the airport, located on French territory, is run by both French and Swiss authorities.

### The Basel Police

The Basel police, a force of 800 sworn officers and 100 civilians, is divided into four divisions and a detachment of some 100 detectives who are assigned to the Attorney General's Office as criminal investigators. (See fig. 1.) Whereas the Command and Administrative Division supplies central services for the whole organization (staff services, personnel, training, communications, vehicles, weapons, administrative services), the Security Division with some 500 policemen and women assigned to 16

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police stations is considered the backbone of the Basel police force. Their main task is the usual daily police work (patrol, responding to calls, etc.). The Traffic Division is concerned with planning new or remodeling streets and intersections (including computerized traffic lights) and with the driver's and vehicle's license administration. It includes four groups of specialists (accidents, traffic supervision, highway patrol, and traffic education). The Special Division is a conglomerate of the border police and two services belonging basically to a criminal division (which does not exist as such because of the assignment of investigators to the Attorney General's Office).

### Goals and Scope of Structure Analysis

In 1980, the newly appointed commander found an organization

lacking a clear system of inservice, promotion, and supervisory training, with an inconsistent leadership concept and few modern management methods. Since an organization analysis determined a command staff of only 9 managers for more than 800 officers was inadequate, the number of commissioned officers in supervisory positions was raised to 14. In a second phase, an organization development (OD) program was designed to improve the performance of the organization within 4 years and to start a permanent process emphasizing cost-effective thinking on all levels of the organization.

Three objectives for the organization development program were established:

- 1) Improve *individual performance* within the organization through the development of a new and coherent leadership concept and intensified leadership training, based mainly on management by objectives (MBO);
- 2) Improve the *effectiveness and flexibility* of the organization by tightening the organizational structure, concentrating on genuine police work, and by introducing new management tools and improved information processing devices; and
- 3) Improve the *efficiency* of the organization by minimizing paperwork, eliminating parallel performances and unnecessary perfection, and simplifying certain work procedures.



## **"The police culture should change from sheer rule conformity and formal obedience toward goal-oriented reliability and personal initiative."**

To reach these goals, three steps were defined:

- 1) Structure analysis—the Analysis of the Police (ANAPOL) project,
- 2) Development of new leadership guidelines, and
- 3) Development of a training system.

### **Method**

The idea of integrating structure analysis into a major organization development effort precludes the use of standardized instruments in cost cutting, like overhead value analysis (OVA). Organization development is based on careful considerations of the specific constraints and cultural situation within an organization, as well as on the full involvement of the organization's members. Therefore, standard procedures, as applied in industry, were not useful.

The output of a police agency, its "products" and performance criteria, is difficult to define and measure. To

use secondary indicators, e.g., the amount of fines collected, would distort in most cases the underlying objectives. Furthermore, safety, order, compliance to the laws, etc., are notions heavily bound to a variety of different value systems.

The method, therefore, had to ensure that appropriate criteria would be generated during the process, which could be used to measure actual and desired performance. Most existing methods using financial or market performance measures would be useless.

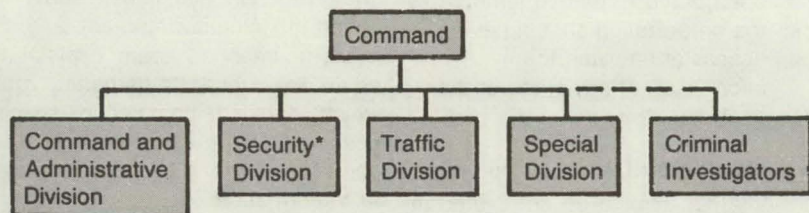
"Productive" work and administrative overhead are not easy to separate in police work. Furthermore, the OD program emphasized the improvement of total results, not only the reduction of administrative overhead. Any method analyzing overhead costs alone, therefore, was too limited.

The decision to develop a different method, however, was not taken because of these technicalities. What

mattered more was the fact that authoritarian methods, like overhead value analysis, aim at short term cost reduction effects in crisis situations and are used to raise efficiency by eliminating organizational slack. ANAPOL was aimed at raising effectiveness and efficiency. It was seen as a tool for reorienting and streamlining the organization, as well as an educational process for all members of the organization. They should be able to discriminate priorities in their daily work, understand their function, and question constantly bureaucratic routines. They should feel responsible about how things are done and develop a way of thinking consistent with the objectives of ANAPOL. The police culture should change from sheer rule conformity and formal obedience toward goal-oriented reliability and personal initiative. A high degree of identity between organizational and individual objectives should be achieved. Obviously, methods for cost-reduction programs would never allow such a process to happen—cost cutting leads to people defending their actual level of performance, rejecting innovative solutions, or ignoring new tasks that have to be fulfilled.

Finally, police work is very much in the public's eye and sensitive to political interventions. To evaluate the usefulness of any given performance, one has to differentiate carefully between legal necessities, political compromises, and bureaucratic tendencies, which are often disguised as legal constraints. To investigate the

Figure 1



\*Patrol Division in American terminology



## "... the long range goal of ANAPOL [is] the sharpening of the police force"



Dr. Mohler



Dr. Heuss

daily routine of a police force also means to get access to sometimes highly sensitive information protected by a traditionally strong "esprit de corps." Any method that can deal with these problems successfully has

to be accepted by the agency's members and has to ensure that bureaucratic tendencies can be overcome. Therefore, the method should:

- 1) Reveal inefficiencies as well as priorities and (maybe unnecessary) degrees of perfection in task fulfillment. Accordingly, the first focus was on doing the right thing and not on doing everything more efficiently;
- 2) Lead all members of the police force to think about their tasks and not about how to beat the method. It should induce problem-centered discussions and prevent politicking and bargaining as much as possible;
- 3) Produce not only momentary improvements of performance but also changes in attitude and work behavior. It, therefore, had to reflect high involvement of and backing by management;
- 4) Be easy to learn and handle and be transparent to everybody involved in order to prepare people for continuous organization development. The interviewing and analyzing, as well as the development of appropriate proposals, should essentially be done by members of the organization; and
- 5) Allow and sustain a completely open process. Every member of the organization should have access at any time to any information at any stage of the analysis.

### Organization and Procedures

ANAPOL should be completed in a very short time. The daily routine of the police should not be disturbed over too long a period, and the interval between analysis and the first re-

sults should be as short as possible. It was, therefore, decided to form a project organization linked directly to the commander. (See fig. 2.)

### Preliminary Steps

The whole police force was divided into 13 units of approximately the same size according to functional relationships. Analytical instruments were developed and tested in a pilot study in a unit of the Special Division. They basically consisted of three simple forms for collecting data (tasks, frequencies, manpower used, results, etc.). Police officers were carefully selected from different units to enlarge the horizon of the interview teams. They also had to be of different rank (with the exclusion of managers) and age to help achieve the long range goal of ANAPOL, the sharpening of cost-effective thinking within the organization. Every team member was then trained in a 2-day seminar organized by the SC.

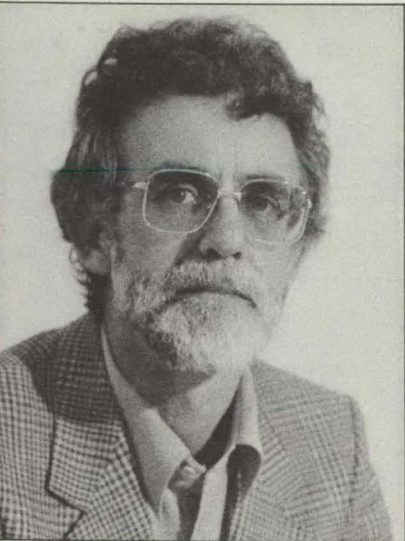
### Main Analysis

Each unit was informed of the precise starting date for the analysis and its time schedule. All members were called to a meeting on the departure date, where the commander again explained the purpose and guidelines of the whole project, informed them of the procedural details, answered all questions, and introduced the interviewing team.

The interview team explained in detail the first data-gathering round, which entailed completing specially designed forms by members of the unit. The unit had to provide systematic information about the number and rank of persons in that unit, all the functions and tasks of the unit, the results of each task, the recipients of these results, who worked on what



cost-effective thinking within the organization.”



Dr. Mueller

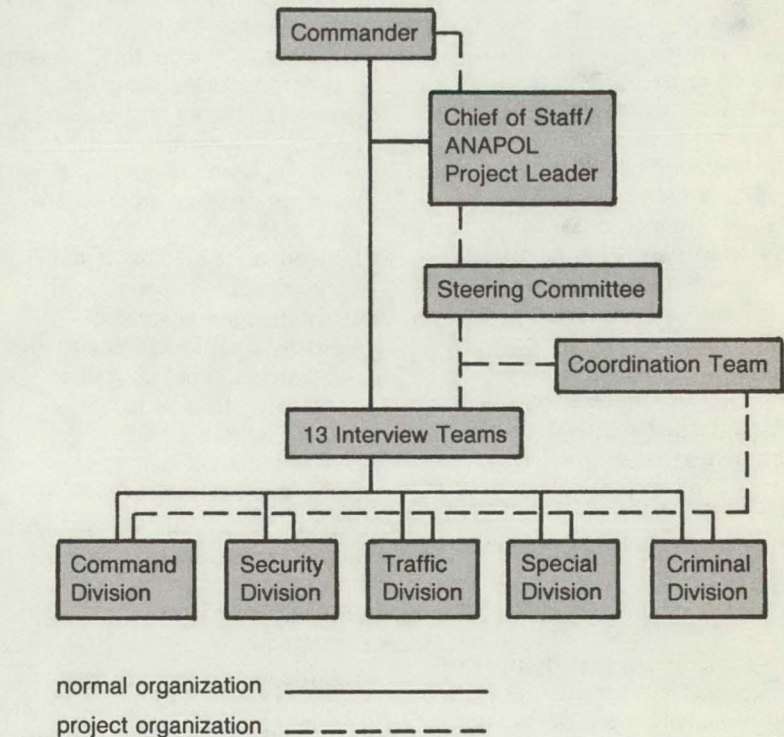


Dr. Fieg

task how many days a year, and the technical means and material used. These data-gathering forms showed how the time was allocated and where the unit set its priorities.

The interview teams then select-

Figure 2



- The head of the police department (member of the state government) and the commander as top decision body devised the general guidelines of the project, decided on politically sensitive issues, and were involved in the information on ANAPOL.
- The steering committee (SC) included the chief of staff and two external organizational consultants of the city university. The SC had the project management authority and was responsible for methods and procedures, time schedules, organization, and results.
- The coordination team’s function was to disseminate information within the organization and to voice any problems the organization’s members had with the project in progress. The team included all the senior officers, two representatives of the police union, and the accounting and personnel manager of the department (not members of the police force).
- The interview teams (consisting of three members each) had to investigate and analyze two units each and were responsible for an accurate picture of each unit, as well as proposals about how to improve the situation.



## "The process of establishing core functions and defining targets proved to be the essential step of ANAPOL."

ed specific functions for further analysis, according to the prominence in time allocation or in cases where the relationship between quantities and effort seemed to be out of proportion. The results were presented in a intermediate report for each unit and supplemented by proposals of the teams, as well as of the unit's members, for improving performance or for reducing amount of time spent. This report was discussed with the unit and then challenged by the steering committee. The challenging centered on the guidelines and goals of the whole project and led to requests for further information, deeper probing, or substantiation of proposals.

### Targets

In cooperation with the senior officers (division heads of the units), the steering committee determined the core functions of the unit and formulated future priorities and performance targets. To achieve these targets, concrete proposals were formulated for implementation and summarized in a final report covering all units analyzed, as well as the relationships between units. Some important issues of task or personnel administration, filing, etc., were pertinent for the whole organization.

### Decisionmaking and Implementation

After the final report was submitted to the head of the police and military department and the commander, the proposals were sorted according to the appropriate decision level and according to the amount of time needed for implementation. For every given proposal, a period of 3 years at most had been set, during which the proposal either had to be implemented or abandoned.

### Results

The objectives of ANAPOL and the overall results from the analysis of the various units led to four general principles for the new organization:

- 1) *Maximize* primary police tasks, *design* all supportive functions accordingly and *rationalize* them wherever possible, *shift off* any other task;
- 2) *Do* work at its origin and thus *minimize* coordination;
- 3) *Use* generalists instead of specialists; *do* things as well as necessary and not as well as possible; *simplify* procedures and *cut down* perfection; and
- 4) *Develop* leaders instead of administrators.

Every single proposal in the final report can be traced back to one of these principles which form the basic guidelines of police work within the new organization.

With respect to the goals, a very clear view of the actual state of the police has been gained and the basic steps to reorient the organization have been taken. Furthermore, a certain cost awareness is implanted, and many members of the agency experienced the possibility of inducing changes within a government organization as a positive stimulus for the future.

The final report specifies the core functions and objectives of each division, analyzes problems for the organization in general (mainly within the field of personnel administration, management, and reporting), and makes alternative propositions in these areas. Each division is analyzed and a total of 104 proposals for improvement are suggested. The most important proposals are:

- 1) Design of a new leadership structure for the Security (patrol)

Division, changing from a regional responsibility to a shift-wise responsibility on the third level of command in order to give more flexibility and better coordination of the forces.

- 2) Differentiation of the function of the 16 police stations by distinguishing *police centers* and *police stations*, the former working round the clock, the latter only during daytime. The number of policemen available for street work could be raised substantially without increasing the time between alert and arriving on the scene.
- 3) Shifting the priorities of police work from 60-percent desk work to 60-percent field work. This could be achieved by simplifying reporting forms, diminishing time used to control the reports, and simplifying or abolishing methods of registering events. At the same time, more responsibility was given to the individual policeman which formerly belonged to various "specialists."
- 4) Redimensioning the Traffic Division by combining services with common functions and by giving back the responsibility for many functions regarding traffic control and accident investigations to the Security Division.
- 5) Shifting most of the functions for road planning to the Department of Public Works, which did the same job anyway, and maintenance functions (cars, traffic lights, parking meters) to garages and workshops of that department.
- 6) Changing the information processing within the criminal



investigating system from the manual system to electronic processing, furnishing updated information to the Security Division more rapidly, and administering traffic fines by electronic devices as well.

- 7) Abolishing the registration of incoming and outgoing mail and its recipients; streamlining existing forms in various fields of activity.

### **Quantitative Results**

The analysis started in December 1981, and was finished in January 1983, with an investment of 4.7 man-years and 0.5 percent of the total annual manpower of the agency. If each of the 104 proposals are to be implemented, and several of them already have, approximately 30 percent of the entire manpower can be reallocated within the Basel police:

- 4 percent will be used for the same task, but in another unit;
- 18 percent will be used for other tasks, strengthening performance within the core functions; and
- 8 percent will be used to raise the total effectiveness of the department.

At this time, the achievements of ANAPOL cannot be evaluated in figures only, as too many important proposals are still in the process of implementation. What can be assessed is ANAPOL's achievement in defining fields of improvement and its contribution to the organization development goals. The method designed for ANAPOL has succeeded; five interrelated factors of success can be defined:

- 1) Acceptance of the project within the agency,
- 2) Information policy,
- 3) Combination of forces,

- 4) Omission of quantitative targets for the analysis, and
- 5) Commitment of top management.

### **Project Acceptance**

The project (its goals, organization, and procedures) was well-accepted throughout the entire police force. More than 900 people were aware of the project since its inception, and copies of the final report were distributed to all police stations and made available to all employees.

Two major reasons can explain this acceptance. First, management personnel were not the only ones who were uneasy with the agency's performance and structure. Many of the newer members of the police force felt positive toward an analysis, too, as they were displeased with the present amount of paperwork and the inflexibility of the system. Second, the selection of agency members as interviewers and the well-functioning coordination team aided in building a climate of openness and trust. There was a certainty that no misunderstandings due to unfamiliarity of outsiders with the daily routine could happen and that hurt feelings would not result if anyone spoke freely.

### **Information Policy**

The information policy followed the principle of continuous and open information on every aspect of the project. Goals, organization, and procedures of ANAPOL were made clear to every policeman by the commander personally and in writing before the analysis started. The interview teams, too, started the analysis in every unit with another information session with the project leader, the head of the unit, and the commander present. While the analysis took place, one of

the members of the SC was always available at police headquarters for anyone having additional information, questions, or complaints. At the end of the analysis and again after the final report was written, the entire police force was informed of the major results. As soon as the final report had been delivered to the head of the police department, any member of the police force had access to it.

This constant flow of information prevented false rumors about what was happening. In addition, almost everybody within the agency knew one of the members of the project organization personally, as all policemen passed through the same police school and had started their careers in the same division. The amount of information flowing through these informal channels can not be measured; however, its positive effects on the whole project should not be underestimated.

### **Combination of Forces**

A combination of talents and experiences was achieved by sharing the responsibility for the project among members of various units and ranks of the agency and external consultants. ANAPOL intended to combine as closely as possible the intimate knowledge of tasks and procedures of as many members of the police force as possible, the open-mindedness and "naive" questions of agency members working in other units than the one they were analyzing, the general expertise and knowledge of the political surroundings of the senior officers, and the experience in analyzing and designing organizations of external consultants. This combination of internal and external forces developed considerably while the project progressed.



## **“ANAPOL has been successful because its method has been specially designed for the organization analyzed.”**

At the beginning, the consultants' roles had been seen as designing the method, training the interview teams, challenging economic aspects of proposals as members of the coordinating team, and controlling the systematic and correct use of the methods and the time used. Very soon, the necessities of supporting and directing the interview teams led to a redefinition of this function and to the formation of the steering committee together with the project leader. The senior officers, too, got more involved than previously expected, defining targets and core functions for their units and evaluating alternative courses of action.

The cooperation between SC and interview teams proved very fruitful. Members of the interview teams had too much advance knowledge of a unit's task to be fooled by the unit. The SC, on the other hand, questioned a number of “sacred cows,” which the interview teams didn't dare approach at first, and supported the interview teams. This resulted in a tremendous creativity of the interview teams and provoked many proposals that found their way into the final report.

### **Omission of Quantitative Targets**

While other methods, such as OVA, specify targets which have to be met (e.g., 40 percent less input while maintaining all critical output) in order to force both analyzers and management to find creative solutions, ANAPOL omitted purposely any pre-defined quantitative targets. In the given political and economic surroundings, it was evident that any propositions to cut expenditures would be welcome. The state of Basel has the highest per capita deficit of all Swiss states, and several big compa-

nies in the area were going through major OVA exercises at the time. Yet, no pressure was put on the interview teams or management to concentrate on this issue.

The most important step after the analysis, therefore, was to establish the core functions of each unit and to define the standards of performance for every function. The standards being set and translated into quantitative goals (e.g., amount of time to be spent on field work, number of traffic controls to be made per year, manpower needed, etc.) had to be defined. If the necessary manpower surpassed the present number, areas of activity had to be defined where additional manpower could be obtained. In several cases, the desired performance standards were already exceeded, e.g., quality of paperwork, investigation of accidents, planning of traffic signals, etc. Therefore, within the whole organization, more than enough manpower could be found to meet the established goals within the core functions. The process of establishing core functions and defining targets proved to be the essential step of ANAPOL. The SC's intimate knowledge of what had been analyzed in every single unit was a very important asset when evaluating alternative courses of action. For many of the senior officers, this step was the most fascinating, although often the most painful one as well.

### **Commitment of Top Management**

Contrary to many similar projects started in various government agencies, ANAPOL was not ordered by an outside authority but originated within the police department itself and was carried out by its own forces. From the beginning, top management committed itself to the project. The fact

that more than 20 policemen were re-assigned to form a separate task force for more than a month and the strict time management during the whole project added weight to the project and its objectives.

### **Conclusion**

ANAPOL has been successful because its method has been specially designed for the organization analyzed. Although certain factors of success may be the same for any structure analysis (e.g., acceptance, information policy), ANAPOL brought results because it fitted the needs of the Basel police at the given time, in the given political and economic surroundings, and on the background of the given development of the agency before the analysis. However, ANAPOL's success is not only measured by the 8-percent increase in productivity or 30-percent manpower reallocation, but also as a first step within the OD program.

From an OD point of view, though, one should not wait until the whole department needs a major reorganization. Analyzing performance and adapting structure to changes in the environment is a normal management task, and “weak signals” for dysfunctions are more evident on an operative level, where adjustments can be made without going through major exercises. ANAPOL has hopefully provided the tools, as well as the attitude, to fulfill this management task on all levels of the organization.

Structure analysis can be a major step of organization development within a government agency. The ANAPOL method is well-suited for analyzing police work, but success depends on a close fit to the particular circumstances of the organization that has to be analyzed.

**FBI**



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## IDLE Officers Get Fit

**"The basic goal is to assist new and existing employees in becoming physically fit and staying fit throughout both their careers and lifetimes."**

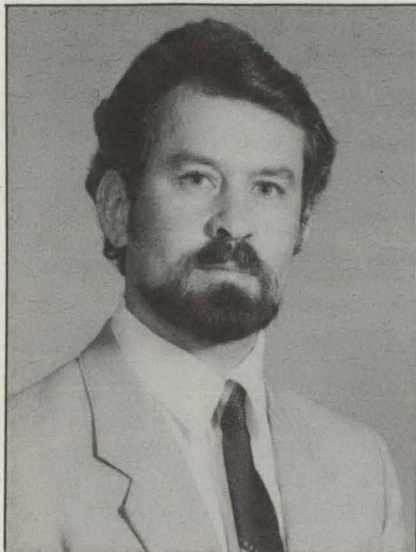
Law enforcement officers must be physically fit to meet many emergency situations. Yet, most law enforcement tasks, such as riding in a patrol car and writing reports, breed poor physical health. The Idaho Department of Law Enforcement's (IDLE) solution to the problem was to

shapeup its officers with a departmentwide physical fitness program.

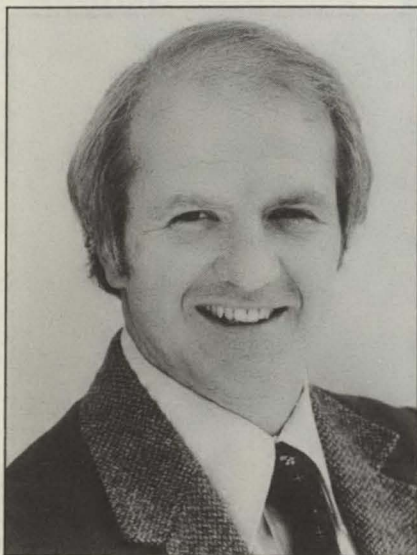
Goals for the fitness program were generated by a committee of representatives from each division and bureau within the department. With these goals in mind, a fitness program was designed.







*Dr. McNeill*



*Mr. Prentice*

The basic goal is to assist new and existing employees in becoming physically fit and staying fit throughout both their careers and lifetimes. More specifically, the program is designed to increase cardiorespiratory endurance, dynamic strength, and flexibility. It also teaches employees how to maintain a lifetime exercise schedule and provides reinforcement and support for maintaining a high level of fitness.

### **Implementation**

Because funding for the fitness program was not initially included in the department's budget, corporations, utilities, and foundations throughout the State were asked to make monetary contributions. The money generated was used to purchase evaluation equipment and provide initial training for instructors statewide. A 95-page fitness manual was also assembled for distribution to each employee.

A variety of incentives were developed to help motivate participants. For example, employees may earn on-duty workout time, t-shirts, administrative leave days, tennis shoes, or an attractive lapel pin. The improved personal appearance and the positive example set by supervisors involved in the program also appear to be powerful motivators.

After training fitness instructors from both the State police and the Bureau of Narcotics, the fitness program was implemented at the administrative level. The administrators were given a physical examination and an EKG stress test by a cardiologist. The

examinations indicated that 3 of the 26 administrators tested had a cardiorespiratory problem.

When the stress tests were completed, two lead instructors presented a 4-hour fitness education program. The administrators' levels of fitness were then evaluated and the evaluations were used to design individualized exercise programs. Re-evaluations were given after 6 weeks, and the administrators' programs were either maintained or modified and a new goal sheet was set. The same procedure was used to implement the fitness program for field personnel.

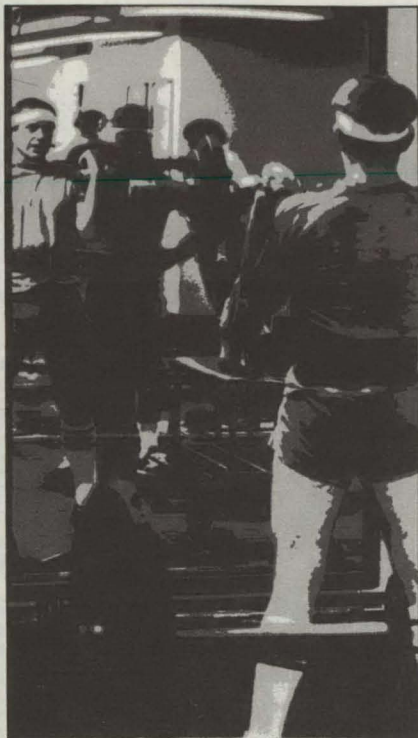
The department's physical fitness program is currently voluntary for both commissioned and noncommissioned employees; however, it will eventually become mandatory for commissioned employees.

### **Results**

Since inception of the program, evaluation data have been recorded and sent to a consulting exercise physiologist at the University of Idaho. This information has been entered into a research computer, making the results of the fitness program available.

Since accountability was viewed as a critical dimension of the exercise program, physiological data from the officers' medical examinations were recorded and analyzed by type of officer (e.g., patrol, port-of-entry, narcotics agents); by district (Idaho is divided into six geographical districts, each with its own law enforcement personnel as well as the department headquarters, which is considered a separate district for analysis purposes); and by evaluation period. Data from 14 fitness-related variables were recorded at the initial evaluation, 6 weeks into the program, midway between the initial measure and the first





quarterly evaluation, and quarterly. Each officer was identified by name, district, and officer type.

Several tests were used to evaluate the data. Each officer's progress was analyzed for each of the fitness variables using Analysis of Variance (ANOVA), and the Duncan's Multiple Range Test was used to test significance among quarters. Using this type of analysis, we were able to monitor the progress of the entire department. Analyses done by officer type and district resulted in large differences in group sizes since there are many more State troopers than port-of-entry officials, and headquarters has fewer personnel than any other district. As a result, the ANOVA procedure was not suitable for evaluation of the data by district or officer type. Instead, the statistically more acceptable General Linear Models Procedure, followed by the Duncan's Multiple Range Test, was used in the further differentiated analyses.

It is important to remember that the primary purpose for analyzing the data was to provide statistical evidence showing the program has made significant changes in the officers' physical fitness levels. Although positive changes had occurred in the fitness of other groups involved in exercise programs, it was believed to be imperative that an ongoing status

report be provided to the participants of the IDLE program.

Dissemination of information regarding progress of the program and the commitment of headquarters to it have served as excellent motivators for continued participation. It has also been found that evaluation of the physical variables by districts developed a friendly rivalry and strong *esprit de corps* among the officers. (See figs. 1 and 2.)

### Aerobic Fitness

In the IDLE program, maximum oxygen consumption is estimated from the officers' performance in either a 12-minute cycle ride, a 3-mile walk, a 1.5-mile run, a 12-minute swim, or a 12-minute run/walk. The tables used to estimate the max VO(2) are those published by the Aerobics Research Institute, Dallas, Tex. There was general progress in achieving higher levels of aerobic conditioning during the course of the program. (See figs. 3 and 4.)

The results of the ANOVA for evaluation time and max VO(2) and the Duncan's Multiple Range Test indicate that there has been a steady, significant increase in the aerobic capabilities of the Idaho officers. The max VO(2) predicted for the fourth quarter evaluation is not significantly different from that estimated for the

**Figure 1**  
**General Linear Models Procedure for Variable Body Fat**

Dependent variable body fat— source	DF	SS	MS	F value	Prob	Std dev
Model .....	48	3634	75.7	2.90	0.0001	5.1
Error .....	681	17762	26.1			



**“... the program is designed to increase cardiorespiratory endurance, dynamic strength, and flexibility.”**

**Figure 2**  
**General Linear Models Procedure**

**Duncan's Multiple Range Test for Variable Body Fat by District**

Grouping	Mean	N	District
A	23.09	97	1
A	21.80	130	4
B	20.33	106	2
B	20.18	102	5
B	20.18	135	6
C B	19.04	12	0
C	18.34	148	3

Alpha level=.05.

Means with no common letters in the grouping column are significantly different.

third quarter; however, both are significantly greater than that estimated for the 2d quarter, which in turn is significantly greater than the estimates of max VO(2) for the 6-week evaluation and the 1st quarter evaluation. It should be noted that the improvement in aerobic functioning is almost a perfect parallel with the duration of the program; the only exceptions are the 6-week and 1st quarter measurements. However, from a statistical standpoint, there is little difference between these two estimates. There is also a significant increase in max VO(2) between the initial observation and those estimates determined for the 1st quarter and the 6-week observation.

In an attempt to illustrate the relationships among some of the variables being monitored, Person Product-Moment correlations were determined for the variables presented in figure 5. Many of these relationships are already well-established in the current

literature; however, data on the officers involved in the program have been generated for their use. The assumption was that the relationships would then become more meaningful and might, in some way, help maintain and improve officer participation in the fitness program.

The probability of each of the observed relationships occurring by chance alone is presented in parentheses under each value for rho in

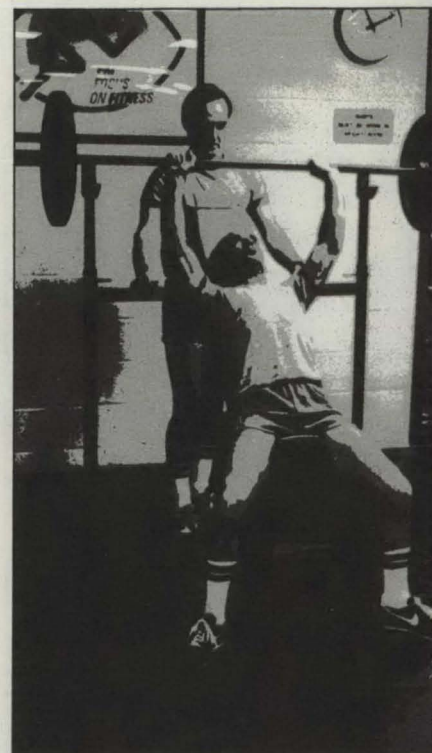


figure 5. There is a significant negative relationship between max VO(2) and diastolic blood pressure, systolic blood pressure, body fat, waist girth, and resting heart rate. That is to say, it can be expected that max VO(2) will decline as each of the other variables

**Figure 3**  
**Analysis of Variance Procedure**  
**Evaluation Time and Max VO<sub>2</sub>**

Dependent variable VO <sub>2</sub> — source	DF	SS	MS	F value	PR F	Std dev
Model	5	5055.2	1011.0	52.53	0.0001	4.39
Error	730	14131.7	19.4			



Figure 4

# Analysis of Variance Procedure

## Duncan's Multiple Range Test For Variables VO<sub>2</sub>

Grouping	Mean	N	Evaluation time
A	42.02	93	4
A	41.84	102	3
B	39.92	68	2
C	36.68	164	0.5
C	35.57	141	1
D	35.30	168	0

Alpha level = .05.

Means with no common letters in the grouping column are significantly different.

positively related. As waist girth increases, there will generally be an increase in blood pressure, both systolic and diastolic, as well as an increase in resting heart rate. Resting heart rate is significantly related to systolic blood pressure, but there seems to be no relationship with diastolic blood pressure.

### Conclusion

The implications of these relationships are abundantly clear—we have direct control over our waistline and body fat. A combination of exercise, diet, and education (all of which are dimensions of the IDLE fitness program) can be used to modify the health-related variables favorably. It is through the use of personalized information that we hope to continue to motivate and educate our officers concerning the value of an exercise program and its contribution to their health and well being, both on and off the job.

FBI



increases. Conversely, it can be expected that max VO<sub>2</sub> will increase as blood pressure, body fat, waist, girth, and resting heart rate decrease. The remainder of the variables are

Figure 5

## Pearson Product-Moment Correlations Between Selected Physical Variables

	Max VO <sub>2</sub>	Waist	Resting heart rate	Body fat
Diastolic blood pressure	-.22 (.0001)	.39 (.0001)	.07 (.10)	.28 (.0001)
Systolic blood pressure	-.17 (.0001)	.29 (.0001)	.18 (.0001)	.26 (.0001)
Body fat	-.38 (.0001)			
Waist	.37 (.0001)			
Resting heart rate	-.35 (.0001)	.20 (.0001)		

The numbers in parentheses indicate the probability of the relationship occurring by chance alone.



# Predisposition and the Entrapment Defense

## (Conclusion)

**"As with prior criminal activity evidence, postoffense criminal activity must be reasonably relevant to the criminal activity charged in order to be admissible."**

By

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*Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.*

Part I of this article examined the concept of predisposition and its appropriate position in the entrapment equation. Specifically, the burden of proving predisposition and its relationship to the rules of evidence were analyzed. In addition, certain types of predisposition evidence were examined, including prior convictions, arrests, and preoffense criminal activity. The conclusion will examine additional types of predisposition evidence available to a prosecutor to overcome the entrapment defense.

### POSTOFFENSE CRIMINAL ACTIVITY

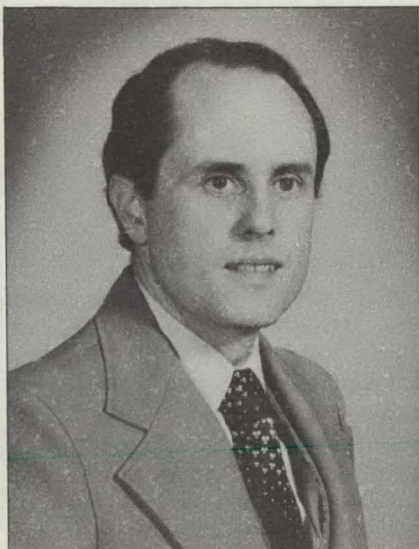
Another method of proving a defendant's predisposition is by establishing that he became involved in similar criminal activity after his participation in the offense which led to the criminal charges. In *United States v. Mack*,<sup>37</sup> the defendant sold 5 grams of cocaine to undercover Drug Enforcement Administration (DEA) agents on November 10, 1978. Mack met with the agents again 2 months later and sold them 2 ounces of cocaine. He was later indicted for the November 10 sale and at trial claimed entrapment. During trial, in order to rebut the entrapment defense and to prove predisposition, the prosecution offered as evidence the later sale of

cocaine, and Mack was convicted. On appeal, he claimed that the introduction of the later cocaine sale was improper and warranted reversal. The court of appeals rejected this argument and held that the second sale was not only admissible to prove predisposition, but was also relevant to the offense charged and was not substantially outweighed by the danger of undue prejudice. The court observed:

"Despite Mack's protests to the contrary, the evidence showing that he had engaged in the December 16 drug sale, even though that sale occurred after the incident for which he was tried, did have a tendency to make it more probable that he was predisposed to commit the original offense charged, the sale of November 10."<sup>38</sup>

*United States v. Moschiano*<sup>39</sup> provides an interesting example of postoffense attempts at criminal activity. Moschiano was convicted for selling heroin to undercover DEA agents on September 11, 1980. During trial, he asserted the defense of entrapment. In order to rebut the defense and establish predisposition, the Government introduced evidence that on December 5, 1980, almost 3 months after the sale of heroin which led to the indictment, Moschiano asked an undercover agent to sell him 50,000





Special Agent Callahan

Preludin tablets—a controlled substance—for the purpose of selling them to truck drivers. Although the men met twice more regarding Preludin, the proposed transaction was never consummated. On appeal, the defendant argued that such subsequent criminal activity should never be admissible to prove predisposition because it is irrelevant under the Federal Rules of Evidence. The court of appeals disagreed and ruled that commission of similar crimes after the indicted offense is often relevant with respect to predisposition and should be admissible as long as its relevancy is not specifically outweighed by the danger of undue prejudice. The defendant then argued that the subsequent crime evidence offered here had little relevancy to the offense charged since it involved the purchase of Preludin rather than the sale of heroin. The court labeled this attempt to differentiate the two transactions as futile. The court observed that although the defendant attempted to arrange a purchase of Preludin, the announced reason was to sell the pills to truck drivers. The court pointed out that the subsequent criminal activity was substantially similar to the indicted offense since both involved the distribution of commercial quantities of controlled substances. Moreover, the court rejected the defendant's claim that the Preludin deal was so remote in time from the heroin sale that the later act was stripped of evidentiary significance. The court affirmed the conviction notwithstanding

the fact that the subsequent crime evidence involved a different controlled substance and an attempted purchase rather than a sale.

As with prior criminal activity evidence, postoffense criminal activity must be reasonably relevant to the criminal activity charged in order to be admissible. In *United States v. Daniels*,<sup>40</sup> the defendant was tried for selling heroin to undercover DEA agents on October 19, 1976. When he asserted entrapment, the Government introduced evidence to show that 3 months after the heroin sale, law enforcement officers stopped a car in which Daniels was a passenger and discovered a sawed-off shotgun which Daniels admitted possessing. The court of appeals reversed his conviction and held that subsequent participation in a completely unrelated criminal act is irrelevant to the question of predisposition to sell heroin.

At least one Federal appellate court has rejected on staleness grounds postoffense criminal activity which was offered to prove predisposition. In *United States v. Jimenez*,<sup>41</sup> the defendant admitted during trial that on October 21, 1977, he sold an ounce of heroin to an undercover DEA agent but claimed entrapment. On cross-examination, the prosecutor attempted to establish that the defendant was predisposed by questioning him about his possession of cocaine which occurred 1 year after the heroin sale with which he was charged. The jury returned a guilty verdict and the defendant appealed. The court of appeals reversed, stating:

"We find that the expiration of the considerable length of time in this case depleted the extrinsic offense of any relevance which could have outweighed the peril of jury prejudice."<sup>42</sup>



## **"A highly significant method of proving a person's predisposition lies in the defendant's ready and unhesitating acceptance of the Government's offer to commit the offense."**

The court noted that a year had lapsed between the heroin deal and the defendant's alleged possession of cocaine and observed that this length of time was simply too long to allow the subsequent crime evidence to be admissible. Although the *Jimenez* case stands for the proposition that postoffense criminal activity may be inadmissible on staleness grounds, there have been several Federal appellate decisions which have admitted such evidence when the time period between the postoffense criminal activity and the charged offense was shorter.<sup>43</sup>

### **Ready Acceptance**

A highly significant method of proving a person's predisposition lies in the defendant's ready and unhesitating acceptance of the Government's offer to commit the offense. Under this method, the prosecution introduces evidence of the defendant's words and actions during the criminal transaction to establish predisposition. This evidence becomes especially important in those cases where prior arrests or convictions or evidence of other criminal activity is not available.

An example of this method is found in *United States v. Jannotti*.<sup>44</sup> In this case the defendants, George Schwartz and Harry Jannotti, were indicted on Federal charges arising out of the ABSCAM investigation, an FBI undercover operation which resulted in the conviction of several Federal and local public officials. At the time of the indictments, George Schwartz was the president of the Philadelphia city council and Harry Jannotti was

the city council majority leader. The Federal indictment alleged that both men unlawfully received sums of money in exchange for assurances that they would use their official positions to pave the way for the completion of a hotel project in Philadelphia. During trial, the Government produced evidence that Schwartz accepted a \$30,000 payment and Jannotti accepted a \$10,000 payment from two undercover FBI Agents who claimed to represent an Arab sheik allegedly interested in financing construction of a hotel complex in the city. During trial, both defendants argued that they were entrapped by the Government. The trial judge allowed the jury to consider the entrapment defense. The jury returned a verdict of guilty against both, thereby rejecting the entrapment defense and by implication finding that the defendants were predisposed to commit the crimes. However, after the verdicts were returned, the trial judge granted defense motions for judgment of acquittal on the ground that entrapment had been established as a matter of law. He reasoned that the Government's proof of predisposition was based solely upon the defendant's acceptance of the bribes and observed that the Government's offer of such attractive inducements, namely the substantial amounts of money, effectively negated any reasonable inference that Jannotti and Schwartz were predisposed simply because they accepted the money.

The Government appealed, and a Federal appellate court reversed. The court of appeals disagreed with the trial judge's conclusion that the amounts of money paid to the defendants were exceedingly generous, reasoning that in these inflationary times, these amounts could not reasonably be viewed as overwhelming. The

court pointed out that the trial record was devoid of any evidence that either defendant had fallen on hard times so as to make the bribe offers particularly appealing. Moreover, the court emphatically rejected the trial judge's conclusion that predisposition cannot be established by the defendant's mere acceptance of the money. The court observed that in many types of crimes, it is possible for the Government to establish predisposition by proof of the defendant's prior convictions or by his participation in similar transactions. The court noted that such evidence was often extremely difficult to produce in the case of the acceptance of a bribe by a public official. Furthermore, the court observed that public officials are often intelligent, educated, and worldly, and it is unlikely that they will accept money from individuals that they do not implicitly trust. Moreover, the individuals who pay such bribes to public officials are very unlikely to report the matter to the police since they are also implicated in the offense. For these reasons, the court concluded that in public corruption cases, the acceptance of the bribe by the public official is often the only evidence of his predisposition to commit the crime. The court ruled that because the evidence presented at trial established that the defendants accepted the money readily, unprotestingly, and casually, there existed a substantial basis for the jury's finding that the defendants were predisposed and not entrapped. Thus, the trial judge was incorrect in substituting his own view of the facts for that of the jury's in ruling that entrapment existed as a matter of law.



Another ABSCAM case involving a far more significant inducement is *United States v. Williams*.<sup>45</sup> Harrison A. Williams, Jr., at the time a U.S. Senator from New Jersey, was convicted after a jury trial on bribery and related charges. Williams' indictment alleged that he promised to use his official position as a U.S. Senator to help obtain Government contracts for the purchase of titanium from a mining venture in which he held a hidden interest. These promises by Williams were made in connection with two transactions. The first was a proposed loan of \$100,000,000 to his investment group by a fictitious entity known as Abdul Enterprises. This entity, purporting to be an enterprise operated for two wealthy Arab sheiks, was the cover of the ABSCAM operation. The second transaction involved an offer by undercover FBI Agents to purchase the mining venture from Williams for a sum that would have yielded an estimated \$70,000,000 profit. The evidence at trial disclosed that an associate of Senator Williams proposed to the undercover agents that Abdul Enterprises lend \$100,000,000 to a group that Senator Williams was associated with for the purpose of purchasing the titanium mine. Senator Williams subsequently met with the undercover agents and told them that he was interested in having the mine funded and would assist them in any way possible in getting the project going. He also expressed a willingness to try to obtain Government contracts for the purchase of titanium from the mining venture. At trial, Williams

raised the entrapment defense, but the jury found him guilty and by implication predisposed. Williams argued that the trial judge erred in allowing the jury to consider the entrapment defense at all, that the Government failed to prove predisposition beyond a reasonable doubt, and therefore, he should have received a directed verdict of acquittal based on a finding of entrapment as a matter of law. The court of appeals rejected this contention and observed that the jury was fully entitled to find that Senator Williams was ready and willing to find from a totality of the evidence that Williams was predisposed. This evidence included Senator Williams' conversation with the sheik when he offered to use his influence with various Government officials, including the President of the United States, to attempt to obtain Government contracts for the purchase of the titanium from the company in which he had a hidden interest. Moreover, the court observed:

"... [The] record is barren of expressions by the Senator of any hesitation whatever in agreeing to use his influence to try to obtain government contracts in order to secure financing for the mining venture."<sup>46</sup>

The court concluded that the jury was fully entitled to find that Senator Williams was ready and willing to commit the offenses charged as soon as the opportunity was first presented to him by the Government.

Notwithstanding the fact that Senator Williams was offered a substantial inducement by the Government in this case to commit a crime, the court of appeals nevertheless

found that predisposition existed based on Senator Williams' unhesitating acceptance of the Government's offer.

The concept of ready acceptance is often used by Government prosecutors to overcome the entrapment defense in narcotics cases. In *United States v. Reynoso-Ulloa*,<sup>47</sup> two defendants, one of whom was Richard Mummert, were indicted for distribution of heroin and possession of heroin with intent to distribute. The charges arose from a conspiracy to smuggle heroin from Mexico and distribute it in the United States. Mummert was a California car dealer who needed \$1.2 million to keep his dealership afloat. A Government informant by the name of Sheen suggested that the \$1.2 million might be provided to Mummert as a loan from his father who was on the board of directors of a Washington bank. When Sheen told Mummert that the money was "dirty," in that no taxes had been paid on it, Mummert responded that he could "launder" the money through defendant Reynoso's connections in Mexico. After meeting with the informant and undercover DEA agents to view the money, Mummert told one of the undercover agents that laundering it would be no problem.

Later, Mummert met with the informant and was told for the first time that the first priority for the money was to purchase heroin and that a heroin transaction had to occur before Mummert could receive the cash for his car dealership. The informant testified at trial that Mummert indicated initial reluctance to become involved in a heroin transaction. However, he testified that later during the same meeting, Mummert agreed to participate in the heroin deal without any badgering by the informant.



## **"The prosecutor's arsenal of predisposition evidence includes both prior and subsequent criminal activity [and] can include a defendant's ready acceptance of a Government inducement."**

Eventually, after several additional meetings, the defendant sold heroin to undercover agents. At trial, Mummert claimed he was induced to sell heroin because of the large amount of money the informant had displayed to him under the guise that it was to be a loan for the car dealership. Moreover, he argued that he lacked predisposition to sell heroin and did so only because he was unable to stop himself after seeing the money which he needed to save his dealership. The jury found Mummert guilty and by implication predisposed to commit the offense. On appeal, Mummert argued that the trial judge erred in allowing the entrapment defense to go to the jury and that the trial judge should have found that entrapment occurred as a matter of law. The court of appeals rejected this argument and stated that a jury could reasonably conclude that Mummert had the necessary predisposition to sell heroin and had not been entrapped. Initially, the court observed that the defendant, in seeking a large sum of money for his dealership, indicated a willingness to launder \$1.2 million in "dirty" money before he was told of the heroin scheme. The court further pointed out that notwithstanding his initial reluctance to become involved in a heroin transaction, he did several other things during his contact with Government agents that establish predisposition. First, Mummert told an undercover DEA agent during one meeting prior to the sale of heroin that he became involved in the heroin transaction when he realized he could finance his dealership with

profits from the heroin sales. Second, Mummert told the undercover agent that he was the person who convinced the other defendant to sell heroin in this case. Third, in other conversations with the informant and the undercover agent, Mummert manifested his knowledge of smuggling heroin across the border from Mexico and also commented on the quality of heroin that the defendants were capable of delivering. Finally, the court observed:

"Rather than being a reluctant participant in the transaction, the evidence indicated that Mummert at times was the moving force behind it. Mummert convinced Reynoso to sell the heroin, persuaded Reynoso not to back out, and even made physical delivery of heroin samples. On several occasions Mummert urged the agents not to blow the sweet deal."<sup>48</sup>

Notwithstanding the significant inducement of \$1.2 million and the defendants' initial reluctance to become involved with heroin, the court of appeals held that the evidence was sufficient to support the jury's verdict.

The importance of a defendant's comments to undercover agents during criminal negotiations with respect to establishing ready acceptance and predisposition is further illustrated by *United States v. Attell*.<sup>49</sup> Attell was convicted after a jury trial for possession of cocaine with intent to distribute. The court of appeals reversed the conviction on the ground that during trial, the jury might have been exposed to prejudicial information about the defendant which could have influenced their verdict.

On appeal, the defendant also argued that during the trial, the Government failed to produce sufficient

evidence to rebut his entrapment defense and that therefore his retrial was barred. The court of appeals found this argument unpersuasive. The court observed that the trial record reflected that the defendant, in discussions with DEA agents, exhibited familiarity with the details of drug smuggling organizations and operations. Moreover, his comments reflected knowledge of standard weights and measures employed in drug trafficking and knowledge of the routes used to smuggle drugs from South America into the United States. The court concluded that on remand, a new jury could find the defendant predisposed based on the evidence produced at the earlier trial.

### **Hearsay to Prove Predisposition**

The question whether hearsay evidence should be admissible to prove predisposition has been answered negatively by several Federal appellate courts.<sup>50</sup> The U.S. Court of Appeals for the Fifth Circuit recently joined other Federal appellate courts on this point in *United States v. Webster*.<sup>51</sup>

In *Webster*, the defendant became involved with a woman who was a Government informant. The informant introduced him to an undercover DEA agent, and the defendant later sold him cocaine. At trial, his sole defense was entrapment, which the Government attempted to overcome by establishing predisposition. A DEA agent testified, over defense objections, that a few months before the defendant's arrest he had been told by a reliable informant that the defendant had sold the informant cocaine on several occasions. Webster



was convicted, and on appeal, a three-judge appellate panel affirmed. Later, the *en banc* (entire) fifth circuit vacated the opinion of the panel and reversed. Noting that earlier cases in the circuit had approved a rule which allowed hearsay evidence to prove predisposition, the court observed that such a rule enables the jury to consider unsworn, unverified statements of unidentified Government informants whose credibility is not subject to effective testing before the jury and whose motivations may be less than honorable. The court noted that it was hard-pressed to conceive of a situation where the disparity between the relevance of certain evidence and its prejudicial effect could be greater.

## Conclusion

The entrapment defense is often raised by defendants in narcotics trafficking and public corruption cases. Proof that a defendant is predisposed will overcome the entrapment defense in spite of Government inducement. The prosecutor's arsenal of predisposition evidence is vast and powerful. It includes both prior and subsequent criminal activity. Moreover, it can include a defendant's ready acceptance of a Government inducement. Proof of predisposition defeats entrapment by turning inducement into mere opportunity. Failure to prove it turns Government inducement into entrapment. Thus, the critical issue in the entrapment equation is predisposition.

**FBI**

## Footnotes

- <sup>37</sup> 643 F.2d 1119 (5th Cir. 1981). See also, *United States v. Burkley*, 591 F.2d 903 (D.C. Cir. 1978); *United States v. Brown*, 567 F.2d 119 (D.C. Cir. 1977); *United States v. Rodriguez*, 474 F.2d 587 (5th Cir. 1973).
- <sup>38</sup> *Id.* at 1122.
- <sup>39</sup> 695 F.2d 236 (7th Cir. 1982). See also, *United States v. Jannotti*, 673 F.2d 605 (3d Cir. 1982).
- <sup>40</sup> 572 F.2d 535 (5th Cir. 1978).
- <sup>41</sup> 613 F.2d 1373 (5th Cir. 1980).
- <sup>42</sup> *Id.* at 1376.
- <sup>43</sup> *United States v. Moschiano*, 695 F.2d 236 (7th Cir. 1982), cert. denied, 104 S.Ct. 110 (1983) (3 months); *United States v. Mack*, 643 F.2d 1119 (5th Cir. 1981) (2 months); *United States v. Brown*, 567 F.2d 119 (D.C. Cir. 1977) (2 months).
- <sup>44</sup> 673 F.2d 605 (3d Cir. 1982). See also, *United States v. Myers*, 692 F.2d 823 (2d Cir. 1982), cert. denied, 103 S.Ct. 2438 (1983); *United States v. Anderton*, 679 F.2d 1199 (5th Cir. 1982); *United States v. Fleishman*, 684 F.2d 1329 (9th Cir. 1982), cert. denied, 459 U.S. 1044 (1982); *United States v. French*, 683 F.2d 1189 (11th Cir. 1982); *United States v. Rogers*, 639 F.2d 438 (8th Cir. 1981).
- <sup>45</sup> 705 F.2d 603 (2d Cir. 1983), cert. denied, 104 S.Ct. 524 (1983).
- <sup>46</sup> *Id.* at 614.
- <sup>47</sup> 548 F.2d 1329 (9th Cir. 1977), cert. denied, 436 U.S. 926 (1978).
- <sup>48</sup> *Id.* at 1337.
- <sup>49</sup> 655 F.2d 703 (5th Cir. 1981).
- <sup>50</sup> *United States v. Garrett*, 716 F.2d 257 (5th Cir. 1983), cert. denied, 104 S.Ct. 1910 (1984); *United States v. McLean*, 531 F.2d 431 (9th Cir. 1976); *United States v. Ambrose*, 483 F.2d 742 (6th Cir. 1973); *United States v. Johnston*, 426 F.2d 112 (7th Cir. 1970); *United States v. Catanzaro*, 407 F.2d 998 (3d Cir. 1969); *Whiting v. United States*, 296 F.2d 512 (1st Cir. 1961).
- <sup>51</sup> 649 F.2d 346 (5th Cir. 1981).



# WANTED BY THE FBI



Photograph taken 1977

## Leo Joseph Koury

Leo Joseph Koury, also known as Mike Decker, Leo J. Koury

## Wanted For:

Racketeer Influenced and Corrupt Organizations—Murder, Extortion, Attempted Murder

## The Crime

Leo Joseph Koury is wanted by the FBI for violations of the Racketeer Influenced and Corrupt Organizations Statute involving murder, extortion, and attempted murder. Koury, a known organized crime figure who operated several Virginia restaurants frequented by the gay community, is being sought in connection with the shooting murders of two individuals and attempted contract murders of three others. He is also being sought for conspiracy to kidnap an individual for substantial ransom payment.

A Federal warrant was issued for his arrest on October 30, 1978, at Richmond, Va.

## Description

Age..... 50, born July 14, 1934, Pittsburgh, Pa.  
 Height..... 5'11".  
 Weight..... 240 pounds.  
 Build..... Heavy.  
 Hair..... Black.  
 Eyes..... Brown.  
 Complexion..... Dark.  
 Race..... White.  
 Nationality..... American.  
 Occupations..... Restaurant operator, baseball umpire.  
 Remarks..... Reported to be a diabetic requiring insulin shots.  
 Social Security No. used..... 224-38-4566.  
 FBI No. .... 738-312 B.

## Classification Data:

NCIC Classification:  
 121013CO15TTAA12CI14

## Fingerprint Classification:

12	9	U	OOO	15	Ref: 1
2	tA	OI			2

I.O. 4824

## Caution

Koury should be considered armed and extremely dangerous.

## Notify the FBI

Any persons having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.



Right ring fingerprint



## Change of Address

Not an order form

# FBI LAW ENFORCEMENT BULLETIN

**Complete this form and return to:**

Director  
Federal Bureau of  
Investigation  
Washington, D.C. 20535

Name

Title

Address

City

State

Zip

## Questionable Pattern

This odd and questionable pattern is given the preferred classification of a loop with seven ridge counts. However, because of the doubtful nature of a sufficient recurve, the pattern is referenced to a tented arch.





**U.S. Department of Justice**  
**Federal Bureau of Investigation**

Official Business  
Penalty for Private Use \$300  
Address Correction Requested

Postage and Fees Paid  
Federal Bureau of Investigation  
JUS-432

Second Class



Washington, D.C. 20535

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## The Bulletin Notes



*Officer Stone*

that Officer Barry R. Stone received special recognition for saving the lives of two small children. He twice entered a home engulfed in flames and smoke to rescue the young victims who were nearly unconscious. A 5-year veteran of the Orem, Utah, Department of Public Safety, Officer Stone has been trained as a firefighter and police officer. His quick, decisive actions earned him the department's Medal of Valor, and the Bulletin also commends this officer for placing his life in jeopardy to save others.