



September 1989

FBI

Law Enforcement Bulletin

The Enrique Camarena Case

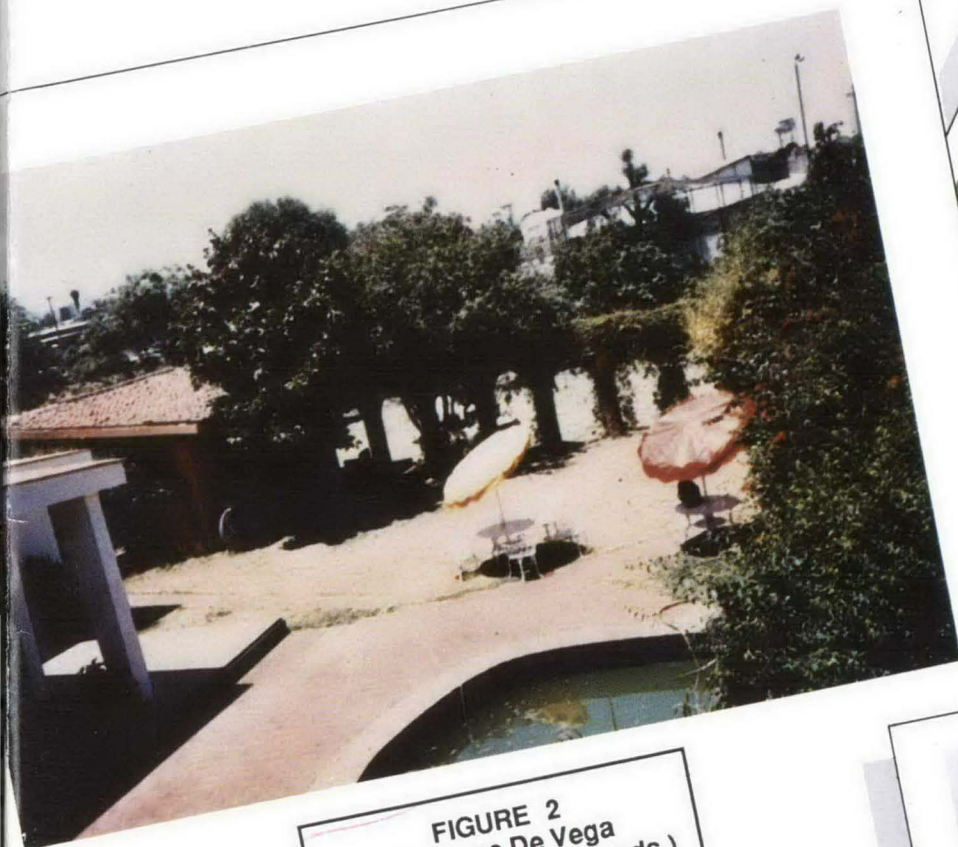


FIGURE 2
881 Lope De Vega
(Interior View of Grounds)

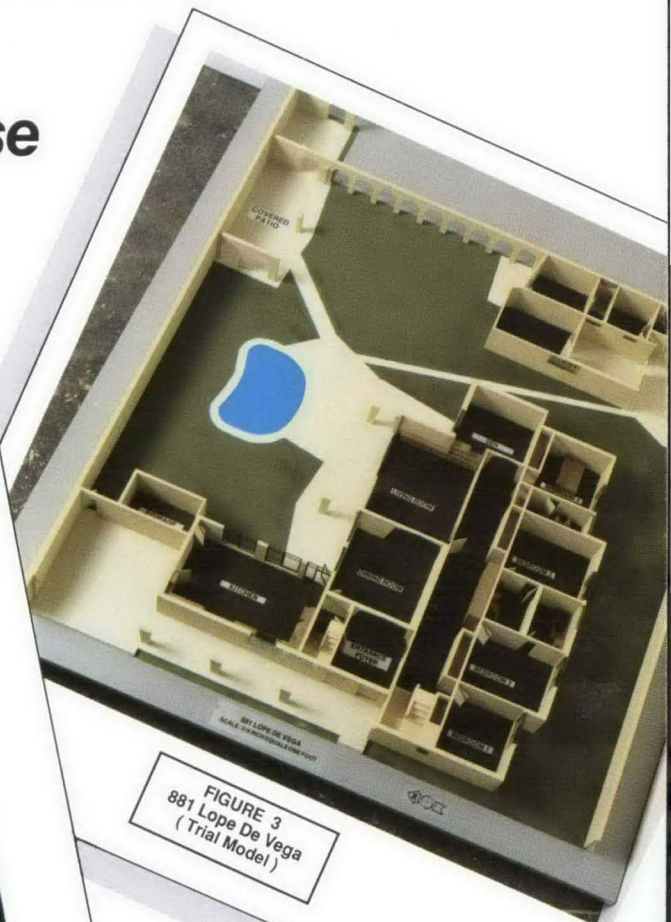


FIGURE 3
881 Lope De Vega
(Trial Model)



FIGURE 1
Special Agent
Enrique Camarena

Also In This Issue:
Operational Streamlining
The Computer Criminal
Operation Freezer Burn
Traffic Stops

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FBI

Law Enforcement Bulletin

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The Cover: The abduction and subsequent murder of DEA Special Agent Enrique Camarena initiated one of the most extensive forensic investigations ever conducted by the FBI Laboratory. See article p. 1.

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Questioned Fibers
Associated with
ENRIQUE CAMARENA



The Enrique Camarena Case

A Forensic Nightmare

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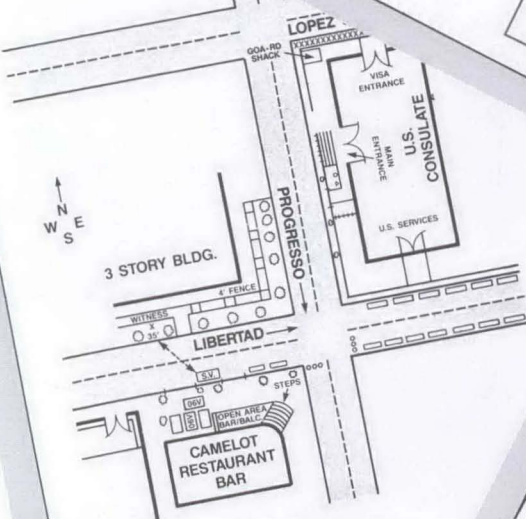
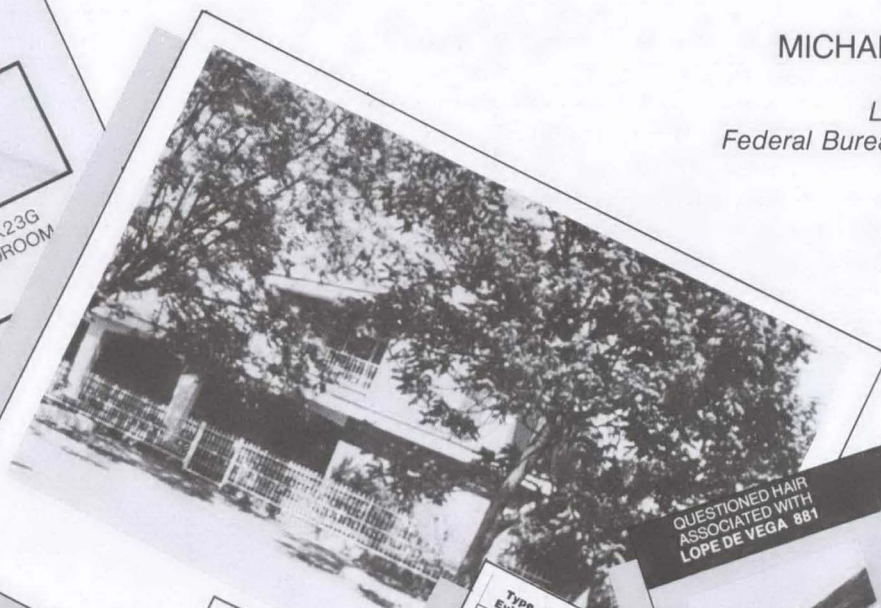
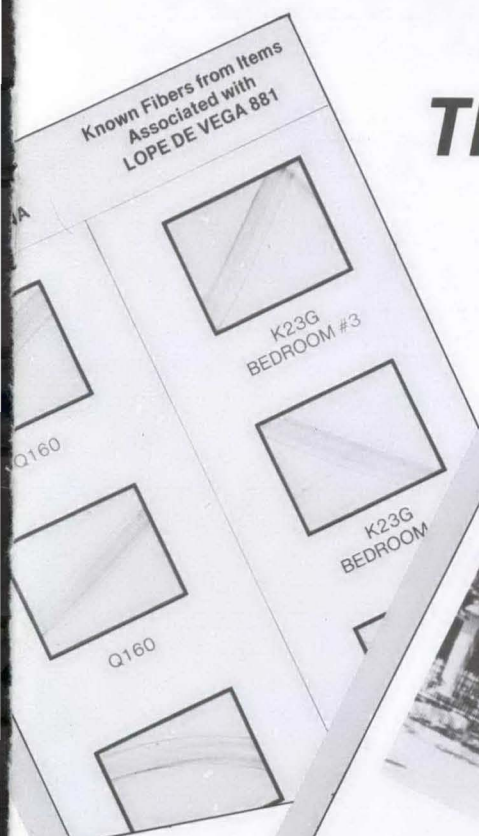
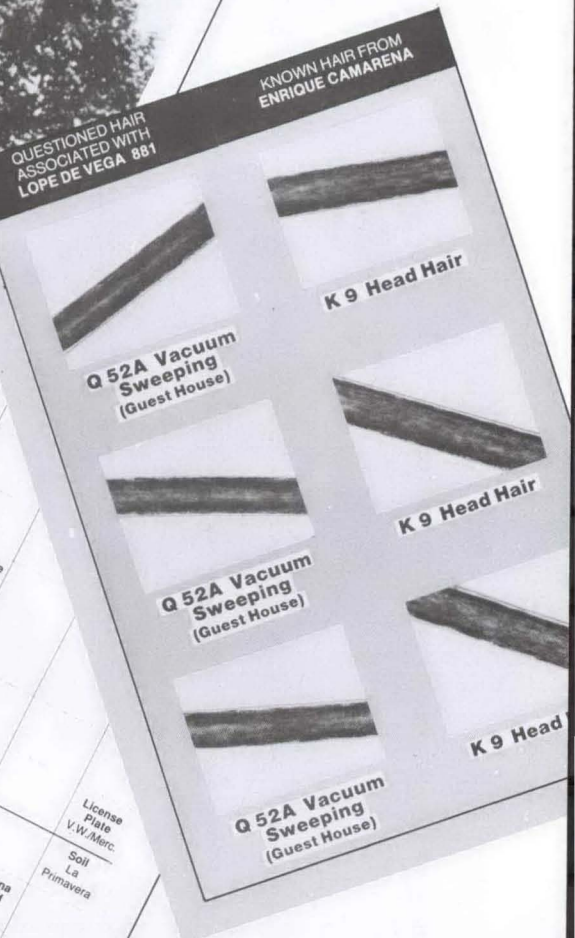


FIGURE 6
Categories of Forensic
Evidence

Type of Evidence	Location	Hair
Mercury		
V.W. Atlantic		Camarena Head Hair
Guest House		Camarena Head Hair
Bedroom #3		Camarena Head Hair
Bedroom #4		Zavala Clothes Nylon
Bedroom #5		Camarena Blindfold Polyester
Tennis Court		Camarena Blindfold & Burial Sheet Polyester
Camarena Burial Sheet		Pillow Case Camarena Burial Sheet
Source - Blindfold/Rope		Pillow Case Camarena Burial Sheet
Camarena Burial Cordage		
Zavala Clothing		
Camarena Head Hair	Bedroom #4	
Camarena Head Hair	Bedrooms #3 and #4	
Zavala Head Hairs	Guest House	
Guest House Nylon		
Burial Rope from Covered Patio		
Camarena Blindfold Tape		
License Plate V.W./Merc		
Soil La Primavera		
Soil La Primavera		



On February 7, 1985, U.S. Drug Enforcement Agency (DEA) Special Agent (SA) Enrique Camarena was abducted near the U.S. Consulate in Guadalajara, Mexico. A short time later, Capt. Alfredo Zavala, a DEA source, was also abducted from a car near the Guadalajara Airport. These two abductions would trigger a series of events leading to one of the largest investigations ever conducted by the DEA and would result in one of the most extensive cases ever received by the FBI Laboratory.

Throughout this lengthy investigation, unusual forensic problems arose that required unusual solutions. Eventually, numerous suspects were arrested, both in the United States and Mexico, which culminated in an 8-week trial held in U.S. District Court in Los Angeles, CA.

The Abduction

On February 7, 1985, SA Camarena left the DEA Resident Office to meet his wife for lunch.

On this day, a witness observed a man being forced into the rear seat of a light-colored, compact car in front of the Camelot Restaurant and provided descriptions of several of the assailants. After some initial reluctance, Primer Comandante Pavon-Reyes of the Mexican Federal Judicial Police (MFJP) was put in charge of the investigation, and Mexican investigators were assigned to the case. Two known drug traffickers, Rafael Caro-Quintero and Ernesto Fonseca, were quickly developed as suspects. A short time later at the Guadalajara Airport, as Caro-Quintero and his men attempted to flee by private jet, a confrontation developed between Caro-Quintero's men, the MFJP and DEA Agents. After some discussion, Caro-Quintero and his men were permitted to board and leave. It was later learned that a 6-figure bribe had been paid to Pavon-Reyes to allow this departure.

The Investigation

During February 1985, searches of several residences and

ranches throughout Mexico proved fruitless, despite the efforts of the DEA task force assigned to investigate this matter and the tremendous pressure being applied by the U.S. Government to accelerate the investigation. High-level, U.S. Government officials, as well as their Mexican counterparts, were becoming directly involved in the case. It is believed that because of this "heat," the Mexican drug traffickers and certain Mexican law enforcement officials fabricated a plan. According to the plan, the MFJP would receive an anonymous letter indicating that SA Camarena and Captain Zavala were being held at the Bravo drug gang's ranch in La Angostura, Michoacan, approximately 60 miles southeast of Guadalajara. The MFJP was supposed to raid the ranch, eliminate the drug gang and eventually discover the bodies of SA Camarena and Captain Zavala buried on the ranch. The DEA would then be notified and the case would be closed. Thus, the Bravo gang would provide an easy scapegoat.

During early March, MFJP officers raided the Bravo ranch before the DEA Agents arrived. In the resulting shootout, all of the gang members, as well as one MFJP officer, were killed. However, due to a mix-up, the bodies of SA Camarena and Captain Zavala were not buried on the Bravo ranch in time to be discovered as planned. The individuals paid to do this job simply left them by the side of a road near the ranch. It was later learned that certain Mexican law enforcement officials were paid a large sum of money to formulate and carryout this plan in order to obstruct and prematurely conclude the investigation.



Special Agent Malone

“Throughout this lengthy investigation, unusual forensic problems arose that required unusual solutions.”

Shortly after this shootout, a passer-by found two partially decomposed bodies, wrapped in plastic bags, along a road near the Bravo ranch. The bodies were removed and transported to a local morgue where they were autopsied. The DEA was then advised of the discovery of the bodies and their subsequent removal to another morgue in Guadalajara, where a second autopsy was performed.

On March 7, 1985, the FBI dispatched a forensic team to Guadalajara. They immediately proceeded to the morgue to identify the bodies and to process any evidence which might be present. After much bureaucratic delay from the local officials, they were finally allowed to proceed. The bodies were identified only as cadavers number 1 and number 2. It was apparent that each body had been autopsied and that both were in an advanced state of decomposition. Cadaver number 1 was quickly identified by the fingerprint expert as that of SA Camarena. Mexican officials would not allow the second body to be identified at this time; however, it was later identified through dental records as Captain Zavala.

The FBI forensic team requested permission to process the clothing, cordage and burial sheet found with the bodies but the request was denied. However, they were allowed to cut small, "known" samples from these items and obtain hair samples from both bodies. Soil samples were also removed from the bodies and the clothing items.

A forensic pathologist from the Armed Forces Institute of Pathology was allowed to examine

the body of SA Camarena. He concluded that SA Camarena's death was caused by blunt-force injuries. In addition, SA Camarena had a hole in his skull caused by a rod-like instrument. SA

ing State Judicial Police Officers, were arrested and interrogated concerning the kidnapping of SA Camarena. Primer Comandante Pavon-Reyes was fired, and arrest warrants were issued for a number

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... certain Mexican law enforcement officials were paid a large sum of money ... to obstruct and prematurely conclude the investigation.

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Camarena's body was then released to the American officials and immediately flown to the United States.

The next day, both FBI and DEA personnel proceeded to the Bravo ranch where the bodies were initially found. Because this site had been a completely uncontrolled crime scene, contaminated by both police personnel and onlookers, only a limited crime scene search was conducted. It was immediately noted that there was no grave site in the area, and that the color of the soil where the bodies had been deposited differed from the soil that had been removed from the bodies. Therefore, "known" soil samples from the drop site were taken to compare with soil removed from the victims. It was also noted that there were no significant body fluids at the "burial" site. This led the forensic team to conclude that the bodies had been buried elsewhere, exhumed and transported to this site.

The MFJP officials were later confronted with the evidence that the bodies had been relocated to the Michoacan area. This was one of the factors which led to a new, unilateral MFJP investigation. As a result, several suspects, includ-

ing international drug traffickers, including Rafael Caro-Quintero and Ernesto Fonseca.

In late March 1985, DEA Agents located a black Mercury Gran Marquis which they believed was used in the kidnapping or transportation of SA Camarena. The vehicle had been stored in a garage in Guadalajara, and a brick wall had been constructed at the entrance to conceal it. The vehicle was traced to a Ford dealership owned by Caro-Quintero. Under the watchful eye of the MFJP at the Guadalajara Airport, the FBI forensic team processed the vehicle for any hair, fiber, blood and/or fingerprint evidence it might contain.

During April 1985, the MFJP informed the DEA that they believed they had located the residence where SA Camarena and Captain Zavala had been held. The FBI forensic team was immediately dispatched to Guadalajara; however, they were not allowed to proceed to the residence, located at 881 Lope De Vega, until an MFJP forensic team had processed the residence and had removed all of the obvious evidence. The DEA was also informed that since the abduction of SA Camarena, all of the interior walls had been

painted, the entire residence had recently been cleaned, and that a group of MFJP officers were presently occupying, and thereby contaminating, the residence.

On the first day after the arrival of the FBI forensic team, they surveyed and began a crime scene search of the residence and surrounding grounds. The residence consists of a large, two-story structure with a swimming pool, covered patio, aviary and tennis court surrounded by a common wall. The most logical place to hold a prisoner at this location would be in the small out-building located to the rear of the main residence. This out-building, designated as the "guest house," consisted of a small room, carpeted by a beige rug, with an adjoining bathroom. The entire room and bathroom were processed for hairs, fibers and latent fingerprints. The single door into this room was made of steel and reinforced by iron bars. It was ultimately determined by means of

testimony and forensic evidence that several individuals interrogated and tortured SA Camarena in this room. In addition, a locked bedroom, located on the second floor of the main house, was also

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The forensic pitfalls and
problems of this case
... were eventually
resolved.
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processed, and the bed linens were removed from a single bed. Known carpet samples were taken from every room in the residence.

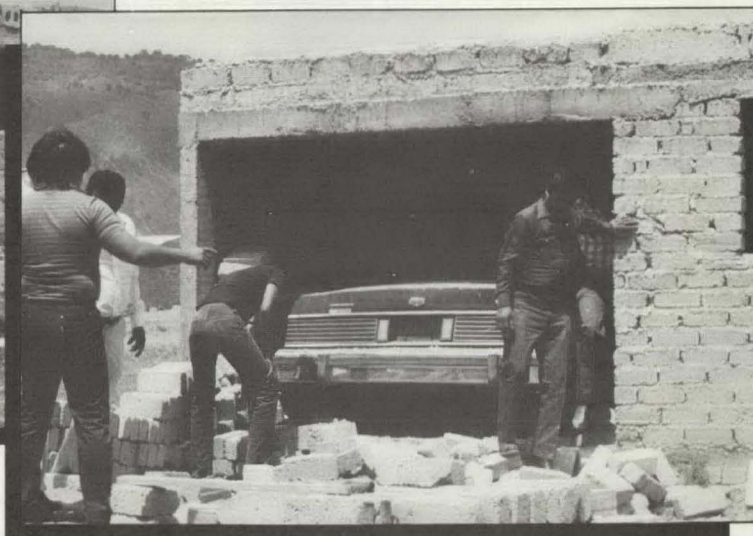
A beige VW Atlantic, which fit the general description of the smaller vehicle noted by the person who witnessed SA Camarena's abduction, was parked under a carport at the rear of the residence. The VW Atlantic was also processed for hairs, fibers and fingerprints.

On the second day, a thorough grounds search was conducted. As FBI forensic team members were walking around the tennis court, they caught a glimpse of something blue in one of the drains. Upon closer inspection, it appeared to be a folded license plate, at the bottom of the drain. However, a heavy, iron grate covered the drain and prevented the plate's immediate retrieval.

When one of the FBI Agents returned to the main house to ask the MFJP officers for a crowbar, they became extremely curious and followed the Agent as he returned, empty handed, to the tennis court. By this time, a second Agent had managed to remove the grate by using a heavy-wire coat hanger. The license plate was retrieved, unfolded and photographed. The MFJP officers, all of whom were now at the tennis court, became upset at this discovery, and one of them immediately contacted his superior at MFJP headquarters, who ordered them to



DEA Agents remove the brick wall concealing the black Mercury Gran Marquis believed to have been used in the kidnaping and transportation of SA Camarena.



secure the license plate until the Assistant Primer Comandante arrived on the scene. After his arrival approximately 20 minutes later, he seized the license plate and would not allow the Americans to conduct any further searches.

However, by this time, five very large plastic bags of evidence had been recovered and were placed in the rear of a DEA truck. The evidence was quickly transported to the DEA vault in the U.S. Consulate.

After negotiations between the United States and Mexico, the MFJP did allow a second, final search of the residence. On June 24, 1985, a forensic team returned and processed the four remaining rooms on the first floor of the main house.

By this point in the investigation, an associate of Rafael Caro-Quintero had been arrested and interrogated by the MFJP. He stated that the bodies of two Americans, Albert Radelat and John Walker, who had been abducted and killed by Mexican drug traffickers, were buried on the south side of La Primavera Park, a large, primitive park west of Guadalajara. The bodies of Radelat and Walker were located and recovered. Soil samples taken from the surface of an area near their graves were similar in most respects to the soil recovered earlier from the bodies of SA Camarena and Captain Zavala.

In September 1985, DEA personnel went to La Primavera park and sampled an area approximately 2 feet below the surface near the same site. This sample matched the soil samples from SA Camarena and Captain Zavala

almost grain for grain, indicating that this site was almost certainly their burial site before they were relocated to the Bravo ranch.

Later that fall, after further negotiations between the U.S. and the Mexican governments, permission was finally granted for an FBI forensic team to process the evidence seized by the MFJP forensic team from 881 Lope De Vega the previous April. The evidence consisted of small samples the MFJP had taken of SA Camarena's burial sheet, a piece of rope used to bind SA Camarena, a portion of a pillowcase removed from bedroom number 3, a piece of unsoiled rope removed from the covered patio and a laboratory report prepared by the MFJP Crime Laboratory. The remainder of the evidence had been destroyed for "health reasons."

“

... almost all of the evidence introduced at the trial made a tremendous impact on the outcome of this proceeding.

”

In January 1986, a drug trafficker named Rene Verdugo, who was considered to be a high-ranking member of the Caro-Quintero gang, was apprehended and taken to San Diego, where he was arrested by the DEA. He was then transported to Washington, DC, where hair samples were taken. He refused to testify before a Federal grand jury investigating the Camarena case. Later that year, DEA personnel obtained hair samples in Mexico City from Sergio Espino-Verdin, a former federal comandante, who is believed to have been SA Camarena's primary

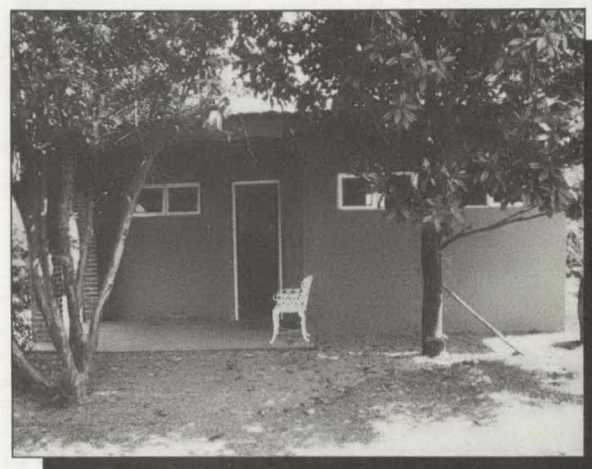
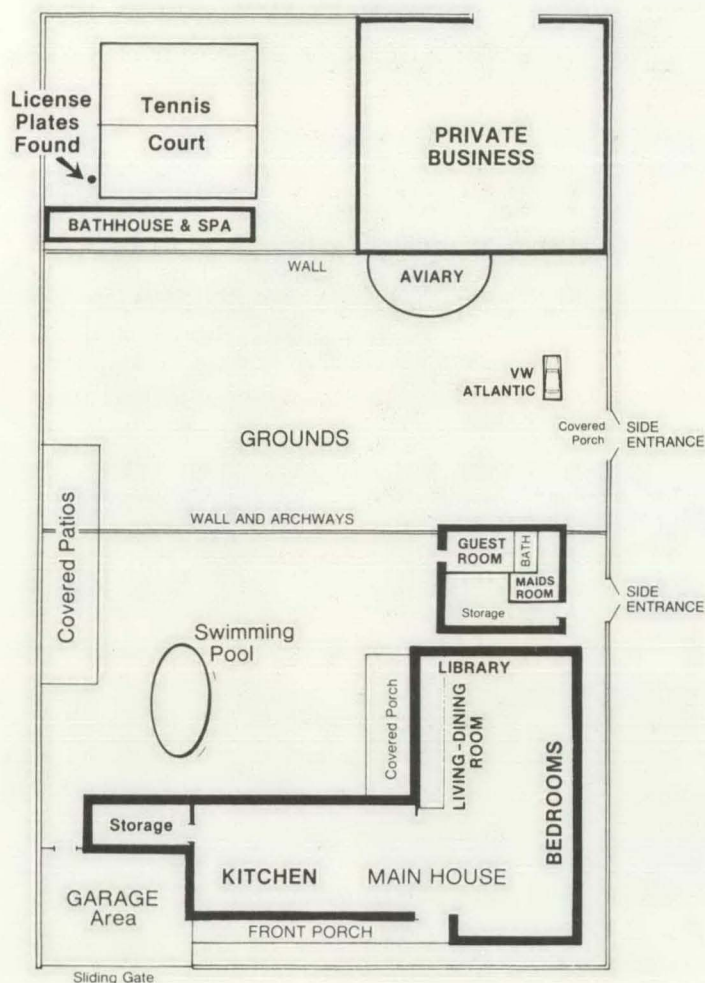
interrogator during his ordeal at 881 Lope De Vega.

The Trial

In July 1988, the main trial of the murder, interrogation and abduction of SA Camarena began in U.S. District Court in Los Angeles, CA. The forensic evidence presented in this trial identified 881 Lope De Vega as the site where SA Camarena had been held. The evidence also strongly associated two Mexican citizens, Rene Verdugo and Sergio Espino-Verdin, with the "guest house" at 881 Lope De Vega. Several types of forensic evidence were used to associate SA Camarena with 881 Lope De Vega: Forcibly removed head hairs, found in the "guest house" and bedroom number 4, in the VW Atlantic and in the Mercury Gran Marquis, and two types

of polyester rug fibers, a dark, rose-colored fiber and a light-colored fiber. Fabric evidence was also presented, which demonstrated the similarities of color, composition, construction and design between SA Camarena's burial sheet and the two pillowcases recovered from bedrooms number 3 and 5.

Based on this evidence associating SA Camarena and 881 Lope De Vega, the FBI Laboratory examiner was able to testify that SA Camarena was at this residence, as well as in the VW



Left: Diagram of the 881 Lope De Vega grounds.

Top right: The beige VW Atlantic which was found parked under a carport at the rear of the residence.

Bottom right: The "guest house" in which Camarena was interrogated and tortured.

Atlantic and the Mercury Gran Marquis, and that he had been in a position such that his head hairs were forcibly removed. Captain Alfredo Zavala was also found to be associated with the "guest house" at 881 Lope De Vega. Light-colored nylon rug fibers, found on samples of his clothing taken at the second autopsy, matched the fibers from the "guest house" carpet.

A detailed model of the residence at 881 Lope De Vega was prepared by the Special Proj-

ects Section of the FBI Laboratory for the trial. Over 20 trial charts were also prepared to explain the various types of forensic evidence. These charts proved invaluable in clarifying the complicated techniques and characteristics used in the examination of the hair, fiber, fabric and cordage evidence.

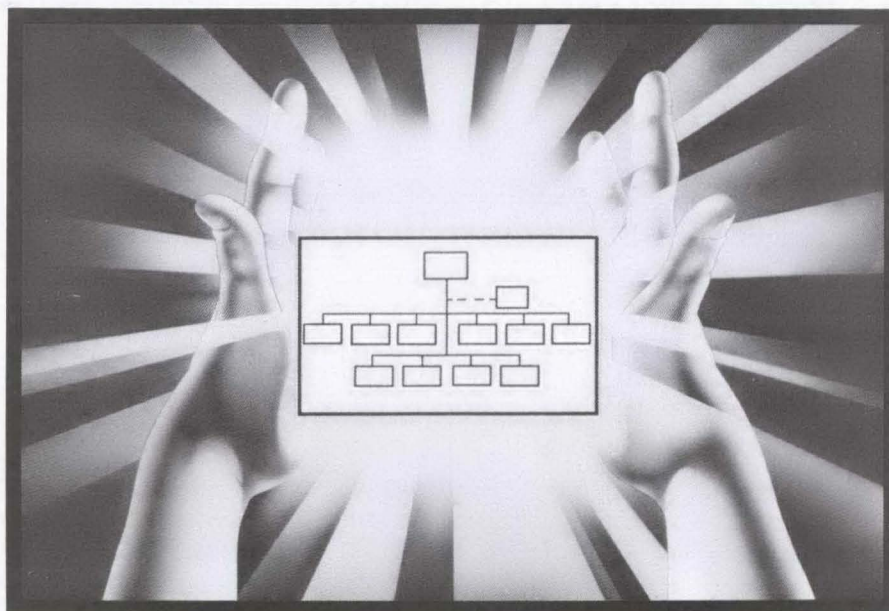
Conclusion

The forensic pitfalls and problems in this case (i.e. destruction of evidence, contamination of crime scenes) were eventually resolved. In some cases, certain

routine procedures had to be ignored or unconventional methods employed. However, in many instances, detailed trial testimony overcame the limitations of certain evidence, and eventually, almost all of the evidence introduced at the trial made a tremendous impact on the outcome of this proceeding. After an 8-week trial, conducted under tight security and involving hundreds of witnesses, all of the defendants were found guilty, convicted on all counts and are currently serving lengthy sentences.

FBI

Operational Streamlining



By

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The large police department of the next two decades will have fewer lieutenants, captains and majors, fewer staff departments, and fewer staff assistants. There will be more sergeants and more officers who may be called "command patrolman."

The typical departmental organization chart will no longer look like a pyramid. Instead, the top will be pushed down and the sides will expand at the very base of what used to look like a pyra-

mid. Advancement will be across the organization and not up. Specialists will be rewarded for practical applications of their skills, and seniority will be less important than individual contributions. The manner in which police officers perform their duties will become as important as their accomplishments themselves. Statistics and numerical measurements of performance will be less important than the quality of that service, whether it be for a felony arrest,

for convincing courtroom testimony, or for any one of a growing variety of police social services.

Large departments will see members posted on extended temporary duty to interjurisdictional task forces. From time to time, a department will be the lead interjurisdictional agency to attack *ad hoc* crime, either of a unique and local nature or of a regional and even global nature.

The traditional paramilitary police organization of today will



Special Agent Robinette

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**Operational
streamlining ...
requires organizational
flattening.**
”

change. Tomorrow will not look like yesterday.

Operational Streamlining

Operational streamlining, as it is now being called by some city managers, requires organizational flattening. Theorists argue that within 20 years, a large business organization will have "... fewer than half the levels of management of its counterpart today, and no more than a third the managers."¹ Whether such a forecast applies to police departments is speculation, but arguments offered by business theorists and practitioners alike may also apply to public service organizations as well.

John F. Welch, Jr., Chairman of General Electric Company, says, "This whole idea of broadening out the organization, flattening it more, ... should free people up. It should also say to people, 'you can't do some of the things you used to do.' That's the hardest part of the equation—getting people to understand that things have to fall off the truck. We can't have a 1988 management philosophy with a 1966 management process."² As in many private corpo-

rations, police departments often have whole layers of management personnel—sworn personnel—who neither make decisions nor lead. Peter Drucker says of these managers that "their main, if not their only, function is to serve as 'relays'—human boosters for the faint, unfocused signals that pass for communications in the traditional pre-information organization."³

Drucker would claim that today's police departments are organizationally based on a command-and-control model adapted from the military 100 years ago. Indeed, some of the present Federal personnel regulation practices can be traced back to President Grant's Administration in 1871. The concepts of social and economic reconstruction after the Civil War had a military tone, and indeed, leadership in both the North and South was heavily influenced by 19th century military methods. Constance Horner, former director of the Federal Office of Personnel Management, claims that massive accumulations of Federal personnel rules alone (6,000 pages) "... have led to an

administratively moribund system that disallows the exercise of human judgment and discretion."⁴ With such a diagnosis, she concludes that deregulation of the public sector is as important as deregulation of the private sector. One effect of public sector deregulation is to reduce the complexity of the delivery of public service.

Complexity costs, and pressure to reduce costs will continue, especially those of overhead and administration. The demand for police services will continue to rise in many communities, but voters will hold the line on tax increases. Some departments will find themselves in competition with private security firms and will charge fees for services in the attempt to recoup operating costs. Regional and other combined training activities will continue to grow as departmental training units are dismantled to reduce overhead.

Despite community demands for wider and more responsive police services, departments will have to evaluate resource deployment. Departments will need to develop an operational flexibility to shift quickly from specific enforcement efforts against criminal activity to drug demand reduction programs, community policing programs, public disorder response actions, or some trade-off combination. Such requirements will overstrain the communications process of the traditional organizational structure.

Typewritten memos which are pushed around buildings in wire carts are already being replaced by electronic networks. Steel file cabinets are being

replaced by magnetic storage discs; telephone booths, by cellular phones. The technology is here, and as police managers become more adept with its use, communications methods will change. An article in a recent *Fortune Magazine* noted, "Professor [J. Brian] Quinn of Dartmouth ... argues that so-called spans of control—the number of subordinates one executive can effectively command—are giving way to 'spans of communications,' the number of people an executive can reach through a good information system." Ultimately, he says, managers could have as many as 200 people reporting to them.⁵ Such changes in communication processes will reduce the need for intermediate levels of review and research as the lowest manager in the chain—the one nearest the action—will be able to obtain the benefits of review and analysis with an electronic device.

The Financial Argument

Advocates of operational streamlining in public service organizations—specifically law enforcement organizations—can present a telling cost-reduction argument. City managers, mayors, and other elected officials must respond to strong pressure to reduce the costs of government. The delivery of government services, as well as police services, is labor intensive. The largest part of all local government budgets pays employees and their benefits. Streamlining reduces significantly the salary budget.

During the last quarter of 1988, police officer students attending the FBI National Academy at Quantico, VA, provided the author with organizational

charts from their departments. A random review of the charts revealed that many of the mid-sized departments (100-300 sworn officers) had many staff positions and several layers of management. The 1988 composite model (fig. 1) sets forth the ranks which were represented in a hypothetical organization based on the charts reviewed. Such a composite reflects a typical structure of many mid-sized departments.

Whether such an organization is truly typical is speculation, but a large number of mid-level ranks and offices in many departments is typical, especially in the larger departments.

The 1988 composite model has several tiers of management. Contained within the tiers are 3 inspectors, 6 majors, 10 captains, 22 lieutenants, and 31 sergeants—all sworn police personnel. Based on an average of salary levels reported in 1977, the total *per annum* cost of these positions is \$1,597,400.⁶ If adjusted for 1990,

tions, patrol (includes traffic), and special operations.

The 1998 composite model (fig. 2) represents a hypothetical restructuring or streamlining of the 1988 composite. The total number of deployable rank and file remains the same (171)—although some or all of the dollars saved by streamlining could be used to hire more street officers. In this restructured department, there are fewer levels of administration but retention of the police service functions. Streamlining also requires enlargement of the number of tasks and responsibilities of first-line managers.

The streamlined department has 16 sergeants, 13 lieutenants, 3 captains, no inspectors, and no majors. Using the same salary data as before, the direct salary costs are \$675,900. The difference between totals is \$921,500, a substantial and politically attractive sum that can be described as a savings that results from streamlining.

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Performance appraisal in the streamlined organization will focus on interagency networking and cooperation....

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the figure would, of course, be much higher. However, since the purpose of the present comparison is only to demonstrate *relative* savings, or a streamlining ratio, adjustment is not critical.

The 1988 composite model department employs 171 rank-and-file officers deployed in five functional units: one unit for administration, one for technical support; one each for investiga-

The Human Relations Argument

Besides efficiency and cost reduction, advocates of operational streamlining also offer good arguments based on human relations theory. One of these arguments supports the Herzberg notion of job enrichment, which involves altering job content to give the worker more control, more decisionmaking opportunity, and improved performance feed-

Figure 1

1988 Composite Model

Inspectors3 @ \$41each = \$	123 (thousands)
Majors6 @ 23.4each =	140.4
Captains10 @ 24.7each =	247
Lieutenants22 @ 23.2each =	510.4
Sergeants31 @ 18.6each =	576.6
TOTAL 72	\$1,597,400

Figure 2

1998 Composite Model

Captains3 @ \$24.7 each = \$	74.1 (thousands)
Lieutenants13 @ 23.4 each =	304.2
Sergeants16 @ 18.6 each =	297.6
TOTAL 32	\$675,900

content of office titles and position descriptions. When the entire job content of a post or position can be delegated to subordinates, theorists urge decentralization, autonomy, and lower-level decision-making that is "close to the customer." "Close to the customer" is a phrase that is used by Thomas J. Peters and Robert H. Waterman, Jr., to describe one of the salient qualities of excellent organizations. Another important quality they found in their examination of the so-called excellent companies was described as "simple form, lean staff." In explaining "simple form, lean staff," they claim that an organization with a heavy superstructure "...get[s] paralyzed because the structure not only does not make priorities clear, it automatically dilutes priorities. In effect, it says to people down the line: 'Everything is important; pay equal attention to everything.' The message is paralyzing."⁸

Champions of low-level decisionmaking will press for streamlining measures to emphasize the benefits of job satisfaction for lower-level personnel as an antidote for police officer burnout.

They would argue that streamlining cuts through the weeds and thickets of administration that sap nourishment and impede personal growth on the job and subsequent fruitfulness. Some of the quantitative methods of police performance will give way to more qualitative assessments. Performance appraisal in the streamlined organization will focus on interagency networking and cooperation in the struggle against social maladies, whether it be dealing with the homeless,

back. It may also include the addition of new tasks through job enlargement.⁷ If a traditionally organized department has, over a period of time, created mid- and senior-level positions primarily to provide promotional opportunities and additional career plateau levels, some of those positions contain job tasks, work clusters, and skill-level requirements that can be redistributed down to the lower ranks.

Responsibility, as well as satisfying and challenging work, is a strong motivator according to motivation researchers. Proponents of streamlining claim that in some mid-level and senior-staff positions, there are tasks which do not require command authority for accomplishment. They cite, for

example, lieutenants and captains whose daily and routine activities do not include command decisions. Research, review, analysis, planning, training, housekeeping,

**“
The typical
departmental
organization chart will
no longer look like a
pyramid.
”**

and maintenance in some cases are some of the work elements which can be reassigned to lower-level ranks.

Theories and practices of delegation come under close scrutiny during a review of actual work

managing racial strife, eliminating youth gangs, countering consumer and business fraud, or facing battles in the war on drugs.

Growing public demands for remedies to child abuse, spouse abuse, parent abuse, drug abuse and others will require police to participate, and in some cases, lead a cooperative correction effort with other public service agencies.

Tom Peters says "relationship management," which comes with streamlining, will sound the death knell for hierarchy. He claims that "flat" organizations are already clobbering "steep" ones in the competitive arena of business. "Managers' days are numbered," he says, "and everyone everywhere will work in self-managing groups or teams, with no formal boss. Many of these groups will even include outsiders. All employees [will have to] be treated as volunteers. Only people who feel like volunteers commit to lifelong learning and constant improvement."⁹

Whether any of these arguments and sweeping claims about the near future have any weight or validity with respect to law enforcement remains to be seen. And, there are those who will oppose any and all streamlining actions.

Resistance To Streamlining

Not only individuals but also groups will resist streamlining moves. For example, some collective bargaining units will push for money that is "saved" by eliminating mid- and top-level staff positions. They will fight to have "saved" money follow the path of redistributed work. When sergeants are given responsibilities

formerly managed by lieutenants, they are going to expect increases in pay. As long as public agencies are tied to quasilegal job descriptions, and each job description is rewritten to include tasks formerly done by a higher ranking officer,

“

... a major problem that streamliners will have is the endemic resistance to change....

”

the price tag of the job description will rise. At contract renegotiation time, such issues will be on the table.

Additionally, some administrators and bargaining units will argue to retain promotional opportunities up the traditional hierarchy in order to motivate officers with high leadership and management potential. These administrators will view streamlining efforts as career path obstructions. They will search for and highlight administrative and operational impediments to reorganization.

Finally, a major problem that streamliners will have is the endemic resistance to change that seems characteristic of many police departments and law enforcement agencies. However, Tom Peters argues: "If it ain't broke, don't fix it" was good advice in the past, but the new rallying cry will be "change everything, starting right now"...., if it ain't broke, you haven't looked hard enough" is his assessment of the times. "Learn to love change," he says.¹⁰

Conclusion

Change will come to police departments as municipalities

struggle to keep budgets in line, meet community demands, and keep a hard-working police department functioning. Operational streamlining will find strong advocates, but in some departments resistance may be strong enough

to prevent it. In either case, there will be turbulence and change. Tom Peters' advice to love change is tough advice for traditionally minded and conservative police, but as the French poet Paul Valery observed, "The trouble with our times is that the future is not what it used to be."

FBI

Footnotes

¹Peter F. Drucker, "The Coming of the New Organization," *Harvard Business Review*, January-February 1988, p. 45.

²John F. Welch, as quoted in "GE's Management Mission," *The Washington Post*, May 22, 1988, p. H1.

³Supra note 1, p. 46.

⁴Constance Horner, "Beyond Mr. Gradgrind: The Case for Deregulating the Public Sector," *Policy Review*, Spring 1988, p. 35.

⁵*Fortune Magazine*, September 26, 1988, p. 52.

⁶Michael T. Farmer, *Survey of Police Operational and Administrative Practices 1977* (Washington, DC: Police Executive Research Forum, 1978), pp. 117-140.

⁷Frederick Herzberg, *Work and the Nature of Man* (New York: New American Library, Inc., 1973).

⁸Thomas J. Peters and Robert H. Waterman, Jr., *In Search of Excellence* (New York: Harper & Row, 1981), p. 307.

⁹Thomas J. Peters, "Rate Your Firm on These 18 Emerging Realities," *Washington Business Journal*, January 23, 1989, p. 10.

¹⁰*Ibid.*

The Bulletin Reports

Asset Forfeiture Bulletin

The Police Executive Research Forum (PERF), in cooperative agreement with the Bureau of Justice Assistance (BJA), publishes the *Asset Forfeiture Bulletin*, a periodic newsletter of the Asset Forfeiture Training and Technical Assistance Project. A recent edition of the newsletter features articles on "Detecting Local Business Money Laundering," "Federal Equitable Sharing Program," and "How CPAs View Money Laundering," as well as a legal corner and a review of recent law review articles on forfeiture and related issues.

Six reports in the BJA-PERF Asset Forfeiture series are now available. They are: 1) Civil Forfeiture: Tracing the Proceeds of Drug Trafficking, 2) Public Record Information, 3) Managing an Inventory of Seized Assets, 4) Financial Search Warrants, 5) Plea Bargains and Use of the Polygraph, and 6) Tracing Money Flows through Financial Institutions.

For individual copies of these reports, write to the BJA Asset Forfeiture Project, Police Executive Research Forum, 2300 M Street, NW, Suite 910, Washington, DC 20037.

Attorney-Client Privilege Law

The American Bar Association's (ABA) Section of Litigation has published a second edition of a book entitled *Attorney-Client Privilege and the Work-Product Doctrine*. This second edition is substantially revised and updated to reflect new developments and increased complexity in the law.

Designed as a general litigator's guide to the current state of the law, the book explains how to anticipate and defend against challenges to the basic principles of confidentiality. It discusses the purpose, scope, and elements of the attorney-client privilege and the work-product doctrine, noting when the principles apply and when there are exceptions. Other topics include what constitutes a waiver, how to guard against an unintentional waiver, the potentially damaging ethical conflicts that can arise, and trends in court interpretations. The authors also incorporated case illustrations and practical tips to show how confidentiality principles have evolved from an absolute barrier to a strict construction of the law intended to balance competing interests and address ethical complexities.

The book may be ordered from the American Bar Association Order Fulfillment 531, 750 North Lake Shore Drive, Chicago, IL 60611.

1988 Data Report

The Bureau of Justice Statistics (BJS) has released the *BJS Data Report, 1988*, which presents highlights of the most current data from the BJS statistical series. Since its creation in 1979 as an agency within the U.S. Department of Justice, BJS has developed more than 2 dozen major data collection series.

The 1988 report is the third consecutive statistical overview to be published by BJS. Data on drugs and crime, prison crowding, sentencing, victims, and other key issues facing criminal

justice policymakers are summarized in the report. A section on each issue presents the most current national data available on the subject and summarizes BJS data collection and analysis activities on the topic.

To order this BJS report, write to the National Criminal Justice Reference Service, P.O. Box 6000, Rockville, MD 20850, or call 1-800-732-3277. For Maryland and Washington, DC, metropolitan area callers, the number is 1-301-251-5500.

Information Exchange

A Network of Knowledge—Directory of Criminal Justice Information Sources is a resource that profiles 167 national and regional criminal justice information sources. It is based on a 1988 survey of more than 400 criminal justice agencies and describes information centers that offer such services as data base searches, reference services, and technical assistance.

Criteria used to select organizations listed in the directory included the scope of services offered, types of services, response to telephone and mail requests, and costs or membership requirements. The appendices contain:

- A listing of members of the Criminal Justice Information Exchange (CJIE) group—a NIJ/NCJRS-coordinated library network—and their addresses
- A listing of State criminal justice system representatives
- A listing of Federal information centers and telephone numbers

A Network of Knowledge can be ordered by calling NCJRS toll free at 1-800-851-3420. For Maryland and the Washington, DC, metropolitan area callers, the number is 1-301-251-5500.

Crime Prevention Survey

A national survey by the National Crime Prevention Council (NCPC) determined that 7 out of 10 of the Nation's chiefs of police and sheriffs believe crime prevention to be an important part of their work. Prevention was ranked equally as important as criminal investigations in their agencies' responsibilities.

A total of 788 interviews (440 chiefs and 348 sheriffs) were completed and included questions about crime prevention beliefs, knowledge, policies, and practices from the chief law enforcement executive's perspective. The survey, commissioned by the NCPC as part of a multifaceted research program, revealed that a substantial majority of the chiefs and sheriffs see citizen crime prevention efforts as effective. In addition, respondents strongly supported training in crime prevention for all sworn officers, augmented by officers assigned as crime prevention specialists.

The chiefs and sheriffs placed high priority on encourag-

ing crime reporting, reducing drug supply and demand, encouraging joint problem solving by police and community groups, encouraging Neighborhood Watch groups, providing crime prevention information to all citizens, and working with other government agencies to address local problems.

Partnerships were viewed as critical to present and future crime prevention efforts, with 9 out of 10 respondents saying the responsibility for preventing crime is shared equally among law enforcement agencies, citizens, and other agencies. In looking at the future, the chiefs and sheriffs placed heavy emphasis on involving the media, schools, voluntary organizations, social service agencies, businesses, and churches in crime prevention efforts.

For a copy of the results of the survey, contact the National Crime Prevention Council, 733 15th Street, NW, Washington, DC 20005, or call 1-202-393-7141.

The Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is written by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 7262, J. Edgar Hoover Building, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

(NOTE: The material presented in this section is intended to be strictly an information source and should not be considered as an endorsement by the FBI for any product or service.)

Operation Freezer Burn

By
P. R. BESELER
*Chief Supervisory Investigator
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It's a hot, summer night and a woman is going to the refrigerator for a refreshing bowl of ice-cream, only to discover that the freezer is "on the blink." Fearing the worst, she calls a refrigerator repair service advertised in a phone directory. Several hours later, she is presented with a bill in excess of \$100 and told that the defrost timer was defective and had to be replaced. As she wrote the check to the smiling repair man, she was overwhelmed by a

feeling of helplessness and mistrust. Although she did not know it, she had just become a victim of crime, because the repairman intentionally sold her a part she did not need.

Every consumer has known the feeling of being at the mercy of someone in the repair industry. What many consumers don't know is that the above scenario is played out thousands of times each day, and that their worst fears are often justified. In fact, dishonest repair-

men steal millions of dollars annually.

The average homeowner, who knows very little about how appliances operate, presents an easy target for con-men in the appliance repair industry. In most States, this industry is vastly unregulated and little more is needed than an occupational license and a tool box to enter the appliance repair business.

In an effort to curb appliance repair fraud, the State Attorney's

Investigators monitor a repairman as he works on a refrigerator reported to be broken.



Photo courtesy of Florida Times-Union

Office in Jacksonville, FL, designed and implemented an undercover operation entitled "Operation Freezer Burn." Investigators were shocked at the results. Almost half of the 28 repair companies called charged for parts they never used or for work they never performed. In fact, 12 repairmen were charged with various criminal offenses, and an almost equal number were labeled as incompetent by refrigeration experts acting as consultants to the investigation.

The Investigation Process

The method of investigation was simple, yet precise. And, because these transactions would be the subject of criminal court proceedings, all evidentiary and investigative guidelines were followed to ensure the integrity of the case.

The first step in the operation was to secure the services of two refrigeration experts whose integrity and ability were unquestionable and who would maintain secrecy about the investigation. One expert was chosen from the teaching profession; the other owned his own repair business. Their testimony would be essential should any case go to trial.

Next, a vacant house in an average neighborhood, donated for use during the investigation, was set up for the operation. A used refrigerator was also placed in the house, and its essential parts were carefully marked for future identification with a red, indelible marking pen. Then, the refrigerator's temperature and on/off cycles were graphed using a standard temperature cycle machine. The

graph would later prove that the refrigerator was in proper working order. Then, the refrigerator was disabled in a variety of ways. The evaporator fan motor wire was disconnected, the temperature dials were turned to the wrong setting, and the refrigerator was unplugged from the wall receptacle.

To develop a list of target repair companies, the State Attorney's Office obtained reports from the Consumer Affairs Division and the Better Business Bureau. Many of these repair companies ran full- and half-page directory ads, only listed the company name and phone number, and omitted the address in an obvious effort to make themselves unavailable or hard to find if a complaint should arise. It was later learned that many of these companies also used call forwarding to transfer calls to other cities where a room full of operators answered them and dispatched repairmen. These repairmen paid the referral service a fee for each call they received and passed the cost along to the consumer in the

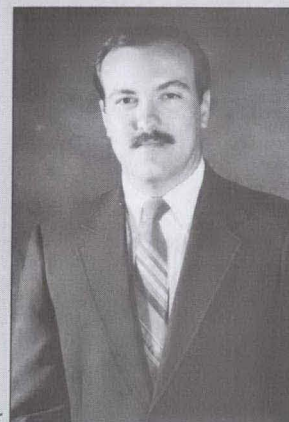
form of a padded bill. This tactic also enabled such "shade tree" repairmen to operate with no overhead and to drift in and out of the area.

An initial call to a repair company dispatcher was made and recorded. The investigators were instructed to avoid being specific and to simply state that the refrigerator was not cooling properly. Thus, the repairman could not later offer the defense that he was only performing a repair which the customer requested.

To assure that the repairman arrived at a certain time, the investigator presented himself as a real estate agent and explained that the refrigerator was in a vacant house, the sale of which was contingent upon all the appliances working. In order to not waste time waiting for the repairmen to arrive, appointments were set up for the "real estate agent" to meet the repairmen at the vacant house.

As each repairman arrived at the appointed time, he was greeted by an undercover officer who was wearing a body transmitter.

"The average homeowner ... presents an easy target for con-men in the appliance repair industry."



Mr. Beseler

Another investigator in a surveillance position outside the house also photographed each suspect's vehicle upon arrival and recorded its vehicle identification number and license information because the repair trucks could be the subject of civil forfeiture. This also helped to later identify the workmen who, in every instance, gave their real names in the initial introduction. When directed to the refrigerator, the repairman was told that it was not cooling properly. Officers in an adjoining room videotaped the repairman's actions. The undercover officer then informed the repairman that he had to check something outside and excused himself to allow the repairman to work privately.

Returning a few minutes later, the investigator would inquire as to the exact problem and what repairs were performed

investigator, but on camera, taking new parts out of their tool boxes, breaking terminals off and presenting the broken parts to the investigators. In addition, some repairmen also returned parts that did not bear the red markings, and upon checking, the original part was still in the refrigerator after the repairman charged to replace it.

The video tape also revealed many other indiscretions. In one instance, a repairman was revealed tapping a screwdriver against the side of the refrigerator to simulate repair noise after he had already found the loose wire and connected it minutes before. In this particular case, parts were paid for that were never replaced. In addition, some workmen even billed for allegedly performed service checks on parts of the refrigerator which are accessible only from the

checks and/or the identification they used to cash them.

Close-up, still photographs of the refrigerator, its serial number plate, and the work performed or damage done by repairmen were also taken. In some cases, incompetent repairmen broke plastic parts of the refrigerator, had not replaced screws, had added excess freon (which could ruin the compressor), and performed various other shoddy work.

After each visit by a repairman, the refrigerator experts removed any new parts that had been installed, replaced them with original, marked parts, if they had not been broken by the suspects, and made any other necessary repairs. Another temperature graph was also made to prove that the original part was still in good working order.

In each of the cases charged, the suspect's actions and/or statements to the investigator proved the intent to defraud the customer. For example, two of the repairmen were observed laughing when they located the loose wire. After they reconnected it, they stalled for several minutes and then informed the customer that the defrost timer switch, which is located at the rear of the refrigerator, was defective and had been replaced. However, the refrigerator had never been moved. And, when the investigator asked for the old part, one of the workmen went outside, retrieved an old part from the truck and presented it to the investigator as the replaced part.

In each instance, investigators were able to tell which repairman was going to "sting" them

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***Almost half of the 28 repair companies ...
charged for parts they never used or for work
they never performed.***
”

to correct it. After getting as detailed an explanation as possible and assurances that the repairs were necessary, the investigator asked for the old parts to show the prospective buyers of the property that the repairs were performed. Many of the repairmen, who had not actually replaced a part or who had replaced a perfectly good part with another, had a particularly hard time at this point. They were observed going back to the refrigerator and, out of sight of the

rear of the unit. In these instances, the video tape clearly showed that the refrigerator had never been pulled away from the wall. It also revealed that some repairmen even looked into other areas of the house when they thought they were alone.

After the repairmen finished the repairs, all were presented with a check drawn on a real bank account set up under a fictitious name. The cancelled checks later identified the account into which the repairmen deposited their

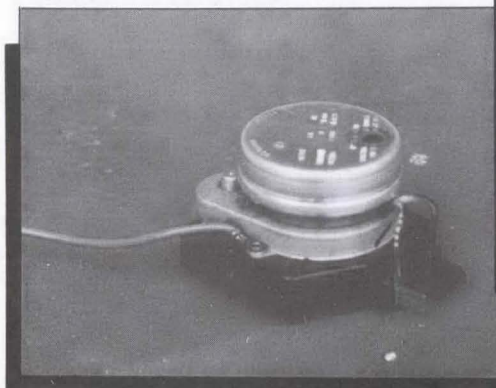


Photo courtesy of Florida Times-Union

Left: A defrost timer switch, the most often replaced part of a refrigerator.

Top right: An evaporator fan motor which, for the purposes of the operation, had one of its two wires disconnected.

by his appearance. Honest repairmen generally wore uniforms, were neat in appearance, drove service trucks with company names painted on the doors, carried elaborate tool boxes, and usually corrected the problem, charging only for a service call. In contrast, the dishonest repairmen came in junky cars, wore beards and cutoff shorts, carried few tools and tended to travel in pairs.

"Closing In"

At the conclusion of the investigation, the cases were reviewed by an Assistant State Attorney and arrest warrants were obtained. However, in order to catch all of the suspects before word of the operation spread through the tight-knit industry, everyone had to be arrested simultaneously. Using a different location, appointments were made with the repairmen who allegedly committed the fraud, giving the excuse that they had been recommended by a friend. At 10-minute intervals, the suspects arrived at the new location and were arrested as they entered the house. Their

vehicles were taken to impoundment lots, and items used in the commission of the crime, such as pagers and portable telephones, were seized, all of which were subject to civil forfeiture.

Conclusion

From the beginning of the operation, heightened public awareness was the major goal. In

“From all indicators, the project had been a tremendous success.”

fact, the newspaper and television coverage of the investigation and arrests exceeded expectations, and public response was overwhelming. Letters of encouragement from the public were printed for weeks afterwards on editorial pages, and phone calls poured in to consumer groups reporting similar problems and requesting information prior to calling a repair company. In addition, even legitimate appliance repairmen called

for legislation to regulate their own industry. From all indicators, the project had been a tremendous success.

The conviction rate for those arrested was 100%, with no cases going to trial. And, the total cost of the investigation, excluding investigator's salaries, was approximately \$2,000 which was for parts purchased and repair bills paid to the 28 companies, making this project well within reach of most law enforcement agencies. After the fines and forfeitures to police investigative funds were tabulated, the cost of the investigation was actually recovered several times over.

However, in order to make a truly lasting impact on the repair industry, there must be assurances that future investigations of a similar nature will occur. Even so, this chilling effect of Operation Freezer Burn proved invaluable in curbing fraud in the repair industry. As one repairman aptly said, "Guys in this town are so busy looking for hidden cameras they don't have time to rip off customers any more."

FBI



The Computer Criminal

An Investigative Assessment

By
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University of Texas
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Computer criminals perpetrate a new type of crime that is rapidly emerging and promising to have a dramatic impact on society. However, computer criminals do not employ the same methods or have the same characteristics as "traditional" criminals. Therefore, examination and evaluation of their personalities are required.

One extremely valuable investigative technique that has produced significant results is criminal investigative analysis (formerly referred to as profiling)¹—a technique that could also be applied to computer criminals who threaten the financial sector of our society. However, two major considerations limit the scope of effective research on the assessment of the computer criminal. First, criminal investigative analyses are traditionally done on persons involved in violent, aberrant crimes (which computer crime is not); second, studies indicate that computer criminals are emerging as such an eclectic group that it may be impossible to categorize them clearly.

Effects of Computer Criminals on Society

Although marked differences exist between the type of criminals who commit murders and those who commit computer crimes, their impact on society is great. A survey of 1,000 organizations revealed that the verifiable losses attributed to computer crime in 1985 were estimated between \$145 million to \$750 million.² Estimates show that computer criminals in the workplace alone may be costing businesses up to \$3 billion a year.³ In fact, the possibility of "corporate murder" is even more likely. Computer crimi-

Lieutenant Coutourie

"... law enforcement agencies need to explore new approaches to investigating computer criminals."



nals can bring financial disaster to small businesses, as well as individuals, and can drastically affect many lives.

The Corporate Victim

As with traditional criminal investigative analysis, victim information can lead to many relevant conclusions. Corporations, the most likely victims, have a number of characteristics in common with humans, e.g., corporate occupation, residence, financial status, fiscal fitness, reputation, and background. In some cases, corporate fears and habits, corporate friends and enemies, and recent changes in corporate structure may all be relevant.

New Investigative Approaches

For the purposes of criminal investigative analysis, the differences between violent offenders and computer criminals present some very new and unique forensic problems to investigators. In order to determine personality characteristics, such as race, sex, age, marital status, employment, sexual maturity, and criminal history,⁴ analysts require as much information as possible about the

crime scene and the victim. However, computer criminals leave no traditional crime scene for investigators to photograph and examine. The victim is very likely to be a corporation, and the perpetrators may never be physically at the "scene of the crime," making it difficult to establish the relationship between the attacker and the victim.

Therefore, law enforcement agencies need to explore new approaches to investigate computer criminals. Investigators should be able to gather "electronic trace evidence" to determine the type of equipment used to attack the "corporate victim." With an "electronic autopsy," recovery of magnetic impulses from a disk storage unit is possible. These impulses might provide some clues about the computer criminal. And, an "electronic forensic pathologist," in the form of a highly skilled and specially trained computer scientist familiar with the victim equipment, may greatly assist investigators.

For example, it is a common occurrence for "hackers" to post on electronic bulletin boards stolen

telephone credit card numbers that they claim to have "hacked" from a long distance carrier's computer. Investigators must locate and examine "day files" of logs of computer usage that indicate the type of computer used to illegally post the numbers. This information is considered essential circumstantial evidence, particularly if a criminal is found to possess or use the same type of equipment. A variety of utility programs recover data files from disks that may contain these credit card numbers or other information, possibly intentionally damaged, secured, or encrypted by those using computers to aid them in committing the crime.

"Hacking" programs recovered from suspects (designed to obtain telephone credit card numbers from another computer) are routinely disassembled, listed, and examined for instructions that

ible evidence that will identify the attacker. A review of past offenders can provide a base of information from which to assess computer criminals and to draw conclusions.

Examining individuals known to have been involved with computer crime aids in understanding others who use computers to commit crimes. Researchers have interviewed many known offenders and have drawn informative conclusions.

Modern hackers seem to have that driving need to dissect, examine, understand, and modify whatever captures their attention (to include what they perceive as improvements). For instance, the "original" hackers were college students who participated in constructing and modifying a model railroad system. Members of the group felt free to make whatever changes they believed appropriate

electronic one. They replace concepts of right and wrong with what is binary 0 or 1. Although Parker refers to high school-aged hackers,⁶ age is not a real factor, because many adult hackers also have essentially the same characteristics.

Steven Levy's description includes the "hands on imperative," the driving need to manipulate the computer hardware personally.⁷ Early hackers would do anything to get to the computer itself, because by working the hardware, they achieved gratification.

In a study of 375 computer abuse cases, Parker reports several characteristics of individuals in a sample of 17 criminals.⁸ Their average age was 29 years, they had predominantly professional/managerial skills, and in all but one case, they committed crimes in conjunction with their occupations. About 76 percent demonstrated differential association syndrome, that is, their criminal acts differentiated from accepted business practices only in small ways. For example, hackers maintain contact through electronic bulletin boards where they frequently learn hacking methods (deviant influences) from each other. However, they seem to resist behavior considered "harmful" to others, thus showing the normative influences in their lives.

Over 88 percent of Parker's subjects viewed their actions as a game pitting their skills against the computers or organization. These games represented challenges that made their lives exciting and filled with danger. Seventy-one percent of these subjects also demonstrated the Robin Hood syndrome, i.e., they differentiated strongly

“ ... computer criminals present unique problems and challenges to investigators.... ”

caused them to perform as indicated, thus providing additional valuable evidence. Obviously, there is a need for greater professionalism in dealing with computer criminals, who already possess the expert knowledge necessary to use computers as tools of crime. By studying and understanding the type of person likely to become involved in computer crimes, this need can be met.

Assessing Computer Criminals

A proficient investigator needs to determine the motive and compile the tangible and intang-

to improve the system.

More modern-day hackers have the same attitude of free access to other people's computer systems. Computer information, such as long distance telephone access codes, will allow them to gain even further access to other computers. In his book, *Fighting Computer Crime*, Donn Parker characterized hackers as often being addicted to their computer capers, willing to give up food, sleep, and other bodily functions in order to sit at their computers for hours at a stretch.⁵ In essence, they gave up the real world for an

between harming people, which they considered immoral, and harming organizations, which they could rationalize.⁹

In describing private industry's problem, Jay Bloombecker, a former director of the National Center for Computer Crime Data, believes that computer criminals are not necessarily geniuses.¹⁰ He delineates several "criminogenic" environments he believes were present in the computer crimes he surveyed, although he admits that these categories are not mutually exclusive or rigid:

The Playpen and The Fairyland—In the playpen, abusers find simply using a computer to be intrinsically satisfying; in the fairyland, the abuser sees the computer as an unreal world and thus he is doing no wrong.

The Land of Opportunity or The Toolbox—An abuser in the land of opportunity takes an attitude of nothing being wrong with the exploitation of an obvious vulnerability in a computer system; in the toolbox,

the abuser views the computer as merely a tool to accomplish an end.

The Cookie Jar—This is a fund from which an abuser may "borrow" because his need is greater than the company's. This computer environment provides the opportunity for personal gain.

“Computer criminals ... can drastically affect many lives.”

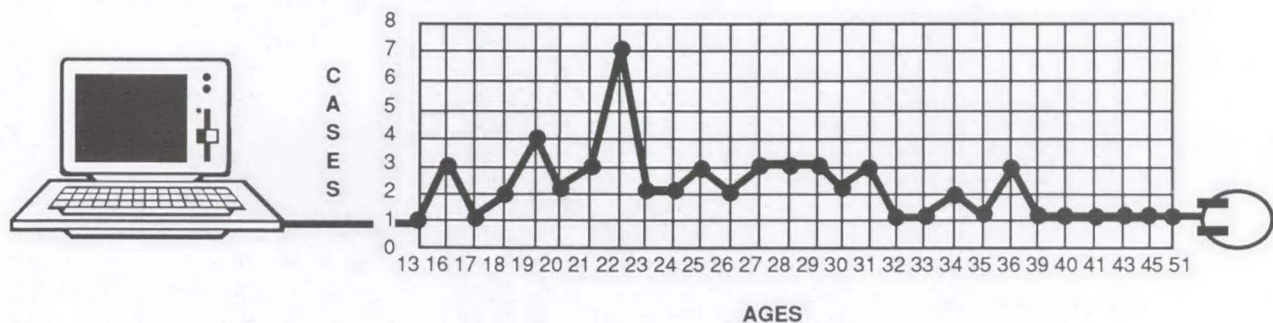
The War Zone—The war zone is a place where the abuser vents his feelings against the company while not apparently harming any individuals, thus meeting the criteria set out in the Robin Hood Syndrome which he could rationalize.

The Soapbox—The type of activity found here is frequently not harmful in the usual criminal sense and may not frequently appear as motivation

for a computer crime. It may be a result of a transference defense mechanism.

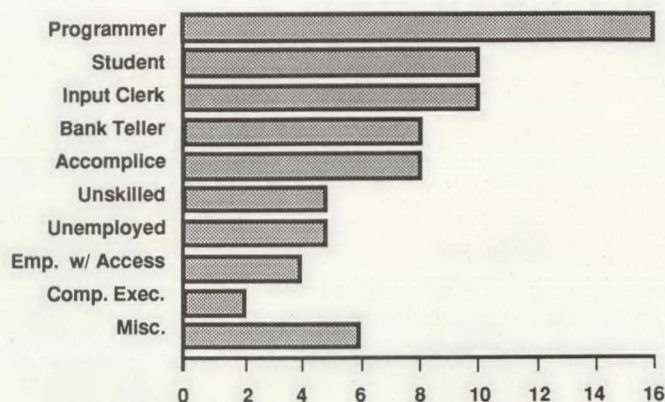
A study by Kusserow, in which 29 computer criminals were interviewed, produced potentially valuable data.¹¹ Their ages ranged from 20 to 50 with a median age of 30, and a majority (75 percent) had some college education. All had been employed for an average of 5 years before committing their crimes. During their employment, nearly three-fourths had been promoted, and 25 percent said that they had received performance awards. Further, about 20 percent had criminal records at the time they were hired; in most cases, this was known to the employer. The nature of the previous crimes committed by those with criminal records was not discussed. Most of the criminals reported that they stole due to situational factors that fell into two categories—financial problems (60 percent) and job discontentment (10 percent). Still others stole because they discovered a vulnerability in the system and could not resist the temptation. In other cases, a spe-

Table 1
Ages of Computer Crime Defendants



Ages of computer crime defendants as reported in a census conducted by the NCCCD over a two year period, ending in 1986.

Table 2
Computer Crime Defendants



Computer crime defendants as reported to the NCCCD in a census taken over a two year period, ending in 1986.

cific event or accidental situation presented an opportunity. Some were bored and decided to "beat the system." One significant finding is that about one-half said that they did not consider the consequences of their crime at the time, while others assessed the risks of being caught as minimal.

A good measure of the ages of computer crime perpetrators can be found in a survey performed by the National Center for Computer Crime Data that reported the ages of defendants in computer crime cases.¹² (See table 1.) This may represent "tip of the iceberg" information because of the number of computer crimes that go undetected or unreported, but may also be a reliable index due to the origin of the data.

Table 2 shows that the occupation most often involved in computer crimes are those with computer access. The person involved in this activity represents a relatively wide cross-section of

computer-related occupations. Programmers, as might be expected, show a greater frequency of committing a computer crime because of their expertise in the working of computers and the unlimited access normally granted to them. The nature of their job also requires they maintain a computer operating system.

Conclusion

Since computer criminals present unique problems and challenges to investigators, and with the meteoric rise of computer crime in the country, police departments must become more proficient in investigating and dealing with this type of criminal. The common characteristics of computer criminals and the type of environments in which they work, as detailed in this article, may provide an information base for criminal investigative analysis, which can be used as a means to apprehend the computer criminal.

FBI

Footnotes

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⁷Steven Levy, *Hackers: Heroes of the Computer Revolution* (New York: Doubleday and Company, Inc., 1984), p. 40.

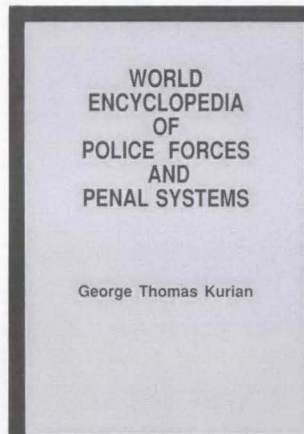
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¹⁰Jay Bloombecker, "Who are the Computer Criminals?" *Security Management*, January 1981.

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World Encyclopedia of Police Forces and Penal Systems by George Thomas Kurian, Facts On File, Inc., 1989.

In the last half of the 20th century, the science of criminal justice has come into its own as a major discipline. Previously, extensive research was necessary in the areas of worldwide police forces and penal systems until this encyclopedia, edited by George Thomas Kurian, was made available to the law enforcement and academic communities.

Kurian, the author of more than 10 reference books, has again edited a book worthy of review and one which will provide the reader with a compilation of facts and figures on the police forces and penal sys-

tems from 183 countries. This encyclopedia is a comprehensive volume with contributions from more than 60 law enforcement experts from around the world. The reader/researcher will discover previously unavailable or difficult-to-obtain facts and figures on dictatorships and democracies, as well as developed and underdeveloped countries. Information is presented on such diverse organizations as Nigeria's Criminal Investigations Department, the East German Volkspolizei, the KGB, the Pakistani Intelligence Bureau, Afghanistan's KHAD (internal security), to name just a few.

For each of the 183 countries listed, recent up-to-date information is provided on the history and background of the police force(s), the current structure and organization of these forces, their recruitment, education and training, and the penal system. A section on crime statistics is also included from those countries that made this information available. Separate appendices cover Interpol, the world association of police forces, a world police directory, and comparative statistics on police protection around the world.

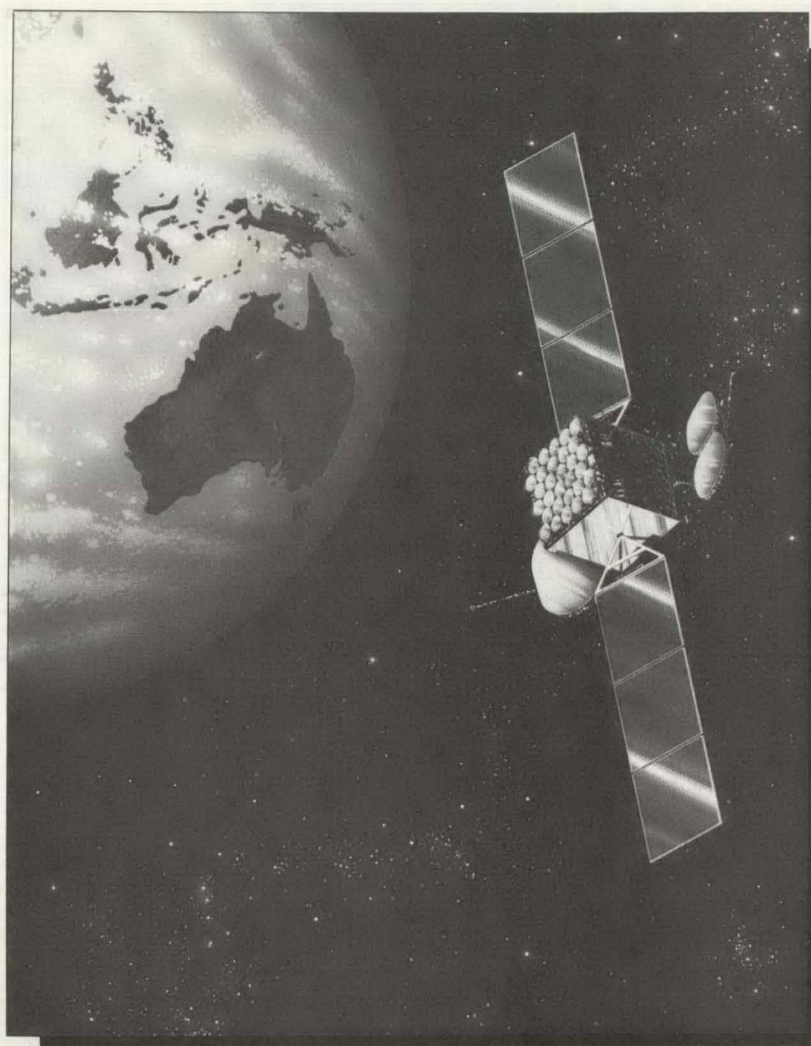
The encyclopedia also provides statistical information.

As an example, in 1970, 16 percent of the U.S. inmate population was confined because of drug-related offenses, while in 1985, 34 percent of U.S. prisoners were incarcerated due to violations of drug laws.

It also contains specific country information. For example, the Republic of Panama has an area of 77,080 square kilometers; its 1987 population was 2,274,833; its 1985 GNP was \$4.4 billion; it is divided into 9 provinces and 1 intendancy; and its population per police officer is 180. Additional information is contained that would allow the researcher a comprehensive look into the Panamanian police structure.

The main inadequacy of this work is its lack of in-depth information on many lesser-known countries. However, it may save the researcher hours of work, while providing information in an easily digestible, comprehensive form that lends itself to use by the uniformity of its information and the method in which it is set forth.

SA Clinton R. Van Zandt, MPA
Special Operations
and Research Unit
FBI Academy
Quantico, VA



The Law Enforcement Satellite Training Network: Timely Communications

Satellite teleconferencing, the latest development in improved law enforcement communications, has established itself as an effective way of keeping up-to-date information constantly available. Because law enforcement officers are continually faced with more challenging crime problems, teleconferencing can be the training tool which keeps them in the know. It has proven to be cost-effective and its ability to reach a wide audience makes it truly a valuable resource.

Since the Law Enforcement Satellite Training Network (LESTN) was established in March 1986, through a joint effort between the Kansas City, MO, Police Department and the Kansas City FBI Field Office, the effectiveness of the teleconference has been realized. Teleconferencing has truly become the tool to push law enforcement training into the future.

The Kansas City Police Department and the FBI Academy

continue in a beneficial and educational teleconferencing relationship. By co-sponsoring six LESTN programs a year, each is aware that through constant improvements and streamlining, satellite teleconferencing is an increasingly valuable service to law enforcement agencies.

Since the initial agreement, 18 teleconferences have been broadcast, each one devoted to a relevant law enforcement topic. The topics include sexual criminality, criminal profiling, stress

management, legal issues for pursuit driving policies, organized crime, officer safety, the 9mm/semi-automatic pistols, handling of domestic violence, and interviewing and interrogation. Clearly, all concern crucial issues that law enforcement agencies must face.

Each teleconference is shown live from 12:00–3:00, est, on the broadcast date. It is currently estimated that almost 20,000 law enforcement personnel view the program when it is aired, and innumerable others watch a videotaped copy of it later. The presenters of these training programs are representatives of the law enforcement community—FBI executives and Special Agents, police chiefs, DEA Agents, to name a few. The cost to LESTN for the 3-hour broadcast is less than \$10,000—the conference clearly pays for itself in saved time and paperwork, as well as through improved law enforcement service.

The technology behind the LESTN is such that the broadcasts can be received over the entire northern hemisphere, including Alaska, Hawaii, Puerto Rico and Canada. LESTN uses the Spacenet 1, GTE Satellite leased by the hour. The law enforcement agency needs a C-Band satellite dish, a television monitor, and satellite coordinates to receive the program. Every law enforcement agency is sent a notice of the LESTN programs which tells them of the satellite coordinates, time of the broadcast, and description of the program. The program is offered free of charge to the agencies. Currently, over 1,500 regular

viewing sites at various law enforcement departments are set up to receive the teleconference. Countless other departments can receive the broadcast at colleges, hospitals, fire stations, and rented sites.

The future of teleconferencing looks bright. It has become clear that teleconferencing is a viable method of instantaneously communicating pertinent and up-to-date information in a uniform manner to many law enforcement agencies. The information is timely and needed—better communications and training means better service to law enforcement agencies. Also, as the cost of satellite dishes becomes more feasible and as grants and donations help defray programming expenses, satellite teleconferencing will become a more suitable training system.

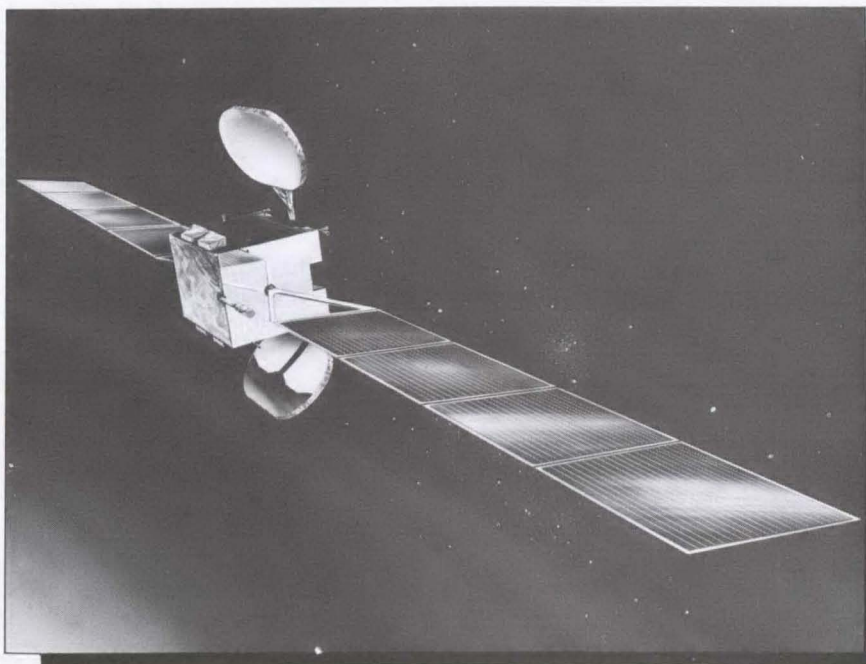
Upcoming 1989 teleconferences will continue to concentrate on current training

issues: legal issues for management (October 11), and informant development (December 13). Six broadcasts are already slated for 1990 (February 14—cults and gangs, April 11—infant abductions, June 13—arson crime scene investigations, August 8—police killings, October 10—discrimination in the workplace, and December 12—major case investigations).

There is an ever-increasing number of issues to be discussed, and the teleconferencing co-producers will have their hands full keeping up with them. The feedback from law enforcement viewers has been very positive and satellite teleconferencing's place in current communications has been established.

For more information about satellite teleconferencing, contact Les Davis at the FBI Academy Quantico, VA (703) 640-6131 or FTS 920-3011.

FBI





Traffic Stops

Police Powers Under The Fourth Amendment

By
JOHN GALES SAULS
*Special Agent
FBI Academy
Legal Counsel Division
Quantico, VA*

Two officers on patrol in a squad car observe a car making a left turn without any turn signal being given.¹ Based upon this minor traffic violation, the squad car's warning lights and siren are activated and the car that has become the focus of the officers' attention pulls to the curb. As they approach the car, the officers see a passenger in the right front seat bend forward so that his head is at or below the level of the dashboard. Coming

closer, one officer is able to see an open bottle of malt liquor standing upright on the floorboard of the car between the feet of this passenger. The man, whose name is Lamont Thomas, is arrested for possession of an open intoxicant in a motor vehicle. The officers ask the driver for her driver's license and learn that she has none and that she is only 14 years old. She is given a citation for driving without being licensed to do so. Since one occupant of the car is under

arrest and the other has been determined to be too young to legally drive, the officers decide to impound the car. After summoning a towing truck, one officer checks the car for the presence of valuables pursuant to the department's inventory policy. In the glove compartment she discovers two bags of marijuana. After this substance is found, a more thorough examination of the car takes place during which a .38 caliber revolver is found concealed in the car's passenger-side air vent. Mr. Thomas is then charged with carrying a concealed weapon.

Traffic stops such as this take place thousands of times each day in the United States. Such stops frequently lead to the discovery of criminal conduct considerably more serious than traffic violations. The police officer who stops a car and its driver triggers an encounter that is laden with certain risks, both physical danger and the danger that the officer will, in the performance of his law enforcement duties, overstep his powers under the U.S. Constitution. Officers stopping a car have authorization to take certain investigative and protective steps without having to show any facts other than that the initial stop of the car was lawful.

The taking of additional steps requires specific factual justification in order to comply with constitutional requirements. As a consequence it is essential that the officer making the stop know what powers he enjoys, both to protect his safety and to carry out his duties, and what factual predicate, if any, is required prior to his assertion of power. Those powers and required factual predicates are the subject of this article.

Part one of this article examines what steps an officer may take to further his investigation and protect his safety without having to factually demonstrate anything other than that his initial stop of the car was justified. Part two will consider the other steps officers who have stopped a car may take, provided this action is supported by specific additional factual justification.

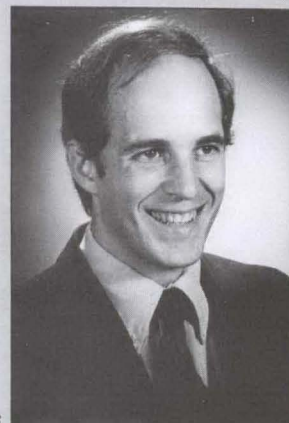
APPLICATION OF THE FOURTH AMENDMENT

The fourth amendment to the U.S. Constitution limits the powers of the police to perform searches and seizures, requiring that any such search or seizure performed be "reasonable."² Generally, satisfaction of this "reasonableness" requirement necessitates that police officers obtain prior judicial approval in the form of an arrest or search warrant before a search or seizure is performed.³ Recognizing the impracticality of officers obtaining arrest or search warrants prior to every search or seizure, the U.S.

Supreme Court has recognized a number of exceptions to the warrant requirement that allow, under certain circumstances, searches and seizures to be reasonably performed without prior judicial approval.⁴ Each of these recognized exceptions has its own set of requirements, necessary factual predicates that must be present before the exception applies, and specific limits on the scope of action allowed where no warrant is obtained.

Consequently, the officer contemplating a traffic stop is confronted with a series of questions that must be answered if compliance with the fourth amendment is to be achieved. First, is the contemplated action a "search" or "seizure"? Second, if it is, does an exception to the warrant requirement potentially apply to the contemplated action? Third, where a recognized exception potentially applies, is the required factual predicate present? Finally, is the contemplated action within the scope allowed under the particular exception?

“...a traffic stop involves a series of police actions constituting searches and seizures.”



Special Agent Sauls

Typically, a traffic stop involves a series of police actions constituting searches and seizures. The car stop described at the beginning of this article provides an example of such a sequence of police actions. The officers stop the car because the driver fails to

THE STOP: INVESTIGATIVE DETENTION

When a police officer, through a show of lawful authority, causes a motorist to stop his car, this action constitutes a seizure of both the motorist and the car.⁵ The fourth amendment

drugs. Driving an unmarked car, the agent followed the truck and car and noted that the windows of the pick-up's camper shell were covered with a quilted material. He also saw that the truck was riding low on its springs in the rear and that the camper did not bounce or sway appreciably when the truck drove over bumps or around curves. These facts caused the agent to conclude that the truck was heavily loaded. The agent followed the two vehicles for about 20 miles and determined that an investigative stop was appropriate. He radioed for assistance, and in response, a marked patrol car of the South Carolina Highway Patrol joined the procession. Within a minute of the appearance of the marked car, the truck and Pontiac turned off the highway onto a road that passed through a campground and accelerated to a speed considerably above the posted limit. In assessing the reasonableness of the investigative stop that followed, the U.S. Supreme Court stated that a finding of reasonable suspicion that the occupants of the two vehicles were engaged in criminal conduct was "abundantly supported" by the facts set forth.⁸

In determining whether reasonable suspicion exists, officers should examine the circumstances before them critically, employing previously acquired knowledge and training, and make a common sense assessment.⁹ Officers must also be prepared to relate the facts upon which they relied in the likely event that their actions are legally challenged at a later time. These demands obviously favor officers who are observant, take careful notes, and who are articulate on the witness stand.

“

Any traffic stop may result in a ... progression of discoveries and necessitate decisions of constitutional significance.

”

signal a turn. Once the car is stopped, they see the passenger bend over in his seat, and upon closer scrutiny, observe through the car's window the open container of malt liquor at the passenger's feet. Based upon this observation the passenger is arrested. Further inquiry reveals that the driver is underage and unlicensed. This knowledge prompts the issuance of a citation, and since neither the unlicensed driver nor the now arrested owner could lawfully drive the car from where it had been stopped, it is also necessary for the officers to impound the car. Pursuant to the impoundment, they perform an inventory of the car's contents, locating marijuana in the glove compartment. Discovery of the illegal drug prompts a broader search of the car, during which the handgun is discovered. Each new discovery requires the officers to make an assessment regarding what additional actions may be lawfully taken. Any traffic stop may result in a similar progression of discoveries and necessitate decisions of constitutional significance.

commands that all such seizures be "reasonable," but decisions of the U.S. Supreme Court make warrantless stops of this sort lawful where an officer is in possession of facts amounting to at least reasonable suspicion that the driver or some other person in the car is engaged in some type of criminal conduct.⁶ (As will be discussed in part two of this article, an officer in possession of facts amounting to probable cause to arrest an occupant of a car or probable cause to believe a car contains evidence of a crime is empowered to take significant warrantless actions beyond merely stopping the car.)

In *United States v. Sharpe*,⁷ for example, an agent of the Drug Enforcement Administration (DEA) observed a blue pick-up truck with an attached camper shell traveling on a coastal North Carolina highway in tandem with a blue Pontiac Bonneville. The agent made this observation in an area he knew to be frequented by drug traffickers, and he also knew that pick-ups with camper shells were vehicles frequently used to carry large quantities of illicit

AUTOMATIC AUTHORIZATIONS

Once an officer has lawfully stopped a vehicle, there are certain actions he may take with no additional factual justification. These authorizations include: (1) ordering the person or persons reasonably suspected of criminal conduct out of the vehicle; (2) asking the driver for his driver's license and vehicle registration; (3) asking the driver and occupants questions; (4) seeking consent to search the car; (5) locating and examining the vehicle identification number; (6) examining the exterior of the car and portions of the interior that may be viewed without entry; and (7) controlling the car and its occupants for the brief period of time required to accomplish the purpose of the stop.

Ordering Suspects Out of the Car

In *Pennsylvania v. Mimms*,¹⁰ the U.S. Supreme Court held that whenever a police officer lawfully stops a car for a traffic violation, he may with no additional justification order the driver out of the car.¹¹ In *Mimms* two officers of the Philadelphia Police Department stopped Mimms' car because the license plate displayed upon it had expired. The officers knew no other facts that pointed to any other criminal conduct. One of the officers ordered Mimms to step out of the car and produce his driver's license and registration card. As Mimms got out the officer noticed a bulge under Mimms' sports jacket, and fearing that Mimms was armed, performed a pat down search. The discovery of a .38 caliber revolver in Mimms' waistband was the result. Since the officer's observa-

tion of the bulge under Mimms' coat was a direct result of his order that Mimms get out of his car, the Court was asked to rule on the reasonableness of this order. Based primarily upon concerns for officer safety, the Court held the order reasonable. Subsequent U.S. Supreme Court cases support the power to order out of a car passengers reasonably suspected of criminal conduct.¹²

Producing Required Documents

Because operating a motor vehicle on public highways is a privilege rather than a right, it is constitutional to require a lawfully stopped driver to produce a

“
...U.S. Supreme Court cases support the power of [police officers] to order out of a car passengers reasonably suspected of criminal conduct.
”

driver's license upon request, the vehicle registration, and other documents required by statute.¹³ The acquisition of the information contained in these documents gives an officer important facts to assist him in determining whether he is confronting innocent or criminal conduct. Inconsistencies between documents or between what is found in the documents and what the officer is told by the driver may provide clues to criminal behavior that might otherwise be overlooked. Refusal to produce required documents will almost universally constitute criminal

behavior under State statutes.¹⁴ Thus, demand for and examination of required documentation by a police officer is a sound early step in investigating a stopped vehicle and its driver.

Questioning Occupants

A police officer gathering information may also briefly question a stopped car's driver and other occupants of the car where the car and occupants have been lawfully stopped.¹⁵ The U.S. Supreme Court has made clear that such questioning may take place without any prior *Miranda*-type warnings, so long as the persons questioned have not been placed under arrest or subjected to arrest-type treatment.¹⁶ This is true even where an officer may have determined that he has lawful grounds for arrest and has decided to effect such an arrest.¹⁷ Despite the fact that no warnings are required, persons being questioned do enjoy a constitutional right not to respond, and although a failure to respond may be taken into consideration as an officer weighs facts in assessing whether probable cause to arrest or search exists,¹⁸ a person's failure to respond probably cannot constitute in itself a criminal offense, since the person is merely exercising a right guaranteed by the Constitution.¹⁹

Requesting Consent to Search

An officer who has lawfully stopped a car may request that the person in lawful control of the car (generally the driver) waive his fourth amendment rights and give his consent to a search of the car.²⁰ If such a consent is obtained, the officer should be prepared to prove at a later time that the consent was voluntarily

given, that the person giving the consent was in lawful control of the items searched, and that the search performed was within the scope of the consent that was given.²¹

Locating and Examining the Vehicle Identification Number (VIN)

Federal regulation requires that cars and trucks sold in the United States be marked with a unique identifying number and that this number be placed in certain specified places on the vehicle.²² For recently manufactured passenger cars, the number must be displayed on the dashboard so that it may be read from outside the car through the windshield.²³ Due to the importance of this unique identifier in the regulation of vehicles that travel on public highways, and a person's lack of

Examining the Exterior and Portions of the Interior Exposed to Public View

The fourth amendment does not require officers who approach a lawfully stopped car to wear blinders. The exterior of a car on a public highway is exposed to the public view, and it is unreasonable for a person to expect that a car's exterior appearance is therefore private.²⁶ Consequently, an officer's visual inspection of the exterior of a stopped car does not constitute a "search" for fourth amendment purposes. Portions of the interior that are likewise exposed to the public view due to the placement of windows, etc., are also not private, and an officer's visual examination of these areas from outside the car is also not a fourth amendment "search."²⁷ As a result, officers approaching a lawfully stopped

the window of the driver's door. The interior of the car was illuminated somewhat by the lights of the service station. In an open cubby in the console between the car's front bucket seats, the officer saw some chrome lug nuts, and on the floorboard, he saw two lug wrenches. These items caught his eye since he had recently heard a radio broadcast reporting a theft of car parts in the immediate vicinity, and among the stolen items were chrome lug nuts. He then realized that the two occupants of the car matched the description he had heard of the car part thieves, promptly placed them under arrest and entered the car seizing the lug nuts and wrenches. The U.S. Supreme Court held that the officer's viewing of the lug nuts and wrench through the car window was entirely lawful.²⁹

Similarly, in *Texas v. Brown*,³⁰ an officer who had stopped a car at a driver's license checkpoint asked the driver, who remained seated in his car, for his driver's license. While the driver reached into his pocket, the officer shined a flashlight through the driver's door window and observed falling from the man's hand an opaque, uninflated balloon that apparently contained a small quantity of some substance. When the driver then reached into the glove compartment, the officer shifted both his position and the beam of his light so that he could better see the interior of the glove compartment. Illegal drugs were discovered in the balloon and in the glove compartment during a search prompted by the officer's observations. The Court in its

“**In determining whether reasonable suspicion exists, officers should examine the circumstances before them critically, employing ... knowledge and training.**”

significant privacy interest in what his vehicle's number might be, the U.S. Supreme Court has recognized the power of an officer who has lawfully stopped a vehicle to locate and examine this number.²⁴ Included in this power is the authorization, where necessary, to enter the vehicle to reveal the VIN.²⁵

vehicle frequently are exposed to a wealth of information which they may lawfully use for investigative purposes.

In *Colorado v. Bannister*,²⁸ an officer approached a car parked in a service station lot that he had observed a short time earlier being driven in excess of the speed limit. When the officer neared the car, the driver and another occupant got out. The officer asked the driver for his driver's license and also looked inside the car through

review of the case found the officer's viewing of the car's interior lawful.³¹

In *United States v. Sharpe*,³² (discussed earlier in this article) where the DEA agent had caused the pick-up truck with the camper shell to be stopped, the agent after being refused consent to search the truck by the driver stepped on the rear of the truck to confirm his suspicions that the truck was loaded to the limits of its springs and put his nose to the back of the camper shell, thereby detecting the odor of marijuana. These investigative actions were held lawful by the Court.³³

An officer who has lawfully stopped a vehicle should employ his senses to gather information pertinent to his investigation. Information he gathers from outside the vehicle through sight, smell, touch, hearing, and even taste is lawfully available to him for use in determining what additional investigative steps may be lawful under the circumstances.

Controlling the Car and its Occupants for the Period Necessary to Carry Out the Initial Purpose of the Stop

An officer who stops a car for investigative purposes is seeking to quickly determine whether his suspicions are unfounded so that the stop may be terminated, or whether his suspicions are accurate and can be verified so that they may blossom into probable cause to arrest or search. A stop based upon reasonable suspicion may be lawfully maintained for a few minutes, unless the suspicion is more quickly dispelled, so that officers may take the investigative steps previously discussed in this

article.³⁴ During this brief period the officers may maintain the status quo by keeping the car and its occupants where they have been stopped.³⁵

Where an officer decides to extend the stop beyond the brief initial period, or to take steps

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more intrusive than those previously discussed, such as searching or restraining the detained persons or searching the stopped car, he must be prepared to demonstrate additional factual justification for his actions if he is to comply with the Constitution. These greater investigative or protective steps and their required factual predicates are the subject of the conclusion of this article.

FBI

Footnotes

¹These facts are drawn from *Michigan v. Thomas*, 458 U.S. 259 (1982).

²U.S. Const. amend. IV.

³See *Katz v. United States*, 389 U.S. 347 (1967).

⁴See, e.g., *Terry v. Ohio*, 392 U.S. 1 (1968) (investigative detention exception).

⁵*Delaware v. Prouse*, 440 U.S. 648 (1979).

⁶*United States v. Hensley*, 469 U.S. 221 (1985), *United States v. Sharpe*, 470 U.S. 675 (1985). The Supreme Court has also approved stops of cars by officers at driver's license checkpoints, provided that all vehicles are stopped and checked or where the officer is given some precise process to guide him in selecting what cars to stop (every tenth car, for example) so that the selection is not left to the "unfettered discretion" of the officer making

the stop. See *Delaware v. Prouse*, 440 U.S. 648 (1979). See also Schofield, "The Constitutionality of Routine License Check Stops, A Review of *Delaware v. Prouse*," *FBI Law Enforcement Bulletin*, January 1980, p. 25.

⁷470 U.S. 675 (1985).

⁸*Id.* at 682. For an excellent discussion of investigative detention, see Hall, "Investigative Detention: An Intermediate Response," *FBI Law Enforcement Bulletin*, vol. 54, No. 11, Part I, November 1985, pp. 25-31; No. 12, Part II, December 1985, pp. 18-23; vol. 55, No. 1, Conclusion, January 1986, pp. 23-29.

⁹See *United States v. Sokolow*, 109 S.Ct. 1581 (1989).

¹⁰434 U.S. 106 (1977).

¹¹*Id.* at 111.

¹²See *United States v. Hensley*, *supra* note 6.

¹³See *Delaware v. Prouse*, *supra* note 5.

¹⁴See, e.g., *New York v. Class*, 475 U.S. 106 (1986).

¹⁵See *Berkemer v. McCarty*, 468 U.S. 420 (1984).

¹⁶*Id.*

¹⁷*Id.*

¹⁸See 1 W. LaFare, *Search and Seizure*, 672-75 (1978).

¹⁹Cf. *Kolender v. Lawson*, 461 U.S. 352 (1983).

²⁰See *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

²¹*Id.*

²²See 49 Code of Federal Regulations §571.115 (1984).

²³*Id.*

²⁴*New York v. Class*, *supra* note 14.

²⁵*Id.* In *Class* it was necessary for an officer to enter *Class*' car to remove items on the dashboard that were covering the VIN.

²⁶See *Texas v. Brown*, 460 U.S. 730 (1983); *United States v. Hensley*, *supra* note 6; *New York v. Class*, *supra* note 14.

²⁷*Id.*

²⁸449 U.S. 1 (1980).

²⁹*Id.*

³⁰*Supra* note 26.

³¹*Id.*

³²*Supra* note 6.

³³*Id.*

³⁴*Id.*

³⁵*Id.* See also *United States v. Hensley*, *supra* note 6.

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.

VICAP Alert



JOHN WILLIAM

aka: John W. Hoffmann, John W. Hofmann, John W. McGinnis, John W. Busch

RACE: Caucasian

DPOB: 5/23/61, Dallas, TX

HEIGHT: 6' 9"

WEIGHT: 220

HAIR: Brown

EYES: Blue

BUILD: Slender

SSAN: 466-21-8858, 429-47-0717

CRIME:

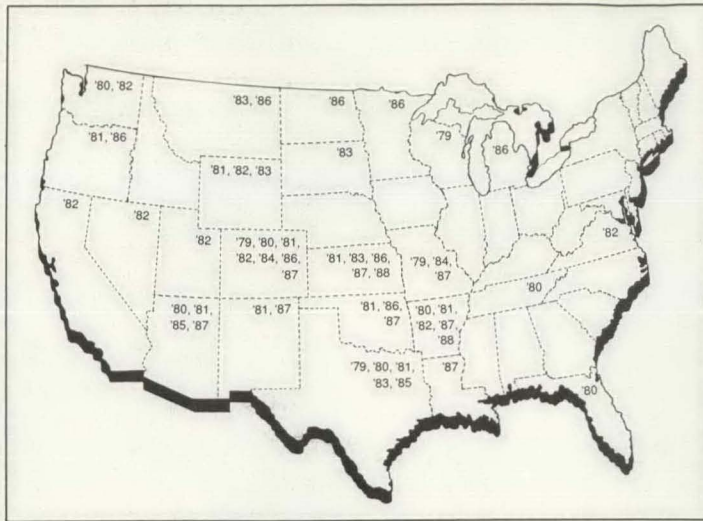
On 7/15/88, John William was charged with the murder of a 9-year-old white male, whose dismembered body was found in the Kansas River just north of Lawrence, KS.

William is currently in custody in Lawrence, KS, in conjunction with this murder.

During conversations with law enforcement officials, William alleged he witnessed 12 killings in the previous year. *It is strongly believed that William has committed more crimes in other places.*

BACKGROUND:

John William was released from a Texas mental institution in May 1979. He since has traveled throughout the United States, staying in different places for short periods of time and coming back and forth to Lawrence, KS. (See Map For Areas Traveled). William lived off the land, staying in caves and under bridges, and liked to stay near rivers and streams where he could fish. He also frequented food kitchens. William has been known to possess firearms in the past and normally carried a hunting



knife on a belt scabbard.

William had no known vehicles or driver's license; however, he said he was once injured in a motorcycle accident.

MODUS OPERANDI:

On 7/12/88, a 9-year-old white male left his residence with John William to go fishing in the Kansas River. The youth did not return home and on 7/14/88 was reported missing.

A search of the Kansas River revealed the mutilated torso of a young white male. Upon recovering the body, it was determined the hands, feet, and head had been cut off and sexual mutilation had occurred. After searching the river bank near the body, the missing body parts were found buried. The victim was the 9-year-old boy.

Mr. William was living under the Kansas Turnpike bridge, which crosses the Kansas River and is close to where the boy's body was discovered.

Mr. William has not pled guilty in this case and is awaiting trial.

ALERT TO CHIEFS AND SHERIFFS:

This information should be given to the attention of all homicide officers. If there are any unsolved cases in your area that resemble William's M.O. or fit the time frame he was in your State, please contact the National Center for the Analysis of Violent Crime (VICAP), FBI Academy, Quantico, VA 22135 (800-634-4097) or Special Agent David L. Wood, Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, KS 66612 (913-232-6000). Please refer to KBI Case #0900-98343.

The Bulletin Notes

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

Within a 2-hour period, Trooper Tom Prudom, Texas Department of Public Safety, saved the lives of two infants in separate incidents. Awakened in the early morning hours by a neighbor holding her son who had stopped breathing, Trooper Prudom resuscitated the boy by administering CPR.

Later that morning, while on routine patrol, Trooper Prudom noticed a woman frantically running from house to house holding an infant in her arms. After determining the urgency of the situation, Trooper Prudom cleared the infant's air path and then drove the child to a nearby hospital, where she received immediate attention for a life-threatening condition.

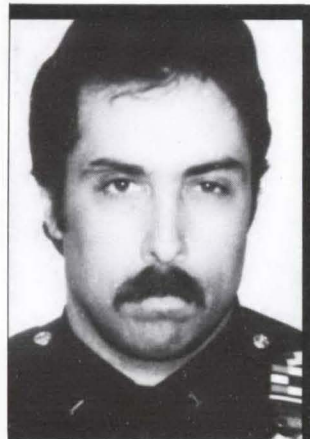


Trooper Prudom



Officer Montecino

Officer John Montecino of the San Bernardino, CA, Police Department responded to a report which involved a window washer who had accidentally touched a 12,000-volt power line with his equipment and electrocuted himself. After arriving on the scene, Officer Montecino found the semiconscious victim still attached to the pole that was tangled in the power line. He was able to free the victim and pull him to safety.



Officer Schreiber

Officer Paul Schreiber of the Suffolk County, NY, Police Department was returning from duty when he noticed a motor vehicle that had apparently hit a tree, rolled over and caught fire. Seeing that the driver was unconscious and still inside, he managed to free him while flames spread through the vehicle's interior. With the assistance of a bystander, Officer Schreiber then pulled the driver to safety.

Nominations to this department should be based on one of the following: 1) Rescue of one or more citizens, 2) arrest(s) at the risk to officer, or 3) unique service to the public or outstanding contribution to the profession. Submissions should include a short write-up (maximum of 250 words), a black-and-white photo of nominee, and a letter from the department's ranking officer endorsing nomination. Submissions should be sent to Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

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Major Art Theft

On April 25, 1989, the two depicted paintings were stolen from a private art gallery in Carmel, CA. The total value of the stolen artwork is estimated to be \$163,500.

Any information concerning this theft should be directed to the FBI, San Francisco, CA, telephone (415) 553-7400. Their file

number is 87A-SF-87361. You may also contact the National Stolen Art File, FBI Laboratory, Washington, DC, telephone (202) 324-4434.

Right: Place de la Madeleine by Edouard Cortes, oil on canvas, 25" x 21".

Bottom: Boulevard de Capucines by Edouard Cortes, oil on canvas, 29" x 17".

