

LAW ENFORCEMENT MANAGEMENT INSTITUTE

SETTING UP AND MAINTAINING
AN UNDERCOVER STING OPERATION

A LEARNING CONTRACT
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During 1988, in the City of Dallas, there were a total of 42,543 burglary offenses. The property stolen amounted to \$66,207,345, of which \$5,488,780 was recovered--an 8.3 percent recovery.

Burglary and theft detectives are faced with an increasing case load, often with few or no leads to investigate. Frequently a burglary offense has no witness or suspect information and little physical evidence. If a suspect is developed, the property in question has usually been disposed of by the perpetrator directly or through a fencing operation.

Specialized units, such as saturation patrols by tactical officers or plain clothes officers, have a high success rate when they target a specific area or individual, but the results are often short-lived after the officers leave the targeted area. The crime rate in the targeted area usually returns to its previous level. This method rarely results in the recovery of stolen property.

One method which has been successful in the past in cities throughout the United States is a fencing, or sting, operation in which police officers set up a business and use covert methods to bring criminals into the operation to sell stolen property.

This process not only identifies the suspects who would otherwise be unknown, by use of hidden cameras and videotapes, but also recovers the stolen property that would normally be non-recoverable.

The property crime sting program began in 1974, through the Law Enforcement Assistance Administration (LEAA). LEAA was responsible for handing out millions of dollars in grant monies to

police agencies throughout the United States to set up storefronts or sting operations. The program was initially called an anti-fencing program, aimed at going after the fence. It later changed its name to "sting" after the name of the popular motion picture in which a similar elaborate deception was successfully used. A highly publicized, well-known sting operation used by the FBI in 1985 was called "ABSCAM". In this operation, FBI agents posed as Arab businessmen, luring congressmen to take bribes.

A 1980 evaluation of the sting program disclosed that it was highly effective against career burglars and larceny and motor vehicle thefts. The study also concluded that arrests, convictions and dollar values of recoveries resulted in a substantial return on their investment. For example, an investment of 32 million dollars in 68 sting projects resulted in more than 11,900 arrests, an average conviction rate of 93 percent, the arrests of 3,900 career criminals, a savings of 139 million in court costs due to guilty pleas, and the recovery of 398 million dollars worth of stolen property, most of which was returned to its rightful owners.¹ The reason for high conviction rates is due to the incriminating evidence against the suspect, due to the video taped transactions between the criminal and undercover officers. Once the tapes are viewed by defense lawyers, they generally opt to plead their client out rather than risk a trial in which the chances of winning are slim.

The first step in setting up a sting project is for the chief administrator to make a commitment to use this type of operation. It needs to be a strong commitment and not a halfhearted one, which

could leave the officers involved feeling they have no support from their bosses. Once the decision has been made to have a sting operation, either through obtaining federal funds or allocating money within the department, there must be a shroud of secrecy involved with the program. Only the chief administrator and his assistants need to know about it. The fewer people knowing about the operation, the better.

The goals of the department using a sting operation are:

- 1) The reduction of property crime,
- 2) Identification and apprehension of career criminals,
- 3) Development of intelligence information regarding the property redistribution system, and
- 4) Recovery and return of stolen property to its rightful owner.

After the commitment has been made and goals established to do a sting project, the next and most crucial step is the selection of personnel. If the department involved in the project decides to use a federal partner, that department will not be responsible for decisions regarding the personnel sent from the federal agency. Federal partners are used in these types of projects for their expertise on technical matters and their vast resource of money. It should be noted, however, that just because a department receives grant money to do a sting project, it is not necessary to bring in a federal partner. If a federal agency is brought in, that agency has no control over how the department involved uses the grant money. The Federal Bureau of Investigation (FBI) is the federal partner used most on sting operations, especially if the stolen property has a link to interstate shipping of stolen merchandise. If a great

number of guns and weapons is to be bought, then the federal partner that has jurisdiction over firearms violations is the Bureau of Alcohol, Tobacco and Firearms (ATF). Again, it is not necessary to use a federal partner in any of the above situations.

The minimum number of officers assigned to this project depends on how much manpower a department can afford to give up. However, one sergeant and five officers can adequately do the assignment. The sergeant is the supervisor in charge of the undercover personnel. One officer is based at the administrative location away from the actual storefront, two officers work as countermen, buying the stolen property, with one officer working as security or shotgun man at the storefront and the other officer working the camera and video equipment. The reason for two officers working the counter is so that one officer can cover the other officer, who is actually making the transaction.

The responsibilities of the sergeant in charge of the operation will include, but not be limited to, the following:

- 1) Setting the hours of the officers - he/she will make final determination of all overtime, attempting to keep overtime at a minimum according to budget restrictions,
- 2) Accounting - making sure all money spent is logged, account ledgers are kept updated and money for the day is drawn through a bank account set up for the project,
- 3) Contacting an individual for the department - the supervisor of this project should report directly to the Chief of Police or his designate. This is where the "need to know/right to know" security part of the operation comes in. Some chiefs may want weekly reports, while some may want monthly reports. It is advised at first to do this weekly, then once the project is progressing, monthly should suffice, and
- 4) Signing and approving all case reports - the supervisor will sign and review all case reports, assuring that they

are complete and correct before taking them before the grand jury.

Criteria to be considered in selecting a supervisor are: experience in covert assignments, total trustworthiness, detail oriented, and experience in handling large sums of undercover "buy" money.

Officers having between five and fifteen years experience work best in these types of undercover assignments. A recent officer has not had enough exposure to develop the "street knowledge" needed for undercover work. Other criteria for the officers include: aggressive self-starters, display of initiative, imagination, common sense, and the ability to think on their feet. They should be smooth talkers and, most importantly, be able to work cohesively as a team.²

The officers can not be too well-known on the streets. If the officer is recognized by one of the individuals selling stolen property, this could hamper the entire operation. In one sting project in Fort Worth, Texas, an undercover officer was recognized by a suspect he had arrested in the past. This officer was able to bluff the suspect into believing he had quit the force and had gone into the fencing business.³

An additional item to be considered is the officer's family life. Those having domestic problems or going through a divorce will not have their minds completely concentrated on the project, coupled with their stress levels being extremely high. Emergencies can arise at home and this will be handled when the occasion warrants. Since different working hours will be involved with the

project, the officers that are told this up front can make a decision to be involved and personal schedules can be adjusted in order to avoid family pressures.

Living the cover is of paramount importance if the officer is going to be successful in an undercover assignment. In living the cover, changes in lifestyle may have to be implemented.

Once the officer is picked, he or she must not be seen in any police type of facility or in association with other police officers. Tendencies to impress fellow officers, friends or members of the family can destroy the cover and the project. The duties of the undercover officers working the storefront location will involve, two officers working the counter and buying the stolen property. The reason for two officers is safety. While one does the buying, the other is providing cover. A shotgun man hidden somewhere within the main room is an additional safety feature. The technical officer stays behind the scene and films and records the entire transaction.

The technical officer's job is crucial for the gathering of evidence for the operation. Here, again, is where the benefit of a federal partner could be used. Federal agencies have extensive experience in covert surveillance and in the use of audio and video equipment. If nothing else, the department involved can use the expertise of the federal agencies to train the officers. All officers should be trained in the use of the video equipment in the event of emergencies that may arise, or in the event the technical officer has to leave to attend to another matter.

If a department decides to use a civilian for the technical

officer position, then the secrecy of the operation could be breached. How can the department maintain control over this individual? A civilian is not versed in departmental policies and procedures or in the gathering of evidence. This could lead to any number of obstacles in the handling of evidence and its introduction in court.⁴ It is more efficient to stay with sworn officers in an undercover operation in the event that court testimony is required.

The final officer involved is the administrative officer. The administrative officer completes all paperwork involving case reporting and records. This officer's responsibilities include property inventory and evidence control. The officer remains at the administrative site. This will be discussed later in this report.

After officers are picked, consideration as to site location is next. Since one of the goals of a sting operation is reduction of property crime, it is important to place emphasis on areas that have a high incidence of property crime. The location will be where traffic to and from the storefront does not attract undue attention and where persons of different ethnic backgrounds will not draw attention.⁵

Other criteria considered for site selection include freeway access and proximity to bars and strip joints. The reason for freeway access is that this makes it easy for customers to get to. These establishments could be used as meeting places for undercover officers and the criminal element in the initial phase of the operation, as well as to bring in customers. Intelligence files should report which bars are used as gathering places for narcotics users and the criminal element in general.

Once the storefront location has been established, an administrative site or "safe house" is selected. The safe house is used as a base of operations. The location, ideally, is far removed from the location of the storefront. All of the case reports and paperwork are completed at the safe house by the administrative officer. The safe house serves not only as a work place, but also as an evidence storage facility. The reason for storage of evidence at the safe house is for the secrecy of the operation. If an officer is seen daily bringing stolen property to the main property room, it will not take long for members of the department to realize that a sting project is being conducted.

Stolen vehicles are also stored at the administrative site, but do not have to be kept there for the entire operation. A stolen vehicle that is driven to a remote location, and an anonymous tip called into patrol to recover the vehicle, will still keep the secrecy of the operation intact.

A site that has a parking lot with a large chain link fence with barbed wire along the top is excellent for security purposes.

Officers store their undercover vehicles at the safe house and drive to and from the location in a van which is also used to transport the stolen property. All meetings and briefings are conducted at the safe house.

The construction of the storefront will be completed by the undercover officers involved in the project. If possible, these officers should visit other sites that have been used by police agencies involved in sting operations. After visiting these sites, the officers will get a better feel about the project they are

embarking on. When renting the property to be used as a storefront, care should be taken not to divulge to the owner the nature of the business.

The department involved will also have to make the decision on what type of fencing cover they will use. In the past, car lots, swap shops, salvage yards, auctions, service stations and bars have all been used successfully as covers for sting projects. A pawn shop cover should not be used, due to the legal restrictions of licensing, records and report requirements.⁶ A swap shop can be easily and economically stocked from unclaimed property from the department's property room. Note that if a swap shop concept is used, there will be legitimate customers coming in to buy and sell property. If a strict fencing operation concept is used, then only the criminal element will know of its location, allowing the officers to have more control of the individual, as will be later discussed.

The main concept involved in construction of the storefront is security. Front doors of storefronts that have a buzz-in type of entry into a main room and, if possible, buzz into an anteroom, allow the counter men to have complete control of customers entering and leaving.

Cameras placed in such a manner as to pick up the subjects as they pull into the parking lot will identify the vehicle driven in for identification purposes and will identify accomplices if the subject brings a stolen vehicle to the storefront.

A second camera picks the subjects up as they enter the anteroom while a final camera, hidden behind the counter, records

the transaction. The decision on where to place and how to hide the cameras depends on where they will not arouse suspicion.

A camera that has the capability to zoom and pan and that is hidden in a large, non-working neon sign can easily transmit the activity of the front of the storefront. The other cameras need not have the capability to pan the area, but can be hidden behind decorative bar mirrors, stereo speakers or a pinhole in the wall, using a pin hole lens. With modern technology involved, it is possible to place the camera virtually anywhere and still have a clear perception of the activity involved. The types of cameras used depends on how much money the project wishes to spend.

Carpeting the main room or counter room is done for acoustical reasons. The carpet cuts down on unwanted sounds that will be picked up by the sensitive microphones. Microphones that are placed near the counter in the ceiling can record the transactions as they transpire. To make the entire counter room adapted to the best acoustics, insulate and angle the walls so that sound and light will bounce off. Track lights that are angled and placed in a manner to bounce light will illuminate the suspected thief when making a transaction.

Since all the transactions occur between the officers and suspects at the counter, the counter must be safe and secure. A counter that is built around concrete blocks set two rows deep and filled with sand will be bulletproof. A counter that is built chest high and 40 inches wide, will not allow the customer to reach or leap across it to grab the officer. The concrete block will serve as a bulletproof barricade in the event of a robbery if the shotgun

man has to come out firing his weapon.

For added security, a shotgun man placed in such a manner as to view the entire counter room, such as to the side and middle, has three advantages. First, this will allow the shotgun man to view the back of the suspect as he comes into the storefront toward the counter, to check and see if any weapons are observed on him. Second, if the shotgun man has to come out shooting, the shots will hit the counter protected by concrete block, which the countermen will hide behind. If the shotgun position is behind the counter, then all the suspect needs to do is duck down and he is also protected. Third, if shots are fired, they will travel towards the counter and not out of the front windows or door, where they might hit an innocent citizen. This is also why a shotgun should be used, so as not to have ricocheting shots bounce out the front.

Keeping the concept of security and safety of undercover officers in mind, headphones that are placed in the hidden room will allow the shotgun man to hear the transactions between the officers and suspects.

An officer in the shotgun room can communicate with the counter officers via a lighting system. Two lights, placed behind the counter so that only the counterman can see them, will allow this communication in case the shotgun man sees something on the suspect that the counterman doesn't, such as a firearm. A yellow light can signify caution and a red light danger. A red light would mean the countermen should find cover because the shotgun man is coming out firing through a kick-out panel installed for this purpose.

The last item of major concern in the storefront is the camera room. Again, keeping with the idea of proper acoustics, extra insulation between the counter room and camera room will eliminate background noise. Two cameras mounted and hidden behind the counter film the transaction. One is for close-ups, while the other camera is for regular distance shots. A camera that is equipped with date and time filming will help the officer that files the actual case against the suspect. Most video cameras have the capability to have this function available by setting up the date and time and, as long as the battery is working, the date and time will change without the user setting it each day.

In an operation such as this, property evidence of each transaction is needed for possible court testimony and preparation in filing the case. Therefore, two simultaneous recordings of each transaction are made, one for evidence, while the other tape is used as a working copy for the administrative officer to file the case. The tapes are turned over to the administrative officer at the end of the day, and he logs them and places the tape into evidence.

Still photographs taken of each transaction will aid in identifying the suspects at a later time. A 35 mm camera that is hidden and well-insulated to cut down on shutter release noise can be used. Most modern cameras that are used have the capability to print the date and time on the picture.

For proper visual acuity, rooms that are painted black to hide undercover officers and camera operators is best. A counter room painted white to enhance the brightness in filming the suspect is best.

A VCR stop-frame photo copier is best, since it prints the picture out while the transaction is going on. This way, the film doesn't have to be developed to see if the picture was in focus. The black painted rooms will also resist reflections if mirrors are used to hide the cameras and viewing port from the shotgun man. Other areas to consider in building and selecting a storefront are a lounge area and a bay door. A lounge area allows the officers to relax and take a break between transactions. A bay door that is situated in the rear of the complex will let the officer enter and leave under secrecy.

As said before, officers meet at the administrative location and drive over to the storefront in a van. The van is also used to transport the property from the storefront. Only the counter men should be seen driving to and from the location.

In keeping with the secrecy part of this project, it is the responsibility of the counter man to drive the van, while the other officers are hidden in it. Different people seen driving the van to and from the location could arouse suspicion. Once the van is inside the storefront, the bay door can be closed and officers can exit under total secrecy.

Once the storefront has been completed, the task of bringing suspects in begins. This is a process called scouting or roping.⁷ Scouting involves undercover officers going into the field to mingle with the criminal element to let them know of a fence who is buying and selling stolen property. This is where informants can be used to introduce the undercover officers to the burglars and thieves. Establishments such as bars, toolless bars and

pool halls are places where the criminal element tends to congregate. In order to eliminate suspicion and establish credibility, officers will be involved in "waste buying". This is when the undercover officers buy and sell small amounts of property on the street with no case involved.

After the storefront becomes operational, a method can be used in which old customers could unknowingly become scouts for the operation. This method consists of the counter men paying money to any customer who brings a new face into the storefront.

Once customers start to bring items in, advertising will, in most cases, be by word of mouth. Officers should only buy property which can be identified, either through serial numbers or outstanding identifying features. The counter men must be careful not to entrap the suspect by ordering property up. Officers will generally be exposed to buying vehicles, jewelry, office equipment, electronic components, TV's, cameras and firearms.

After at least three good cases are made against a suspect, there is no need to continue to buy from them. The reason for three cases is to show that the suspect is really a thief and this individual did not just happen to walk into the storefront and accidentally sell the officers a stolen item.

In addition to having a still photo taken to identify the suspect, a bar set up will enable the officers to identify the suspect through fingerprints on glasses used. Another way of obtaining fingerprints is for part of the counter to have a glass top placed specifically where the transaction will take place. The top can be removed, dusted for fingerprints, and can be replaced by

another one.

Be sure to have business cards printed to hand out to customers. Have customers call the store before they bring an item in. Calling ahead of time allows the officers to set up and be ready for the suspect. Also, if the card is found on the suspect at the time of arrest, it may negate the defense that they were not in the store.

To identify the customer and property, simply ask the suspect for their name and the location where the property was stolen. Thieves like to brag about their work and, if they are going to be a regular customer, the officers can ask them who they are dealing with. Remember, easy money makes thieves act stupidly. Don't be afraid to interrogate the customers in an undercover manner.

Depending upon time constraints placed by the chief administrator, the goals are to recover a fair amount of property and make a desired amount of cases. Six months should accomplish these goals. After the decision has been made to close down the operation, the undercover officers then prepare for the coming out phase.

Toward the end of the operation, as suspects keep coming in, the officers tell them they are thinking of moving the store to another location because the police are becoming suspicious.

Ask for the subject's phone number where the officers can reach them. The suspects can be told that the store will open again. Close the store, put an answering machine on the phone, start tearing the storefront down and begin an arrest plan.

All the paperwork is taken to the grand jury, where sealed

indictments are returned. Get a copy of the arrest warrants, compile an arrest kit and set a date for the roundups.

The arrest kit should contain the following:

- A copy of the original warrant,
- Subject's name and alias,
- Subject's description and photograph,
- Possible location where subjects may be arrested,
- Partially filled out arrest report,
- Probable cause affidavit, and
- Flex cuffs.

Arrest teams that are divided up equally, so that each has an equal amount of subjects to arrest, will streamline the process. The arrest teams consist of a supervisor, uniformed officers and a detective from the burglary and theft units who may either know the subjects or have handled them in the past.

Since the project is complete, it is all right to brief the arrest teams about the storefront; however, mentioning the project to arrested suspects is not advisable.

Officers who were directly involved in the sting project do not necessarily have to be on arrest teams, but can be kept available if a problem with identifying a suspect arises. In this way the officers stay in their undercover roles and can be used at future projects.

A good time to start the arrests is early morning, between 4:00 AM and 6:00 AM. Most offenders should be at their usual places of residence at this time.⁸ On suspects that can't be found, an information bulletin issued to alert patrol officers might help locate suspects. It is possible that a patrol officer could recognize and know where a suspect lives, or the officer could stop a suspect on traffic and recognize him from the bulletin.

Some helpful hints to assure a successful sting operation are:

- 1) Live your undercover role day by day.
- 2) Don't give the phone number of the store to family or friends. If possible, carry a beeper.
- 3) Don't have chairs in the counter room for customers. Chairs can be used as weapons against officers.
- 4) Develop protective techniques so that one officer is ready to protect the other.
- 5) Before closing for the day, make sure there is no incriminating material left behind.
- 6) Have alarms installed at the storefront and administrative sites.
- 7) Don't have guns or badges showing when leaving the store or administrative site.
- 8) When leaving the storefront, be sure to check if you are being followed. If possible, take different routes to and from the store.
- 9) Work as a team. There are no individual stars in an operation such as this.

During the latter part of 1977, the Dallas Police Department was involved in a very successful sting operation with the Federal Bureau of Investigation. The name the department gave the storefront was "Trend Associates". The department received a grant in the amount of \$238,052.00.

During the time "Trend Associates" was open for business, undercover officers spent a total of \$63,447.00 buying stolen property. The items sold to undercover officers were: 76 autos and motorcycles, 113 color TV's, 100 stereo units, 87 pistols, rifles and shotguns, 2 tractor trailers containing heavy construction equipment, 500 auto truck tires, 280 car batteries and one 250-pound African lion, all of which were bought for roughly three percent of

actual value.⁹

There were 215 burglaries, thefts and robberies cleared. Sixty-five percent were Dallas offenders, 31 to 32 percent were outside Dallas, while a small percentage was from out of state, mostly in the southwest. The cases were disposed of 90 to 120 days after arrests, with no plea bargaining. There were 113 secret sealed indictments on 66 individuals.¹⁰ The project recovered \$2,161,000.00 worth of stolen property.

Sting operations have shown themselves to be very successful. The projects have produced high conviction rates with low trial costs. A great deal of property has been recovered at relatively low cost, arrests effected, and identification of several criminals who would under normal circumstances be unknown. Officers working the projects have felt for the first time in their careers that they have been productive.¹¹

There are also some drawbacks to sting projects. The major drawback is the cost. There is no longer a Law Enforcement Assistance Administration (LEAA) handing out large sums of grant money. Few departments could afford to allow money to merely "walk out the door," as occurs in the scouting stages of a sting operation. The federal government, as well as local departments, sees the drug problem as the main goal of enforcement. Grant money today is being concentrated to fight the war on drugs rather than the war on property crime.

Another disadvantage is that a sting project concentrates on low-level thieves. In several sting projects studied, there was no "organized ring" of burglars caught.¹² Lastly, sting projects

create crime . The storefronts became an easy outlet for thieves to make money.

If police agencies decide to use sting projects to alleviate the property crime in the communities they serve, there must be a strong commitment, both monetarily and administratively. If money is a problem, departments could obtain money from the private sector, such as insurance companies which end up paying clients for property that is stolen . For long term projects, bank accounts can be set up by using profits from unclaimed property being sold at auction.

Chief administrators who want to do something about the property crime problem in the communities they serve can use a sting project as a viable solution. There has to be made a strong commitment, because of the amount of time , money and manpower involved. Administrators also need to think about the support or lack of it from the citizens and media once the project is made public.

The most rewarding part of a sting project is that property that has never been insured or heirlooms that can never be replaced can be returned to the rightful owners, and the look of appreciation on the owner's face will make the time and effort all worthwhile .

FOOTNOTES

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- 3 Robert A. Bowers and Jack W. McCullough, Assessing the Sting: An Evaluation of the LEAA Property Crime Program, Rockville, Maryland, NCJRS #98229, October, 1983, microfiche, p. 42
- 4 Marvin "Bud" Young, An Undercover Fencing Operation, State of New Mexico Governor's Organized Crime Prevention Commission, 1975, p. 10
- 5 Sergeant Rad Fox, Guidelines for an Anti-fencing Operation, Fort Lauderdale Police Department, Fort Lauderdale, Florida, p. 14
- 6 Marvin "Bud" Young, An Undercover Fencing Operation, State of New Mexico Governor's Organized Crime Prevention Commission, 1975, p. 4
- 7 Sergeant Rad Fox, Guidelines for an Anti-fencing Operation, Fort Lauderdale Police Department, Fort Lauderdale, Florida, p. 16
- 8 Marvin "Bud" Young, An Undercover Fencing Operation, State of New Mexico Governor's Organized Crime Prevention Commission, 1975, p. 44
- 9 "Dallas Times Herald", 13 July 1977, Section A, pp. 1, 5
- 10 "Dallas Times Herald", 13 July 1977, Section A, p. 1
- 11 Robert A. Bowers and Jack W. McCullough, Assessing the Sting: An Evaluation of the LEAA Property Crime Program, Rockville, Maryland, NCJRS #98229, October, 1983, microfiche, p. 99
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