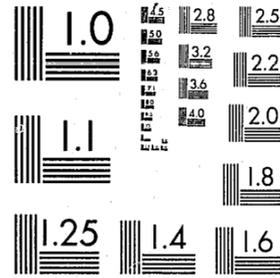


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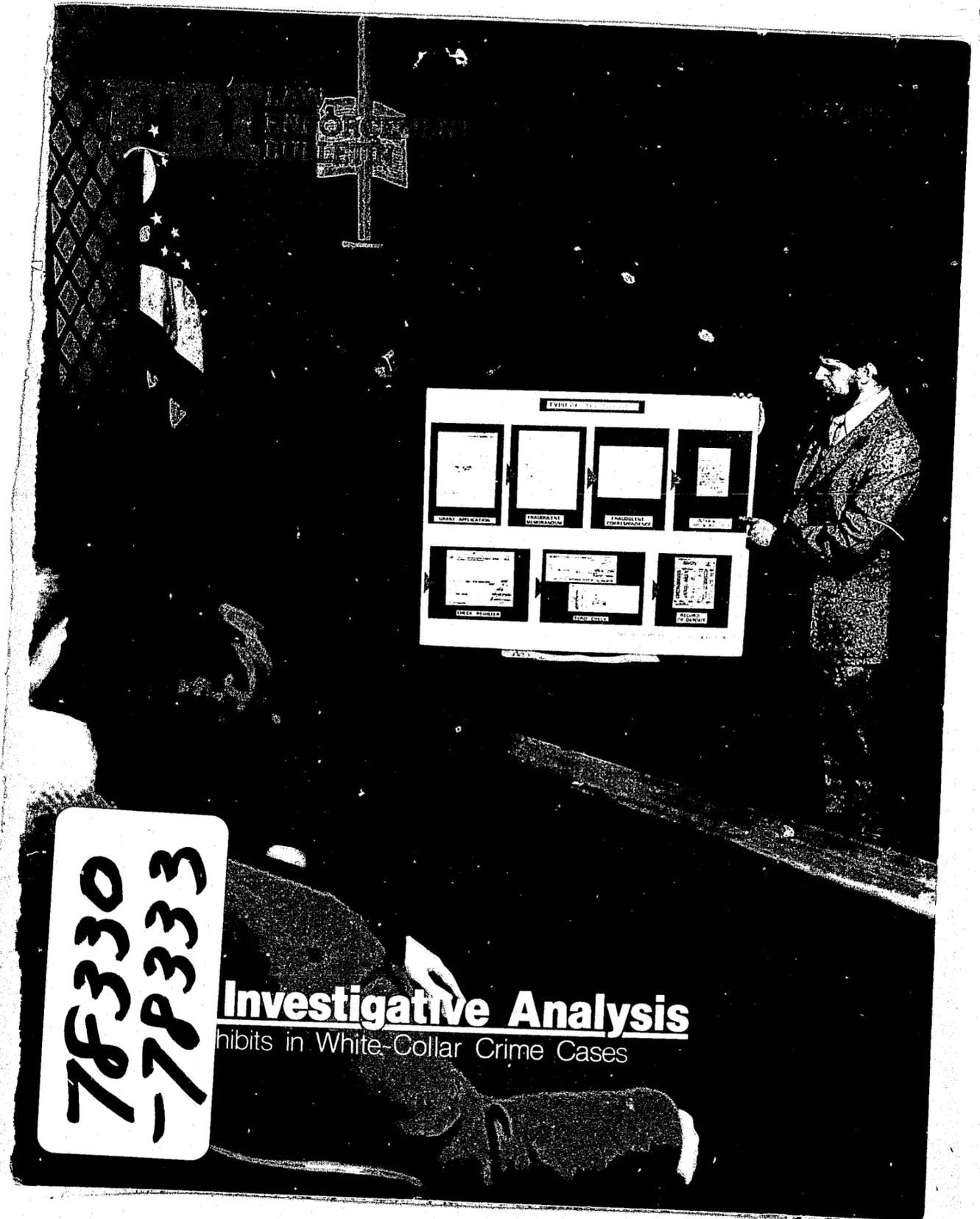
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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

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10/29/81



**Investigative Analysis**  
Inhibits in White-Collar Crime Cases

U.S. Department of Justice  
National Institute of Justice

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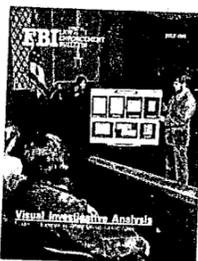
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# FBI LAW ENFORCEMENT BULLETIN

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Visual aids often synthesize vast amounts of information accumulated throughout an investigative process. See story p. 1.

Federal Bureau of Investigation  
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Washington, D.C. 20535

William H. Webster, Director

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Investigative Aids

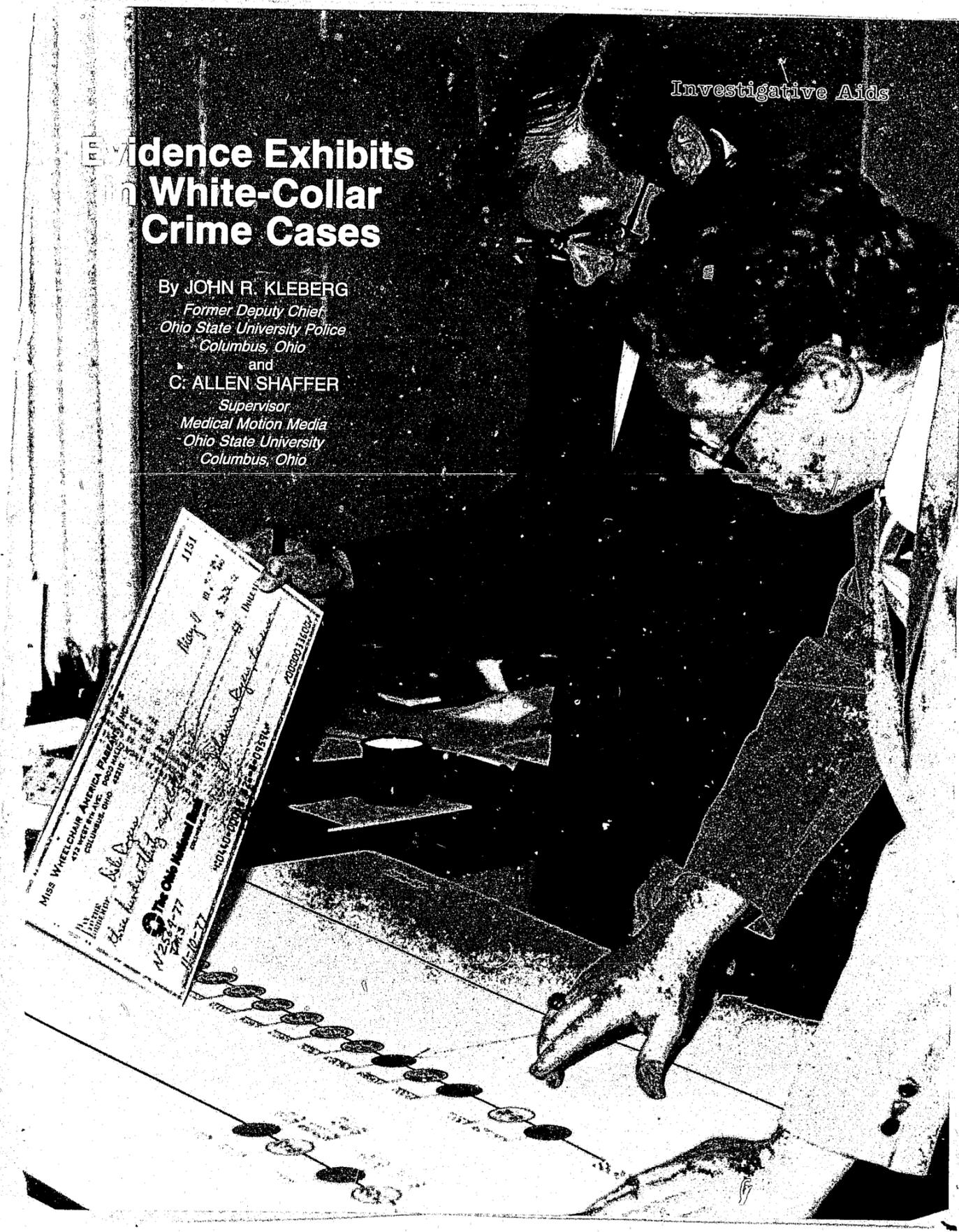
## Evidence Exhibits in White-Collar Crime Cases

By JOHN R. KLEBERG

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"A picture is worth a thousand words." There is no question that this trite phrase has particular significance in the investigation of white-collar crimes, and more importantly, in the presentation of meaningful and understandable evidence to a jury.

Successful investigation of many white-collar crimes or crimes which involve complex frauds often require an understanding of complex relationships between people, relationships and contacts between organizations, and the review of detailed documentary evidence. Not only is it difficult for investigators to review a substantial quantity of information and put it into some type of meaningful format, but it is equally difficult for judge, jury, and prosecutor to assimilate this detail without benefit of the lengthy exposure which has been available to the investigator. Therefore, the investigator must be able to put such information into a meaningful form for use by other functionaries in the criminal justice system.

It has been pointed out that when investigations are thorough, a greater amount of information is known by the defense attorney, making the possibility of a trial less likely. That is to say, if the information accumulated in the course of the investigation is properly

*This exhibit, using a full color, three-dimensional map with red matboard background, highlights a complicated accounting process and a deviation from the process, resulting in theft.*

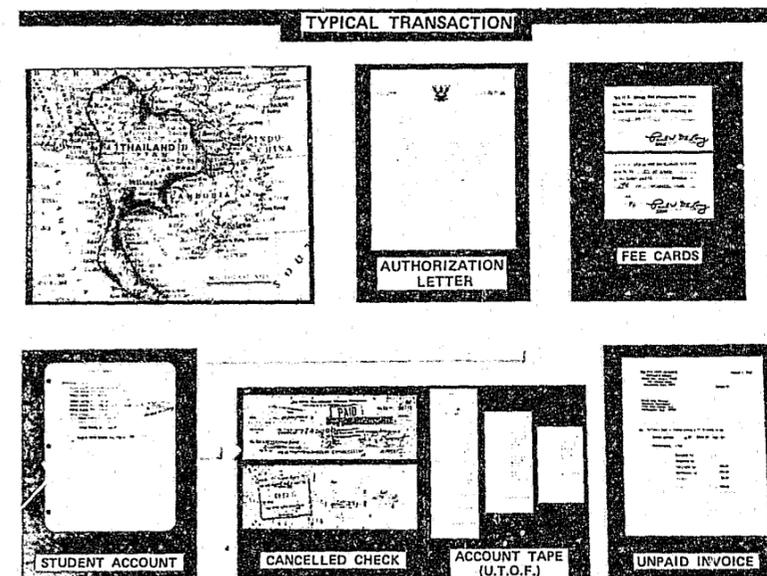
**"It is not essential that the individual investigator have the skill or craftsmanship of an artist in order to prepare exhibits that will meet every test."**

assembled and accurately represents a detailed investigative process, it is less likely that defense counsel will be willing to undertake a trial. It may be more beneficial for his client to seek a negotiated plea.

Admittedly, most white-collar or fraud investigations are not as complex or extensive as some of those which acquire particular notoriety in the media. It is important, therefore, that smaller law enforcement agencies which do become involved in investigating less notorious white-collar offenses have a method available to visually provide prosecutor, judge, and jury with meaningful exhibits which synthesize the vast amounts of information accumulated throughout the investigative process.

The objective, then, is clear—provide a visual aid which clearly demonstrates the points to be made in the presentation of the evidence. In most instances such an aid cannot, of course, visually portray all aspects of the case. It may, however, demonstrate or provide an overview of the method by which the crime was committed, a selected typical transaction which demonstrates a crime, or provide information in a visual manner which can be complemented and explained by testimony, providing detail for the jury regarding relationships between people, organizations, or items of evidence. Methods of such analysis for investigative reasons are available in current literature. (An excellent source is William Petersen's *VIA For Investigators and Prosecutors*.) Our objective here, however, simply regards the graphic arts.

It is important to understand that the preparation of visual aids is relatively simple with resources available to most law enforcement departments. It is not essential that the individual investigator have the skill or craftsmanship of an artist in order to prepare exhibits that will meet every test.



Mr. Kleberg



Mr. Shaffer

There are three major steps in developing exhibits:

- 1) Conceptualize the exhibit;
- 2) Test the conceptualization as it will appear in final exhibit form; and
- 3) Prepare the exhibit in such a manner that it will accomplish the objective identified in the conceptualization process.

During the conceptualization process, keep in mind that the value of the exhibit is important not only at trial but also through discussion stages or plea negotiations between prosecutor and defense attorney. Preparation of the exhibit should convey a message of thoroughness in the investigative process, yet make relatively complex issues appear clear. In some instances, particularly in cases that are not of inordinate public interest, the preparation of the exhibit and its availability when the prosecutor first talks with the defense attorney may create in that attorney's mind an unquestionable awareness of the thoroughness with which the matter has been investigated. This is a desirable advantage for the prosecutor.

First to be considered should be those things which would be visually attractive to the individual examining the exhibit. In considering visual attractiveness, it is important to select materials that contain color or are photographic representations of original items of documentary evidence. In most cases, original items of evidence will not, of course, be part of the exhibit. Color for emphasis or dramatic effect is important; however, use of color must not be overdramatic or used in a manner that would tend to influence unduly or prejudice the jury. Red most certainly conveys a different message than green!

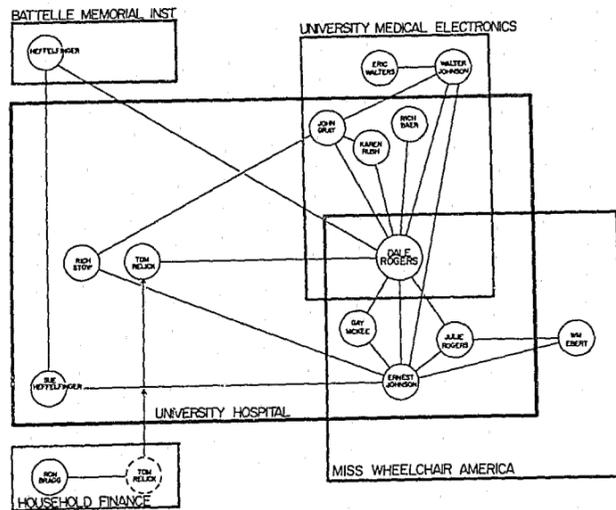
In deciding what items are to be used, it is critical that the investigator first determine precisely what point the exhibit will be used to make. That is to say, what issue, what relationship, or what piece of documentary evidence is to be brought to the attention of the court or jury via the exhibit.

Exhibits that are too complex may distract from the particular point that is to be made, and jurors may find themselves encumbered by attempting to study various aspects of the exhibit unrelated to the point the investigator or prosecutor intends to make. Identification of the principal issue or objective to be made must be accomplished prior to the time the exhibit is actually developed.

In addition, it is desirable for the investigator to think in dramatic terms. Although it may be relatively simple to put a chart or exhibit together, the more dramatic it appears, the more lasting the impression made on judge and jury. In addition, the drama of the exhibit helps to demonstrate and visually convey the effort which was put into the investigation and the preparation of the particular item which is going to be used.

Be imaginative and think creatively—the exhibit should fit the crime which is being proved. For an investigator who may have some difficulty in preparing exhibits to accomplish these objectives, one should not overlook the opportunity to take advantage of faculty in the creative arts, particularly those in the high schools, colleges, and universities located in the jurisdiction of the law enforcement agency. One who knows color, symmetry, optical art, or optical illusion will be a valued consultant.

What is significant is that the item ultimately introduced in the courtroom cannot be abstract—it must be to the point and must center on the issue before the court. Ensure as part of the conceptualization process that the fact or association to be demonstrated is simple and clear. The jury should not have difficulty in understanding the purpose of the exhibit, with a modest amount of testimony for explanation.



A "link analysis" exhibit, using a white main display board with five color organizational designations, demonstrates the relationships between people and organizations.

Most assuredly, the techniques reviewed here have possible application in all cases presented in court. The need, however, for presenting evidence in cases associated with fraud or other sophisticated white-collar crimes is more acute.

The final stage, with regard to the use of such exhibits, is preparation. If the exhibit has been properly conceptualized and has met the test to determine that it does satisfy the objective for which it was intended, preparation can be relatively simple. In most instances, the use of photographic materials and processes will satisfy every requirement to make the exhibit understandable and visually attractive.

The first step in preparing an exhibit is to take the idea that has been generated and plan for it to fit a reasonable size, standard piece of display board. FOAMCORE board, which is two sheets of posterboard on each side of a 1/2-inch sheet of styrofoam, is the best compromise between strength and weight. A 40- by 60-inch sheet provides considerable visual impact and working space without being cumbersome to transport.

Next, since each photograph of an item of evidence will be mounted on a smaller panel attached to the main display board, the size of each of these individual panels should be calculated. A useful standard is to have 1-inch margins around the top and sides of each photograph, and a 3-inch margin at the bottom for the title. Crescent or Bainbridge matboard, 4-ply, is the best material for individual panels. Crescent chinese red is one of the best color choices for this type of work, as it commands attention without being garish.

The purpose of the visual aid is to act in place of a thousand words! It affords the jury the opportunity to examine relationships between people, documents, or organizations at the same time their auditory processes accept the testimony or explanation that is being provided. Some persons will not be able to examine successfully exhibit contents, while being fully attentive to the testimony that accompanies it. Endeavor to have the exhibit "speak for itself."

A second step is to test the exhibit as it has been conceptualized. After the investigator determines the point that is to be made and the general method which will be used to demonstrate that point in the exhibit, it is desirable that he test the value of that exhibit by querying persons unfamiliar with the case as to the meaning of information provided in the exhibit. He should, in fact, determine whether the exhibit, as he understands it, makes sense to persons unfamiliar with the case. In some instances the investigator may be too close to the crucial issues under investigation, and it may not be possible for others who are viewing the exhibit to derive this same understanding by viewing the visual aid.

If it is necessary to modify the exhibit as a result of the testing procedure, it should be done at this point. It is undesirable to go through a complicated process of preparation and then find that the exhibit does not achieve the purpose for which it was intended.

In preparing and presenting such exhibits, it is desirable to construct a frame of reference in which the investigator functions as a teacher and the jury as students. Theoretically, the investigator (teacher) possesses the knowledge which, consistent with the rules of evidence and proper court decorum, must be conveyed to the jury (students).

All who teach realize the value of visual aids in conveying ideas and information to students. In the courtroom (classroom) we must be particularly aware of the learning characteristics associated with the adult learner (juror) and impart our information using the skills and techniques often associated with adult education.

Once sizes are determined, various possible layouts for the final product can be diagramed and evaluated and decisions made about titles, arrows, or other graphic requirements. Materials can generally be ordered at a local art supply store if they are not in stock.

Actual production is begun by making reproductions of the documents or other items of evidence. Although photographic prints provide better quality and are more dramatic, trimmed and mounted photo copies may be the best solution for departments with limited photographic facilities.

Photographic reproduction of document evidence is best done with standard copy lighting, using Kodak Technical Pan film processed to moderate contrast (as indicated on the package insert). For documents of lower contrast, such as those written in pencil, Kodak Panatomic X film may yield better results. Black/white reproduction is usually sufficient to convey the information and reduces both the time and cost of preparation. Mounting board provides the color needed.

Prints are usually made life-size to assist the jury in later identifying actual documents entered into evidence. Glossy surface paper gives a more professional appearance to the display. Prints should be trimmed to exclude any extraneous background material on the negative.

Following the layout that has been developed, cut the individual matboards for each item. Prints are very easily mounted to these boards by using 3M Spray Mount or other spray adhesives. Follow label directions exactly—this is one case where more is not better! The spray adhesive recommended is extremely flammable, and users must avoid breathing overspray. Special care is necessary to keep the overspray from other prints or your hands.

A title on each board may materially assist the judge and jurors in following the flow of information, especially if they are too far away to actually read the documents. Press-on letters or hand lettering by an artist are some possible methods, but we prefer to type or letter the titles, photograph them on high contrast film, and make

trimmed prints to be mounted on the boards. This is a cheaper and faster method and gives a uniform look to the display.

At this stage, the individual boards are laid out on the larger board with arrows or other indicators cut from a contrasting color 4-ply matboard, and the design is checked before final assembly.

Final mounting of individual boards and other graphics is accomplished with double-stick adhesive pads (sold at hardware, office, and art supply stores) on each corner of the boards. This makes the boards seem to float on the background, adding to the professional, finished appearance of the product. Finally, the display should be covered with opaque wrapping paper or plastic for security of the information and protection of the display until presented in court or used in prosecutor/defense conferences.

Total cost for a display of this sort is surprisingly low. Materials should cost less than \$40.00, and about 4 hours of labor is sufficient for a reasonably skilled person to complete the exhibit.

Although this is an excellent method of presenting evidence, there are as many other methods as there are creative people. The interesting nature of these cases, coupled with the opportunity to exercise creative talent, makes it surprisingly easy to recruit assistance in planning and preparation. Many photographers and artists will welcome the challenge and excitement of becoming involved in these cases. The investigating department may also have an officer with the required skills. As with other functions of the department, administrative commitment and the recruiting of quality personnel will make this program pay off—in the courtroom.

You see, "a picture is worth a thousand words!" **FBI**



Press-on letters and numbers may be the most economical and practical way to neatly and uniformly label the exhibit.

**END**