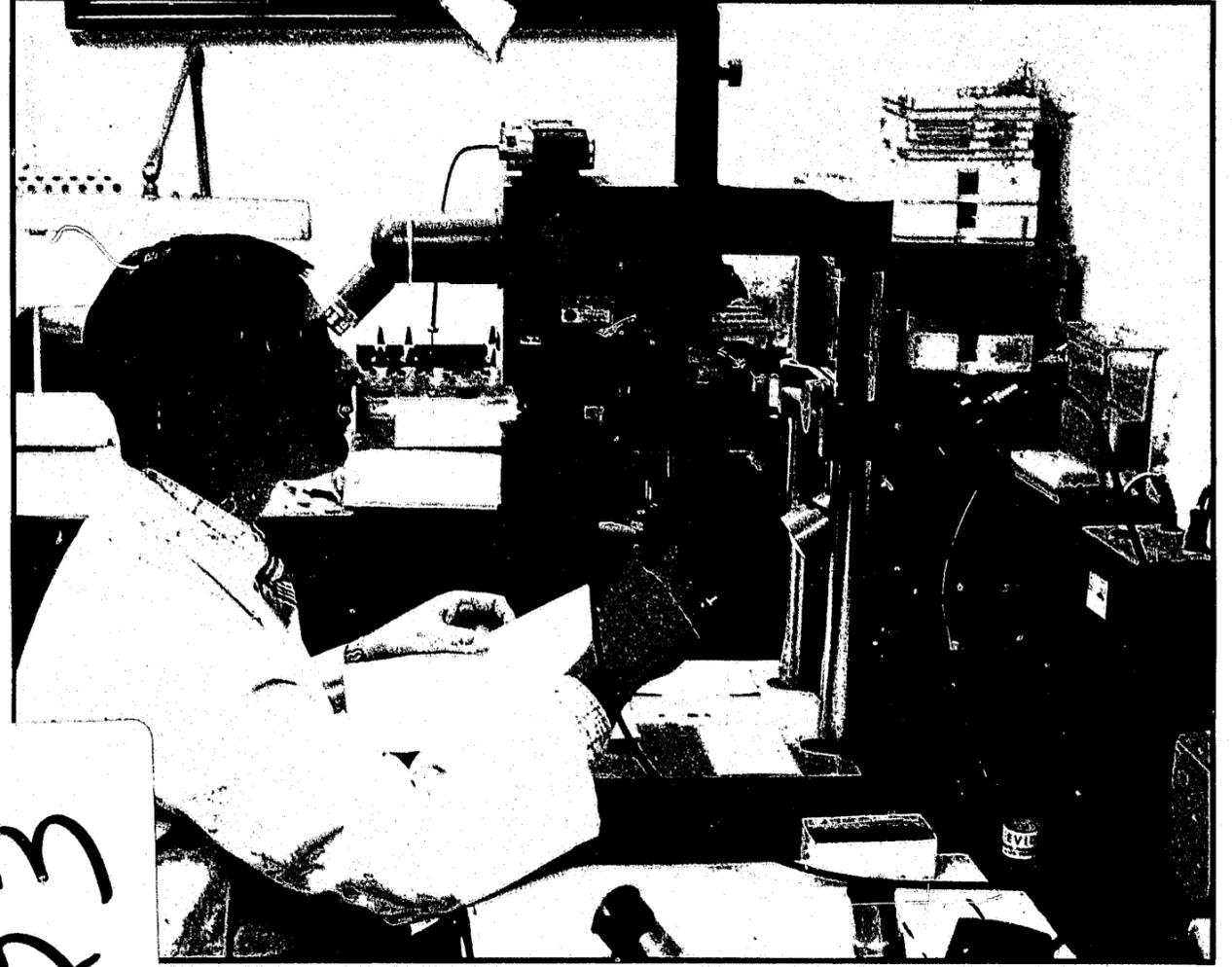


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# THE DETECTIVE

THE JOURNAL OF ARMY CRIMINAL INVESTIGATION



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PRING/SUMMER  
1977



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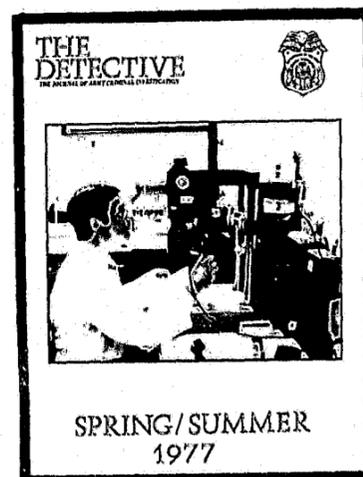
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### ABOUT THE COVER

Professor Richard Brunelle of George Washington University is using an infra red microscope to examine a document. This issue of THE DETECTIVE emphasizes crime detection as an important law enforcement agency function.

# THE DETECTIVE

THE JOURNAL OF ARMY CRIMINAL INVESTIGATION

CID PAMPHLET 360-1, VOLUME VI, NUMBER 2, SPRING/SUMMER 1977

EMG  
5 Attack on Criminal Misuse of Explosives 83423  
9 Hypnosis as an Investigative Aid 43221

17 Ink Analysis--Weapon Against White-collar crime

20 The CID Special Agents' Kit

24 USACIDC Procures New Kits

27 The Field Agent's Handling of Suspected Controlled Substances

31 Fumbling Fables

page 9



page 20

THE DETECTIVE is published quarterly by the United States Army Criminal Investigation Command. Its purpose is to provide authoritative, current doctrinal information on law enforcement weapons, doctrines, techniques, and organizations. It also serves as a forum for progressive thinking through presentation of thought-provoking articles prepared by USACIDC personnel. It is also intended to promote unity among USACIDC personnel and increase the professional capability of each member of USACIDC. Unless otherwise stated, material presented herein is the opinion of the authors and its presentation herein does not represent official policy or endorsement by any agency of the Army. USACIDC material prepared by staff authors is meant to convey the latest thoughts on USACIDC matters and as such, it is official but nondirective and should not be cited as the authority for actions. Official USACIDC policy is addressed in official media which provides the authority for action.

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## Commander's Notes



In my notes this issue I want to touch upon three topics of contemporary command interest. These topics are taking care of equipment, continuing crime prevention efforts, and supporting Law Enforcement Explorers.

The equipment made available to USACIDC is paid for by public funds and is provided to support official needs of this organization. There is an important requirement for the equipment to be maintained in a high state of readiness so that the useful life of the equipment can be prolonged. That maintenance requirement is the personal responsibility of the commander to whom the equipment is issued, and to the agent or support person who uses the equipment. The readiness of our equipment will materially impact on our ability to perform as a law enforcement agency. As many of our commanders are already aware, we must get the most out of our readiness dollar. The major portion of this logistical readiness program is the inspection by the command logistical review team (CLRT). One principal purpose of the CLRT is to assist the commander to fulfill his maintenance responsibility. I will continue to insist that the Inspector General and the Director of Logistics maintain emphasis on taking care of equipment. We simply cannot fulfill our law enforcement responsibilities if we cannot take care of and properly account for our equipment.

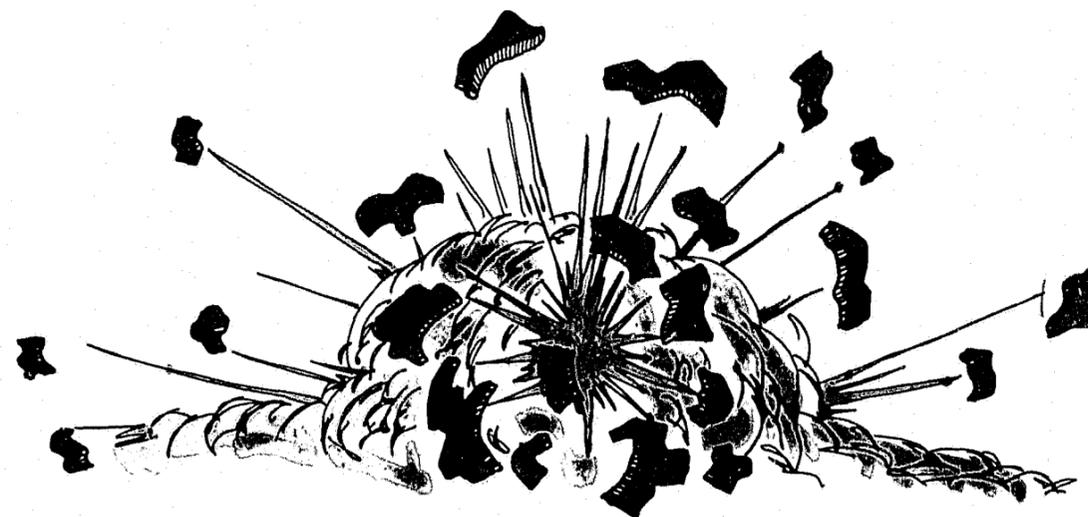
In the area of crime prevention, the initial results of "Operation CAT" are in and they indicate that we can achieve the goals of the project. We believe that these early reports contain some great "lessons learned." The headquarters staff is now in the process of analyzing the results of the test phase. The next phase of our operation is to go Army-wide with CAT. Although CAT is essentially a law enforcement directed effort, every member of USACIDC should understand that CAT is a crime

prevention program that calls for people involvement. I do not believe that a crime prevention operation such as this can ever succeed without community support. By community support, I refer to support by local commanders, concerned involvement by community groups such as the wives clubs, teen clubs, rod and gun clubs, and personal involvement by every member of the military community who owns property. I am pleased to see that the initial reports from the test locations indicate that there is a large body of public support for this effort. In this fully operational phase of CAT, it is imperative that we develop and capitalize on this public support.

I have recently accepted an invitation to serve on the National Committee of the Law Enforcement Explorers. This program applies to young men and women interested in law enforcement. I have long been a supporter of scouting because I believe that it holds the potential for overcoming some of the problems that involve youth. I have asked each region commander to work toward establishing a law enforcement explorer post within each region headquarters, district/field office and crime lab. I have also asked them to work toward each resident agency or branch office establishing, where feasible, a law enforcement explorer post. If the RA/BO cannot support a post, they should attempt to get the local military police to cooperate with them in establishing such a post. As a matter of practicality, there is no reason for any USACIDC element not to cooperate and join forces with the local military police if such cooperation makes for a better exploring opportunity. This program has been tried and tested by police departments all over the country. In those departments where it has been supported, they have enjoyed great returns on the investment. Properly trained, these law enforcement explorers could be an additional source of manpower in areas such as crime prevention, office administration and public relations contacts. I have asked the staff to develop a comprehensive training program that can be administered at the local level. I have also asked them to develop a program that will facilitate administering a law enforcement explorer program in our command. I solicit your support in making this a viable program.

As I try to project the future, I can see only continuing emphasis on the areas that I have addressed above. If any member of the command has a suggestion for accomplishing any of these, I invite you to send that suggestion to me through your normal command channels.

*Rex D. Davis*



## ATTACK ON CRIMINAL MISUSE OF EXPLOSIVES

BY REX D. DAVIS

The Bureau of Alcohol, Tobacco and Firearms (ATF) has the responsibility of regulating the explosives industry and investigating criminal bombings. Thus, it is entitled to list explosives in its title. One wag has suggested that if ATF did so, with some shifting of the wording, the agents might be known as agents of "FATE."

You are probably wondering about the Bureau of Alcohol, Tobacco and Firearms-- what it is and what it does.

By law, ATF is charged with federal regulation of the alcohol, firearms, and explosives industries and enforcement of the related criminal statutes.

The Bureau is both old and new. ATF is new in that it became a separate bureau of the Treasury Department in 1972. At the same time, one of its primary functions dates from 1791 when Congress passed the first tax on alcohol. In law enforcement, the Bureau traces its history from 1863 when three detectives were appointed by the commissioner of the Internal Revenue Service to seek out alcohol tax evaders.

*Rex D. Davis is Director of the Bureau of Alcohol, Tobacco and Firearms (ATF). He received his degree in law (LL.B.) from the University of Oklahoma in 1949, and did graduate work at Princeton University's Woodrow Wilson School of Public and International Affairs 1965-66. He is the author of "Federal Searches and Seizures."*

For many years the Bureau's activities were limited to collecting taxes on alcoholic beverages and apprehending moonshiners. In the 1940's and 1950's these responsibilities were expanded to include the Federal Alcohol Administration Act dealing with industry trade practices and regulation, taxing and regulating authority over tobacco, and the administration of Federal firearms laws.

Passage of the Gun Control Act of 1968 greatly expanded duties in the firearms area. In 1970 the Bureau was given responsibility for regulating explosives under the Organized Crime Control Act.

ATF agents have been at war with moonshiners for a long time--and it's a war they are winning. In 1976 the number of illicit stills seized by our special agents was 557. Compare this with 15,000 stills seized in 1956, a post-World War II record, and you get an idea of the moonshiner's downhill slide. The 557 stills is a record low since the repeal of prohibition in 1933.

There are many reasons for this decrease: strict enforcement by ATF, a 73 percent conviction rate for liquor violations, and the inflation in moonshine costs which places legal whisky at a competitive level.

In 1976 ATF investigated more than 2,272 incidents involving explosives. As you would expect, these are difficult and time-consuming investigations, as few, if any, clues are left after a bomb detonation.

ATF is now the lead agency in the development of an explosives tagging program. Its plan is to tag

explosives with additives that can be detected before detonation and identified after explosion. This program holds great promise for the American public. For instance, successful detection could end the fear of aircraft bombings.

In regulating the firearms industry, ATF licenses nearly 165,000 dealers, manufacturers, importers, gun collectors, and ammunition makers. It regulates the manufacture, importation, and sale of more than 6 million firearms annually.

## ATF AND FIREARMS

It is not a part of ATF's job to inhibit citizens' legal use of firearms. It is, however, part of its enforcement mission to prevent the illegal use of firearms that are employed in a large percentage of the violent crimes committed in the United States. In 1976, ATF agents seized more than 5,600 illegal weapons, including machine guns, silencers, cannons, rocket launchers, and sawed-off shotguns--and enough small, cheap handguns to start a crime war. During the same period, ATF agents arrested 3,117 persons for violating Federal firearms laws.

Unfortunately, the use of guns in violent crime continues to threaten our citizens and occupies the attention of all law enforcement officers.

At this point, let's examine the philosophy that ATF follows in enforcing the Federal firearms laws. Given the enormity of the gun-related crime problem in the United States, it is obvious that one organization with 1,800 special agents, 750 regulatory inspectors, with a total of only 4,000 employees, acting alone, cannot reduce the criminal misuse of firearms. Therefore, investigation of gun crimes largely falls upon the shoulders of over 500,000 State and local law enforcement officers in this country.

**"It is not part of ATF's job to inhibit citizens' legal use of firearms . . . . It is part of its enforcement mission to prevent the illegal use of firearms."**

ATF employs four basic strategies in carrying out Federal firearms responsibilities. The first strategy is direct investigation of firearms violations, with or without other agencies.

Even if ATF's limited law enforcement manpower were doubled or tripled, the Bureau would still have to be highly selective in the direct investigation of Federal firearms violations. For example, ATF has established a significant criminal enforcement program that involves the identification of active criminals who use firearms or explosives--individuals who represent the greatest

threat to the public safety of their communities. Since the program's inception in late 1974, 2,911 significant criminals have been identified and case reports recommending Federal prosecution of 1,187 have been forwarded to U.S. attorneys.

Following are two examples of the type of significant criminals. On March 22, 1977, George Nathaniel Garrett of Miami, Fla., was convicted of various violations of Federal firearms laws and received sentences totaling 50 years. The violations involved the manufacture and sale of assassination kits containing a pistol and a silencer mounted in an attache case. ATF undercover agents purchased several of these kits from Garrett.

In another case, Billie Sherrill of Chicago, Ill., received a sentence of 6 years on March 29, 1977. Sherrill's conviction was based on his knowingly failing to maintain firearms records on the acquisition and disposition of 347 firearms over a 3-year period. The violations occurred at Sherrill's gunsmith repair shop in Momence, Ill.

Another area requiring direct investigative effort is a program to combat efforts to transport weapons to other countries. ATF has worked closely with British authorities to detect the movement of firearms out of the United States and destined for Northern Ireland. They have made cases against Lebanese nationals in Virginia, Phillipine nationals in California, Japanese nationals in Hawaii, Canadian nationals in Florida, and Yugoslavian nationals in New York City--all involving the illegal acquisition of quantities of firearms in this country.

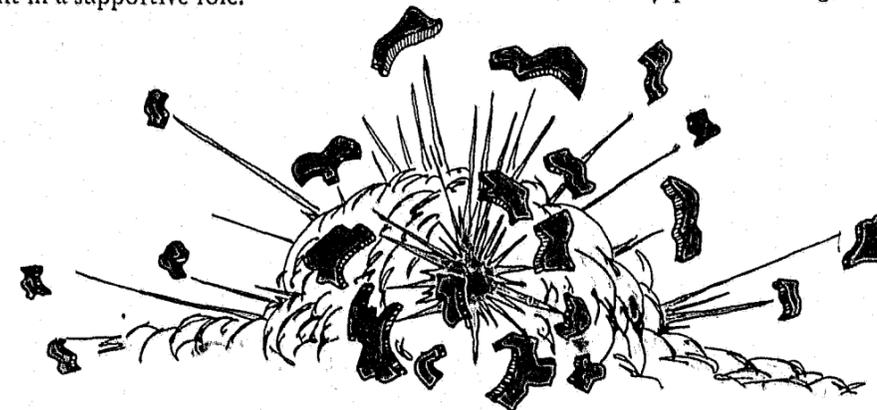
A recent investigation involving the illegal transfer of machine guns traced to a foreign mission in New York City and apparently destined for a Mideastern country indicates that this is a continuing problem.

In 1973, ATF became concerned about the theft of firearms from interstate carriers and initiated the Interstate Firearms Theft Project. With the excellent cooperation of the trucking industry and related activities, firearms thefts are reported immediately to ATF for direct investigation. As of April 1 of this year, ATF had received 2,525 reports of thefts involving approximately 15,500 weapons. Fifty-one criminal cases have been made against 90 defendants. In addition, 1,700 firearms have been recovered by ATF agents working alone and in conjunction with other law enforcement agencies.

Of course, the Bureau can make direct investigations of individual situations. For example, ATF had certain members of the Hanafi Muslims under investigation for the illegal acquisition of firearms before the sect took hostages in three buildings in Washington, D.C. To date, ATF has served five Federal search warrants on the residences of known Hanafi Muslims. A total of 25 firearms and approximately 3,000 rounds of ammunition have been seized. These investigations are continuing.

These are but a few examples of the Bureau's direct investigative efforts. In particular, ATF is alert to sources of firearms that are particularly desirable to criminals, weapons that have no records or false records making them difficult to trace to perpetrators of crime.

The second strategy is assistance to State and local law enforcement officers. This approach is based on both law and logic. First, the preamble to the Gun Control Act of 1968 clearly states that the congressional objective is "to assist Federal, State and local law enforcement officers in their fight against crime and violence." Second, the theory behind Federal firearms legislation is that gun-related crime is primarily a local problem with the Federal Government in a supportive role.



In support of State and local law enforcement efforts, ATF trains literally thousands of law enforcement officers each year. The Bureau has a national laboratory in Washington and field laboratories in Atlanta, Cincinnati, Philadelphia, and San Francisco. These laboratories provide extensive scientific support to State and local law enforcement organizations, particularly in the areas of ink dating, gun shot residues, bomb debris analysis, voiceprint examinations, and serology. Experts from ATF in the fields of forensic science, firearms technology, and explosives analysis frequently testify in State and local prosecutions.

Another service that ATF provides State and local law enforcement is the tracing of firearms through the national firearms tracing center. Currently, about 60,000 weapons are traced each year, of which about 63 percent are for State and local officers. Through a Telex system with 14 foreign countries, ATF has the ability to trace many foreign-made firearms.

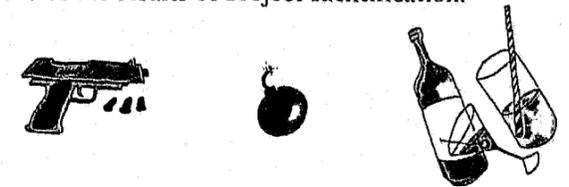
Finally, a great deal of information can be provided to State and local law enforcement agencies about the type and source of firearms that are used in crime in their jurisdictions.

This leads naturally to the third strategy employed by the Bureau in firearms enforcement--special projects and studies designed to develop information about firearms used in crime.

For many years, there has been a great deal of confusion, speculation, and assumption about the sensitive and controversial gun control issue. Terms such as "Saturday Night Special" have been used widely with a variety of meanings, and much unsubstantiated rhetoric has cast more heat than light on gun control. In July of 1973, ATF initiated a series of actions designed to fill the gap in information about crime weapons. This was done on the theory that you need to know as much as possible about a problem before you can take rational and effective action to solve it.

The first study was called Project Identification. Essentially it involved the tracing of all firearms recovered by police in designated cities during a given

time. Eventually, it was extended to 16 major cities. This provided ATF and local authorities with a wealth of information about the types, sources, and traffic patterns of guns used in crime. Project Identification established beyond a doubt the movement of guns from states with strong gun laws. For example, the Bureau found that 20 percent of the guns recovered by the police in New York City were originally sold in South Carolina. Incidentally, South Carolina enacted stricter law when it became aware of the results of Project Identification.



Special surveys of firearms dealer records have been conducted in the cities of Greenville, S.C., and Des Moines, Iowa. These cities were picked because of the similar size and different geographical locations. The objective here was to examine the dealers records for a 6-month period to find out how many felons had acquired firearms unlawfully. The figure of 3 percent was the finding in both cities. At first this does not sound like an alarming figure, but when you consider that about 6 and one-half million firearms are manufactured and presumably sold, in the United States each year, it takes on a different aspect.

Very simply, when projected on a national basis, the percentage figure implies that almost 200,000 felons are acquiring firearms unlawfully in this country each year.

A final example of the studies conducted is called Project 300. ATF selected 300 firearms through random sampling from the thousands that had been submitted to the Bureau for tracing. The purpose was to follow the path of a gun from the time it was sold by a dealer until it was used in a crime. Of course, this was a time-consuming process and special agents had to interview each successive owner of a firearm as long as the trail lasted. Again, a great deal of information was acquired. Perhaps the most startling revelation was that 22 percent of the guns used in crimes are stolen. Also confirmed was the previous belief that many gun thefts are never reported to the police.

To label these various activities as information studies should not imply that they served no direct law enforcement service. Indeed, many Federal firearms prosecutions were produced by both Project Identification and the Greenville-Des Moines surveys. ATF is adding to the scarce reservoir of factual information about the types and sources of guns used in crime and efforts in this area are continuing.

Finally, there is a fourth strategy used by the Bureau-regulation of the firearms industry. Of course, this is not a true law enforcement activity, but it is essential to effective enforcement of the firearms laws. There are about 160,000 licensed firearms dealers, manufacturers, and importers in the United States. Each of these licensees is required by Federal law to maintain records that have law enforcement value. For example, these records are the basis for successfully tracing firearms used in crimes. The firearms transaction form maintained on the retail dealer's premises provides the means for prosecuting proscribed individuals who acquire firearms. It is important, therefore, that licensed dealers know the requirements of Federal law and maintain accurate records. Also, the regulatory compliance program provides an opportunity for detecting the relatively few dishonest dealers and determining if proscribed individuals are acquiring firearms.



These are the four basic strategies used by ATF in enforcing the federal firearms laws. Of course, ATF also has a program to educate the public on the need for firearms security. This activity uses radio and TV spots to urge the private owner of firearms to keep his weapons secure and promptly report their theft to police.

In 1976 the Congress provided ATF with sufficient additional resources to conduct extensive

firearms and explosives enforcement efforts in Washington, Chicago, and Boston. This program, known as Concentrated Urban Enforcement (CUE), brings all four of the basic strategies together in a concentrated area.

In each of the three cities, the number of ATF special agents was doubled or tripled. This gave the ability to conduct more direct investigations-either alone or jointly with local law enforcement officials. Each firearm recovered by the police departments in these metropolitan areas is traced to provide extensive information about the types and sources of firearms being used in crimes. When illegal sources of firearms are identified, ATF agents move quickly to eliminate them whether they be intrastate or interstate. Finally, the dealer compliance program is stepped up in each metropolitan area.



Operation CUE requires the closest kind of working relationship between ATF and the law enforcement agencies in each metropolitan area. So far the cooperation in each city has been exceptionally good.

In each of the three cities, ATF's arrests, prosecutions, and seizures showed dramatic increases. But has operation CUE been successful in reducing the availability of firearms to criminals and gun-related crimes? The answer to that question may be found by examining the CUE operation in Washington, D.C., as efforts in Boston and Chicago started much later.

ATF's interim analysis of CUE was very favorable but in light of the interest of Congress and the administration, they contracted with an outside firm for an independent evaluation. Here are the findings: In the District of Columbia a 24 percent reduction in the number of crimes committed with firearms co-occurred with CUE; a 23 percent reduction in robberies coincided with CUE, and 27 percent fewer robberies were committed with firearms. Other findings indicated shifts in the types of weapons used in crime-an indication that normal sources of supply were being disrupted.

Highly important was the following conclusion in the report. "No exogenous influences were identified that could collectively impact all the areas in which noticeable changes occurred during CUE. Therefore, it is concluded that operation CUE, with marked improvement in ATF investigative performance, has contributed significantly to a reduction in major violent crime committed with firearms and has favorably impacted illegal firearms trafficking in the Washington, D.C., area." ATF's and the outside firm's final evaluations of operation CUE will be made in July of this year.

**END**