



FBI

September 1989

Law Enforcement Bulletin

The Enrique Camarena Case



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

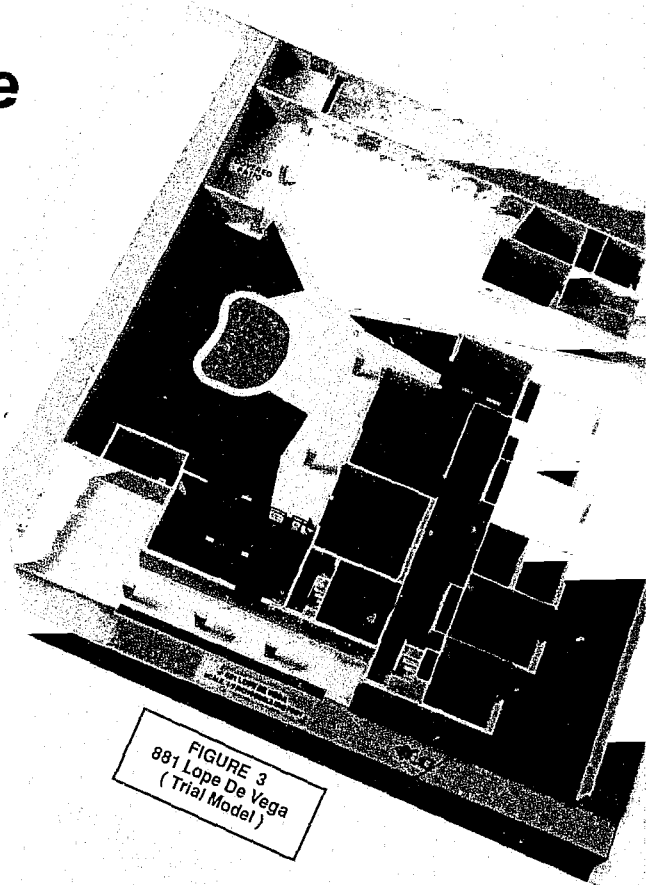


FIGURE 3
881 Lope De Vega
(Trial Model)

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AGQUISITION



FIGURE 1
Special Agent
Enrique Camarena

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

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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

121535

Operation Freezer Burn

By

P. R. BESELER

Chief Supervisory Investigator
State Attorney's Office
Special Prosecution Division
Jacksonville, FL



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

Photo courtesy of Florida Times-Union

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

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.

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

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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.

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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

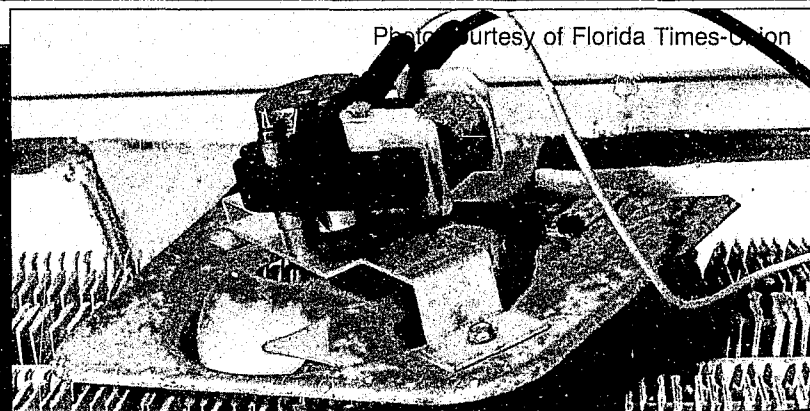
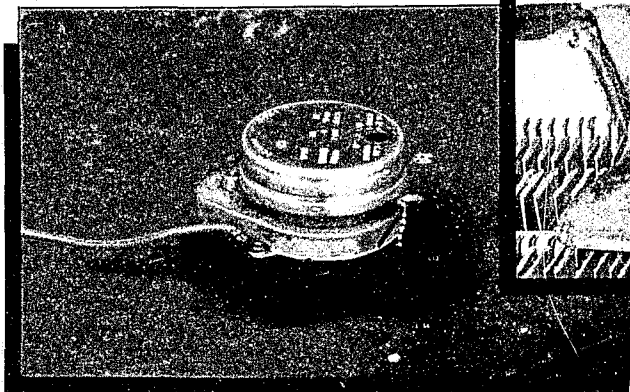


Photo courtesy of Florida Times-Union

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**