

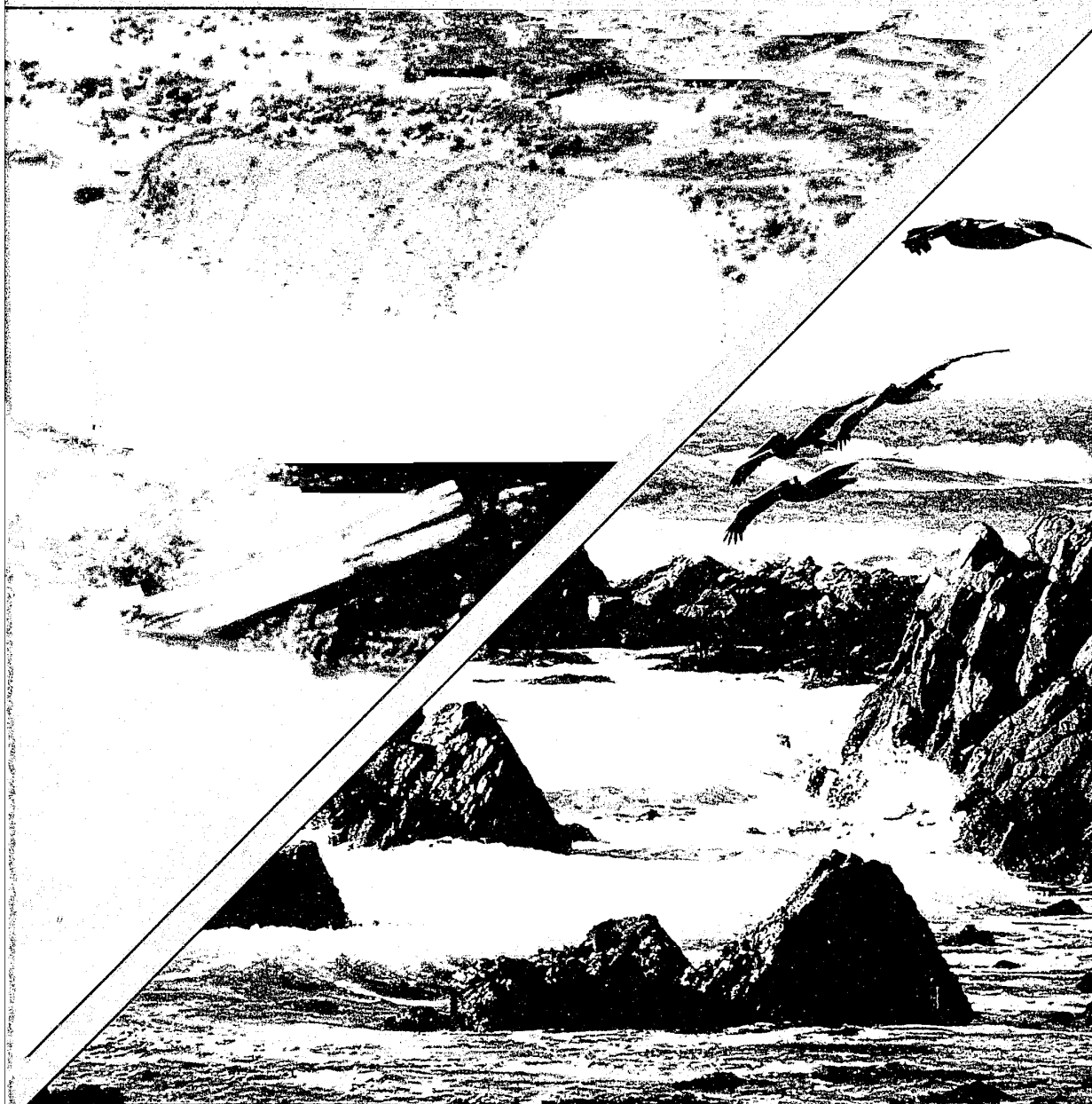
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# FBI Law Enforcement

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## Environmental Crimes

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# FBI Law Enforcement Bulletin



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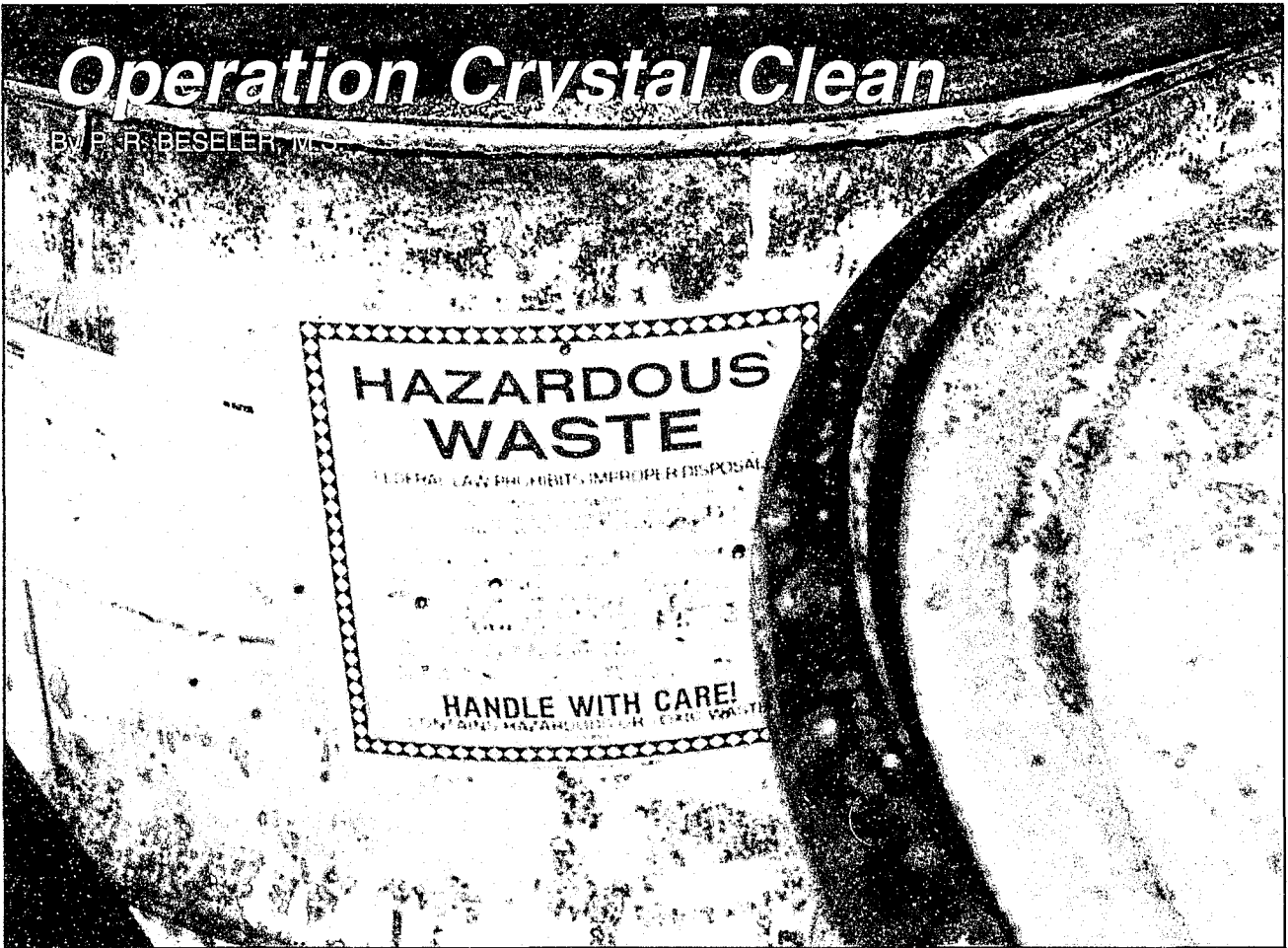
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# Operation Crystal Clean

BY P. R. BESELER, JR.



A young patrol officer doing a routine drive-through of a wooded area on his beat makes an ominous discovery. Several 55-gallon barrels bearing hazardous waste markings lie illegally dumped and leaking their deadly contents into the ground. The officer backs off, establishes a perimeter, and calls in the Hazardous Materials Unit to begin the costly cleanup and removal process.

This scenario is repeated thousands of times each year across the United States. As the cost for proper disposal of hazardous waste continues to rise, many more such incidents likely will occur.

In Jacksonville, Florida, during 1993, over 300 barrels of hazardous waste were dumped illegally into woodlands and waterways in 49 separate incidents. These numbers represent only those sites that authorities found, believed to be a mere fraction of the total number of barrels leaking harmful contaminants into the earth this very minute. Because the lack of eye witnesses makes investigation of these crimes difficult, the criminal justice community must establish procedures to stop environmental criminals before they pollute again.

In an effort to curb illegal hazardous waste disposal, the State attorney's office in Jacksonville

designed and implemented an undercover operation codenamed "Operation Crystal Clean." Nineteen suspects arrested in the sting operation brazenly dumped barrels of hazardous waste, sometimes in plain view at busy shopping centers in broad daylight.

## THE INVESTIGATIVE PROCESS

### Baiting the Hook

In order to ensure the integrity of the cases in criminal court, investigators followed all standard evidentiary and investigative guidelines. Still, the method of investigation proved simple and effective.



Mr. Beseler is chief investigator for the State attorney's office in Jacksonville, Florida.

**“  
... law enforcement can  
identify and capture  
illegal waste haulers by  
using conventional  
undercover techniques.  
”**

First, investigators rented a small storage warehouse to set up shop for the undercover operation. They obtained several 55-gallon barrels and affixed hazardous waste decals and markings to them. The barrels held a mixture of water and a fluorescent green dye obtained from the Department of Environmental Protection. Though harmless, the dye made the liquid appear toxic. It also would mark a dump site if spilled into a waterway. With these steps taken, Operation Crystal Clean opened for business.

Investigators used several methods to locate suspects. They targeted companies that had histories of illegal dumping. They asked generators of hazardous waste how they disposed of their toxic byproducts. Finally, they identified companies advertising hauling services in the classified ads section of the local newspaper.

### **Casting the Line**

With a list of potential suspects in hand, undercover officers began to make phone calls and personal contacts, putting out the word that they

had some hazardous waste of which they wanted to dispose. They also distributed business cards with the covert business' name, address, and phone number to those vendors who seemed willing to make a fast, illegal buck.

Before long, the phone at the undercover site began to ring, with suspects offering to take the barrels off the investigators' hands. Legitimate haulers were easy to distinguish from illegal ones, often by the fees they charged. The cost to dispose of real hazardous waste properly can be as high as \$1,000 per barrel, depending on its contents. The fee covers licensing, insurance, and fees paid by the hauler for equipment, transportation, and disposal at sites approved for hazardous waste.

Legitimate haulers also leave a paper trail. Cargo manifest documents detail information about the barrels, including their contents, owner, place of origin, and final destination. In addition, reputable firms maintain disposal records.

Some companies refused the business; they were not licensed to remove hazardous waste and

admitted it. One reliable business even reported the undercover operation to the FBI.

By contrast, illegal haulers offered to remove the waste for less than \$100 per barrel. They never required any paperwork to accompany the transaction. One firm advertised that it would haul "anything, anytime, anywhere, no questions asked."

For those haulers who did ask questions, the undercover officers developed a simple cover story. They told curious individuals that a former tenant had abandoned the waste at the warehouse; they merely wanted to rid themselves of this mess.

### **Catching a Fish**

After reaching an agreement—usually by phone—the undercover officers and the suspects met at the warehouse. When the suspects arrived, officers videotaped them loading the barrels and collecting their money. Recording this meeting, as well as other contacts with the suspects, allowed undercover officers to avoid entrapment issues.

By recording every conversation, they documented exactly who said what to whom. More important, the tapes demonstrated the suspects' willingness to break the law. Indeed, the fact that they set the price, provided their own transportation and equipment, suggested where to dump the waste, and removed the hazardous waste labels showed a predisposition to engage in illegal activity, even before they committed a crime.

To help track the suspects, undercover officers tried to identify the suspects and a probable dump site before they left the warehouse. Often, all they had to do was ask. In fact, most suspects gave their real

names. If the officers could not identify the subjects, marked patrol units from the local jurisdiction would conduct a routine traffic stop several miles from the warehouse and complete field interrogation cards on the occupants of the vehicle.

Undercover surveillance teams trailed the suspects as they left the warehouse with their illicit cargo. Maintaining an eye on the vehicle proved relatively easy. Most suspects used large trucks or trailers to haul the barrels, which they left in plain view or covered with a tarp. When available, air units assisted in the surveillance.

Most suspects drove to secluded wooded areas, unloaded the barrels, and drove away. Occasionally, they dumped the contents and saved the barrels for storage. In the most brazen incident, the offenders unloaded nine barrels from a U-Haul truck at 4 p.m. in the parking lot of a shopping mall, which was located adjacent to a busy four-lane highway, then calmly drove away.

The surveillance team allowed the subjects to leave the site before moving in to photograph the area. Officers recovered the barrels and returned them to the warehouse to use on the next unwitting suspect.

### **Reeling in the Catch: Hook, Line, and Sinker**

At the conclusion of the investigation, an assistant State's attorney reviewed each case and issued arrest warrants for commercial dumping, a felony. Florida statutes prohibited charging the suspects with illegal disposal of hazardous waste, because the nontoxic contents of the barrels did not meet the statutory definition of hazardous waste.

The conviction rate for the 19 suspects arrested was 100 percent, with no cases going to trial. The cost of the investigation, excluding investigators' salaries, totaled approximately \$2,500, most of which paid the suspects' hauling fees. The State recovered the cost of the investigation several times over through fines and forfeiture.

The punishments in these cases fit the crimes. Judges rarely sentenced the haulers to jail time; instead, offenders faced hundreds of hours of community service to clean

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up illegal dump sites and paid hefty fines to support other cleanup efforts. These sentences proved popular with corrections officials at already-overcrowded jails and with landowners whose properties had served as the subjects' dumping grounds.

Operation Crystal Clean also succeeded in its secondary goal to heighten public awareness of the dangers of illegal hazardous waste disposal. What many consider a petty crime can have horrific consequences. Carcinogens dumped into the environment pose long-term

health risks, as well as immediate threats. Such was the case in the deaths of two 9-year-old boys immediately after being exposed to hazardous waste left in a dumpster in Tampa, Florida, in 1992.

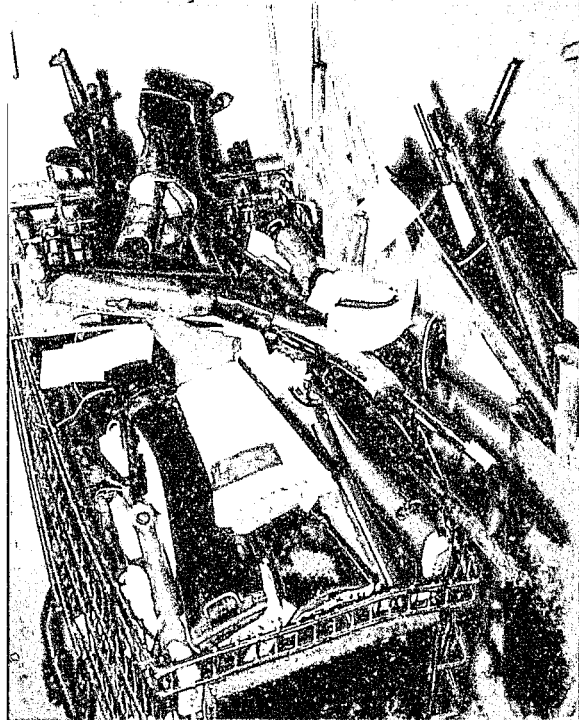
Still, in order for a sting operation to have a deterrent effect, the public must hear about it. For this reason, members of the media were included in the latter stages of the operation and actually accompanied investigators during several transactions. Because Operation Crystal Clean was one of the first operations of its kind in the United States, a national network news organization featured the story on a weekly television news-magazine show, thus providing maximum public awareness.

### **CONCLUSION**

Every drop of hazardous waste spilled by these offenders contaminates the earth's natural resources and jeopardizes the lives of generations born and unborn. As Operation Crystal Clean demonstrates, law enforcement can identify and capture illegal waste haulers by using conventional undercover techniques. Airtight cases can eliminate the need for costly trials. Court-imposed community service forces offenders to clean up their own messes and to view the results of their actions.

Criminals often ply their trades without regard to the consequences. With dollar signs in their eyes, they fail to see that they endanger even their own lives. Environmental crimes put everyone in the community at risk. The combined efforts of criminal justice professionals, the media, and the public can put environmental criminals out of business. ♦

## Research Forum



### *The Kansas City Gun Experiment*

**I**ncreased seizures of illegally carried guns led to a decrease in gun crime, according to a study sponsored by the National Institute of Justice and conducted by a team of researchers headed by a University of Maryland professor. The findings come from an evaluation of the Kansas City Gun Experiment, in which supplemental police patrols focused on gun detection. The Kansas City, Missouri, Police Department reduced gun crimes in one neighborhood by almost 50 percent in 6 months by deploying extra patrol teams focused exclusively on detecting guns.

#### **Study Design**

For 29 weeks, from July 7, 1992, to January 27, 1993, police patrols were increased in gun crime "hot spots" in patrol beat 144 of the Central Patrol District. Researchers identified the hot spot locations by computer analysis of all gun crimes in the target area, an 80-block neighborhood normally covered by one

patrol car, and that had a homicide rate 20 times higher than the national average. The population was almost entirely nonwhite, with more than two-thirds of all residences being owner-occupied, single-family, detached homes.

Officers assigned to the target area focused exclusively on gun detection through proactive, directed patrol and did not respond to calls for service. Four officers, who worked 6 hours of overtime each night (7 p.m. to 1 a.m.), 7 days a week, for 176 nights, handled the extra patrol, with 2 officers working an additional 24 nights. A total of 4,512 officer-hours and 2,256 patrol car-hours were logged.

Officers on the directed patrols found guns during frisks and searches and following arrests on other charges. Every search had to conform to legal guidelines for adequate articulable suspicion to ensure the protection of civil liberties, and every arrest for carrying concealed weapons had to be approved by a supervisory detective.

To gather information for the study, a University of Maryland evaluator accompanied the officers on 300 hours of directed patrol in the target area. Property room data on guns seized, computerized crime reports, calls-for-service data, and arrest records were analyzed for the 29 weeks before the program began and for the 29 weeks the program was in operation.

Data for the same time period also were collected for a comparison area (patrol beat 242 in the Metro Patrol District), which experienced approximately the same volume of violent crimes and drive-by shootings as the target area. No changes were made in the number or duties of patrol officers in the comparison area.

#### **Increased Enforcement**

During the program, officers reported spending 3.27 car-hours of the 12 car-hours per night (or 27 percent of their time) actually patrolling the target area. This resulted in a total of 1,218 officer-hours of potential gun detection and visible patrol presence in the area. The officers thus spent about 70 percent of their time processing arrests and performing other patrol-related duties.

Despite the limited amount of time the officers actually spent on patrol in the target area, the volume



## Significant Findings of the Kansas City Gun Experiment

- Traffic stops were the most productive means of finding illegal guns, yielding an average of 1 gun discovered for every 28 stops
- The ratio of guns seized to actual time spent on patrol in the target area was 1 gun seized per 84 officer hours
- Two-thirds of the persons arrested for carrying guns in the target area resided outside the area
- After the directed patrol stopped, crimes involving guns gradually increased for the first 5 months of 1993; when the patrols resumed in June 1993, gun crimes decreased again, although not as consistently as in the second half of 1992
- Drive-by shootings dropped from 7 to 1 in the target area, doubled from 6 to 12 in the comparison area, and showed no displacement to adjacent beats
- Directed patrols affected only gun crimes; no changes were observed in either the target area or the comparison area regarding the number of calls for service or in the total number of other violent and nonviolent crimes reported
- The decline in gun crimes in the target area did not appear to cause a displacement of crime to adjoining neighborhoods; gun crimes did not increase significantly in any of the surrounding seven patrol beats.

of activity was significant. The officers on directed patrol issued 1,090 traffic citations and made 948 car checks, 532 pedestrian checks, 170 State or Federal arrests, and 446 city arrests, for an average of 1 intervention every 40 minutes per patrol car.

### Guns Seized

In the target area, police seized 65 percent more guns from July through December 1992 than in the first 6 months of the year. Gun seizures increased from 46 during January through June 1992 to 76 in the last 6 months of 1992. In the comparison area, gun seizures decreased slightly in the second half of 1992.

### Impact on Gun Crimes

Comparison of the data from the first and second halves of 1992 shows that gun crimes declined significantly in the latter part of the year. Eighty-three fewer gun crimes were committed, for a 49-percent decline. In the comparison area, the number of gun crimes increased slightly.

### Conclusion

This study shows that a police department can implement a program to increase seizures of illegally carried guns in high gun-crime areas. Police officers can be very productive when given the opportunity to focus on gun detection in identified crime hot spots without being obligated to answer calls for service.

In addition, gun seizures do not appear to require large tactical operations. In the Kansas City high-crime target area, the officers worked in two-officer patrol units, and no gun attacks on officers were reported during the directed patrols. Directed patrols also were shown to be, on the average, about three times more cost-effective than normal uniformed police activity citywide in getting guns off the street. ♦

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Source: *National Institute of Justice Update*, November 1994, U.S. Department of Justice, Office of Justice Programs. Results from the evaluation are reported in an *NIJ Research in Brief* (NCJ 150855), which can be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850, 1-800-851-3420.

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