

OPINION

De Lorean case: focusing attention on undercover work

By Sam Passow

THE acquittal of John Z. De Lorean of drug trafficking charges on grounds of entrapment may well taint the public's perception of covert operations. It will do little, however, to hamper the multimillion-dollar-a-week business in undercover work carried out by private security agents.

Few in either the legal profession or law enforcement would quarrel with the jury's decision that, in this case, the methods used by undercover agents created a criminal rather than caught one. For this reason, security experts are skeptical as to whether this particular case will have any effect on the continued use of undercover agents and their ability to conduct "sting" operations as a "necessary evil," especially in combating white-collar crime.

So far, little attention has been paid to the fact that an estimated 5,000 private undercover agents in the United States operate every day in industrial plants, offices, department stores, hotels, and restaurants, blending in with the rest of the work force while they try to ferret out a wide variety of crimes ranging from theft in a warehouse to computer fraud.

Randolph D. Brock III is president of IntelliSearch Corporation, a security consulting firm in Middlebury, Vt., that specializes in undercover work. He calculates that private security firms rake in about \$2 million a week in covert operations, and that overall this represents 2.5 percent of the total \$4 billion a year lost to business in internal thefts, or more than \$800 million a week. US Department of Commerce experts contend that even that guess is on the conservative side.

Edward A. Sundberg, president of Ogden Security Inc. in Somerville, Mass., notes that "30 percent of business failures are caused by losses created by criminal activity."

LETTERS

Prison reforms

Great thanks to Veronica Ragatz for her insightful article of Aug. 15 regarding the demeaning and dehumanization of inmates and guards in prisons.

The "correctional system" in the United States today apparently is, in toto, nonprogressive and noncorrective. There is great need for restructuring the system if improvement and rehabilitation resulting in integration into a community after a prisoner's debt is paid are to occur.

As it stands now, and as Ms. Ragatz pointed out, the inmate is taught by others in prison to perform crimes more violent and destructive. Why not supply education, libraries, tutors, equipment, and schedules for those people in order to show them how to think and perform constructively? What better investment could our government make?

Edith Gordon
Milton, Mass.

Re "Our prisons: What is their mission?" [Aug. 24]:

Communities are required periodically to augment their prison facilities at total costs that figure above that equated with financing universities, and not accounting for the fact that the inmates of prisons are not required to pay their living costs.

Why are convicted persons not required to "pay their debt to society" literally?

In most instances it is the victim of a crime who has to pay for expenses of counsel, physical suffering, damaged and unreclaimed property, and loss of career time; whereas the prisoner is safely housed, clothed, fed, even entertained, in return for minimal token labor. The length of a prisoner's incarceration must be adjusted to equal the time required to make full tangible retribution to the victim of the crime.

F. Pierce Sherry
San Rafael, Calif.

Letters are welcome. Only a selection can be published and none individually acknowledged. All are subject to condensation. Please address letters to "readers write."

Thus it is not surprising that many of the large retail chain store companies budget up to \$500,000 a year for undercover operations as part of their security budgets, and that many smaller companies willingly pay about \$5,500 to "quietly" sort out a problem.

By its very nature, undercover work is a risky business. But this is less so in the private sector, where, unlike government law enforcement agents, private undercover agents cannot commit a crime such as dealing drugs or purchasing stolen property to effect a sting. They also lack the power of arrest. Another major difference is that in private sector investigations, the information obtained is more often than not used by the corpora-

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tions as grounds for dismissal rather than for prosecution.

Mr. Brock notes that typical investigations in the private sector "are characteristically different from the De Lorean case, inasmuch as they generally deal with crimes or problems where there is evidence that they already occurred or are probably ongoing, whereas in the De Lorean case it doesn't appear that he committed a crime before the investigation commenced."

But perhaps the strongest reason undercover work will continue to be a potent weapon in the arsenal of law enforcement is that as a technique, it has time and again

withstood the test of the judicial system.

"It is the only investigative technique that will result in conviction," says New York lawyer J. Joseph Bainton. "Of the thousands of cases which have been brought to court as a result of information obtained during covert operations, only a few have been thrown out on grounds of entrapment."

As a result of the De Lorean case there could well be calls in Congress for legislation limiting the powers of law enforcement undercover agents. For example, Rep. Don Edwards (D) of California has introduced a bill that would require government agents to get a court order to conduct a sting operation. This is similar to the current requirement for obtaining a search warrant. Legal experts feel that the chances of such moves being adopted are slim, especially in view of the Supreme Court's recent decision to modify the exclusionary rule, thereby permitting the use of illegally obtained evidence under certain circumstances.

At the moment, there seems to be no movement to extend such legislation to cover the private sector, perhaps because it might be perceived as denying a corporation its right to employ undercover agents to provide legitimate business information.

One sensed from the jurors' comments after the De Lorean trial that what offended them was not only the excessive zeal of the investigators in trying to prove their case, but the perception that the government unfairly had it in for an individual.

Unfortunately, our system may sometimes work that way, but that is not the underlying motive of undercover work. It is a useful aid to our legal system, which already has built-in checks for excesses, as proved by the De Lorean verdict.

Sam Passow is a free-lance writer specializing in corporate response to terrorism and white-collar crime.

PEACE 2010

A CONTEST

The Christian Science Monitor invites its readers to enter a contest. This is an unusual contest about the most vital subject in the world today — peace.

Readers and thinkers on the world scene are most often reactors to today's events. We invite you to think about tomorrow. In an essay of not more than 3,000 words, describe from the point of view of someone in the year 2010 how a lasting peace came to planet Earth during the preceding 25 years.

Peace is a condition all the world's statesmen say they yearn for. Every individual would like to live in peace. The Beatitudes call the peacemakers "the children of God."

Instead of only reacting to each new international crisis, let's think instead about what conditions could prevail that would bring about a substantially altered climate of world opinion. Your essay will be judged for its literary qualities, but it will be judged even more on the basis of the feasibility of the ideas it contains. Essays will be expected to show a knowledge of the framework of international relations in the world today and the process by which those relations are bettered.

The edifice of a lasting peace will have many building blocks. You may wish to emphasize economic factors, the role of moral leadership, or a need to control world armaments. Some combination of these or other factors may be the basis of your solution.

The contest closes Dec. 31, 1984. Entries will be judged by the senior editors of the Monitor, and the best three will be printed in their entirety in the Monitor during March 1985. Entries will be accepted in English, French, German, or Spanish.

PEACE CONTEST

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