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What are Public Views on Using Video to Deter Crime and Consumer Fraud?

Since 1978, Nassau County NY has pioneered the use of “video stings” to protect the public from a wide variety of dishonest behaviors—with appliance repair, auto repair, home contractors, insurance sales, chiropractors, and even internet pedophiles (Lambert, 1997). Surprisingly, though this has been a model for a few other municipalities, neither Nassau County nor others have conducted systematic research on how the public regards this unusual policy (Wrightsmann, Greene, Nietzel & Fortune, 2002). In this survey, 114 people completed an anonymous structured 18-item survey containing 3 scales: their support of video stings (0-28), their familiarity with past media reports of stings (0-14), and their authoritarian personality (0-20). As hypothesized: (a) there was immense variation in public support, from 0 to 28 on the 0-28 scale. (b) The average sentiment was a strong support for video stings ($M = 22.38$). (c) There were clear biodata correlates of increased support, including: belief that video evidence leads to a drop in crime ($r = +.312, p < .01$), a more authoritarian outlook ($r = +.264, p < .01$), but not county residence ($r = .022, n.s.$). The policy implications of these findings are discussed.

Around the United States, one of the most common complaints among citizens is their victimization by dishonest professionals—home contractors, auto mechanics, insurance salespeople, attorneys, and others. Back in 1978, Nassau County, NY, started its first undercover video sting operation, in response to consumer complaints about local auto mechanics. In a car repair sting, Nassau County used a sophisticated video camera to record not only the before-and-after condition of the car, but also the auto mechanic repairing it. Some auto technicians were deceitful, charging extra money for unnecessary services or no service at all. Nassau County prosecutors successfully brought this graphic video evidence into court to prosecute dishonest

mechanics. In 1982, the video sting operations were expanded to dishonest home repairmen as well. Soon, this same type of video evidence was gathered to prosecute dishonest chiropractors, lawyers, home-appliance repairmen and others (Lambert, 1997 & McQuiston, 1995)¹.

How does the public feel about such video stings? And how much is this correlated with a citizen’s demographics or psychographics? Do the advantages of the stings outweigh likely disadvantages (governmental use of deception to “test” people)? Occasional media reports of such stings may lean far more towards praise than criticism in the past 20 years (Lambert, 1997;

McQuiston, 1992), but this is no substitute for a systematic public opinion survey on the question.

Operation Backbone

In 1984, Operation Backbone was formed under the Special Investigations Bureau (Quigley, n.d.; Kornblau, 2007). With a team of video technicians, the department conducted series of video stings during the year, which led to 185 prosecutions with a guilty plea from nearly all defendants (Quigley, n.d.). The Chief of the Nassau County Frauds Bureau, attorney Robert Emmons also commented that “video is critical” in order to catch these criminals. With video, defendants cannot make false claims to avoid legal sanctions, because the video “gotch’ya” in the criminal act (Emmons, 2007). For example, Mitchell Rachlin, a lawyer, claimed an accident caused him to have neck and back pains that prevents him from working, and received a total of \$626,000 from his insurance policy (Lambert, 1997). However, a camera put into his office, recorded him working with high efficiency, and no apparent neck or back pains (Lambert, 1997). Mr. Rachlin was indicted along with 20 other people based on this two-year video sting, Operation Backbone (Lambert, 1997).

Trade associations and insurance firms have praised the effectiveness of these sting operations (Emmons, 2007). In addition, 98% of all the defendants pled guilty and the 2% who went to trial did so “if they had a license to lose. The trial gave them a chance to save their professional license” (Emmons, 2007). These video stings are effective not only to induce criminals to confess, but they save money for government and taxpayers. In 1998, over \$1,065,959 in cash restitution was paid by defendants (Quigley, n.d.). Moreover, the high rate of guilty pleas saves court time, which in turn saves tax dollars.

The main downside would be the great amount of effort needed to implement the stings. As reported by Barbara Kornblau, Assistant District Attorney of the Nassau County Appeals Bureau, the department must get a judge’s approval, as well as grants in order to buy equipment for the stings. The chosen actor/actress must seem gullible or vulnerable, because these are the main targets of consumer frauds. The actor/actress must also be available at

different times of the day and should know it is not a “9-5 job”. A house or apartment may be needed for certain operations, but not for all. Furthermore, Kornblau emphasized the importance to provide a clear-cut story without “entrapment,” where the actor is not allowed to lure the suspect into criminal behavior (Kornblau, 2007). The psychological feedback to criminals is also noteworthy. After the success of these video sting operations, “similar crimes were reduced by an estimated 20 to 27% (Emmons, 2007).

Lack of Polls

Strangely, even since 1978, there is no poll of public opinion on such proactive videos. On one hand, most law-psychology research indicates a mixed attitude towards possible “entrapment” used by the government to capture alleged criminals. “Proactive law enforcements often necessitates deception. But we do not want the police to induce law-abiding folks to commit crimes” (Wrightsmen et al., 2002, p. 231). On the other hand, a 2007 straw poll done in a Fordham law-psychology class with 35 students found a strong 5:1 support for government collection of video evidence. If the public does support the use of video evidence, it may well lead to policy changes in states and counties to conduct video stings. Hence, a poll is important to evaluate citizens’ views on the use of such video evidence.

Present Study: Three Hypothesis

This survey tested three hypotheses: (1) The public has mixed views on prosecution’s use of video in court, (2) the public generally supports video evidence in court and that (3) there are biodata correlates of these views.

Method

Participants

The sample was a diverse group of 114 commuters from Penn Station NY to Mineola NY—62 men (54%) and 52 women (46%).⁴ Of all respondents, 43 lived in Nassau County (38%), and 71 lived elsewhere (62%). The mean age was 32, and mean years of current county residency was 21.3.

Materials

An anonymous structured 18-item survey

contained 3 scales to evaluate the opinions of the participants: (a) Prosecute, a 7-item scale assessing one's support of video stings (0-28 points); (b) Media, a 7-item scale assessing one's familiarity with media coverage of past stings (0-14), Authoritarianism, a 5-item scale assessing this law-and-order personality disposition (0-20). Question 8 evaluates respondent's beliefs towards the use of video surveillance leading to a drop in future similar crimes. Questions 15-18 requested gender, age, residency and years of residency. (See Appendix A)

IRB permission was received prior to surveying participants' opinions. In addition, the Nassau County Court offered its cooperation with data collection.

Procedures

Three researchers collected intercept surveys of commuters from NYC Penn Station to Mineloa NY Station, and from Mineloa back to Penn Station. Approximately 20% of commuters agreed to complete a survey.

Based on item analysis of the 114 respondents, the three scales had moderate to high internal reliability: Prosecution ($\alpha = .96$), Media ($\alpha = .76$), Authoritarianism ($\alpha = .69$).

Results

As hypothesized, the public did indeed have highly varied views on video stings, varying from zero up to 28 on the 0-28 prosecution scale. Yet the overall mean for this scale was 22.38, showing strong public support. On the seven-item scale, from 0-4 per item, respondents endorsed use of video stings to prosecute appliance repairmen ($M = 3.11$), home contractors ($M = 3.19$), chiropractors ($M = 3.18$), auto mechanics ($M = 3.17$), insurance agents ($M = 3.32$), chimney sweeps ($M = 2.88$), and sexual predators ($M = 3.55$). Moreover, there was a significant positive correlation between the prosecution scale and respondents' belief that the use of video surveillance leads to a drop in similar crimes ($r = +.33, p = .01$).

Authoritarian Scale

Is citizens' authoritarian personality a factor in their pro-prosecution views? On the five-item, 20-point authoritarian scale, the mean was a moderate

11.64. This correlated positively with their video prosecution score ($r = +.26, p = .01$), and familiarity with media score ($r = +.312, p = .01$).

Media Scale

The 7-item media scale measured the respondents' familiarity with past media coverage of these video stings, from 0 to 14. The total mean of this section was a low 4.7, and varied a bit by type of sting: appliance repairmen ($M = .46$), home contractors ($M = .88$), chiropractors ($M = .43$), auto mechanics ($M = .83$), insurance agents ($M = .50$), chimney sweeps ($M = .24$) and sexual predators ($M = 1.43$). It seems the unusually high score of 1.43 for pedophiles was due to the recent and popular *NBC Dateline* series exposing pedophiles on national television.

Other Biodata

Other biodata did not correlate with the prosecution scale, media scale ($r = +.13$) gender ($r = +.15$), age ($r = +.03$), years of residency ($r = +.02$) and residences in Nassau County ($F = .98, p = .32$) none of which significantly correlated with the prosecution scale.

Discussion

These findings clearly confirmed the three hypotheses: (1) The public's view on prosecution use of video sting operations varied greatly, with answers ranging from zero to 28 on the prosecution scale. (2) The public strongly supports video evidence in court, with a high mean of 22.4 on the 0-28 prosecution scale. (3) Biodata correlated with these views. People who support the use of video evidence in courts feel such video stings deter crime in general. In addition, the more authoritarian the respondent's views, the stronger their support for the use of video evidence ($r = +.26, p < .01$).

Additional Findings

Since the mean support on the prosecution scale is high ($M = 23.4$), despite the low familiarity on the Media scale, it seems greater media coverage may produce even more support for video evidence.

Another intriguing finding was the positive correlation between authoritarian scores and greater Media familiarity with video stings ($r = +.31, p < .01$). It seems increased authoritarianism made one

more alert to such media reports of human dishonesty and punishment of miscreants.

Limitations of this Study

Initially, we were set to draw our participants from the Nassau County jury pool. However, due to time pressures, we instead surveyed commuters on the Long Island Railroad (LIRR). Thus, the diverse sample here is a representative one, but not as fully random as that of a jury pool.

Policy Implications

Increased media coverage may be necessary to broaden the knowledge of citizens about video sting operations. For example, insurance frauds caused a total of twenty billion dollar increase in insurance premium, "Which translates to a cost of 200 extra dollars in insurance premium that the average household pays every year" says Bob Murray, an official from the National Insurance Crime Bureau (Carrado, 1997). It is such video evidence that helps save money in court, and lower insurance rate for everybody. Another example of successful video operation stings helped save wildlife from poachers. As Rob Young, a sheriff from Arizona Game and Fish Department, said, "I don't think most people realize but the illegal trafficking of wildlife worldwide is a \$4 billion dollar business that's second only to the illicit drug market," hence, the importance of video evidence in court (Nash, 1999). Positive media coverage can lead to more support of video sting operations and expansions of video stings to other counties and states. Expansion of video stings, will then lead to policy changes from one to two-party states. Thus far, only one-party states can execute video sting operations, since consent from only one of the party being recorded is required to legally use video evidence in court. However, in two-party states courts must get the consent of both parties in order to use the video. Hence, video operations will not work in two-party states, since dishonest people are not likely to incriminate themselves.

If the general public truly supports the using of video evidence in court, then policy change is necessary to incorporate more counties and states to use video stings, for the effectiveness of such video evidence is undeniable. Video stings not only deter crime and consumer frauds, they also saves

taxpayer's money by reducing the time in court trials, as well as achieving higher and honest guilty pleas from criminals.

Future Research

It is important to survey people in other regions to collect the general public's view, as a whole, on the use of video sting operations. Furthermore, researchers should try to find a diverse sample that represents the community, so that the results can be generalized. Examples of diverse samples are jurors, newspaper readers, or maybe just randomly selected internet users that live within the community being sampled.

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Table 1.

Timeline: History of the Use of Video Evidence in Nassau County NY

Year	Event
1978-	The first video sting operations started in Nassau County NY based on consumer complaints of dishonest auto repairmen (Emmons, 2007).
1982-	Video sting operation was further expanded to catch dishonest home repairmen (Emmons, 2007).
1984-	Attorney Robert Emmons became in charge of Operation Backbone, to prosecute fraudulent activities in Nassau County (Quigley, n.d.).
1992-	New York Times reports a 3 month video sting that lead to the indictment of 34 people at Suffolk County NY for stealing cars, and auto insurance fraud (McQuiston, 1992).
1995-	New York Times reports a home repair sting in a Nassau County NY neighborhood, where neighbors were oblivious to the ongoing sting operations. The author also suggested ways to avoid being cheated. (McQuiston, 1995)
1997-	New York Times reports chiropractors and lawyers indicted in insurance fraud stings (Lambert, 1997).

Newsday.com reveals a Nassau County NY sting that caught 21 men ranging in age from 22-62 for cybersex crimes (Frazier, 2007).

Table 2

Pros and Cons of Using Video Sting Operations

Pros	Cons
<ul style="list-style-type: none"> • Enhances Security – Deters crimes because dishonest people are less likely to repeat crimes. • The media can also play a major role by exposing “stings” to the general public; thus, consumers will be more cautious and alert. • Videotape evidence – Assists in prosecution cases and is a formidable tool in the fight against crime • Jurors – Increased guilty pleas, so jurors spend less time in court! • A decrease in insurance frauds cause a decline on insurance premiums • Long term effects: less court trials, and decrease in variety of frauds helps consumers and tax payers save money. 	<ul style="list-style-type: none"> • Privacy concerns- some respondents felt it was an invasion of privacy • Dangers for Actor/Actress- Unexpected turn of events can lead to dangerous consequences, such as, the suspect bringing a gun and threatening the actor/actress. • Crime deters in the are where video sting operations are held, but are displaced elsewhere. • Costly in the short run- Must get grants to kick start the operations. Must get expensive equipment to do the video stings, all of which is a one time cost (all equipments are reusable.)

Table 3
Inter-correlations of citizens' attitudes and biodata

		Nassau resident	Drop in crime	Gender	Age	Years in county	Prosecut	Media	Authorit
Nassau resident	r:	--	-.093	-.166	-.051	-.266 **	.030	-.086	.069
	p:		.329	.077	.590	.010	.751	.366	.468
	N:		113	114	114	94	115	113	114
Drop in crime	r:	-.093	--	-.045	-.160	.112	.332 **	.127	.178
	p:	.329		.640	.093	.287	.000	.183	.060
	N:	113		112	112	92	113	111	112
Gender	r:	-.166	-.045	--	.146	.156	.150	-.062	.012
	p:	.077	.640		.121	.134	.111	.515	.903
	N:	114	112		114	94	114	112	113
Age	r:	-.051	-.160	.146	--	.546 **	.027	.013	-.293 **
	p:	.590	.093	.121		.000	.778	.892	.002
	N:	114	112	114		94	114	112	113
Years in county	r:	-.266 **	.112	.156	.546 **	--	.022	.012	-.218 *
	p:	.010	.287	.134	.000		.834	.908	.035
	N:	94	92	94	94		94	94	94
Prosecut	r:	.030	.332 **	.150	.027	.022	--	.125	.264 **
	p:	.751	.000	.111	.778	.834		.188	.005
	N:	115	113	114	114	94		113	114
Media	r:	-.086	.127	-.062	.013	.012	.125	--	.312 **
	p:	.366	.183	.515	.892	.908	.188		.001
	N:	113	111	112	112	94	113		112
Authorit	r:	.069	.178	.012	-.293 **	-.218 *	.264 **	.312 **	--
	p:	.468	.060	.903	.002	.035	.005	.001	
	N:	114	112	113	113	94	114	112	

* "r," Pearson correlation is significant at the $p < 0.05$ level (2-tailed).

** "r," Pearson correlation is significant at the $p < 0.01$ level (2-tailed).

Appendix A
Public opinion survey

*How can government best protect the public from consumer fraud? In this anonymous survey, please give us your frank views on some local courts' occasional use of videotape "stings" to identify and prosecute dishonest behavior by service people. THANK YOU. ***

When Sally called 40 appliance repairmen to her house to estimate the repair of a \$1,000 heater that needed just a minor \$20 valve, some were honest to tell her this, while others cheated her for totally unneeded repairs. Since Sally actually worked with the local Consumer Crimes Bureau, dishonest repairmen were easily prosecuted using strong videotape evidence secretly taped by the court's technicians inside this house.

To protect citizens from crime, do you think it is good for local courts to use such videotape stings to proactively test and prosecute people suspected of victimizing the public? Circle your view, from 0 (strongly disagree) to 4 (strongly agree):

1. 0 1 2 3 4 *Appliance repairmen who cheat clients.*
2. 0 1 2 3 4 *Home contractors who overcharge for little or no work.*
3. 0 1 2 3 4 *Chiropractors who bill for false medical claims.*
4. 0 1 2 3 4 *Auto mechanics who over-bill motorists.*
5. 0 1 2 3 4 *Insurance agents who collect for nonexistent policies.*
6. 0 1 2 3 4 *Chimney sweeps who overcharge for little or no work.*
7. 0 1 2 3 4 *Sexual predators who try to meet children through the internet.*

8. *When local authorities are known to use such video stings, do you think this likely causes a drop in future consumer frauds? (Circle #:) No 0 1 2 3 4 5 6 7 8 9 Yes*

9. *In the past 20 years, have you seen media reports of such court-supervised stings?*

Circle N (No), ? (Maybe), Y (Yes) for each:

a. N ? Y <i>Appliance repairmen</i>	b. N ? Y <i>Home contractors</i>	c. N ? Y <i>Chiropractors</i>
d. N ? Y <i>Auto mechanics</i>	e. N ? Y <i>Insurance agents</i>	f. N ? Y <i>Chimney sweeps</i>
g. N ? Y <i>Internet sex predators</i>		

Some general views:

10. 0 1 2 3 4 *Human nature being what it is, there will always be war and conflict.*
11. 0 1 2 3 4 *People cannot be trusted.*
12. 0 1 2 3 4 *A few leaders could make this country better than all the laws and talk.*
13. 0 1 2 3 4 *Most people who don't get ahead just don't have willpower.*
14. 0 1 2 3 4 *An insult to one's honor should not be forgotten.*

About myself:

15. My gender: o M o F
16. My age: -20 20s 30s 40s 50s 60s 70s
17. I live in _____ County, where I have lived for ____ years.
18. Any further COMMENTS (on reverse).

What do you like or dislike most about the use of video for prosecution?

**** For any details on this survey, or a free summary of the findings next month, contact Ada Chan at achan@fordham.edu. Or for general questions about research, contact the Institutional Review Board at irb@fordham.edu.**

Appendix B

August 3, 1995

Law Enforcement Sting Fit Right Into the Neighborhood, Almost

By JOHN T. MCQUISTON

The couple who moved into the small brick colonial at 60 Alden Court in December seemed nice enough, but they sure had their share of household crises, neighbors recalled. Almost daily, it seemed, repairmen were at the home to fix the furnace, clean the chimney or revive an appliance. Fourteen different repairmen, in fact, worked on the washing machine. Today, Nassau County authorities revealed that the couple were actually investigators for the District Attorney's office and the Department of Consumer Affairs, that the home was equipped with hidden cameras and microphones and that of the 65 repairmen called to the house, 23 were being charged with breaking the law.

In one case, a chimney sweep climbed his ladder, looked down the chimney, and threw his brushes to the ground. He never touched the inside of the chimney but charged \$56.81 for a cleaning. In another, a repairman found a towel that had been deliberately stuffed in a washing machine to block the water pump. He only removed the towel but submitted a bill for \$146.67 saying he had installed a new pump. Before leaving, he pasted his name and telephone number on the machine, should anyone need to call him again for service.

"We found many honest merchants, but also some who crossed the line," District Attorney Denis Dillon said at a news conference. He said the six-month sting operation followed complaints from 30,000 people about their dealings with home-repair businesses last year.

Of seven chimney cleaners who came to the house, three were charged with doing business without a license and a fourth was charged with fraud, Mr. Dillon said. Of the 14 washing machine repairmen, he said, 12 proved to be honest, but two performed unnecessary repairs. One of them, Michael Bond, 31, who operates a repair shop called Lawrence Appliance in Island Park, was charged with petty larceny for billing for the phantom water pump. The investigation also found that 12 of 24 home-improvement contractors who came to the house lacked the necessary licenses, as did three of 10 exterminators. One company, A-Z Exterminating, operated by John Ring of Bellmore, had been fined \$20,000 in 1994 and barred from the commercial application of pesticides.

Michael Ade, assistant to the Commissioner of Consumer Affairs, said that as a result of the sting, nine businesses were being charged with criminal violations while 14 faced noncriminal charges. They include Mr. Ring, whose case has been handed over to the State Department of Environmental Conservation for administrative action. Mr. Ade said the county decided to mount the sting operation because homeowners' complaints about inferior workmanship were so difficult to pursue.

The home at 60 Alden Court was rented from Samuel and Helen Plotkin, a retired couple who have lived in Malverne for 40 years. After the marathon of repair work, they returned from Florida in May and said they found "everything to be in excellent condition." "We knew they were going to do the sting," Mr. Plotkin said. "We've never had any trouble with repairmen, but we know people who have. So we feel like we did a public service in renting to the District Attorney."

The Plotkins' next-door neighbor, Eleanor Loftus, a teacher, said she knew the Plotkin house had been rented, but said "the new couple was very quiet." She was surprised to learn that the house had been used to catch dishonest repairmen, but other neighbors greeted the news as a welcome explanation for the strange comings and goings on their street. One neighbor who asked not to be identified said: "I never saw so many people in my life. Constantly, every day, they had trucks there. People going on the roof, on the chimney, then they had an oil-burner man come down, then they had another oil company, and people for appliances too." Another neighbor remarked, "I just figured everything broke down while Sam was away."

Mr. Emmons said that Mr. Bond, the washing-machine repairman, was arrested this morning and that the other suspects had been arraigned last week. Those facing criminal charges, if found guilty, could be sentenced to up to one year in jail and a \$1,000 fine, he said. The sting operation began in December and ran through April. Mr. Emmons said it had taken three months to review all the evidence and to prepare the cases against the 23 who were charged. He said that a detective from the District Attorney's office had played the husband in the sting operation and that an investigator for the Department of Consumer Affairs had played the wife. "They were at the house almost every day," Mr. Emmons said. "They would arrive in the morning and leave around 5 P.M., with someone coming to the house daily. We wanted it to look like a normal couple lived there. The key was not to appear too knowledgeable about anything that needed to be repaired. We gave no suggestion of what the repairmen should do or not do and then we'd wait and see what they did with it."

Mr. Dillon said he hoped the sting sent a clear message: "If there is anyone out there thinking of cheating consumers, they have to think twice because they'll never know whether the people they are trying to rip off are working for my office."

How to Avoid Being Cheated: To avoid being cheated by contractors and home-repair services, the Nassau County District Attorney's office and the Department of Consumer Affairs offered this advice: (1) Do not give large down payments and always insist on a written agreement with a contractor. (2) Always ask if the serviceman is licensed and insured, and ask for his license number. (3) Avoid those who advertise using only a telephone number and give no business address. (4) Avoid employing those who arrive in a vehicle without a business name or address. (5) Do not accept business cards or receipts without a business address.