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ATM Crime & Security Newsletter, Vol. 2, No. 3

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Crime & Security Newsletter



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Inside This Issue ...

Key Events Nationally	Page 1
ATM-Related Legislation	Page 1
ATM-Related Litigation	Page 4
Thefts of Entire ATM Machines	Page 4
Other National Events	Page 6
In The Northeast	Page 8
In The South	Page 10
In The Midwest	Page 11
In The West	Page 12
International Reports	Page 14
Consumer Education	Page 14
News of Weird ATM Crimes	Page 14
Closing Notes	Page 15
<i>Bonus</i> Section	Page 16

KEY EVENTS NATIONALLY

ATM-Related Legislation

- 1) U.S. Congress Considers Hearings On ATM Crime - California Congressman Estaban Torres is reported to be considering hearings on ATM crime before the House Banking Subcommittee on Consumer Affairs and Coinage, which he chairs. Six-term Congressman Torres' office indicates the hearings may occur in late May or early June. Congressman Torres' interest in ATM crime is said to have been prompted by drive-by shootings at ATMs in his home state. The Subcommittee may be reached at (202) 225-8872. Editor's Note: This Newsletter will keep you advised of developments in this area.
- 2) New York ATM Security Proposal - *The American Banker* reported on March 6 that although the New York City Council ATM security bill's sponsors had earlier said it would be passed and made law as early as February 1992, a vote on the bill will be put off until April 1992 in order to allow financial institutions more input into the legislative

process. The New York Cash Exchange (NYCE) was reported to be collecting information from its member financial institutions about the number and nature of crime at its members' ATMs. These survey data and other testimony will be delivered to the City Council by the end of March. The next public hearing on the New York ATM security proposal is scheduled for April 10, 1992.

In one of the first published opinions by a professional organization not directly involved in the New York ATM security proposal, *New York Construction News* (March 2, 1992) stated that:

- "Though the sponsors of this legislation should be applauded for recognizing a growing problem and trying to stem it, they must also be cognizant of the fact that it falls short of its purpose."
- "Because of (the bill's) ambiguous language, it would be leaving platitudes (sic) for interpretation variances as well as loopholes for potential lawsuits. Terms such as 'adequate lighting' vary considerably in conceptual interpretation..."
- "Developing functional architecture that indeed works in creating a safe environment takes a serious investment..."
- "With the technology on hand, there are ways of reversing the trend of today's crime rate in ATM facilities and creating safer environments. It takes commitment in the form of design, funding and research to halt this growing problem." (Steven Papadatos, president of the New York Council of the Society of American Registered Architects, writer).

Another source close to the City Council noted that:

- The NYCE Network Study was expected to be received along with financial institution testimony at the April 10 hearing before the Council's Public Safety Committee of 7 members.
- The Public Safety Committee was not unanimous in its support of the bill at this point, the split being perhaps 4 to 3 or 5 to 2 in favor of the proposed legislation.
- The source was "quite sure there would be some give and take" on some of the provisions of the bill. The ban on new outdoor ATMs may be dropped. The lighting requirements may be reduced, and the amount of time for banks to implement the new security precautions may be extended.
- Representatives from the financial institutions have met with the chair of the Public Safety Committee recently.

- A total of 44 of the Council's 51 members are said to be currently sponsoring the ATM security proposal.
- If the Public Safety Committee passes on the bill to the full council, action by the full New York City Council could take place as early as late April or in May, sending the proposal into law.

If the bill is passed into law, opposition activity possibilities for financial institutions include: 1) challenging the authority of local regulations to supersede federal regulatory standards on security at ATMs or 2) beginning selective closure of ATMs, with printed explanations to customers of the reasons why, and directions to call their Councilmembers if they are dissatisfied with the restrictions on ATM availability.

The New York ATM security bill was also briefly reported on in the February 7 issue of *USA Today*.

- 3) California City Seeks To Preempt California State ATM Security Law - The Monterey Park, California City Council voted unanimously in late January to write a resolution urging California state lawmakers to allow cities to enact laws preempting the California state ATM security standards. California Assembly Bill 244 specifically provides that the state ATM security law supersedes and preempts all city, county and other local agency regulations pertaining to ATM security. Daniel Cross, Monterey Park Chief of Police, indicated several additional steps could be taken to reduce ATM crime, including "surveillance video cameras mounted both inside the ATM machine and outside the bank..." and having "banks reduce their hours of operation at ATM machines." (*San Gabriel Valley Tribune*, January 31, Veronique de Turenne, reporter).
- 4) Electronic Funds Transfer Association To Convene ATM Security Task Force - The Electronic Funds Transfer Association (EFTA) of Herndon, Virginia will convene a meeting of leaders from ATM networks, financial institutions, ATM manufacturers and other interested parties in April in Virginia to consider the industry's needs with regard to security risks and security legislation regarding ATMs. The EFTA sponsored the last industry-wide ATM security task force in 1989 and 1990, which culminated in the publication of its report ATM Security In The 1990s. Specifically cited as impetus for this meeting was legislative activity regarding ATM security in California, Nevada, New York and the U.S. House of Representatives.

ATM - Related Litigation

- 5) Details Revealed of Lawsuit Brought By Mother of New Jersey Prosecutor Slain at Philadelphia ATM: As reported in the February 1992 Newsletter (Item #9, Page 5) Mrs. Betty Bunn, the mother of New Jersey County Prosecutor Richard Barbour, who was murdered at 2:00 a.m. on April 28, 1991 at a Meridian Bank MAC machine, has filed a lawsuit against Meridian Bank, NCR Corporation (manufacturer of the MAC machine involved in Barbour's murder) and the alleged murderer, Yerodeen Williams. The full text of the complaint is included as a Bonus at the end of this issue of ATM Crime And Security Newsletter.

Selected elements of the alleged negligence of the named defendants include:

- A) There were no warning or notice signs of possible danger posted at the ATM site
- B) Defendants should have known that this was a dangerous area at 2:00 a.m. "because of bars, taverns, nightclubs and other drinking establishments and dark secluded alleys in proximity to the machine."
- C) "Careless and defective surveying of the area for danger prior to the installation of the (ATM)."

Unique in this suit is the first published involvement of the ATM machine manufacturer as a defendant. The plaintiff alleges NCR Corporation was negligent with regard to:

- D) The "manufacturing, fabricating and designing (of) the MAC machine involved in Plaintiff's accident in an unsafe and defective manner."
- E) "Failing to design, fabricate, manufacture, sell and/or supply the MAC machine in question with all the necessary and adequate protective devices and features which would have made it safer for the plaintiff's and public's use..."

The plaintiff's Philadelphia attorney is Gerald T. Gervasi, [(215) 667-3792].

This lawsuit was also noted in the February 20 *Philadelphia Daily News*.

Thefts of Entire ATM Machines

- 6) St. Louis ATM Machine Theft Suspect Turns Himself In After ATM Transaction Camera Photo Published - Additional details have been reported about the theft of a Commerce Bank driveup ATM on February 1 in St. Louis, Missouri (see February 1992 Newsletter, Item #18, page 9). On February 5, *The St. Louis Post-Dispatch* reported

that a tip to the FBI led to the recovery of the stolen Commerce Bank ATM. When it was recovered by a county sheriff's deputy at 11 p.m. on a dirt road the ATM's vault had been looted of money. After *The St. Louis Post-Dispatch* and local television stations publicized an ATM transaction camera photograph on February 4 of a man with a heavy chain in his hand taken seconds before the ATM was jerked away (see below), the FBI received many phone calls from people who believed they knew the suspect. Vernell Evans, 26, surrendered to authorities accompanied by his lawyer after learning from family members that he was being sought by police. The suspect is believed to have had at least two accomplices in the theft. None of the stolen money - an estimated \$40,000 to \$50,000 - has been recovered. (reporter Bill Bryan). This story also was reported February 4 in *The Tucson Citizen*, on February 5 in *The Orlando (Florida) Sentinel*, and on February 6 by *USA Today* and *The Sterling (Illinois) Daily Gazette*.



- 7) St. Louis ATM Machine Theft Inspires Copycats - On Thursday, February 13, about 7:30 p.m., an ATM at the Eagle Bank in Jefferson County (near St. Louis) was damaged by burglars who were trying to break open the machine to get at the vault. "They damaged the machine, but they didn't get any money," the investigating police reported. Photographs of two white males suspects in their 20's were captured on film by the ATM camera. The FBI is investigating. (*Sunday Home Jefferson County Journal*, February 23, Kathleen Sullivan, reporter).

In what is believed to be a second "copy cat" attack on an ATM, on Sunday February 16 an ATM at Boatmen's National Bank in St. Louis was struck with a heavy instrument, probably in an attempt to get money out of the Bank 24 ATM. Police are investigating this incident, possibly as an attempted ATM machine theft. (*St. Louis Post-Dispatch*, February 17; also reported in *USA Today*, February 18).

- 8) Teenage Albuquerque "Bonnie and Clyde" Charged With Theft of an ATM - In a much less publicized theft of an ATM, male suspect Bonnaville Bartley, 18, and Andrea Fox,

19, were charged with the burglary of a First National Bank of Albuquerque "Money Machine" ATM on January 31. The pair allegedly broke the windows at a Giant gas station about 2:00 a.m., attached the machine to a vehicle, and dragged it off of its floor mountings. The machine was found later that day in a ditch. A total of \$17,860 was stolen. (*Albuquerque Journal*, February 15).

- 9) California Thieves Fail In Backhoe Attempt On ATM - *The Antelope Valley Press* of Palmdale, California reported on February 7 that would-be thieves used a backhoe to dig a Bank of America Versateller ATM out of the wall of a branch bank in the Antelope Valley. Deputies responding to a burglar alarm at the bank at about 4:15 a.m. found the backhoe parked next to a large hole in the wall of the building. The ATM was lying on the ground, where the suspects apparently abandoned attempts to load the machine onto another vehicle. (Mary Beth Alexander, reporter). On Sunday, February 9 *The Antelope Valley Press*, published law enforcement's request for information regarding the attempted ATM machine theft.
- 10) ATM Target Hardening In Sacramento - *The Sacramento Bee* reported on March 2 that First Interstate Bank and four branches of Wells Fargo Bank have improved security in and around midtown Sacramento bank locations. "Once open around the clock, First Interstate is closing its parking lot and ATM at 5:00 p.m. on weekdays and all day Saturday and Sunday. Branch managers also are installing gates at the entrance of the parking area and enclosing the ATM with a red and grey cage." The branch manager noted "there's been too much violence... in the neighborhood (after hours)," although no bank customers have been victimized.

Other National Events

- 11) Magic Line Survey Suggests "Doing The Right Thing" (For ATM Customer Safety Education) Is The Right Thing - At the March 10, 1992 Annual Meeting of Magic Line in East Lansing, Michigan, the results of a telephone survey of more than 1,000 Michigan bank customers in 1991 were released and compared to a similar survey of about 1,000 Michigan bank customers from 1990. Magic Line has long been one of America's most progressive ATM networks with regard to ATM security (see February 1992 *Newsletter*, Items 1, 2 and 3). For example, since 1984, Magic Line has distributed more than 20 million customer safety statement stuffers via its member financial institutions. ATM marketers in America initially resisted such highlighting of the security issue, fearing loss of ATM customers and decreasing transaction volumes.

Results from the two Magic Line studies, conducted by Analytica, Inc., of Houston, Texas, suggest that ATM security education may actually increase card use. The largest reported change in "reasons why people might not use" ATMs was a decrease in "concerns about my personal security," which decreased from 5.8 on a 10 point scale in the 1990 survey to 4.1 on the same scale in 1991 (a difference likely to occur by chance less than 1 time in 10,000 according to the researchers). In addition, the two surveys showed the percentage of surveyed females who prefer to get cash out of an ATM

dramatically increasing, from 29.1% in 1990 to 40.5% in 1991. Finally, the survey showed female ATM users increased from 39.6% of respondents in the 1990 survey to 48% of respondents in 1991. These three findings do not prove, but certainly do suggest that ATM usership is not hurt; and in fact might be positively affected by making customers aware of risks and how to avoid them.

- 12) Convict on Parole Convicted of Dana Feitler's 1989 Murder In Chicago - Lee Harris, 36, was found guilty by a Chicago jury on March 6 of murder, armed robbery and aggravated kidnapping in the June 18, 1989 robbery and murder of Dana Feitler, then 24 years old. Feitler was abducted from her Northside apartment building lobby, taken to a Cash Station ATM, forced to make two \$200 withdrawals and then forced into a nearby alley where she was shot once in the back of the head. She lingered in a coma for 21 days before dying. Outrage about the ATM-related homicide led to the formation of a Chicago City Council Blue Ribbon Commission on ATM security.

After serving prison time on a burglary conviction, Harris was released on parole about one month before Feitler's murder. He was questioned numerous times by police over four months and reportedly confessed after an eyewitness identified him. In November of 1989 Harris also allegedly admitted his involvement in Feitler's murder to another Cook County Jail inmate. Police believe there are two other people involved in the crime, but do not have enough evidence to charge anyone else. Dana Feitler's parents, Robert and Joan Feitler of Milwaukee, locked arms upon hearing the verdict and said "We are relieved... Dana would have felt it would make the city a little bit safer when a person like this is taken off the street." Sentencing will take place on April 7. Harris could receive the death penalty. (*Chicago Sun-Times*, February 28 and March 8, Leon Pitt, reporter).

- 13) Televised ATM Camera Photos Lead To Quick Arrests Of Two Nevada ATM Robbery Suspects - A few hours after an ATM camera photo of a robbery suspect was shown on southern Nevada television stations, a 36-year-old suspect, Robert Allen Debereaux, turned himself into police. The next day, a second man, Eugene Weems, 17, was arrested without incident for the same crime. Editors Note: The effectiveness of ATM transaction and/or surveillance camera photos as an investigative aid in ATM crimes is again demonstrated. (*Las Vegas Review-Journal*, February 14 and 15).

- 14) \$1.2 Million Credit Card Fraud Ring Busted In Miami - U.S. Secret Service and Metro-Dade Police have charged a 21-year-old man, Johnny Bonilla, of San Juan, Puerto Rico with masterminding a credit card fraud ring that made at least \$1.2 million in illegitimate charges through 160 accounts. The fraud ring allegedly obtained information on legitimate credit card accounts, then reissued and recoded stolen cards to contain valid card information. The forged cards were then used to make retail purchases and cash withdrawals from ATM machines. Three other suspects were also arrested during the investigation. (*Miami Herald*, February 15).

- 15) New York ATM Servicer Interrupts ATM Burglary In Progress - About 6:10 a.m. on Saturday, February 15, an ATM servicer was sent to East 233rd Street in the Bronx when an alarm indicated a problem with the ATM. Upon entering the Chase Manhattan

Bank, the technician surprised a burglar who had forced open the cash machine with a torch and a crowbar. The burglar fled, leaving behind burglary tools and a bag of money. Detectives were not sure if the burglar had any money stuffed in his pockets. (*United Press International* wire report, February 15).

- 16) British Product Tampering/Corporate Extortion Case Involving ATMs Is Detailed - The United Kingdom edition of *Readers Digest* (March 1992) reported the details of one of the longest and most complex investigations in British criminal history in "To Catch a Blackmailer" by David Moller. Rodney Whitcelo, a recently retired Scotland Yard detective, was convicted of baby food and pet food product tampering in an extortion scheme which involved corporate extortion payments made to bank accounts, which the perpetrator tapped with ATM withdrawals at dispersed locations around the UK. Heinz Baby Food and Pedigree Pet Foods were the affected corporations, and had to destroy 100 million jars and cans of food with a retail value of 32 million pounds sterling. Editor's Note: There are security actions which can be taken now by card issuers and ATM networks to minimize the likelihood of success of such a scheme in the United States. This incident has not been widely publicized in America, but sets a chilling pattern for the involvement of ATMs in the payment of kidnapping and extortion demands. A copy of this article may be obtained upon request from the editor as a **BONUS**. (*Reader's Digest*, March 1992, pp. 152-176).



IN THE NORTHEAST

- 17) No Cash Lost In MAC Attack - *The Trenton* (New Jersey) *Times* reported on February 8 that ATM burglars ripped the facade off a MAC ATM between 11:00 p.m. Thursday and 7:00 p.m. Friday at the National Westminster Bank. Police said someone first broke the light on the MAC machine and then used a pry bar to remove the outer facade of the machine. The machine has a tinted glass vestibule, a detective reported, and with the light out it would be very difficult to see what was going on inside. The machine did not have a camera, and its alarm failed to go off during the burglary attempt. The bank reportedly has replaced the damaged ATM with one which has a working alarm and a hidden camera. No cash was lost in the attack.
- 18) Pottstown, Pennsylvania Shelter Resident Loses Wallet, MAC Card, Then \$300 - An 18-year-old woman living in a shelter lost her wallet along High Street in Pottstown, Pennsylvania some time between 5:00 p.m. last Tuesday and 11:00 a.m. last Wednesday when she discovered it missing. Her MAC card was reported missing in her wallet. Shortly thereafter, she advised police she lost \$300 from her bank account. (*The Pottstown* (Pennsylvania) *Mercury*, February 5).
- 19) Connecticut Woman Abducted At Knifepoint From Work At 5:00 a.m. And Is Forced To Drive To ATMs - *The Bridgeport* (Connecticut) *Post* reported on February 18 that a man abducted a woman at 5:00 a.m. last week at knifepoint as she reported to work at the Wicke Health Center. The assailant led the woman back to her car and forced her to drive to ATMs in the city to withdraw money. After the perpetrator failed to get cash

from the victim's ATM accounts, he robbed the woman of cash she was carrying, drove her back to the Health Center and escaped in his own car. (Reporter Peter Dalpe).

20) Pennsylvania Man Charged With Small ATM Fraud - The New Bethlehem (Pennsylvania) *Leader-Vindicator* reported on March 4 that a 20-year-old man was charged with theft by deception after he allegedly overdraw his bank account by \$80 using an ATM in July of 1991, and then failed to reimburse the bank.

21) Mother And Daughter Held In Pennsylvania ATM Fraud Case - The Sharon (Pennsylvania) *Herald* reported February 28 an additional fraud charge was filed against Martha Mendez, 44, who allegedly stole \$105 from Integra Bank by making false deposits of "something other than cash" into her account at an ATM. She later withdrew cash from the account and defrauded the bank. Mendez and her daughter, Jane Moyer, 23, were earlier arrested for using the same method to steal more than \$600 from another Integra Bank on February 21. Both women were in jail after failing to post \$2,000 bond each.

The Greenville (Pennsylvania) *Record Argus* reported on March 4 that all counts against the two women were dismissed. Mendez must pay \$598.20 in restitution and costs and her daughter, Jane Moyer, must pay \$421.50 in restitution and costs. (March 4, 1992).

22) Screwdriver-Brandishing ATM Robber Sentenced In Pennsylvania - A 27-year-old man, Robert Witcraft, Jr., was sentenced to 2 to 6 years in State Prison for the robbery of 3 women in December 1990 who were using an ATM at the Commonwealth Federal Bank. Witcraft pleaded to the judge for mercy, he said, because since his arrest his grandmother and wife were robbed, giving him an appreciation for the serious effects crime has on its victims. The presentence investigation prepared by Adult Probation noted that Witcraft was "manipulative and less than truthful." The judge stated "your expression of remorse frankly I find a little hollow." Witcraft said the motive for his robberies was a \$100 to \$300 per day cocaine addiction that he had at the time. Witcraft was apprehended in part through the use of video surveillance cameras at the bank (see following photo). In addition to his prison time, Witcraft must pay a total of \$314 in restitution to his victims. (*Today's Post*, King of Prussia, Pennsylvania, February 20, Robert Farley, Reporter).



A security camera shows Robert Witcraft Jr., with a screwdriver, behind Lois Snyder at a MAC machine in Plymouth Square.



IN THE SOUTH

- 23) "ATM Could Also Mean Assault, Mugging, Thievery" - So read *The Jackson (Mississippi) Clarion Ledger* article title on March 6. The lead crime in this article was the example of Denise Boyd, 27, of Jackson, Mississippi, who had \$50 snatched from her hand at an ATM. Her bank repaid the money she lost, the article continues, but could not replace her peace of mind. ATM safety suggestions are included in this article. A detective-sergeant notes that with stolen property "they only get a dime on the dollar for what they steal." Overall, robberies in Jackson, Mississippi were up from 780 in 1990 to 1,313 in 1991. (Reporter Carole Lawes).
- 24) Alabama ATM Photos Published In Connection With Use Of Stolen Cards - *The Birmingham (Alabama) Post-Herald* published photos on February 5 of two men suspected of using stolen bank cards at an ATM. Citizens with information about the suspects were asked to call the local CrimeStoppers telephone number.
- 25) Georgia Southern University Police Arrest Robbers With Aid of ATM Photo - *The Statesboro (Georgia) Herald* reported February 7 that Georgia Southern University police investigators have identified a suspect from a January 17 armed robbery on campus. A female student was robbed at gunpoint in a commuter parking lot. Two men allegedly pointed a sawed-off shotgun at the woman as she was getting into her car. The men

forced her to give them her bookbag and purse. One of the male suspects has been identified as Bonny Williams, 19. The other man has been identified by an ATM camera photo but is not yet named. The robbers took the woman's ATM card and used it at a nearby ATM to take all the money out of her account. But as they did so, the ATM transaction camera took pictures of both men, leading to their identification as suspects. (Bob Williams, reporter).

- 26) Cocaine Habit Drives Kentucky Man To Steal \$32,000 From A Relative's Bank Accounts - *The Madisonville (Kentucky) Messenger* reported on February 28 that 31-year-old James P. McNary was arrested after an investigation by bank authorities and police concluded that between January 21 and February 3 McNary withdrew \$11,300 from a relative's bank account in 52 transactions. A similar investigation was conducted into a \$21,000 theft McNary is alleged to have made from a relative's Kentucky Bank account between last August and February 1992. McNary told police he had taken the money to support a cocaine habit.



IN THE MIDWEST

- 27) Chicago Firefighter Murdered At Southside ATM - *The Chicago (Illinois) Sun-Times* reported March 1 that the body of Chicago firefighter Woodie Woods, 28, was found slumped in his car Friday night alongside a driveup ATM outside Heritage Pullman Bank on East 111th Street. The driver's side window had been shattered by the fatal shot. A pen and checkbooks were found clenched in Wood's hands. He had been paid Friday and was making a deposit at the ATM. His body was found about 9:30 p.m. by a woman who drove up behind his car, which was still running. Security camera photos were of no help to detectives in identifying the perpetrator. No witnesses have come forward.
- 28) Shotgun ATM Murderer's Confessions Heard - *The Chicago Tribune* on January 22 reported on the trial of Christopher Peterson, 23, for the shotgun murder of a man at an ATM and the shooting of a second man on December 15, 1990. Peterson stated that he was "high off this (cocaine)" at the time he killed 54-year-old Ora Wildermuth at an ATM in Gary. After parking his car by the side of the bank, Peterson said he took his sawed-off 12-gauge shotgun out of the car and walked up to Wildermuth. Peterson asked, "Are you finished yet?" and Wildermuth said, "No, I am not done yet." Then Peterson said, he shot Wildermuth once in the back. "He was cursing," Peterson said, "saying 'you didn't have to shoot me and all of that,' and that made me shoot him again." Peterson is an AWOL ex-Marine, and lived in Gary. He said it was his cocaine addiction that caused him to fly into rages against whites.



IN THE WEST

California

- 29) Ski Mask Robber Hits Foster City ATM - About 9:15 p.m. on Friday, January 31, a 5'9" man wearing a dark ski mask, goggles, black gloves and dark clothing held a handgun on an ATM customer at the First Interstate Bank and made the victim withdraw cash from the ATM. No injury was reported. (*Foster City Progress*, February 12).
- 30) Two Men To Stand Trial For Palmdale ATM-Related Murder - *The Antelope Valley Press* of Palmdale, California reported February 9 that two Palmdale men will stand trial for the murder of Valentin Montesdeoca, 43, who was allegedly murdered by the two men and later had his ATM card used by the defendants. (see February 1992 Newsletter, Item #111, page 27). (David Foy, reporter).
- 31) "Psychedelic Furs" Rock Guitarist Tim Butler Reports Attempted Mugging At New York ATM - Butler stated, "I was going to get some money at about 1:00 in the morning, which is a bad time and this guy came up and got into the machine behind me and said, 'If you don't key in \$700, I'll blow your head off.' But then the adrenaline got the best of me and I grabbed him by the collar and threw him out of the teller machine. Then I went back and got my money out."
- "He was walking up and down (outside the booth) screaming, 'I'm going to kill you, motherfucker!'," Butler said. "He made the mistake of standing right outside the teller door. So I ran out the door and hit him with it. Then I walked over and grabbed him and said, 'what the fuck are you trying to do?' I was so adrenalined up, I thought I was going to explode. After, I went straight to a bar, and had two Jack Daniels straight down just to calm myself." (*The Daily Aztec* [State University], San Diego, California, February 5, 1992, Eric Rife, reporter). Editor's Note: The availability of Mr. Butler and the Psychedelic Furs for a rock video on ATM safety is unknown.
- 32) Mountain View Hit By ATM Ski Mask Robber - *The Times Tribune* of Palo Alto, California reported February 11 that a ski mask robber held up an ATM customer in downtown Mountain View about 8:30 p.m. Monday and escaped with several hundred dollars. The perpetrator held a metal object against the victim's back and forced the victim to make a withdrawal outside the Wells Fargo Bank in Castro Street. (Monique Parsons, reporter).
- 33) Hitchhiker Robs Motorist Of \$175 At ATM - *The Desert Sun* of Palm Springs California reported February 11 that a white man in his early 30's with tattoos on his arms was picked up while hitchhiking by a 63-year-old Sky Valley man. The perpetrator forced the older man at gunpoint to withdraw about \$175 from an ATM. The bandit then forced the man to drive to a spot in the desert where the bandit jumped from the vehicle and ran into the open desert.

- 34) Robber Attacks Woman At Marino Valley ATM - *The Riverside* (California) *Press-Enterprise* reported February 11 that a woman making a withdrawal about 3:00 p.m. Sunday from the ATM at a Bank of America on Sunnymeade Boulevard was approached from behind and had her cash forcibly taken. The woman received minor injuries. The attacker hid in nearby bushes and was picked up by a second suspect driving the getaway vehicle. A motorist witnessed the incident and gave police the license number of the getaway car. A 23-year-old man, Brian Lockett, was arrested as the robber and Timothy Warfield, 19, was arrested as the driver of the getaway car.
- 35) Los Angeles ATM Robber of Handicapped Man Shot and Wounded By Police - *The Daily Breeze* of Torrance, California reported on March 5 that Devaniel Johnson, 41, of Los Angeles suffered a single gunshot wound after robbing a handicapped man at an ATM shortly before 2:00 a.m. The victim flagged down a patrol car and police chased suspect Johnson and cornered him near a freeway on-ramp, where he was shot and wounded.
- 36) Police Helicopter Helps Nab ATM Robbers And Car Thieves - A Gardena man had just deposited a check into a bank ATM and was about to start his car to leave when one of the suspects approached the driver's side window, displaying a gun and demanding all of the victim's money. The victim was told to place his wallet on the driver's seat, get out of the car and to leave his keys in the ignition. The suspect drove away in the victim's car and the victim called police. Police spotted the stolen vehicle, and gave chase. After running several red lights while being chased, the suspect lost control of the stolen car and crashed. The suspect fled on foot into a nearby residential backyard where he was spotted by a police helicopter's searchlight. Police arrested Kelvin Davis, 21, of Los Angeles, and a 14-year-old boy, also of Los Angeles. (*Gardena Valley News*, January 22, Steve Robles, reporter).
- 37) Two ATM Robbers Lead Police On Thirty Mile Chase Near LA - *The Riverside* (California) *Press-Enterprise* reported February 12 that two Compton men, Barry Golden and Marcus Williams, both 21, allegedly robbed a customer at an Automated Teller Machine about 7:20 p.m. at a Bank of America branch. The men stole \$60, a wedding ring, a pager and the victim's Volvo. The car was spotted by Riverside police. Two police cars and a helicopter chased the suspects at speeds greater than 100 miles an hour for 20 minutes, covering 30 miles. The suspects were taken into custody without incident and were charged with armed robbery, grand auto theft and various traffic violations.
- 38) "Vampire" Nurse Gets Five-Year Term - *The Brentwood-Westwood* (California) *Press* reported February 27 that a special duty nurse put in a position of trust to care for disabled actress Madlyn Rhue had stolen more than \$100,000 from the 71-year-old victim. The day after 29-year-old Pamala Reese was hired as a nurse for actress Rhue, who has Multiple Sclerosis, Reese used the actress' credit cards to begin racking up more than \$100,000 in withdrawn ATM cash, forged checks and unauthorized credit card purchases. The nurse also applied for numerous credit cards and opened a checking account in Rhue's name. Reese added herself as a secondary holder on all these accounts. Incapacitated by her illness, the actress did not discover the thefts until June

of 1990 when Reese took a brief vacation and left Rhue to open her own mail. (Pat Alston, reporter).

- 39) Man Who Fabricates Kidnapping Story Pays Police \$4,700 - *The West County Times* of Richmond, California reported March 4 that 54-year-old William F. Francis has paid Dublin police \$4,700 for their time spent investigating his false report of being abducted and assaulted to cover up a two day binge with prostitutes. (See February, 1992 Newsletter, Item #13, page 7). The man was found stuffed in the trunk of his car in El Cerrito November 9 after a passerby saw a "help" note he had written in his own blood and pushed outside the car. He claimed he had been abducted by two men and roughed up by these men for two days while they tried to gain use of his ATM card. The man admitted he concocted the abduction story to cover up his decision to run away from business obligations and meet with at least three prostitutes in Berkeley, Richmond and San Pablo.



INTERNATIONAL REPORTS

- 40) St. Louis Theft Of ATM Machine Noted - *USA Today* (International Edition-Zurich-Switzerland) reported February 7 that Vernell Evans, the 26-year-old suspect in the recent theft of the St. Louis Commerce Bank driveup ATM, had surrendered.
- 41) New York City's ATM Security Law Described - *USA Today* (International Edition-Zurich-Switzerland) reported February 8 that the New York City ATM Security Bill may be passed into law in April. A brief background of the bill and characteristics of the bill are described. (John Schneidawind, reporter).

CONSUMER EDUCATION

- 42) Delaware Police Offer ATM Safety Tips - *The Delaware State News* of Dover, Delaware reported February 7 on several ATM safety tips. Dover police reported two ATM crimes in January. Both involved women who apparently were alone when they withdrew money from an ATM machine. A male perpetrator approached with a knife and demanded money. A suspect has been charged in connection with both robberies. (Barrie Barber, reporter).

NEWS OF WEIRD ATM CRIMES

- 43) "Greasy Kid Stuff" Vandal Identified In Maryland - *The Annapolis, Maryland Capital* reported on February 12 that the man who poured two jugs of motor oil into a Signet Bank's ATM card reader and receipt dispenser has been identified (see February 1992

Newsletter, Item #67, page 18). Steven Milstead, 32, was captured in security camera photographs which showed him pouring oil into the ATM and then three minutes later returning to damage it with a screwdriver. Milstead was angry with the bank for its parking lot towing policy. He had left his car overnight in the bank parking lot and returned the next day to find it already hooked to a tow truck ready to be removed. After a verbal exchange with the tow truck operator, Milstead paid the towing fee. According to police Milstead recently had changed the oil in his car and still had the used oil and tools in his car. Damage to the ATM was estimated at \$25,000 to \$100,000.

- 44) Ohio Woman Beats Two Would-be Robbers With A Stick - *The Youngstown, Ohio Vindicator* reported February 15 that a 36-year-old woman was grabbed by two men after she refused to give them money at an ATM outside a South Side Bank. The woman then began hitting the men with a stick until they fled.
- 45) Missouri Man Beats On ATM, And Leaves Calling Cards - *The St. Louis, Missouri Tri-County Journal* reported on February 5 that at approximately 5:48 a.m. on January 21 Eureka, Missouri police received a report from a witness that an ATM at the Jefferson Bank in Eureka had been broken into. Bank officials retrieved the videotape from the camera inside the bank. The videotape showed a man driving up to the ATM, getting out of his car, removing a splitting mallet and using the mallet to beat on the machine for about three minutes before he left. The man was unable to remove any money from the machine. On the ground in front of the machine, however, police recovered two envelopes listing the name and address of the suspect. David Patrick Ledbetter, 41, was charged with first degree destruction of property, second degree burglary and felony, stealing. Bond was set at \$25,000.
- 46) Sex In An ATM Vestibule -- An "ATM-Related Crime?" - An older item, recently brought to the attention of the Editor from *The Oakland (California) Press*, February 12, 1988 - A 36-year-old Fenton woman and a 32-year-old Milford man will stand trial on charges of fornicating in public. The couple were caught having sex about midnight, December 4 in the 24-hour banker alcove of the First of America Bank.

CLOSING NOTES

The full text of the lawsuit filed on behalf of Mrs. Betty Bunn following the ATM-related murder of her son, Richard Barbour follows; along with selected pages from the 1992 Magic Line User Survey as a **BONUS** for this March, 1992 issue of **ATM Crime And Security Newsletter**.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mrs. Betty Bunn, individually and as
Representative of the Estate of Richard
Barbour, Jr., deceased
102 Main Street
Delran NJ 08075

Civil Action

No. 92 CV 0948

Jury Trial Demanded

vs.

Meridian Bank
2nd and Pine Street
Philadelphia, PA
AND
NCR Corporation-Mac Machine
Stewart and Patterson Blvd.
Building 26
Dayton, Ohio 45479
AND
Yerodeen Williams
D 9105744
House of Corrections
8001 State Road
Philadelphia, PA 19136

COMPLAINT

JURISDICTION

1. This action is of a civil nature involving exclusive of interest and costs an amount in excess of Fifty Thousand Dollars (\$50,000).
2. Every issue of fact and law herein is wholly between citizens of different states.
3. The jurisdiction of the court is invoked pursuant to 28 U.S.C. Seq. 1332, Venue is based upon 28 U.S.C. Sec. 1397.

PARTIES

4. The Plaintiff, Mrs. Betty Bunn, deceased's mother, (hereinafter Plaintiff) individually and as Representative of the Estate of Richard Barbour, Jr., deceased (hereinafter Barbour) is a citizen and individual of the State of New Jersey residing at 102 Main Street, Delran, NJ 08075.

5. The Defendant, Meridian Bank (hereinafter Meridian) has a place of business at 2nd and Pine Streets, Philadelphia, PA.

6. The Defendant, NCR (hereinafter NCR) Mac machine is licensed to do business in the Commonwealth of Pennsylvania with a place of business at Stewart and Patterson Building, No. 26, Dayton, Ohio, 45479.

7. The Defendant, Yerodeen Williams (hereinafter Accused) whose Detention number is D9105744 is presently incarcerated at the House of Corrections, 8001 State Road, Philadelphia, PA.

8. On April 28, 1991 at approximately 2 a.m., Barbour, age 27 was recovering funds from the MAC machine at the Meridian Bank at 2nd and Pine Streets, Philadelphia when the Accused approached Barbour from behind and shot him in the back of his head. He died 6 hours later.

9. Said faults by the Defendants increased the risk of harm which Barbour indeed sustained. The aforesaid negligence, strict liability and intentional tort on the part of the respective Defendants

was a substantial factor in causing Barbour to suffer fatal injuries herein described.

10. At all times pertinent hereto Defendant, Meridian Bank owned, possessed and controlled the incident site.

11. At all times pertinent hereto Defendant, NCR manufactured, fabricated, designed, sold and shipped said MAC machine.

12. At all times relevant hereto there were no designs or provisions of warning or notice signs of a possible danger at the MAC machine site.

13. At all times hereto Defendants knew or should have know that this location was a dangerous area at 2:00 a.m. because of bars, taverns, nightclubs and other drinking establishments and dark secluded alleys in close proximity to the machine.

14. At all times pertinent hereto, Defendants Meridian and NCR acted through their agents, servants, and/or employees.

15. At all times pertinent hereto, Defendants Meridian and NCR collectively and/or individually had responsibility for the design, construction, inspection, maintenance and security of the accident site.

16. At all times pertinent hereto, Defendants Meridian and NCR collectively, and/or individually had actual and constructive notice of the dangerous conditions at and or about the accident site.

17. As a direct result of the collective and individual failures

of the Defendants Meridian and NCR to adequately design, construct, inspect, maintain, and make safe the incident site Barbour suffered fatal injuries resulting in his death on April 28, 1991 and his subsequent loss of life's enjoyment.

18. The conduct of each and all Defendants who owned, possessed, maintained, controlled, designed, constructed or inspected the accident site includes but is not limited to the following:

- a. Careless and defective surveying of the area for danger prior to the installation of the Mac machine.
- b. Failure to possess and exercise the degree of care and skill ordinarily exercised to protect MAC machine users from theft, assault or injury.
- c. Failure to warn Barbour and the Public of possible danger.
- d. Failure to properly and adequately supervise Defendants Meridian and NCR's agents, servants, or employees during the planning of the location of the Mac machine.
- e. Failure to design, locate and install the Mac machine with reasonable concern for the safety of Barbour and the public.
- f. Failure to design, construct, inspect, locate and install the Mac machine within reasonable safety standards.
- g. Failure to provide adequate security for the safety of Barbour and the public.

h. such other culpable conduct as may be indicated and revealed during the discovery process.

COUNT I

WRONGFUL DEATH ACTION

19. The averments of paragraphs 1 through 18, ante, are incorporated herein as though set forth fully herein.

20. Barbour did not bring any action during his lifetime, nor has any other action for the death of Plaintiff's decedent been commenced against the Defendants herein.

21. Plaintiff, Betty Bunn individually and as representative of the Estate of Richard Barbour, Jr., deceased, brings this action on behalf of the Estate under and by virtue of the Act of the Legislature of the Commonwealth of Pennsylvania known as the Wrongful Death Act, 42 Pa C.S. Sec.2201 et seq. and Sec. 8301.

22. Plaintiff claims damages for the pecuniary losses suffered by decedent's estate by reason of the death of Barbour, as well as reimbursement for funeral expenses, medical expenses and other expenses incurred in connection therewith. Letters of Administration were filed on May 7, 1991.

23. As a result of the death of Plaintiff's decedent, his survivors and heirs have been deprived of the comfort, aid, assistance, society, maintenance and loss of income that they would have received

from him for the remainder of his natural life.

Wherefore, Plaintiff demands judgment in her favor against all Defendant's individually, jointly and severally in an amount in excess of \$100,000.00.

COUNT II

SURVIVAL ACTION

24. Plaintiff incorporates paragraphs 1 through 23 as through set forth fully.

25. The Plaintiff, Betty Bunn individually and as Representative of the Estate brings this action on behalf of the estate of Richard Barbour, Jr. by virtue of Act of the legislature of Survival Act 20 Pa. C.S. Sec 3371 et seq and 48 Pa. C.S. Sec 8302.

26. As a result of the death of Richard Barbour, Jr. his estate has been deprived of the economic value of the decedent's life during the period of his life expectancy and Plaintiff of claims damages for pecuniary losses sustained by the estate as a result of his death.

Wherefore, Plaintiff demands judgment in her favor against all Defendants jointly and severally in an amount in excess of \$100,000.00.

COUNT III

STRICT LIABILITY

27. Plaintiff incorporates paragraphs 1 through 26 as though set forth fully.

28. The carelessness, negligence and/or recklessness of the Defendants Meridian and NCR acting by and through its agents, servants, and/or employees contributing to the cause of Plaintiff's fatal injuries consist of but is not limited to the following:

- a. Manufacturing, fabricating and designing the MAC machine involved in Plaintiff's accident in an unsafe and defective manner;
- b. Selling said machine in a defective condition;
- c. Failing to properly design the Mac machine before shipping it to said location, either directly or through its agents;
- d. Failing to give Plaintiff and the public warning of the dangerous condition of said site;
- e. Failing to design, fabricate, manufacture, sell and/or supply the Mac machine in question with all of the necessary and adequate protective devices and features which would have made it safer for the Plaintiff's and public's use at said site;
- f. Fabricating, designing, manufacturing, selling and supplying the Mac machine involved without regard to its use at 2:00 a.m.;
- g. Designing, fabricating, manufacturing and selling directly or through its agents, the Mac machine involved in Plaintiff's case along with express and/or implied warranties that said machine was merchantable and fit for the particular purposes for which it was

designed and was free from defects and danger;

h. Breaching the aforesaid warranties described above in that said machine was not merchantable, not fit for its intended purposes, and was in fact defective and dangerous;

i. Selling and installing the Mac machine in a location which becomes dangerous at 2:00 a.m.;

j. The Defendants were otherwise negligent under the circumstances.

29. The Defendants, Meridian Bank and NCR Mac machine are strictly liable pursuant to the Restatement of Torts, Sec. 402 (a) for any and all damages sustained by Plaintiff as a result of the defective and unreasonably dangerous condition of the Mac machine involved in Plaintiff's accident.

Wherefore, Plaintiff demands judgment in her favor against Defendants Meridian and NCR individually, jointly and severally in an amount in excess of \$100,000.00.

COUNT IV

INTENTIONAL TORT

30. Plaintiff incorporates paragraphs 1 through 30 as though set forth fully.

31. On April 28, 1991 at approximately 2:00 a.m. at or near the intersection of 2nd and Pine Streets, Philadelphia, PA, Defendant Yerodeen Williams, with malice aforethought and without provocation,

intentionally shot and killed Richard Barbour, Jr.,

32. The outrageous conduction of Yerodeen Williams demands Sanctions in the form of Punitive Damages.

Wherefore, Plaintiff respectfully demands judgment in her favor against the Defendants jointly and severally in an amount in excess of \$100,000.00.

Gerald T. Gervasi, Esquire
Attorney for Plaintiff



Magic Line's Survey Comparing Results: 1990 To 1991

This document is part of a presentation for the Second Annual Michigan EFT Conference. It is incomplete without the accompanying presentation.

Analytica, Inc.

March, 1992

INCIDENCE RATES FOR KEY VARIABLES 1990 & 1991

	<u>1990</u>	<u>1991</u>
Number of People Reached	1,576	1,781
Refusals	-261	-260
	<u>1,315</u>	<u>1,521</u>
Hearing & Language Barriers	-72	-82
	<u>1,243</u>	<u>1,439</u>
Under 18	-80	-107
	<u>1,163</u>	<u>1,332</u>
No Checking Account	-153	-225
<u>COMPLETED INTERVIEWS</u>	<u>1,010</u>	<u>1,107</u>
Cooperation Rates	83.4%	85.4%
Percent over 18, no checking	13.2%	16.9%



RESULTS FROM THE HOLDERS: 1990 & 1991

Applicability Of Reasons Why People Might Not Use Them

