

Managing Large Scale Investigations

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Outline

Keywords

1. Concurrent jurisdiction
2. Jurisdiction
3. Task Force Policing
4. Unity of Command

Expected Learning Outcomes

After reading this chapter and supplemental online materials, the reader will be able to:

1. Explain the concept of task force policing and its value to small and large-scale investigations.
2. Explain the concept of unity of command and why the same is critical to effective task force operations.
3. Differentiate between the use of normal operating fund sources and contingency fund sources and their use in emergency situations.



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5 – 1 – Task Force Policing

5 – 2 – Investigative Task Force-Organization and Management

5 – 3 – Funding a Law Enforcement Task Force

5 – 1 – Task Force Policing



When studying how law enforcement agencies conduct investigations, especially large scale investigations, it is important to understand and evaluate what manpower resources the “average” agency has at its disposal. Law enforcement agencies in the United States vary greatly in size and collateral resources such as specialized investigative units and equipment. According to data maintained by the United States Department of Justice (USDOJ), Bureau of Justice Statistics (2013), local police departments in the United States employ an estimated 605,000 individuals on a full-time basis. This figure includes 477,000 sworn law enforcement officers and approximately 128,000 non-sworn employees. While these resources may initially seem significant, it is important to note that about half (40%) of the 15,388 police departments in the United States employ fewer than 10 sworn officers. Often these small agencies do not have specialized investigative units and are fully engaged in performing the “patrol” function. While larger agencies might have **concurrent jurisdiction** with smaller agencies such as a state police

organization, often that “larger” agency is disbursed to such an extent that they may not be able to provide much assistance to the smaller agency. The question remains, how does an agency lacking manpower and other collateral resources necessary for large scale comprehensive criminal investigations handle such a task? The answer lies in the concept of **Task Force Policing**.

Task Force Policing: A temporary group of law enforcement and other related practitioners whose mission is directed at a specific public safety need that requires focused attention.

Simply defined, a task force is a “temporary group of people formed to carry out a specific mission or project, or to solve a problem that requires a multi-disciplinary approach” (BusinessDictionary.com, 2016). The concept of using task forces is nothing new to government operations, especially the military and law enforcement. Primarily, law enforcement task forces have been used as a crime control tool such as narcotics investigations, youth crime abatement, etc. with much success. Using the concept of a task force for specific large-scale investigations is not as common.

Multi-disciplined refers to “combining several usually separate branches of learning or fields of expertise (Dictionary.com, 2016). Modern policing, like many disciplines, has evolved into domain areas requiring very specialized equipment and practices. These domain areas require qualified individuals to administer the functions of those areas and to be uniquely educated and trained therein. An example would be a computer forensic or a crime scene processing unit within a law enforcement agency. Additionally, an investigation may require individual law enforcement officers who are highly trained and experienced in a “process,” such as drafting search warrant applications, interpreting data (data analysis), language skills, etc. A task force engaged in a large-scale investigation will also

require an individual who has experience in administering an organizational infrastructure that supports that organization's mission, in this case solving and subsequently prosecuting a specific crime.

5 – 2 – Investigative Task Force-Organization and Management

Law enforcement operates along a command structure similar to the military, and is referred to as a para-military organization. The rank structure is similar to the military as are the lines of authority. Within a singular law enforcement agency, the line of command authority works well as it does in the military. How does the concept of command authority work with investigators from different commands (agencies)? After all, law enforcement officers do not necessarily have to follow the orders or policies of the commander from another agency, so the concept of task force policing, if it is to be successful, must address the issue of command authority if a task force is to accomplish its mission.

No task force or similar organization will work efficiently or effectively if those assigned have to answer to more than one boss. Therefore, when creating

Unity of Command: The principle that no subordinate in an organization should report to more than one boss. In creating a task force the issue of Unity of Command must be addressed so that those assigned to the task force do not have to answer to their home department as well as a supervisor or commander at a task force.

a task force to accomplish the mission, the management concept of Unity of Command must apply. **Unity of Command** is simply defined as the principle that no subordinate in an organization should report to more than one boss. In creating a task force the issue of Unity of Command must be addressed so that those assigned

to the task force do not have to answer to their home department as well as a supervisor or commander at a task force. Essentially, the command authority in

the officer's home department must give operational authority of that officer(s) while that person is assigned to the task force. The officers assigned will then answer to the command authority at the task force, thus establishing clear lines of authority in the furtherance of the mission.

In the formation of a task force, the issue of **jurisdiction** is complex. A task force set up to investigate a specific crime or specific type of crime, for example a drug task force, will have members who do not have law enforcement jurisdiction where the investigation boundaries might go. For example, a city police officer assigned to a county-wide sexual assault task force would only have jurisdiction in his or her city of employment, or geographical area of employment, as sometimes this terminology is utilized in the statutes of various jurisdictions. A local law enforcement officer may be assigned to a task force investigating violations of specific federal laws where that officer would have no legal jurisdiction to enforce. How then does jurisdiction work, and how can all law enforcement officers assigned to a task force obtain the necessary jurisdiction to proceed with the investigative mission?

The term jurisdiction refers in part to:

a government's general power to exercise authority over all persons and things within its territory; [especially] a state's power to create interests that will be recognized under common law principles as valid in other states. 2. A court's power to decide a case or issue a decree (Garner, 2014).

Jurisdiction is not limited to geographical boundaries but can also be legal or regulatory. Under most state laws, a law enforcement officer has enforcement powers such as the power of arrest in the geographical area of that officer's

employment. For example, a city police officer has law enforcement authority only in that particular city that hired him or her. Whereas a state police officer would have jurisdiction statewide. Creating a task force utilizing a number of personnel from different agencies with different jurisdictions can certainly be problematic. Fortunately, most states and the federal government have considered this dilemma and enacted laws, regulations, or have judicial opinions to address task force geographical jurisdiction.

It is incumbent upon all law enforcement administrators to be well versed in the issues of jurisdiction and be able to quickly mitigate any issues that would deny a task force member lawful jurisdiction. Lack of jurisdiction can not only place members of the investigative team in physical danger as they pursue leads outside of their geographical area of employment, but can also expose the investigators to potential civil liability. How, therefore, does a task force administrator address the issue of jurisdiction? The answer lies in a number of federal and state laws, regulations, case law, and formal opinions from such legal authorities as a state attorney general. Obtaining jurisdiction for these members of the task force does not have to be a complicated and bureaucratic process. It is well established that federal law enforcement agencies routinely swear-in members of state and local law enforcement as members of a federal investigative task force. An example would be the United States Marshals Service creating a fugitive task force utilizing state and local law enforcement personnel. Those non-federal investigators would be sworn-in as temporary members of the United States Marshals Service for the duration of their assignment to the task force. Another example would be Customs and Border Protection (CBP), a law enforcement agency within the United States Department of Homeland

Security. CBP routinely utilizes investigative resources from state and local law enforcement in the furtherance of a particular mission by making those members of state and local law enforcement sworn agents of CBP.

Many state and local laws authorize the temporary granting of law enforcement jurisdiction to officers who would otherwise not have it. For example, many sheriffs' and district attorneys' offices have the legal authority to grant jurisdiction within the boundaries of their own jurisdiction, a county for example. Many states have emergency management procedures guaranteeing agencies authority to provide for law enforcement jurisdiction in the case of a declared emergency. In some states, there also exists legal opinions that provide for jurisdiction. For example, in New York State, there exists an Opinion of the Attorney General that is based upon a formal agreement between municipalities, noting that law enforcement jurisdiction can be extended pursuant to the specific duties outlined in the agreement. In providing their *Informal Opinion to the City of Mechanicville, New York* (No. 97-13) on March 10, 1997, the Attorney General of the State of New York noted in part:

We note that a police officer is limited to his geographical area of employment in executing an arrest warrant, making an arrest without a warrant for a petty offense and in issuing an appearance ticket for petty offense. The Criminal Procedure Law §§ 1.20 (34-a), 120.50, 140.10, 150.20. Municipal cooperation, however, provides the extension of appropriate territorial jurisdiction necessary for the undertaking of the cooperation agreement. General Municipal Law § 119-n (c). Therefore, municipal cooperation will provide the police officers of the City of Mechanicville with full jurisdiction to make arrests and execute warrants on school property in



Read the full *Informal Opinion of the Attorney General of the State of New York to the City of Mechanicville, New York* (No. 97-13) in our online companion.

the Town of Halfmoon. We conclude that a city may enter into municipal cooperation agreement with the town for the provision of police services by the city on city school district property located in the town.

As we have noted in part in this work, as a result of the formal and informal relationships established between law enforcement agencies before the Corr robbery-homicide, a more formalized task force was established to continue the investigation and prosecution of the case from its inception, extending the jurisdiction of many police officers well beyond their normal geographical area of employment.

Members of the Joseph D. Corr Robbery-Homicide Task Force

Members of the Joseph D. Corr Robbery-Homicide Task Force included:

1. Federal Bureau of Alcohol, Tobacco, & Firearms, Syracuse, New York
2. Federal Bureau of Investigation — Albany Field Office, Albany, New York
3. Kirkland Police Department, Clark Mills, New York
4. New Hartford Police Department, New Hartford, New York
5. New York State Police — Troop D, Oneida, New York
6. Oneida County District Attorney's Office, Utica, New York
7. Oneida County Sheriff's Office, Oriskany, New York
8. Pennsylvania State Police, Media, Pennsylvania
9. United States Attorney's Office for the Northern District of New York, Syracuse, New York
10. United States Marshals Service, Northern District of New York
11. City of Utica Police Department, Utica, New York

It is overly simplistic to think that law enforcement means only police officers. While our police officers tend to be the most public/visual representation of law enforcement, dozens of other local, county, state, and federal law enforcement personnel were not only engaged in the Corr case, but in regular, less serious cases every day. The many faces of law enforcement were all at work in the Corr case.

5 – 3 – Funding a Law Enforcement Task Force

Beyond the human toll on the many victims of the Corrobbey-homicide that was evident immediately after the events of February 27, 2006, agency administrators soon realized that this apparently local crime had state-wide and national investigative implications. This type of unforeseen broad-based investigation also had significant fiscal implications for all of the agencies involved that required the pooling of local, county, state, and federal financial and personnel resources.



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Numerous strategies can be employed to fund a law enforcement task force. If the task force is part of a protracted strategy to address a public safety issue, such as unlawful possession and distribution of drugs, the law enforcement and political authorities creating a task force can plan to have a budget appropriation from one or all participants in the proposed task force. The federal government, as well as state governments, may have grant programs that may fund or partially fund a proposed longer-term task force. Another innovative method to provide funding is the utilization of the asset forfeiture laws of the jurisdiction. The federal government, as well as many states have these types of specialized laws contained within their statutes. An asset forfeiture program is described by the United States department of Justice as “a program that encompasses the seizure and forfeiture of assets that represent the proceeds of, or were used to facilitate



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federal crimes (USDOJ Asset Forfeiture Program, 2016, para. 1). These seized assets, under both state and federal laws, can be seized and subsequently sold at auction, the proceeds of which must under the law, be used for law enforcement purposes. Asset forfeiture funds can offer a sustained and reliable source of funds and other tangible assets necessary to operate a task force.

If a task force is established quickly in response to an unexpected crime, series of crimes, or other public safety need, the law enforcement administrators will need to establish or at least have an understanding of where that funding may exist to continue the operations of the task force. Many states and local governments have contingency accounts, which essentially allow a unit of government to have funds held in reserve for emergency. Law enforcement administrators should have knowledge of the existence of the emergency funds and how to access them. If there currently is no emergency reserve funds, the administrator should work with their political authorities and municipal finance personnel to properly establish such accounts, and procedures to access them quickly in an emergency. The financial operation of a law enforcement task force should also include a credit card program, backed by a strict policy of the use and documentation of said use of credit cards. Credit cards are an essential tool in the operation of a task force as they allow the flexibility for the movement and subsequent documentation of the use of authorized funds. Often, especially in an investigation, law enforcement officers will be expected to travel at a moment's notice in the furtherance of the investigation. Expenses related to the investigation such as travel, hotels, meals etc. can be easily charged to a credit card, providing for quick deployment of personnel as they follow leads. The use of a credit card by any government employee should follow a strict use and documentation policy.

Law enforcement task forces are an essential and often necessary tool to engage in a protracted or unexpected law enforcement need. Proper planning in the areas of law, finance, and jurisdiction prior to the emergency can help provide for the quick and efficient establishment of a task force and the completion of its mission.

Questions for review and further discussion

1. Does your agency or organization have a contingency fund available to fund short term emergency operations? If yes, describe how you access those funds. If no, what is holding the agency/organization back from establishing this fund?
2. Does your agency/organization have credit cards ready to be deployed to personnel at a moment's notice in the event of an emergency?
3. Explain the concept of task force policing and provide two examples where task force policing may be utilized.
4. Explain the concept of unity of command and provide an example of the use of the concept in practice.