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Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982–1999: Drugs, Weapons, and Gangs

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Table of Contents

Acknowledgements

Executive Summary ..... **i**

I. Introduction 1

A. Two Decades of Change in Federal-Local Law Enforcement Collaboration 1

B. Background, Scope, Limitations, and Organization of the Study 6

II. Background and Antecedents: The Historically Limited Role of the Federal Government in Local Crime Control 11

A. Paving the Way for Expanded Federal Urban Crime Control Efforts: The 200-Year Growth of Federal Criminal Jurisdiction 11

B. The Advantages of Federal Prosecution Also Created Incentives for a Larger Federal Role in Urban Crime Control 14

C. Organizational Steps Toward Federal-Local Law Enforcement Collaboration Prior to 1980 15

D. Incentives and Disincentives to Federal-Local Law Enforcement Collaboration 18

III. The Sustained Growth of Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982–1999 20

A. The Attorney General's Task Force on Violent Crime 20

B. 1982–1985: A New Foundation for Federal-Local Law Enforcement Is Laid 22

C. The Rise of the War on Drugs Creates Further Incentives for Operational Cooperation, 1986–1987 28

D. Fear of Drugs and Violent Crime Leads to More Support for Federal-Local Law Enforcement Cooperation, 1988–1989 35

E. Violent Crime Spawns Highly Directed Cooperation and Prosecution by Federal Authorities, 1990–1992 39

F. Efforts to Institutionalize the Partnership Concept, 1993–1999 46

G. Why Collaboration Took Root 52

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IV. Putting the Organizational and Prosecutorial Dimensions of Federal-Local Law Enforcement Collaboration in Perspective 55

A. The Growth of Federal-Local Law Task Forces and Other Urban Crime Fighting Collaborations 55

B. The Growth of Federal Prosecutions to Combat Urban Crime 60

V. Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime: Task Forces and Other Collaborations in Three Cities 69

A. The Evolution of Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime in Three Cities 70

B. Federal-Local Law Enforcement Collaborations in the Three Cities 80

VI. Insights into the Effective Operation and Impact of Federal-Local Law Enforcement Collaboration Against Urban Crime 108

A. Insights into Structuring and Operating Urban Crime Task Forces and Other Federal-Local Law Enforcement Collaborations 108

B. Insights into the Management of Concurrent Jurisdiction Decisions 113

C. Insights into the Effective Facilitation of Local Law Enforcement Coordination Against Urban Crime 117

D. Insights into the Effect of Urban Crime Collaboration on Law Enforcement Organization and Operations 119

E. Insights into the Community Impact of Federal-Local Law Enforcement Collaboration Against Urban Crime 121

VII. The Future of Federal-Local Collaboration Against Urban Crime 123

A. Federal-Local Collaboration Will Intensify in the Future 123

B. Toward More Seamless and Coordinated Federal-Local Law Enforcement Collaboration Against Urban Crime 127

End Notes 132

Appendices

A. List of Persons Interviewed or Consulted

B. FBI Safe Streets Violent Crime Initiative Standard Memorandum of Understanding

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C. Materials Relating to the U.S. Attorney's Violent Crimes Task Force Cease Fire Program, Western District of Tennessee

D. DEA State and Local Task Force Program Standard Memorandum of Understanding

E. Consensus on Critical Elements for Success for Multijurisdictional Task Forces

F. Glossary of Acronyms

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I hope that all of these individuals deem this report a deserving culmination of their various contributions. Responsibility rests with me for any errors or omissions that exist in spite of this assistance.

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Executive Summary

Introduction

In the past several decades, the Federal government has assumed a significant role in local law enforcement. The emergence of this role coincided with an increase in drug trafficking, violent crime, and gang-related activity in American cities during the 1980s and early 1990s. While many crime rates have dropped in the second half of this decade, Federal involvement in local crime has persisted and, in many cases, intensified. This Federal role has been complex and sometimes controversial, straddling many areas that have traditionally been the province of state and local law government. While the Federal government's leadership in providing information, training, and financial assistance to state and local law enforcement authorities has been acknowledged since the late 1960s, in the last two decades three new phenomena in Federal-local law enforcement cooperation have emerged on a broad scale: (1) *operational collaboration* in law enforcement activities through participation in Federally-led or sponsored task forces or other alliances; (2) expanded *exercise of discretionary Federal criminal jurisdiction and use of Federal criminal prosecution* to combat urban drug, gang, and violence-related activity; and (3) *facilitation of law enforcement coordination and problem solving at the local level* by U.S. Attorneys and other Federal officials. All of these phenomena have not only enmeshed Federal law enforcement authorities as never before in matters of local concern, but accelerated the development of what many would describe as a more seamless and integrated national law enforcement system—a system that renders increasingly fuzzy many earlier distinctions between 'local' and 'Federal' interests.

These developments have created three significant tensions. First, there is continuing potential for tension to surround the exercise of Federal jurisdiction in criminal matters that are concurrently subject to state law. With the overall drop in many kinds of crime, and the supervision of what are often fundamentally local investigations by Federal officials who are not directly accountable to local governments, many observers, including a number of Federal, state, and local law enforcement officials, Federal judges, defense attorneys, and criminal justice experts, have become concerned about the "Federalization of Crime," including the crowding of Federal court dockets, and the necessity of maintaining a large Federal role in ordinary urban law enforcement relative to other pressing needs in areas such as cybercrime, counter-terrorism, and white collar crime (e.g., health care fraud).

Second, as long as this significant Federal role in urban crime-fighting exists, there is potential tension about the appropriate organization and governance of Federal-local law enforcement collaboration in urban crime control—particularly the sharing of operational responsibility for investigations in which most personnel and intelligence-gathering contributions are being made by local law enforcement authorities. Determining what organizational practices ensure the best teamwork and maximize the respective contributions of Federal and local law enforcement has assumed great importance as opportunities for partnering have increased.

Third, operational strains may potentially emerge as a result of Federal, state, and local law enforcement authorities executing what are often overlapping missions and carrying out investigations in the same limited geographic areas. Without an effective means of coordinating activities, duplication of effort and potentially dangerous collisions of personnel may result.

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In fact, some evidence suggests that Federal and local law enforcement authorities have significantly diffused these potential tensions by relying on a number of practical mechanisms and organizational steps. Interviews with law enforcement personnel in three U.S. cities suggest that the potential problems noted above have been mitigated by the following:

- Relative restraint in the actual exercise of Federal jurisdiction (due in large measure to frequent communication between Federal and local prosecutors about jurisdictional determinations and judicious allocation of limited Federal resources by U.S. Attorneys).

- An expanded commitment by Federal authorities, through negotiated memoranda of understanding (MOUs) and special operational procedures, to ensure various degrees of shared leadership, decision-making, and information-sharing within Federally-led task forces and other collaborations, thereby ensuring significant local input into task force governance and a degree of accountability (albeit indirect) to local governments.

- Increased Federal efforts to facilitate consensus-based coordination of collaborative as well as non-collaborative law enforcement activities carried out by Federal, state, and local law enforcement authorities in American cities.

Although questions remain about the working equilibrium that appears to have emerged as a result of these practical arrangements and about their applicability to urban areas around the country, most Federal-local collaborative law enforcement relationships are described by participants and observers as having a degree of stability and acceptance scarcely conceivable two decades ago.

To better understand these developments, the National Institute of Justice asked Abt Associates Inc. to provide a historical overview of this growth in Federal-local law enforcement collaboration as a means of addressing urban crime over the past several decades. The study was to combine a broad thematic review of these developments (ultimately the years 1982 to 1999 were chosen) with a relatively intensive look at Federal-local collaboration as it has developed in three American cities: San Diego, Memphis, and Detroit. In these cities, the study examined 10 Federal-local task forces and other law enforcement collaborations.

The study relied principally on government program documentation, secondary source material (chiefly newspaper and journal articles), and interviews with Federal government officials to create a historical narrative on the two-decades growth of Federal-local law enforcement collaboration. Approximately 35 Washington, D.C.-based officials from the Department of Justice, FBI, DEA, ATF, and other government agencies were interviewed on the subject generally, as well as on specific task force programs and topics such as asset forfeiture and trends in the use of Federal prosecution. Several other law enforcement and academic experts were also consulted. To examine collaboration in San Diego, Memphis, and Detroit, study investigators made 3- or 4-day site visits and met with approximately 35 to 40 Federal and local law enforcement and prosecutorial officials in each city to obtain their views on the evolution of Federal-local law enforcement collaboration in their localities.

The study focused on direct *operational* forms of cooperation rather than various indirect modes of cooperation. The study generally defined law enforcement 'collaboration' as follows: law enforcement

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operations or operational planning involving two or more enforcement agencies that cross geographic or criminal justice system agency boundaries. The study also focused on urban crime in larger American cities because: (1) the current phenomenon of Federal-local law enforcement collaboration had its origins in Federal assistance to, and collaboration with, larger city police departments; (2) such collaboration generally accounts for a larger share of Federal investigative and prosecutorial resources than do other, less intensive or long-standing collaborations with local and state law enforcement authorities; (3) such joint activity is frequently (though not always) among the most evolved of Federal-local law enforcement collaborations and tends to function at the cutting edge of interjurisdictional operational relationships; and (4) Federal collaboration with local and state authorities in statewide, rural, and suburban contexts is often, by contrast, unstructured and episodic and usually occurs through so-called Multijurisdictional Task Forces (MJTFs) that, while partly Federally-funded, do not involve Federal authorities in leadership roles.

The study further focused on weapons, gangs, and drugs as the chief subjects of urban crime; as the major targets of Federal-local law enforcement collaboration over the past two decades, they have been accorded the most resources. (By contrast, other areas such as organized auto theft or domestic violence have also received considerable Federal attention, but are less representative of the trends in question, and have received less priority from Federal investigators or prosecutors).

The study was constrained by the relatively small number of cities visited and interviews conducted, which may not be representative, either individually or collectively, of the range of collaboration experiences across the country in urban settings. Due to time and resource constraints, the researchers could not interview many of the public beneficiaries of collaboration (elected officials, community groups, ordinary citizens) or knowledgeable local observers from the press or academia.

The Historically Limited Role of the Federal Government in Local Crime Control

Federal law enforcement could not have expended its role in local crime control without a steady enlargement of Federal criminal jurisdiction. While the Founding Fathers narrowly circumscribed such jurisdiction, Federal Civil Rights legislation following the Civil War, as well as broader interpretations of the Constitution's Commerce Clause in the late 19th and 20th Centuries, resulted in Federal law enforcement authorities being able constitutionally to address virtually any criminal activity by the early 1970s, including drug and firearms trafficking at the local level.

Exercise of this jurisdiction—permitting Federal prosecutions to be launched against various crime targets—became increasingly attractive. The greatest attractions were the *procedural* advantages of Federal prosecution relative to its state counterparts, particularly when used in longer-term investigations against criminal organizations or high-level individual targets. Use of the Federal grand jury, availability of limited Federal immunity, easier access to electronic surveillance, liberal use of accomplice testimony, and more effective witness protection programs provided incentives for increased use of Federal prosecution against urban crime targets well before substantive penalties for Federal drug and weapons violations were increased in the 1980s, and well before critics of the "Federalization of crime" were heard from in the 1990s.

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There are fundamental incentives and disincentives for Federal-local law enforcement collaboration. Among the incentives are understaffed Federal agencies' need for additional manpower and geographic coverage to investigate effectively a wide range of crimes, and local authorities' need for legal authority to move beyond their own jurisdictions to pursue certain criminal suspects and activities. Federal agencies also need good local intelligence, and local police officers want access to longer-term investigative methods and surveillance equipment. Key disincentives typically include divergent organizational cultures and personalities that can prove difficult to blend; mutual wariness about sharing sensitive investigative information (with Federal agents especially concerned about potential police corruption); and police departments' reluctance to part with their officers' services for a lengthy period of time. These issues remain potent factors in how Federal-local law enforcement collaboration is approached today.

The Growth of Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982–1999

Momentum for increased Federal-local law enforcement collaboration received a boost from the 1981 Attorney General's Task Force Report on Violent Crime. The report included 64 recommendations designed to leverage Federal resources to combat the nation's violent crime problem. Among these were suggestions to expand the use of Federal prosecution against felons arrested with weapons, employ the Federal Racketeer Influenced and Corrupt Organizations (RICO) statute against gangs, and encourage U.S. Attorneys to help develop coordinated Federal, state, and local responses to violent crime. The report marked the beginning of a new era of Federal-local law enforcement collaboration, punctuated by a number of new legal and programmatic departures in the coming two decades.

1982–1985: A New Foundation Is Laid. Many of the task force's recommendations were realized the following year with creation of Law Enforcement Coordinating Committees in each Federal judicial district, the National Center for State and Local Law Enforcement Training at the Federal Law Enforcement Training Center, and the Organized Crime Drug Enforcement Task Force Program (OCDETF). The latter program created a liaison and funding framework that permitted Federal, state, and local law enforcement agencies to collaborate on individual high-level Federal drug prosecutions. In addition to these developments fostering greater coordination and collaboration, the Comprehensive Crime Control Act of 1984 contained a number of incentives for increased collaboration and use of Federal prosecution, including monetary asset forfeitures, preventive detention for certain Federal defendants, and tough new penalties—including mandatory minimum sentences—for certain drug and firearms crimes.

1986–1987: The Rise of the War on Drugs Creates Further Incentives for Collaboration. The war on drugs and public preoccupation with crack cocaine led to passage of the Anti-Drug Abuse Act of 1986 and further legislative and policy implementation favoring Federal-local law enforcement collaboration. Chief among these was the strengthening of the DEA State and Local Task Force Program (started in the late 1970s) and its formal integration into the national drug enforcement strategy. At the same time, the 1986 Act expanded the range of forfeitable assets under Federal civil forfeiture actions and created a program for collaborating Federal, state, and local law enforcement agencies to share assets. Finally, the Act created more stringent Federal drug and violent crime penalties that further increased pressures to use Federal prosecution to address certain dimensions of urban street crime. One prosecutorial initiative that emerged that year was the Bureau of Alcohol,

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Tobacco, and Firearms' Project Achilles, which emphasized use of tough Federal firearms statutes to target armed violent offenders.

1988–1989: Fear of Drugs and Violent Crime Leads to Additional Support for Collaboration. The 1988 Anti-Drug Abuse Act continued to ratchet up drug and violent crime penalties, but perhaps the most potent inducement for the use—or threatened use—of Federal prosecution against urban street crime was the implementation of the new Federal Sentencing Guidelines. The Guidelines, and the several mandatory minimum sentences incorporated into them, gave defendants a strong motivation to render 'substantial assistance' to prosecutors in exchange for a reduced sentence (this prosecutorial advantage was used to maximum effect by Federal and state prosecutors alike, with the latter able to threaten to send a defendant to Federal prosecutors if cooperation were not forthcoming). Other developments in the late 1980s that tended to increase Federal-local law enforcement collaboration were the growth of state and locally-led MJTFs funded by the newly-established Edward Byrne Memorial Law Enforcement Assistance Program, and the creation of High Intensity Drug Trafficking Areas (HIDTAs) in five key areas of the country. While most MJTFs featured only episodic collaboration with Federal law enforcement authorities, many task forces developed strong working relationships with Federal agencies and received valuable training in the process. HIDTAs were initially focused on drug interdiction in 'gateway' regions of the country, but soon came to act as coordination umbrellas that encouraged joint local-Federal problem-solving and strategic deployment of resources across various collaborations.

1990–1992: Violent Crime Spawns Highly Directed Collaboration by Federal Authorities. With the start of the 1990s, a significant upswing in violent crime and street gang activity prompted a new wave of Federal-local law enforcement collaboration that was even farther removed from traditional Federal crime priorities. Collaborations with a local focus ranged from Project Triggerlock, a high-volume Federal prosecutorial initiative against criminals involved in firearms violence, to the Weed and Seed Program, designed to marry community-focused human services programs to intensified, neighborhood-targeted law enforcement activities. A significant shift of Federal law enforcement resources toward local crime concerns also occurred with the FBI's creation in 1992 of its Safe Streets Violent Crime Initiative. Under SSVCI, special task forces were launched around the country to attack violent crime and street gangs, using the FBI's long-standing strategies against criminal organizations.

1993–1999: Efforts to Institutionalize the Partnership Concept. The Department of Justice embraced the concept of Federal, state, and local law enforcement partnerships, and strongly encouraged continued deepening of Federal-local law enforcement collaboration. Top-down direction gave way to greater shared decisionmaking and operational responsibility. Emblematic of this tendency was the 1994 Anti-Violent Crime Initiative, which tasked U.S. Attorneys around the country with facilitating the development of locally-tailored anti-violent crime strategies in cooperation with state and local authorities. The AVCI also led to the establishment or strengthening of a number of Federal-local violent crime task forces. Federal firearms prosecutions witnessed a resurgence with Project Exile in Richmond, Virginia, and several clones around the country, although state law enforcement and prosecutorial authorities increasingly played a more central coordinating and referring role. As the 1990s ended, among the most striking phenomena in Federal-local law enforcement collaboration were the facilitative problem-solving and coordination roles played by U.S. Attorneys and the Executive Boards of HIDTAs. Both served as key 'conveners' whose broader perspectives on local crime problems and high-level political clout could help generate consensus strategies about local law

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enforcement priorities. HIDTAs also provided 'deconfliction' services to a wide range of collaborations—mandatory notification of imminent Federal law enforcement actions across an entire region, thereby preventing duplicative or hazardous collisions of different investigations.

Why Federal-local law enforcement collaboration took root defies unitary explanations. Certainly legislation, policies and programs issuing from Washington—often based on local experimentation—were the driving force. Yet relatively few Federal law enforcement authorities or police departments were initially enthusiastic promoters of collaboration despite its evident benefits; disincentives and inertia were simply too strong. Money served as a crucial lubricant to collaboration, whether in the form of program operating expenses, police overtime, and/or asset forfeitures. Over time, increasing numbers of police chiefs could be heard at Bureau of Justice Assistance-sponsored conferences saying that they would welcome Federal operational assistance in dealing with drug trafficking and violent crime. But the real change may have come with the passage of time, the Justice Department's emphasis on partnerships in the 1990s, and the greater comfort level with collaboration achieved by increasing numbers of participating Federal, state, and local law enforcement authorities.

Organizational and Prosecutorial Dimensions of Federal-Local Law Enforcement Collaboration in Perspective

What this has meant in terms of the proliferation of Federal-local task forces and other collaborations is significant. Today, there are large national Congressionally-funded task force programs as well as discretionary grant programs supporting Federal-local law enforcement collaborations. Both underpin many kinds of Federally-led and state- or locally-led collaborations (see Figure A).

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Figure A. Types of Federal-local Law Enforcement Collaboration

	National Task Force Programs	Grant-funded Programs/ Demonstration Projects	Special Initiatives / Informal Collaborations	Umbrella Coordination Mechanisms
Federally led collaborations	FBI Safe Streets Violent Crime Initiative. DEA State and Local Task Force program. ATF Project Achilles (includes some formal task forces).	Special programs or task forces funded by the Bureau of Justice Assistance (BJA) through discretionary grants [e.g., Washington (D.C.) Metropolitan Task Force]. Other special Federal grant programs (e.g., SACSI)	Some U.S. Attorney Anti-Violent Crime Task Forces (continuing with decentralized funding). Also, case-specific collaborations (including case-targeting initiatives) between Federal, State, and/or local agencies (e.g., some Achilles- and Exile-type collaborations). DEA Mobile Enforcement Team program. Some Project Achilles collaborations.	HIDTAs (regional executive boards). OCDETF (district coordination groups and case-specific collaboration). Law Enforcement Coordinating Committees (LECCs). Regular Federal judicial district law enforcement coordination meetings facilitated by U.S. Attorneys.
State- or locally led collaborations		Byrne Program-funded Multijurisdictional Task Forces (MJTFs) (only 25% have formal Federal agency participation). Also, demonstration projects funded by BJA (e.g., Organized Crime Narcotics Trafficking Enforcement Program).	MJTFs with episodic Federal participation on investigations.	Special local initiatives or coordinating groups (e.g., Methamphetamine Task Force in San Diego).

Although larger numbers of Federal drug, weapon, and gang prosecutions have doubtless accompanied the growth of Federal-local law enforcement collaboration, the magnitude of this phenomenon is hard to determine, since aggregate statistics on Federal investigations and prosecutions do not indicate which were the product of task force or other collaborative work. It is also impossible to discern from aggregate Federal case processing statistics precisely what proportion of Federal cases involves concurrent jurisdiction crimes that could or would have been prosecuted by state authorities. Still, in the context of concerns about the "Federalization of crime," it is helpful to put in perspective the magnitude of growth in Federal drug and weapons investigations and prosecutions in recent years.

To begin with, in recent years only about 4 percent of all felony convictions in the United States were obtained in the Federal system. Moreover, in 1994 fewer than 31,000 felony cases were filed in Federal court, while felony filings in state courts totaled well over 1.7 million. This means that relatively recently, felony cases initially filed in Federal court accounted for only about 1.8 percent of the total preliminary stage felony caseload

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in the country. Even in the area of drug crime, Federal felony drug convictions—a significant number of which resulted from Federal prosecutions of major international drug trafficking activity rather than prosecutions of mid- to upper-level dealers operating in particular urban neighborhoods—represented a small (4.9%) proportion of the total felony drug convictions in the United States in 1996. A higher proportion of felony firearms convictions—approximately 9 percent in 1996—issued from Federal courts, but this still meant that more than 9 out of 10 felony firearms convictions were handed down by state courts that year.

Nevertheless, for U.S. Attorneys and the Federal courts, changes in the Federal investigative and criminal law caseload during the period 1982 to 1999 have proven significant. The proportion of defendants charged with Federal drug offenses as the most serious charge more than tripled during this period. At the same time, the proportion of Federal defendants charged with illegal firearm possession and transfer offenses as the most serious charge increased nearly fourfold. It is precisely this allocation of the Federal prosecutorial and judicial workload in recent years, particularly in light of the general downturn in crime, that has had critics asking whether other Federal priorities are relatively under-resourced. Still, this consistently small Federal share of the nation's overall criminal caseload evidences a highly selective exercise of Federal jurisdiction, driven by unavoidable Federal resource constraints and principles of prosecutorial discretion designed to be flexibly applied in individual circumstances.

Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime: Three Cities' Experiences

The development of Federal-local law enforcement collaboration addressing urban crime has manifested itself in significantly different ways in various cities around the country. Despite a common stimulus from Washington, each urban area has had its own unique set of crime problems rooted in particular political and social environments.

San Diego is known as a city and county with a high degree of Federal, state, and local law enforcement collaboration going back many decades. Federal-local law enforcement collaboration got off to a strong start in the 1970s and has generated many highly developed and smoothly operating task forces with a strong institutional identity and large numbers of local 'alumni.'

Memphis developed Federal-local law enforcement collaboration incrementally, starting with a limited number of collaborations built on personal relationships and ending up with stronger institutional partnering commitments led by the U.S. Attorney, the District Attorney General, and FBI and DEA Supervisory Agents in Charge.

Detroit experienced a long period of noncollaboration starting in the mid-1980s and extending to 1994 when a new mayor, police chief, and U.S. Attorney collectively forged new, highly collaborative ties, which strengthened a number of task forces and other collaborations.

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Figure B. Collaborations Examined in This Study

Task Forces and Other Federal-Local Collaborations Examined

Gang-Focused Collaborations
- *Violent Crimes Task Force Gang Group (San Diego)*
- *Gang Task Force (Memphis)*

Violent Crime and Firearms-Focused Collaborations
- *U.S. Attorney's Violent Crimes Task Force (Memphis)*
- *Strategic Sexual Initiative on Assault (Memphis)*
- *Detroit Achilles Task Force (Detroit)*
- *Violent Crimes Task Force (Detroit)*

Drug-Focused Collaborations
- *Narcotics Task Force (San Diego)*
- *Drug Enforcement Task Force (Memphis)*
- *DEA Group 6 Task Force (Detroit)*
- *DEA Group 5 Task Force — REDRUM (Detroit)*

The 10 task forces and other Federal-local law enforcement collaborations studied for this report embrace a wide range of funding programs and organizational forms. As shown in Figure B, three gang-focused task forces, four violent crime-focused collaborations, and four drug-focused collaborations were examined. Interviews with collaboration participants centered around the organization of the collaborations, leadership issues, decisionmaking, communications, and management of concurrent jurisdiction by prosecutors assigned to or involved with the collaborations.

While the parameters of the study did not afford work observations to be conducted or surveys to be deployed, a number of important generalizations emerged concerning successful operation of Federal-local law enforcement collaborations and the management of concurrent jurisdiction decisions.

Insights into the Effective Operation and Impact of Federal-Local Law Enforcement Collaboration Against Urban Crime

Although necessarily impressionistic based on the limited venues and collaborations visited, the composite picture of Federal-local collaboration that emerged from the interviews in the three cities nevertheless revealed something about the kinds of operational factors that appear to promote or impede collaboration. It also revealed the degree to which collaboration appeared to have a meaningful impact on the law enforcement organizations and urban communities it was serving. The insights that follow are preliminary in nature and suggest the need for more rigorous analysis through in-depth studies of individual task forces or other collaborations as well as the use of surveys, work observations, and focus groups to better gauge the attitudes and behaviors of task force participants.

Structuring and Management of Task Forces and Other Federal-Local Law Enforcement Collaborations Against Urban Crime. Given the variety of task forces and other Federal-local law enforcement collaborations—particularly their different missions and local environments—attempting to identify model forms of organization or 'best practices' carries certain dangers. However, many of those interviewed did identify practices they believed were positively correlated with the operational success of task forces. The majority of interviewees cited these as important attributes of successful task forces. Some of these characteristics might apply to other collaborations, including less formal coordinated case targeting initiatives:

- High-level participating agency commitment
- Ultimate operational authority in one agency, together with uniform paperwork protocols

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- Joint Federal-local leadership on executive or control boards and at the operational unit level
- Shared Federal-local strategic problem-solving and decisionmaking
- Co-location of Federal and local law enforcement personnel to promote teamwork and trust
- Federal and local task force supervisors with appropriate leadership and interpersonal skills
- Maximum feasible information-sharing
- Sharing of credit and rewards
- Use of assigned or dedicated Federal and/or state prosecutorial liaisons

Management of Decisions Concerning Concurrent Jurisdiction. While there is often a presumption in favor of Federal prosecution among Federal-local task forces based on their mission, in fact, an initial decision to prosecute a case in Federal or state court—or a decision declining Federal jurisdiction once an investigation is well underway—often involves a complex weighing of factors, ranging from the relative prosecutorial resources available in the two jurisdictions to procedural, evidentiary, and substantive penalty advantages in each system. Other important factors include whether state or Federal prosecutorial priorities are implicated and whether a case has connections to a larger crime context being addressed by another state or Federal prosecutorial team. All of the Federal prosecutors interviewed attested to the nuanced nature of jurisdictional decisions and the difficulty of making generic determinations across multiple cases, even when aided by national and local U.S. Attorney guidelines.

It appears that there are a number of practices that may be associated with better management of concurrent jurisdiction matters:

- Clear articulation of Federal district prosecutorial guidelines and their communication to local prosecutors.

- Close monitoring by senior Federal prosecutors of a U.S. Attorney's office intake decisions for consistency and soundness.

- High-level institutionalized communication between a U.S. Attorney's Office and local district attorneys' offices about the handing of classes of concurrent jurisdiction cases.

- Designation of prosecutorial liaisons in both Federal and local prosecutors' offices to communicate at a more frequent operational level about the handling of such classes of cases.

- Clear, open communications between Federal and local prosecutors and notification protocols for Federal decisions to accept or decline individual cases.

Effective Facilitation of Local Law Enforcement Coordination Against Urban Crime. In an era of Federal-local partnerships and collaboration, the unique power of U.S. Attorneys and HIDTAs to stimulate and enforce coordination and problem-solving among disparate Federal, state, and local law enforcement agencies has taken various forms. Sometimes, the Justice Department has mandated certain strategic planning exercises under the aegis of U.S. Attorneys, such as the recent 1999 directive requesting each U.S. Attorney to consult

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with law enforcement colleagues to develop an integrated firearms violence reduction strategy in each judicial district. On their own, U.S. Attorneys have also wielded their 'convening' power to stimulate collective problem-solving of local crime problems. HIDTA Executive Boards have sought formally to induce certain agency strategic planning, coordination and deconfliction activities.

While these facilitation efforts can take a variety of forms based on local circumstances and the personal styles of U.S. Attorneys and HIDTA Board members, interviews with law enforcement officials in San Diego, Detroit, and Memphis suggested that certain of these efforts had proven more successful than others based on the following factors:

- Commitment of U.S. Attorneys or HIDTA Directors to spend time getting personally acquainted with other local agency representatives.

- Cultivation by U.S. Attorneys or HIDTA Directors of an atmosphere of cooperation and openness among various agencies.

- Dedication of U.S. Attorneys or HIDTA Directors to making coordination and strategy meetings frequent and substantive gatherings where practical information (including resource issues) are exchanged by the participants.

- Encouragement of Federal and local law enforcement authorities by U.S. Attorneys or HIDTA Directors to capture and analyze various kinds of crime data, either through their own investigators or with the help of outside experts.

The Effect of Urban Crime Collaboration on Law Enforcement Organizations and Operations. While no systematic studies have been conducted on these effects with respect to Federally-led (as opposed to state- or locally-led) task forces, most individuals interviewed in the three cities attested to the following as the key benefits of collaboration:

- Greater geographic mobility of law enforcement participants.
- Greater mutual access to diverse sources of intelligence, permitting better problem-solving.
- Greater mutual exposure to diverse investigative skills and methods.
- Increased ability of police to make larger-scale purchases of evidence and information.
- Increased police access to higher quality equipment, especially surveillance equipment.
- Police access to overtime funds allowing for more complex, longer-term investigations.
- Better coordination of law enforcement activities between Federal and local authorities.
- Breaking down of stereotypes about Federal and local law enforcement personnel and skills.
- Diffusion of skills and information to home agencies that are members of a collaboration.

The Community Impact of Federal-Local Law Enforcement Collaboration Against Urban Crime. The impact of Federal-local law enforcement collaboration on communities is extremely difficult to ascertain based on inevitable problems of attributing changes in certain types of crime or other phenomena (particularly in

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large cities) to specific law enforcement activities. Task forces are dynamic in nature, altering their structure and/or goals to adapt to crime, financial, and political influences. Although a handful of impact-oriented evaluations of Byrne MJTFs have been conducted, none has been able to say with certainty whether the advent of task forces or a particular shift in task force tactics has had an appreciable impact on drug trafficking or drug abuse in a particular area. Even the effect of local drug task forces on outcomes such as arrests is unclear. No impact study of Federally-led task forces has been undertaken, although the DEA recently took a close look at the impact of its MET Program, finding the data inconclusive.

Anecdotally, most task force participants interviewed in the three cities were enthusiastic about the impact of task force and other collaborative work, particularly regarding gangs. Several individual gangs have been significantly disrupted or dismantled through long-term investigations, many of them featuring use of electronic surveillance. Other interviewees pointed to successes with firearms prosecutions, where numerous violent recidivists were convicted of one or more gun crimes and given substantial sentences. Although Project Exile and its progeny have proven controversial on Federalism grounds to some law enforcement officials, almost all interviewed participants in violent crime, gang, and drug task forces and other collaborations were very positive about the impact that selective use of firearms charges has had in prosecuting and incarcerating particularly dangerous individuals and gangs.

The Future of Federal-Local Law Enforcement Collaboration

At the dawn of a new century, the maturation of Federal-local law enforcement collaboration in American cities begs the question of whether this phenomenon will deepen and intensify, particularly if crime rates continue to fall or plateau. There are reasons to believe that it will.

First, these collaborations serve specialized needs and are frequently directed at longer-term investigations addressing higher-level criminal organizations. These organizations, particularly in the drug area, have become more sophisticated, diversified, and geographically dispersed, blurring easy distinctions between high-level criminal activity and 'street crime.' The need for Federal-local collaboration to address these threats with complementary tools and regular information-sharing may become even more pressing in the years ahead.

Second, the need for frequent and sophisticated information-sharing has increased dramatically with the volume and detail of crime information and the rapid growth in information technologies (benefiting criminals and law enforcement alike). More voluminous and frequent information flows across Federal and local jurisdictions will tend to keep current collaborations closely engaged and to draw closer together other Federal and local authorities who are currently interacting on a provisional or episodic basis.

Third, while certain incentives to collaborate may diminish over time (e.g., many localities already utilize a number of sophisticated investigative methods and equipment, thanks to earlier Federal funding and collaboration), other incentives—such as Federal authorities' need for manpower and local intelligence—will remain more or less constant. Likewise, even if the advantages of Federal prosecution diminish because state governments adopt more aggressive laws and procedures, local partners will still seek to benefit from additional Federal resources and intelligence. At the same time, a new incentive—the advantages derived from problem

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solving and examining crime problems more holistically and preventively—is likely to strengthen existing collaborations.

Finally, task forces and coordinating mechanisms such as HIDTAs appear to be generally popular with Federal and local law enforcement representatives and prosecutors—a formidable constituency. The popularity of such collaborations has increased not only due to successful joint work, but also due to the Federal dollars that flow into such collaborations. This constituency, moreover, grows larger each year with the wider circle of Federal and local officials who participate in collaborations. Most task forces and other collaborations have developed relatively strong organizational identities and represent a significant political and resource investment by Federal, state, and local governments alike; like all governmental programs, they are usually much easier to establish than curtail or dismantle.

While the precise contours of Federal-local collaboration on urban crime will likely continue to be negotiated at the local level between Federal and local participants—barring the unlikely event that Congress or local governments impose significant guidelines on collaboration—it is highly probable that those contours will become more formalized and institutionalized. Participants will probably seek greater certainty and predictability in their collaboration, seeing that these generally appear to be enhanced through the use of Memoranda of Understanding that address issues of leadership, paperwork, overtime, and many other critical issues. External players, including local politicians, the media, and the general public, also may demand greater documentation of collaborative arrangements—as well as evidence of outputs and impact—to promote enhanced transparency and accountability. Increased formality and transparency doubtless will create short-term opposition in many quarters—and sometimes may conflict with the interest of Federal and local law enforcement authorities to maintain a degree of secrecy about some aspects of their operations. However, this may be the price of continued vitality of collaboration in the Federal system.

In the coming years, the real challenge will be to ensure that collaboration is even 'smarter' and more coordinated, both to avoid duplication and potentially hazardous collisions between various investigations and to take greater advantage of the highly strategic and interconnected information generated thereby. Over time, it is likely that task forces and other collaborations will independently or collectively develop interdisciplinary analytical units that can undertake neighborhood or city-wide problem-solving tasks using appropriate mapping tools and databases. These units may well be attached or report to U.S. Attorneys' Offices or HIDTAs, where the broadest possible uses and linkages can be made with the information. While a kind of 'coordination fatigue' may arise as all concerned actors try to keep abreast of case-specific and community-wide strategic developments impinging on ongoing agency or task force work, task force participants really have no alternative but to access as much information as possible that is relevant to the development of successful investigations (and avoidance of lower-impact activities). The challenge in these circumstances is to bundle and stratify critical data so that time is not wasted on the more routine information. It is indicative of how central Federal-local law enforcement collaboration in American cities has become that the institutional networks it has spawned are the likely platform on which such advances in analytical capabilities will be tested.

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Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982–1999: Drugs, Weapons, and Gangs

I. Introduction

A. Two Decades of Change in Federal-Local Law Enforcement Collaboration

For most of its 200-year history, the United States has had an uneasy system of overlapping law enforcement agencies responsible for public safety. From thousands of municipal and county police departments, to state police, to Federal law enforcement agencies, complex patterns of cooperation and intricate jurisdictional lines have evolved over time as authorities have collectively sought to avoid operational chaos and duplication, fill in particular enforcement gaps, and increase potential opportunities for strategic planning. The growing Federal role in this patchwork has been the most complex and controversial, straddling numerous areas traditionally understood to be the province of state and local government. It has also, at times, challenged deeply held beliefs about the Federal system and the purported benefits of having most law enforcement officials accountable to local authorities.

The last several decades have seen a significantly more visible Federal role in local law enforcement emerge, coinciding with significant increases in drug trafficking and violent crime in American cities (the latter subsiding in many cities only recently). The Federal government has funneled billions of dollars to the fight against crime, including hundreds of millions of dollars of Federal assistance to state and local governments. More than ever, presidents and Congress have sought to take the lead in enunciating national crime policies. And Congress has enacted many new Federal crimes—from carjacking to weapons possession in gun-free school zones—that significantly overlap with existing state statutes. In many ways, the mammoth 1994 Crime Bill, with its $30 billion price tag, 'three strikes' provision for serious felonies, funding for 100,000 additional police officers, and tying of prison construction funds to state enactment of mandatory sentencing schemes, is appropriately symbolic of a period in which the Federal government came to have a crucial hand in many aspects of crime control at the local level. In the 1990s, many observers began to talk about the "Federalization of crime," focusing on both the Federal financial role in assisting states and localities and the proliferation of new Federal criminal legislation.

In fact, many of these phenomena had appeared as early as the 1960s and 70s. Their continuing evolution in many ways describes a quantitative, not qualitative shift in Federal-state-local law enforcement relations. For example, the Federal government's leadership role in the fight against crime has been generally acknowledged since passage of the Law Enforcement Assistance Act and the appointment by Lyndon Johnson of the Presidential Commission on Law Enforcement and the Administration of Justice. Accordingly, the "War on Drugs" championed by Presidents Reagan and Bush echoed President Nixon's similar reliance on Federal leadership to carry out his campaign of the same name many years earlier. Significant Federal

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responsibility for financing the fight against crime, meanwhile, has existed since creation of the Law Enforcement Assistance Administration (LEAA) in 1968 legislation; the nearly $900 million in appropriations for LEAA in 1975 overshadows the $500 million in annual state and local criminal justice assistance funding that was deployed in the mid-1990s under the Edward G. Byrne Memorial Law Enforcement Assistance Program. And while a wide variety of specialized new Federal laws came into existence in the 1980s and 1990s, possibly the most significant recent expansion of Federal jurisdiction occurred many years earlier with the creation of Federal crimes targeting extortionate credit collection (the Federal Loan-Shark statute, 1968), all controlled substances (the Comprehensive Drug Abuse Prevention and Control Act, 1970), and racketeering organizations (the Racketeering Influenced Criminal Organizations (RICO) Act, 1970). In terms of their impact on constitutional principles, the use of Federal prosecution, and sheer numbers of Federal criminal indictments, such enactments can arguably be viewed as eclipsing in significance the cumulative weight of more recent and well-publicized "Federalization" phenomenon."

What *has* changed qualitatively about the Federal law enforcement role in local crime in recent decades are two interconnected phenomena: the predisposition of Federal authorities to undertake an *operational* law enforcement role in combating serious urban crime, in collaboration with state and local police (largely through task forces and other organizational collaborations targeting specific crime problems); and the inclination of Federal prosecutors actually to *exercise* existing discretionary Federal criminal jurisdiction so as to undertake a *significant number of Federal criminal prosecutions of urban drug, gang, and violence-related activity*. A third qualitative change of potentially great significance is the willingness of Federal authorities to play a *facilitative, coordinating role* at the local level by bringing together relevant law enforcement agencies—and in many cases, a broader range of community crime prevention actors—to engage in strategic planning and problem solving with one another. While the overall influence of these changes on urban crime control and the recent drop in crime is subject to considerable debate given the small percentage of all U.S. criminal prosecutions handled by Federal authorities—for example, only a little more than four percent of all felony convictions have occurred in Federal courts in recent years—Federal-state-local law enforcement collaboration is frequently cited by law enforcement authorities as having made a significant community impact.

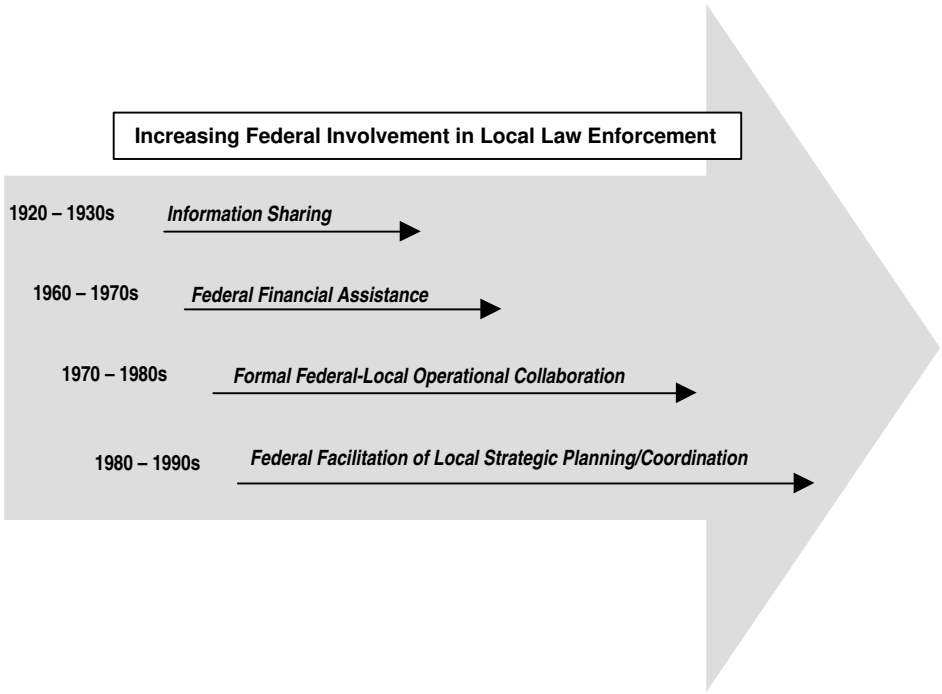
In this context, it is useful analytically to distinguish at least four major types of Federal cooperation in local crime control: (1) information-sharing (ranging from dissemination of research, to circulation of intelligence, to training); (2) financial assistance; (3) operational collaboration in law enforcement activities; and (4) Federal prosecution (which usually but by no means always accompanies such collaboration). To this may be added (5) Federal facilitation of strategic problem solving and operational coordination at the local level. The last phenomenon potentially cuts across all four of the other forms of Federal activity and has emerged only relatively recently with the proliferation in most cities of a variety of cooperative law enforcement *and* crime prevention programs.

Each of these types of Federal government cooperation and assistance, representing, roughly speaking, increasing levels of Federal symbolic and practical involvement at the local level, has emerged over time and been associated with important developments such as the growth of the FBI's Uniform Crime Reports in the 1930s (#1) and the emergence of the LEAA (#2). Only in the 1980s and 1990s, however, did significant

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Federal-local collaborative operational law enforcement activity (#3) appear, along with a noticeable increase in Federal prosecution of many kinds of urban crime (#4), and Federal facilitation of local strategic coordination efforts (#5) (*see* Figure 1). The impetus for these three later developments came principally from Washington, based on experience with a handful of local experiments, and in response to a perception—including among some local law enforcement authorities—that state and local police urgently required assistance to address an overwhelming rise in drug- and violence-related crime. In response, Congress and the Justice Department issued a stream of new legislation, policies, and programs, urged on by a public that demanded prompt solutions and that cared little for fine jurisdictional distinctions or discussions about Federalism. All three of these latter phenomena have enmeshed Federal law enforcement and prosecutorial authorities as never before in matters of ostensibly local concern. They have also accelerated the development of what many would describe as a more seamless and integrated law enforcement system—a system that renders increasingly fuzzy many earlier distinctions between 'local' and 'Federal' interests.

Figure 1. Significant Departures in the Growth of Federal-Local Law Enforcement Cooperation



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The scope of these changes can be grasped readily by comparing, in snapshot form, certain ways in which Federal resources supported local law enforcement efforts twenty or thirty years ago, and how such cooperation appears today. In the 1970s, a large urban police force received significant Federal funding through the LEAA for administrative reforms, training, technology, and many other purposes. It could also receive a significant amount of Federally-funded and maintained criminal history information through the National Crime Information Center (NCIC) and intelligence data through continued expansion of the newly-created Regional Information Sharing System (RISS) and the Drug Enforcement Administration's (DEA's) El Paso Intelligence Center (EPIC). With the exception of a few cities like New York and San Diego, joint operations with Federal investigative agents were sporadic and limited to a very small number of cases. Communications between local police and Federal investigative agents and prosecutors were substantially *ad hoc,* and often depended on a small number of personal relationships. Proactive joint planning between local and Federal law enforcement and prosecutorial officials, outside of the occasional individual case, was virtually unheard of. Except for certain large-scale drug trafficking and organized crime prosecutions, Federal jurisdiction was seldom invoked to tackle the most prevalent forms of serious street crime.

Today, a very different picture of Federal-local law enforcement relations materializes. Technical assistance, training, and intelligence-sharing continue with generous Federal funding from Local Law Enforcement Block Grants and the Byrne Program, but now there also exists a wide range of Federal-local task forces and other standing collaborative operational activities involving Federal law enforcement authorities in a central or leading role. Currently, a large number of Federally-led task forces tackle drug and violence-related crime in American cities, ranging from FBI-led Violent Crime Task Forces, to DEA State and Local Drug Task Forces, to case-specific Organized Crime and Drug Enforcement Task Force (OCDETF) collaborations spearheaded by U.S. Attorneys' Offices. These collaborations involve close communications among Federal agencies and their local counterparts and much more intensive and sustained interaction than that found in earlier efforts at operational cooperation. In many cases, local police officers are physically co-located with their Federal colleagues and serve on dedicated assignments of a year or more on task forces. While so serving, they receive special overtime pay from the Federal government for necessary after-hours work. Meanwhile, significant Federal prosecution of weapons and drug crimes (both case targeting and referrals to Federal prosecutors), together with focused efforts against gangs, have become a standard feature of joint operations by Federal and local law enforcement. And in recent years, joint strategic planning on local crime issues and structured information-sharing has become common, often facilitated by U.S. Attorneys' Offices or in some cities, the Executive Boards of regional drug crime-fighting coordinating bodies known as High Intensity Drug Trafficking Areas (HIDTAs).

These developments have created the potential for three significant tensions to emerge.

First, there is continuing potential for tension to surround the exercise of Federal jurisdiction in criminal matters that are concurrently subject to state law. With the overall drop in urban violence and drug trafficking and the supervision of what are often fundamentally local investigations by Federal officials who are not directly accountable to local governments, many observers, including a number of Federal, state, and local law enforcement officials, Federal judges, defense attorneys, and criminal justice experts, are concerned about the "Federalization of Crime," including the crowding of Federal court dockets and the necessity of

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maintaining a large Federal role in ordinary urban law enforcement relative to other pressing needs in areas necessitating interjurisdictional cooperation, such as cybercrime, counter-terrorism, and certain varieties of white collar crime (e.g., securities and health care fraud).

Second, as long as this significant Federal role in urban crime-fighting exists, there is potential tension about the appropriate organization and governance of Federal-local law enforcement collaboration in urban crime control--particularly the sharing of operational responsibility for investigations in which most personnel and intelligence-gathering contributions are being made by local law enforcement authorities. Determining what organizational principles and practices ensure the best teamwork and maximize the respective contributions of Federal and local law enforcement participants has assumed great importance as opportunities for partnering have increased.

Third, operational strains may potentially emerge as a result of Federal, state, and local law enforcement authorities executing what are often overlapping missions and carrying out investigations in the same limited geographic areas. Without an effective means of coordinating activities, duplication of effort and potentially dangerous collisions of personnel may result.

In fact, there is at least some limited evidence suggesting that Federal and local law enforcement authorities have significantly diffused these potential tensions by taking a number of practical organizational steps. Interviews with law enforcement personnel in three U.S. cities suggest that the potential problems noted above have been mitigated by the following:

- Relative restraint in the actual exercise of Federal jurisdiction (due in large measure to frequent communication between Federal and local prosecutors about jurisdictional determinations, and judicious allocation of limited Federal resources by U.S. Attorneys);

- An expanded commitment by Federal authorities, through negotiated memoranda of understanding (MOUs) and special operational procedures, to ensure various degrees of shared leadership, decisionmaking, and information-sharing within Federally-led task forces and other collaborations, thereby ensuring that significant local input into task force governance and a degree of accountability (albeit indirect) to local governments.

- Increased Federal efforts to facilitate consensus-based coordination of collaborative as well as non-collaborative law enforcement activities carried out by Federal, state, and local law enforcement authorities in American cities.

Although questions remain about the working equilibrium that appears to have emerged as a result of these practical arrangements, and their about applicability to all kinds of urban areas around the country, most Federal-local collaborative law enforcement relationships are described by most participants and many observers as having attained a degree of stability and acceptance scarcely conceivable two decades ago.

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To better understand these developments, the National Institute of Justice asked Abt Associates Inc. to provide a historical overview of this growth in Federal-local law enforcement collaboration as a means of addressing urban crime over the past 15 to 20 years. As discussed below, the study focused on broad thematic trends that were then examined at ground level in three different cities in the United States.

B. Background, Scope, Limitations, and Organization of the Study

Background and Methodology

This study arose from a request by the National Institute of Justice to examine broad trends in Federal-local law enforcement cooperation over the past several decades. Subsequent discussions with NIJ determined that the study should focus on Federal-local cooperation in investigating and prosecuting various crimes due to the difficulties in terms of time and budget of attempting additionally to examine the role of Federal financial assistance *and* the impact of cooperation on such institutions as courts, corrections, and probation and pretrial services. It was further determined that the study should complement an examination of national developments with a look at how these developments unfolded in a limited number of local environments.

For reasons discussed in more detail below, it was further determined to focus on Federal-local law enforcement collaboration in larger American cities, where operational collaboration was manifested. Based on further recommendations from NIJ about possible cities to visit, it was agreed to focus on San Diego, Memphis, and Detroit. These cities were chosen for a variety of reasons, including their geographic distribution, their different population sizes and demographic characteristics, their different crime problems and rates, the presence of significant Federal criminal court caseloads, and the fact that in recent years—though not necessarily in the more distant past—significant efforts at Federal-local law enforcement collaboration had emerged. All of the cities, therefore, were places where, to a greater or lesser extent, at least some active collaboration was in evidence. Finally, for reasons discussed below, it was determined that the study would cover the years 1982 to 1999.

Based on these parameters, the study traces the evolution of changes in Federal-local law enforcement collaboration during these years, looking at two different levels. First, the study examines developments at the national level, paying close attention to legislative, policy, and program innovations that have had a significant impact on the way that Federal, state, and local law officials now collaborate in investigating and prosecuting urban crime. Second, the study examines these developments at the local level, concentrating on how these changes have actually unfolded in three large American cities—San Diego, Memphis, and Detroit. The study also profiles 10 Federal-local law enforcement collaborations in the three cities and attempts to draw certain conclusions about factors that have enhanced and inhibited effective collaboration in those locations.

The study relies principally on government program documentation, secondary source material (chiefly newspaper and journal articles), and a number of interviews with Federal government officials to create a historical narrative on the two-decades growth of Federal-local law enforcement collaboration. Approximately 35 Washington, D.C.-based officials from the Department of Justice, the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, and Firearms (ATF), and

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other government agencies were interviewed on the subject of Federal-local law enforcement collaboration generally, as well as on specific task force programs and topics such as asset forfeiture and trends in the use of Federal prosecution. A number of other experts from the law enforcement community and academia were also consulted. To present the overview of Federal-local law enforcement collaboration in San Diego, Memphis, and Detroit, the study relied on 3- or 4-day site visits to each of the cities, during which the study's investigators met with approximately 35 to 40 Federal and local law enforcement and prosecutorial officials in each city to obtain their views on Federal-local law enforcement collaboration over the past 17 years. These individuals included direct participants in 10 task forces or other Federal-local law enforcement collaborations (including FBI, DEA, and ATF agents), U.S. Attorneys, district attorneys, and local police, senior HIDTA officials in Detroit and San Diego, and a small number of other interested observers.[1]

Scope

The study focuses on three broad types of Federal-local collaboration that have emerged as major phenomena in American cities only in the past two decades: (1) operational collaboration through task forces and other investigative and prosecutorial alliances; (2) expanded use of Federal prosecution to tackle certain kinds of urban violent and drug-related crime; and (3) high-level facilitation by Federal authorities of local coordination and problem-solving efforts, many of them built around urban task force activities. While other forms of Federal cooperation and assistance have continued and gained strength over this same period—e.g., Federal financial assistance to state and local criminal justice agencies and information/intelligence-sharing and training—these streams of activity are not as novel or controversial, and have received relatively more attention from students of the criminal justice system.[2] And while there has been much discussion of late about potential problems raised by the "Federalization of crime," only very recently has any attention been paid to the actual *exercise* of such power operationally (as opposed simply to a review of the ever-widening base of justification for the *potential* use of Federal criminal enforcement powers).[3]

Thus, the study focuses on direct *operational* forms of cooperation rather than various indirect modes of cooperation (e.g., financial assistance; information-sharing), adopting the following definition of 'law enforcement collaboration': law enforcement operations or operational planning involving two or more enforcement agencies that cross geographic or criminal justice system agency boundaries.[4] More specifically, for purposes of this study, collaboration refers to *joint investigative and prosecutorial activities between Federal, state, and /or local law enforcement authorities that may be evidenced by formal or provisional task forces or other organizational alliances that are designed to address particular crime problems (as distinguished from purely episodic cooperation on specific cases or other forms of cooperation or coordination involving the mere sharing of financial resources or crime information).* In the same vein, the term 'task force' as used in this study denotes a potentially more structured and enduring alliance (involving some kind of standing organizational structure and policies) than that adopted by early observers of the Multijurisdictional Drug Task Forces funded by the Byrne Grant Program.[5]

The study also focuses on crime in larger American cities. Although law enforcement collaboration involving Federal authorities may address regional, metropolitan, statewide, interstate, and even international crime, collaboration with large city police departments on local crime problems (which the study will usually

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refer to as 'urban crime' for the sake of simplicity) has been chosen for a number of reasons. First, the current phenomenon of Federal-local law enforcement collaboration had its origins in Federal assistance to, and collaboration with, larger city police departments. Second, such collaboration generally accounts for a larger share of Federal investigative and prosecutorial resources than do other, less intensive or long-standing collaborations with local and state law enforcement authorities. Third, such joint activity is frequently (though not always) among the most evolved of Federal-local law enforcement collaborations, and tends to function at the cutting edge of interjurisdictional operational relationships. Fourth, and by contrast, Federal collaboration with local and state authorities in statewide and suburban contexts usually occurs through so-called Multijurisdictional Task Forces (MJTFs) that are partly Federally-funded through the Byrne grant program, but involve much less frequent (or sustained operational) interaction with Federal authorities. And finally, active

Federal collaboration with large city police departments on matters of generally local concern represents the most noteworthy departure in the past few decades from traditional Federal law enforcement objectives.

The study further focuses on weapons, gangs, and drugs as the chief subjects of urban crime, insofar as these have been the major targets of Federal-local law enforcement collaboration over the past two decades, and have been accorded the most resources. (By contrast, other areas such as organized auto theft or domestic violence have also received considerable attention as areas of increased Federal involvement at the local level, but are not as representative of the trends in question nor have they received nearly the same priority or resources from Federal investigators or prosecutors).

The study is temporally delimited with a starting date of 1982 because a number of influential new initiatives emblematic of a new approach to Federal-local law enforcement collaboration began that year (e.g., the OCDETF Program, the FBI's grant of joint jurisdiction with DEA over drug crimes, Law Enforcement Coordinating Committees (LECCs)). At the same time, an influential program symbolic of an earlier era—the LEAA—was formally terminated in 1982.

Limitations of the Research

Due to time and resource limitations of the contract from NIJ, Abt Associates was only able to visit the three selected cities—all of them relatively large—and spend 3 to 4 days in each to obtain a picture of Federal-local collaboration on the ground. This picture of collaboration therefore is necessarily somewhat impressionistic. As a result of this design, the study is also focused on larger cities with a longer history of such activity; it may not reflect the nature of collaboration in smaller cities or suburban or rural areas. The small number of cities visited also means that Abt was able to conduct a relatively limited number of interviews with law enforcement and prosecutorial officials in the field—a total of 110 individuals, a few of them interviewed in pairs. The overall time restrictions also meant that only interviews could be conducted, rather than a combination of interviews and direct work observations that would have made it easier to weigh individuals' assertions about cooperation, coordination, and communication. As for other kinds of interviewees, although their ability to comment knowledgeably on Federal-local collaboration might have been quite limited (due to the fact that a good deal of collaborative activity takes places out of the public eye and frequently involves

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undercover operations), in any event only a few other interested observers or beneficiaries of collaboration could be interviewed due to the time constraints.

While the fact that interviews in the three cities were largely limited to collaboration participants makes it possible that some of the views expressed locally about collaboration might have been colored by a desire not to appear to criticize arrangements that largely benefit such participants (in contrast to the views of non-participating members of their respective law enforcement organizations who might not have benefited personally from collaboration), the range of particular opinions voiced by the 110 interviewees—even accounting for their disparate missions and personalities—and their often candid criticisms of many features of collaboration seemed to belie any monolithic participant bias. So, too, the interviews with a variety of Federal officials in Washington, D.C.—some directly involved in Federal-local collaborative programs, others not—tended to provide different perspectives on the same subject matter. In general, the conclusions drawn for this study were made only on the basis of a large number of participants (well over two dozen in most cases) expressing similar views.

Organization

The study is organized into six succeeding sections following this introductory section:

- ***Part II: Background and antecedents.*** A look at Federal jurisdictional, procedural, and operational antecedents that facilitated the emergence of significant Federal-local law enforcement collaboration in the 1980s.

- ***Part III: Historical developments at the national level, 1982–1999.*** A broad historical and thematic review of the legal, policy, and program developments shaping collaboration as it now exists in most large American cities.

- ***Part IV: Putting the organizational and prosecutorial dimensions of collaboration in perspective.*** An overview of certain types of task forces and other collaborations, and the ways in which Federal policy has sought to manage concurrent Federal and state jurisdiction over various drug, gang, and firearms activity.

- ***Part V: The development of Federal-local law enforcement collaboration in three large American cities.*** An examination of how collaboration evolved in San Diego, Memphis, and Detroit, based on documentation on 10 Federal-local task forces and other collaborations, and on interviews with 35-40 Federal, state, and local law enforcement authorities and prosecutors involved in such collaboration in each city.

- ***Part VI: Insights into effective operation of Federal-local law enforcement collaboration.*** An attempt to draw general conclusions about the impact that collaboration has had on task force participants and local communities, as well the more successful operational practices associated with collaboration.

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- ***Part VII: The future of Federal-local law enforcement collaboration.*** An effort to speculate about where Federal-local law enforcement collaboration may be headed, and why additional research and evaluation may be needed to help inform policymakers in guiding and monitoring this continued evolution.

The sections are relatively self-contained and may be read independently. In particular, those readers not interested in reading the detailed descriptions of the 10 collaborations in the three cities found in Part IV may wish to skip directly to Parts VI and VII for insights and conclusions based on the tri-city and Washington, D.C.-based research and interviews.

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II. BACKGROUND AND ANTECEDENTS: THE HISTORICALLY LIMITED ROLE OF THE FEDERAL GOVERNMENT IN LOCAL CRIME CONTROL

The very significant changes in Federal-local law enforcement collaboration over the past 18 years did not lack antecedents. Much of what observers have called the "Federalization" of criminal law enforcement over the past two decades has its roots in a variety of demographic, political, legal, and bureaucratic trends that made it seem, if not inevitable, then at least highly likely to unfold as it did, particularly given the sharp rise in crime in the 1980s. Such trends affected both operational relationships between Federal and local law enforcement authorities, as well as the degree to which Federal authorities were willing and able to invoke Federal jurisdiction to prosecute urban drug-, weapon-, and gang-related activities. By the beginning of the 1980s, a complex set of incentives and disincentives for Federal-local law enforcement collaboration, and for Federal prosecution, had become clear. This matrix provided the background context for many, if not most, of the major changes that followed.

The following sections describe some of the most important influences on, and antecedents for, the development of Federal-local law enforcement collaboration in the 1980s and 1990s, including (1) a review of Federal criminal jurisdiction, showing how the legal basis for increased Federal involvement in urban crime control was fully in place by the early 1970s; (2) the procedural advantages of Federal prosecution that similarly were available by the 1970s, and that offered highly attractive weapons against urban crime in the following decade; (3) the expanding role of Federal cooperation in local crime-fighting efforts during the 20th Century; and (4) the mix of fundamental incentives and disincentives for Federal-local law enforcement collaboration that was well established by the beginning of the 1980's.

A. Paving the Way for Expanded Federal Urban Crime Control Efforts: The 200-Year Growth of Federal Criminal Jurisdiction

Federal law enforcement could not have expanded as it did in the 20th Century without a steady enlargement of Federal criminal jurisdiction—the principled legal basis permitting discretionary exercise of Federal law enforcement power. At the founding of the country, the Constitution provided Congress with jurisdiction over special Federal interests, including counterfeiting, piracy on the high seas, and crimes affecting international relations.[6] The Crimes Act of 1790 extended these general principles to crimes committed in places specifically controlled by the Federal government or outside the jurisdiction of any state, crimes obstructing Federal judicial processes (e.g., perjury), treason, and acts of violence against ambassadors.[7] The Founding Fathers were wary about establishing anything resembling a general police power, and in the early years of the republic, state courts were given concurrent jurisdiction over many Federal crimes. Although states' rights advocates resisted an expansive role for Federal law enforcement in the first half of the 19th century, and although the Supreme Court rejected the notion of a Federal common law jurisdiction over crimes, Congress understood that it could legislate new Federal crimes to buttress any other congressional power, including that governing interstate commerce.[8]

Federal Civil Rights legislation following the Civil War marked the first major expansion of Federal jurisdiction that created an overlap between Federal and state law enforcement regimes.[9] The provisions of the

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Civil Rights Acts of 1866 and 1870 were envisioned as criminal law corollaries to the Constitution's Equal Protection and Privileges and Immunities Clauses, and prescribed criminal penalties for acts depriving citizens of any of their newly created rights. In addition, the 1866 Act permitted the invocation of Federal jurisdiction in cases involving ordinary state crimes where state prosecutors and courts would not enforce citizens' rights. The Federal government's assumption of concurrent jurisdiction based on a new kind of "Federal interest" put the government "in the business of enforcing state criminal laws because the states were unwilling to act."[10] This rationale was offered subsequently by Federal authorities tackling entrenched political corruption cases where potential or actual conflicts of interest or political timidity prevented local law enforcement and prosecutors from cleaning house.

In the late Nineteenth Century and early Twentieth Century, a separate Commerce Clause rationale was used to justify expanded Federal jurisdiction. Based on states' inability to address cross-border crime and more mobile felons,[11] this theory of jurisdiction received a boost from those who deemed it essential to combat major national social ills that could or did overwhelm state and local authorities (raising again the specter of "state failure" that had animated the Civil Rights Acts). Thus, the Mann Act (1910), the Dyer Act (1919), and the Volstead Act (1919), addressing, respectively, the interstate transport of women for illicit purposes, the interstate transport of stolen vehicles, and alcohol prohibition, were all attacked with Federal resources as much for reasons of perceived state incapacity and/or neglect as for demonstrated cross-border law enforcement difficulties. The same motivation, justified by the Commerce Clause, lay behind a prominent congressional committee's conclusion in 1937 that criminal activity was out of control and beyond the capability of the states to deal with it effectively. This sentiment resulted in support for congressional enactment during the 1930s of a wide range of criminal statutes ostensibly within the ambit of state jurisdiction, including the first Federal firearms legislation; extortion and robbery affecting interstate commerce; bank robbery (based on Federal deposit insurance); interstate transport of stolen property; and, most famously, transport of a kidnapping victim across state lines (in response to the Lindbergh baby kidnapping).[12] The last piece of legislation occasioned a spirited debate in Congress—obviously not the last—over Washington's increasing role in crime control and the increasing murkiness of distinguishing Federal from state jurisdiction.[13]

As the country headed into the second half of the Twentieth Century, national fears of organized crime and drug abuse propelled yet another wave of Federal lawmaking, this time establishing the almost limitless reach of Federal jurisdiction under the Commerce Clause. The 1946 passage of the Hobbs Act created an extremely expansive definition of extortion or use of threats in the context of interstate commerce, while the 1961 Travel Act essentially Federalized any interstate travel in furtherance of criminal activity. The 1960s began with new legislation directed at the shipment of firearms by felons[14] and the use of interstate wire and telephone communications for purposes of gambling and the transmission of bets.[15] By the end of the 1960s, Congress had enacted the Organized Crime Control Act of 1970, which made illegal gambling a Federal offense; comprehensively regulated the manufacture and sale of explosives; and created the Racketeering Influenced and Corrupt Organization statute ("RICO") to attack criminal conspiracies with severe penalties and forfeiture.[16] Equally significant, Congress also passed a Federal loan-sharking statute that did not require any showing of interstate travel or even any impact on interstate commerce in an individual case; instead, Congress simply declared that loan-sharking as a class of activity tended to affect interstate commerce insofar as it generated income for organized crime. Using similar logic, Congress passed the Comprehensive Drug Abuse

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Prevention and Control Act of 1970 that reached all controlled substances, including those distributed or possessed locally. In each of these areas, criminal activity amenable to state law enforcement and prosecution was also designated a Federal criminal offense, in response to popular demand that something be done about the rise in urban crime.

In 1971 the Supreme Court formally endorsed these relaxed jurisdictional constructions in *Perez v. United States,* noting that criminal conduct can be found to "affect" interstate commerce even if it is "purely intrastate" in nature.[17] Federal criminal law could now potentially be deemed to reach any kind of activity otherwise subject to state regulation. This was a far cry from the original roots of Federal criminal law in Federal territorial jurisdiction or unique Federal interests. Now, after the emergence of several distinct bases for Federal criminal jurisdiction (*see* Figure 2), it was sufficient for jurisdictional purposes if, taken in the aggregate, criminal activity was taxing state and local resources and had a significant national impact. A major blurring of traditional spheres of state and Federal jurisdiction had become a reality.

Figure 2. The Emergence of Five Key Bases for Federal Criminal Jurisdiction

Late 18th—Early 19th Century

1. Crimes Reflecting Unique Federal Interests or Territorial Jurisdiction
- **treason**
- **murder or assault of a federal agent**

Late 19th–Early 20th Century

2. Crimes Evidencing State/Local Justice System Incapacity
- **deprivation of civil rights**
- **political corruption cases**

3. Multistate Criminal Activity/Federal Jurisdiction Predicated on Enhancement of Federal Law Enforcement Efficiencies
- **multistate/nationwide frauds**
- **fugitive felon cases**

4. Regulatory Crimes Based on Uniform National Standards
- **antitrust violations**
- **securities violations**

Mid–Late 20th Century

5. Aggregate Criminal Activity Having a Nationwide Impact on Interstate Commerce*
- **high-level drug trafficking**
- **illegal firearms possession**

*** May be narrowed or curtailed in the future based on the recent Supreme Court decisions in *U.S. v. Lopez* (1995) and *U.S. v. Morrison* (2000).**

By the 1970s, an expansive overlapping interpretation of Federal criminal jurisdiction had thus taken hold, at least *permitting* its exercise in areas such as drug and firearms possession well before Federal-local

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operational collaboration in urban crime had become commonplace and nearly two decades before the term "Federalization" had attracted serious concern on the part of policymakers and scholars.[18] Only with the 1980s, however, did actual *exercise* of this permissible jurisdiction occur on a sizable scale, the product of changing political times (a Republican Administration declaring a tougher stand on crime) and the expansion of the war on drugs.[19]

B. The Advantages of Federal Prosecution Also Created Incentives for a Larger Federal Role in Urban Crime Control

By the early- to mid-1970s, the procedural advantages of Federal prosecution had also evolved to a point where its use in urban crime control efforts loomed as a major attraction. Already these advantages had proven their worth in the context of organized crime investigations, where they were relied on heavily by Federal prosecutors working on special strike forces. While many of these procedural advantages were strengthened even further in the 1980's (along with substantive criminal penalties, as will be discussed below), leading to a greater willingness on the part of Federal and local officials to see cases "go Federal," a significant number of these Federal prosecutorial advantages were in place well before that time. Among the many such advantages were—and are—use of the Federal grand jury, Federal search warrants, and electronic surveillance.

Federal Grand Jury. A federal prosecutor can begin a grand jury investigation at any time, and it can often be kept in action in a complex case for as many as three years. Once begun, the grand jury has nationwide subpoena power over all persons and documents relevant to the proceedings, permitting testimony to be compelled from any witness it deems appropriate, regardless of the procedural and evidentiary rules that ordinarily govern criminal trials. More important, a federal grand jury can be presented with otherwise inadmissible hearsay evidence of a witness's testimony. Most state grand juries, by contrast, usually cannot sit nearly as long, maintain "no-hearsay" rules, and have subpoena power limited to witnesses found within 100 miles of the state's boundaries.

Immunity. Federal prosecutors may confer limited immunity on a grand jury witness, which permits later prosecution of the witness for perjury, obstruction of justice, or contempt if the facts warrant it. At a minimum, this tool tends to prevent outright lying and neutralizes potential defense witnesses. The vast majority of states, on the other hand, only make blanket *transactional* immunity available, which confronts state prosecutors with an unattractive either/or situation hindering the capture of evidence from potentially useful witnesses.

Search Warrants. For an informant's tip to establish probable cause for the issuance of a warrant, the Supreme Court has held that a magistrate simply must find that given the "totality of the circumstances," there is "a fair possibility that . . . evidence of a crime will be found in a particular place." In most states, a higher standard obtains as to the veracity of the informant's tip.

Electronic Surveillance. Electronic surveillance is a potent means of moving against organized criminal activity. While state wiretap statutes must be at least as restrictive as the Federal laws adopted under

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the 1968 Safe Streets Act, many states do not have such statutes and those that do have enacted laws that are considerably *more* restrictive in terms of the burdens of showing need for the surveillance.

Witness Protection. The Federal Witness Security Program, established under the Organized Crime Control Act of 1970, facilitates sensitive witness testimony by affording eligible witnesses not only immunity from prosecution but physical protection and relocation (including for family members if necessary). Introduced to support prosecution of racketeers, the program later became available to a wide range of high-level criminal investigations. Only a limited number of states have such organized witness protection programs.

Accomplice Testimony. Federal procedure permits a defendant to be convicted on the basis of the uncorroborated testimony of an accomplice. State laws generally permit no such flexible evidentiary standard. As a result, many complex narcotics and organized crime cases lacking in eyewitnesses and forensic evidence cannot practically go forward in state courts.

Discovery. Federal discovery rules under the so-called Jencks Act provide that a statement or report by a government witness need not be made available to the defense until the witness has testified at trial. Moreover, the defense has no right to a witness list before trial, and no right to interview them. This is contrary to many state laws, which give the defense an opportunity to find government witnesses and depose them before the trial ever begins.

In their totality, these prosecutorial advantages confer substantial strategic and tactical weapons on Federal prosecutors.[20] That they were available to be exercised in a more frequent and expansive way in the fight against urban crime was a notion to which Federal and local authorities did not fully subscribe until perceptions of crime—particularly drug-related crime—induced a change in Federal authorities' thinking in the 1980s.

C. Organizational Steps Toward Federal-Local Law Enforcement Collaboration Prior to 1980

For much of the country's early history, Federal-local law enforcement collaboration was unknown simply because no real Federal law enforcement entity existed until the early 20th Century. While U.S. Marshals and Treasury agents had intermittent contact with local police, it was not until the organization of a Bureau of Investigation within the Department of Justice in 1909 and the establishment of the Criminal Division within the Department in 1919 that the modern concept of Federal law enforcement emerged. Still, even with the creation of the modern FBI in 1924 and the fourteen Wickersham Commission reports of 1931 evidencing a genuine interest in national approaches to crime control, operational cooperation and coordination were weak and viewed with considerable suspicion by both local and Federal authorities. The essentially exclusive Federal role in enforcing Prohibition reinforced the notion that Federal agents had little interest in working closely with local police,[21] while deep-seated fears of a national police force kept ambitious cooperative strategies at bay.[22]

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The perception of a growing crime problem in the 1930s and the FBI's well-publicized success against notable gangsters led to the growth of more favorable relationships.[23] Attorney General Homer Cummings' convocation of a national conference on crime in 1934 also broke down a number of barriers and found local police more receptive to looking to Federal agencies for strategic leadership in the fight against crime, as well as for technical assistance. Federal authorities' emphasis on scientific approaches to crime control and the collection of intelligence struck a chord with many police departments and the public.[24]

In the early 1930s, local chiefs of police agreed to provide data to the FBI to help create the Uniform Crime Reports (UCR). This information source, managed by the FBI, provided a bridge to a new type of Federal-local relationship built around information-sharing, training, and technical assistance. The UCR paved the way for a number of other FBI-initiated services that met with the general approval of local police chiefs. These included the development of the FBI's Federal fingerprinting system in the early 1930s,[25] the opening of its crime lab in 1932, and the establishment of its National Police Academy in 1935.[26] The growth of contacts between Federal and local police through these training and technical assistance channels allowed for steady and gradual efforts at cooperation and coordination on a limited number of urban crimes and initiatives for which Federal authorities bore primary responsibility, including bank robberies, kidnappings, and the tracking of interstate fugitives.

The relatively limited nature of sustained Federal-local law enforcement cooperation remained largely unchanged until the onset of public concern about serious crime that began in the mid-1960s. The 1964 presidential election was the first in which crime was a major issue on the national political agenda, and the Federal government became subject to popular pressures to take action in heretofore predominantly 'local' crime matters. The influence of three national crime commissions—the President's Commission on Law Enforcement and the Administration of Justice (1965–67); the National Advisory Commission on Civil Disorders (1967–68); and the National Commission on the Causes and Prevention of Violence (1968–69)—charted a more activist course for the Federal criminal justice system.

The first commission's report in 1967 led to a call for an expanded Federal role in criminal justice, which was embodied in the Omnibus Crime Control and Safe Streets Act of 1968 and the establishment of the LEAA. Ultimately channeling $8 billion in Federal funds to state and local criminal justice and law enforcement systems through block grant and discretionary grant programs between 1969 and 1980, the LEAA sparked considerable innovation in local law enforcement in areas ranging from criminal justice system administrative improvements to systematic training of state and local police.[27] LEAA also promoted the first sustained efforts at multijurisdictional cooperation between local police departments through programs that spurred the development of Metropolitan Enforcement Groups (MEGs) and Multi-Agency Narcotics (MAN) units.[28]

In two major areas with a tradition of Federal-local law enforcement cooperation—information-sharing and technical assistance—LEAA provided a distinct boost. In the former area, LEAA helped create and initially oversee the development of the Regional Information Sharing System (RISS)—ultimately, seven regional automated databases that assist hundreds of member police and other law enforcement agencies with the retrieval and analysis of locally prioritized intelligence data.[29] This effort built on the success of the FBI-

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initiated NCIC, established in 1967, which permits law enforcement authorities nationwide to check for wanted persons, warrant information, criminal history data, and stolen property. In the area of technical assistance, LEAA oversaw the setting of many new kinds of equipment and information standards. One of the more influential involved a congressional mandate that all states adopt uniform Federal regulations addressing the improvement of the data quality of their criminal history records.

While these more traditional forms of Federal assistance and cooperation dominated the LEAA era in the 1970s, two prototypes of Federal-local operational collaboration made their initial appearance during this period. One was generally acknowledged to be a failure. In 1972, the White House created the Office of Drug Abuse Law Enforcement (ODALE) to, among other things, attack retail drug traffic and allow Federal investigators to work closely with, or in many cases independently of, local police. The approach was widely viewed as excessively *ad hoc,* however. Poorly staffed ODALE units frequently targeted some of the same dealers that local police and the Bureau of Narcotics and Dangerous Drugs (BNDD) were pursuing independently, without proper communication and coordination.[30] Local police often viewed Federal agents as interlopers. ODALE's quick demise underscored its lack of both a coordinated strategy involving all of the law enforcement agencies with relevant interests, and a system of operational procedures to guide joint Federal-local enforcement activities.

A second type of collaboration that emerged in the 1970s proved more successful, featuring a much greater emphasis on *formally defined* cooperation and a larger role for local law enforcement. The Drug Enforcement Administration's prototype (the DEA succeeded the BNDD in 1973) built on an interagency task force model begun in New York City in 1970. It also borrowed from organized crime operations in the late 1960s that combined Federal law enforcement officers from different agencies in teams to share various kinds of jurisdictional authority and investigative skills (those later grew into Federally-sponsored Organized Crime Strike Forces, but the 14 strike forces that existed by the beginning of the 1980s tended to associate with local police only on an informal, voluntary basis that failed to generate close working relationships or sustain interagency strategic planning or communication). The DEA's model, which grew into the State and Local Task Force program, prominently involved local police in a sustained fashion and emphasized joint planning and uniform operational procedures. DEA task forces were based on the frank recognition that Federal authorities had too few agents with too little street-level intelligence to pursue urban drug trafficking effectively, and that considerable planning and communication was necessary to attack highly mobile dealers across multiple jurisdictions.

To ensure true local 'buy-in' to the concept, the DEA State and Local Task Forces were designed to have an executive committee featuring full local participation. The executive committee was to have joint responsibility for developing policies on issues such as personnel selection, crime targeting, and investigative supervision. They also featured investigative group subdivisions focusing on specific targets (e.g., an airport or neighborhood) that could be supervised by a state or local police officer as well as a DEA agent. Finally, the DEA contributed very significant resources to the collaboration, furnishing not only investigative expenses and equipment (including "buy money" and payments to informants), but also police overtime money to ensure round-the-clock availability of local police officers.[31]

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The positive results achieved with the DEA State and Local Task Force in New York City led to its informal replication in several large U.S. cities in the 1970s. By the end of the 1970s, 13 DEA Task Forces existed, all generally premised on the concept of shared responsibility and credit for task force operations. While the program was still evolving and was far from uniform in its administration and procedures at the beginning of the 1980s, it furnished a new and different model of Federal-local law enforcement collaboration from which other collaborative initiatives could draw practical lessons and inspiration.[32]

D. Incentives and Disincentives for Federal-Local Law Enforcement Collaboration

With the emergence of a limited number of Federal-local law enforcement collaborations around the country by the beginning of the 1980s, certain clear incentives and disincentives to expanded Federal-local law enforcement collaboration were apparent.

In principle, each party had comparative advantages that were desirable to the other party (*see* Figure 3). Federal agents, few in number, needed significant numbers of local officers and detectives to operate locally-based investigations and obtain critical street intelligence and informants. Local police, for their part, needed the cross-jurisdictional powers, investigative methods, and prosecutorial tools—ranging from money laundering expertise to wiretaps—that Federal officials could bring to the table in longer-term investigations of criminal organizations. They could also use additional numbers of undercover agents who would be unfamiliar to local criminals and criminal organizations. Police forces were also in a position to benefit from the potential training and experience gained through exposure to such methods during the course of an investigation. Meanwhile, both sides could benefit from greater coordination of investigations so as to minimize duplication and waste, as well as to avoid unintended harm to undercover officers and informants working in close proximity to one another.

Despite such potential advantages, many disincentives worked against increased collaboration. The sheer difficulty of bringing together multiple Federal and local actors with different missions and personalities represented a formidable obstacle, particularly with the more frequent rotation of Federal agents in and out of regional and local agency offices. Professional distrust and concerns about sharing 'turf' dominated the thinking of many Federal and local law enforcement officers at the time. Many, if not most, local police and prosecutors were inclined to see cooperation as a one-way street, with locally-generated information, informants, and manpower all being commandeered by Federal actors too aloof, secretive, or selective in their targets and guidelines to be genuinely responsive to local needs. Federal agents, in turn, were often dubious of local police skill levels and concerned (particularly in the case of the FBI) with getting too close to departments where corruption might be flourishing. Both sides worried about diluting their primary missions, sacrificing personnel, and sharing sensitive, confidential information.

These issues were, and still are, major impediments to increased Federal-local law enforcement collaboration in the fight against organized criminal activity.[33] Many Federal and local authorities reportedly still believe that the benefits of such collaboration are not worth the attendant costs. The historical record shows, however, that beginning in the early 1980s—armed with powerful jurisdictional and prosecutorial tools—a sea change in the collective incentive structure emerged, resulting in the collaborative relationships

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Figure 3. Incentives and Disincentives for Federal-local Law Enforcement Collaboration

Incentives

- **Federal authorities need additional manpower/geographic coverage to investigate certain crimes effectively.**
- **Federal authorities need good local intelligence, including access to informants; Local authorities need greater access to nationwide, regional, and specialized criminal information.**
- **Local police need additional undercover agents unfamiliar to local criminals and criminal organizations.**
- **Local police need access to cross-jurisdictional law enforcement powers.**
- **Local police need exposure to more sophisticated investigative methods and equipment, access to greater amounts of money for the purchase of informants and evidence, and use of Federal prosecutorial tools.**
- **Federal and local authorities benefit from pooling material resources.**
- **Local authorities may in some cases benefit from more generous Federal asset forfeiture rules.**
- **Federal and local police need greater investigative coordination to avoid duplication of activity and threats to officer safety.**

Disincentives

- **Different organizational cultures and personalities may be difficult to blend.**
- **Rotation of Federal and local personnel may undermine teamwork and organizational continuity.**
- **Police chiefs are often covetous of their local power and influence, even relative to other local police departments.**
- **Police are often suspicious of Federal agents' elitism and lack of familiarity with local problems.**
- **Federal agents may be suspicious of local police corruption.**
- **Federal agents and police may both be wary about sharing sensitive or confidential information.**
- **Federal agents and police may both be wary of diluting primary missions and sharing personnel.**
- **Many Federal, state, and local authorities have distinct Federalism and political accountability concerns about Federal-local collaborative law enforcement activity.**
- **Local prosecutors may be reluctant to cede certain investigations and prosecutions to Federal authorities, particularly if a high-profile case is involved.**

that exist today. While these collaborations grew in other areas where Federal leadership and jurisdiction were well established—for example, in international drug trafficking investigations or programs against financial crimes—their expansion in the urban crime context was both controversial and difficult.

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III. THE SUSTAINED GROWTH OF FEDERAL-LOCAL LAW ENFORCEMENT COLLABORATION IN INVESTIGATING AND PROSECUTING URBAN CRIME, 1982–1999

A number of critical factors combined to increase the incentives for Federal-local law enforcement collaboration in the early 1980s. Criticism of the LEAA and its perceived excessive control over the expenditure of Federal funds by states and localities generated widespread calls for state and local law enforcement to be accorded greater independence, status and discretion in working with Federal law enforcement. Despite a significant leveling of most crime rates at the beginning of the 1980s, there was noticeable public support for a more active and tougher Federal role in tackling violent crime in the cities.[34] Heeding this public call, the newly-elected Reagan Administration was willing to spend significant amounts of money to support some of the nascent collaborative efforts that had surfaced in the previous decade.[35] First the expansion of the war on drugs, and then the fight against violent crime in American cities, drew the Federal government into closer collaboration with local law enforcement authorities. Although it is difficult to ascertain exactly what the views of the public and state and local law enforcement authorities were at different times during this 18-year period, it is clear that Congress and Federal law enforcement authorities exercised substantial discretion in crafting a series of Washington-driven approaches to expand Federal-local law enforcement collaboration and increase the use of Federal prosecution in the urban crime arena.

While there is no single event that can be said to have launched these approaches, it is plausible to suggest that symbolically and practically, the report of the Attorney General's Task Force on Violent Crime, issued toward the end of 1981, created the conceptual framework that made such expansion possible and politically acceptable. That framework highlighted some of the major questions surrounding this expansion. For example, despite Federal governmental support (and significant public support) for an increased Federal operational role in local crime control, was such a role prudent or necessary? And in spearheading greater collaboration from Washington, how should or could law enforcement collaboration be effectively managed at the local level, where it really mattered to law enforcement personnel and affected communities?

A. The Attorney General's Task Force on Violent Crime

Established by Attorney General William French Smith and chaired by former Attorney General Griffin Bell and former Governor of Illinois James R. Thompson, the Attorney General's Task Force on Violent Crime was explicitly chartered to develop new ways of leveraging Federal resources to combat the nation's rising violent crime rate. Enumerating 64 different recommendations to move Federal law enforcement policy in a more activist direction, the report envisioned far more prominent roles than ever before for both the Attorney General and Federal prosecutors in dealing with crime in American cities. The Attorney General should "exercise leadership in informing the American public about the extent of violent crime" and establish strong consistent policies for combating violence and drug trafficking, according to the report. In addition, U.S. Attorneys should *assume local leadership* in working closely with state counterparts and Federal and local law enforcement agencies to develop coherent and coordinated responses to crime in the cities.

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The report also urged greater use of Federal prosecution of felons arrested with guns—charging such individuals with stiffer Federal firearms violations rather than weaker state statutes—and suggested employing the Federal RICO statute to deal with gang activity. Changes to Federal criminal law and procedure were recommended to mandate pretrial detention of certain violent criminals, impose mandatory minimum sentences for certain types of crimes, and modify the exclusionary rule barring certain kinds of illegally seized evidence from use at trial. To staff such expanded and more robust Federal prosecution, the report further suggested that significant numbers of state prosecutors be cross-designated as special Federal prosecutors, and that Federal training of state and local law enforcement personnel be expanded to facilitate greater working cooperation, particularly on Federal criminal cases (*see* figure 4).[36]

Figure 4. Key Recommendations of the Attorney General's Task Force on Violent Crime

- **Encourage U.S. Attorneys in each Federal judicial district to work with state and local law enforcement authorities to develop coordinated responses to violent crime.**
- **Improve and expand Federal training for state and local police officers, prosecutors to encourage operational collaboration.**
- **Upgrade exchange of data on criminals' records among the three levels of government.**
- **Prosecute major street gangs in Federal court as a form of organized crime.**
- **Prosecute increased numbers of gun crimes in Federal court and Impose mandatory minimum prison sentences for gun use in committing crimes.**
- **Cross-designate certain state prosecutors to help handle larger numbers of Federal prosecutions.**
- **Impose mandatory pretrial detention on certain violent offenders.**

Recognizing that its recommendations threatened to overturn established notions of Federalism and make Federal law enforcement agents and prosecutors at least partially responsible for a nationwide effort against general urban violence and drug crimes, the Task Force authors cautioned against the excessive use of government power to ensure the "domestic tranquility" envisioned in the U.S. Constitution. Nevertheless, the thrust of the report was to render acceptable a much broader ground-level role for Federal authorities in stemming urban crime, and to set in motion a wide variety of schemes for leveraging Federal law enforcement activities and prosecution. The challenge was to control expectations and devise ways to have limited Federal operational assets make a real impact on locally-based crime. In critically reviewing the LEAA experience, the Task Force itself noted problems of "scatter[ing] funds thinly over a wide variety of initiatives."[37] Inevitably, the Task Force made recommendations that emphasized significant collaboration and coordination.

The Task Force's bold recommendations, presented in more or less bipartisan fashion, can be seen as ushering in a new way of thinking about Federal criminal law enforcement. While such thinking had been percolating beneath the surface since at least the 1968 Omnibus Crime Control and Safe Streets Act, it had not

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yet been articulated so openly. Under a presidential administration committed to returning considerable power to the states and reducing greatly the criminal justice grants made to state and local governments, the Task Force Report nevertheless advocated a highly activist operational coordinating role for the Federal government in urban crime control. Three new types of proposed Federal crime control activity in the cities—which ultimately served to define the onset of a two-decade transformation in Federal roles and responsibilities—were showcased in the same strategy document: (1) active Federal, state, and local investigative cooperation; (2) increased use of Federal prosecution to address violent and drug-oriented street crime; and (3) facilitation by U.S. Attorneys of coordinated Federal, state, and local responses to such street crime. While some of these ideas took longer than others to gain acceptance in many parts of the country—the facilitating role of U.S. Attorneys would not become a truly common feature in many Federal judicial districts until the second Clinton Administration—the Task Force was instrumental in giving all three concepts broad circulation.

As can be seen from Figure 5, which depicts the growth of Federal-local law enforcement cooperation over a period of 70 years, the Attorney General's Task Force Report marked the opening of a period of unparalleled growth in legislation and programs that actively funded and promoted operational collaboration in American cities. As the following sections make clear, each of these legislative changes and funding streams made it that much more likely for Federal criminal jurisdiction to be invoked and investigations and prosecutions undertaken.

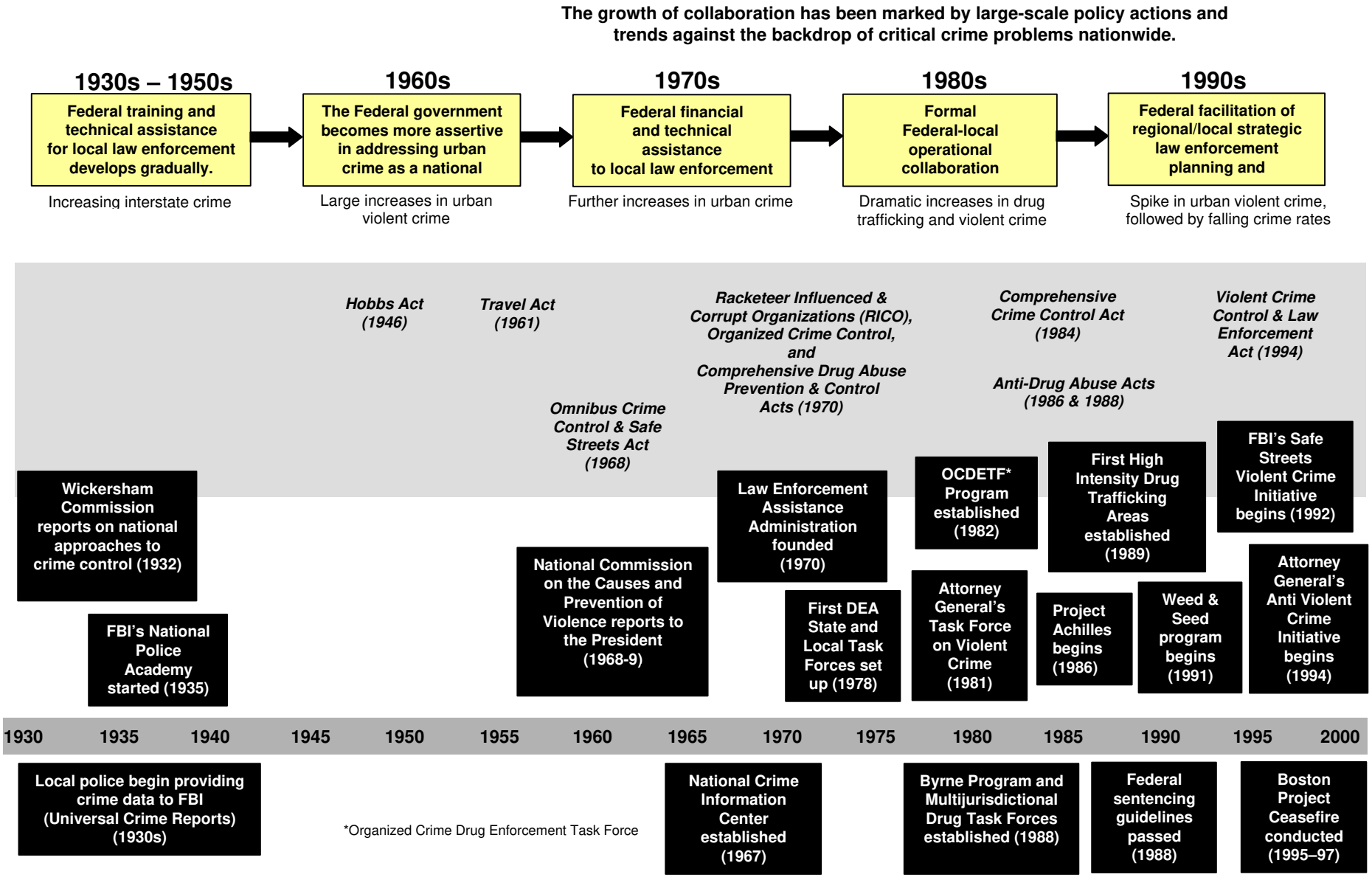
B. 1982–1985: A New Foundation for Federal-Local Law Enforcement Is Laid

Three of the Attorney General's Task Force most significant recommendations—the establishment of greatly expanded Federal operational training programs for state and local law enforcement, the creation of collaborative Law Enforcement Coordinating Committees in each judicial district, and increased Federal interagency coordination in combating narcotics trafficking—were rapidly implemented in 1982. A new high-level collaborative law enforcement mechanism—the OCDETF program—also went into operation, featuring significant investigative and prosecutorial roles for local law enforcement personnel on a case-by-case basis.

In 1984, the bolder exercise of Federal jurisdiction was signaled by passage of the Comprehensive Crime Control Act of 1984, which established stringent new penalties for drug trafficking crimes, authorized the government to seize the assets of traffickers, and established pretrial detention for certain defendants. The 1984 Crime Act greatly increased the power of Federal prosecution in attacking urban crime, while the other developments two years earlier each began to refine the ways in which Federal and local law authorities could work more effectively with one another on urban law enforcement matters.

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Figure 5. Milestones in Federal-Local Law Enforcement Collaboration



Law Enforcement Coordinating Committees (LECCs)

Law Enforcement Coordinating Committees (LECCs) represented one mechanism for increasing Federal-local collaboration and coordination. Implemented by U.S. Attorneys' Offices around the country starting in 1982, the LECCs had a twofold purpose: (1) to coordinate priorities among Federal investigative and prosecutorial officials within each Federal district to maximize the effectiveness of Federal resources, and (2) to stimulate closer working relationships (including task force operations) and problem solving between Federal, state, and local law enforcement and prosecution officials. Chaired by U.S. Attorneys and composed of representatives from all the leading law enforcement and prosecution offices within a judicial district, LECCs were tasked with developing Federal district law enforcement plans that would tailor national law enforcement priorities to local realities.

Over time, LECCs have evolved in a variety of directions. In many districts, the LECC gave formal high-level impetus to increased Federal-local collaborative operations, including the formation of additional *ad hoc* as well as formalized (e.g., DEA State and Local) task forces and the cross designation of police officers and local prosecutors. Under Attorney General Ed Meese, a former state prosecutor, LECCs were accorded a great deal of importance in helping to bring local strategies and solutions to the attention of Federal investigators and prosecutors. In most districts, however, LECCs met infrequently and were not able to function as flexibly as many Federal officials had hoped. While LECCs were still able to develop (or confirm) broad strategies for combating local crime problems, in the clear majority of districts U.S. Attorneys and their key assistants found themselves pursuing more direct coordination and joint operational planning through existing task force channels and more informal meetings and phone calls with relevant agency heads.

Indeed, the later addition of funding for discrete Victim-Witness/LECC Coordinators to help oversee the mission of the LECCs may have unintentionally led to their relative marginalization in many districts. While certain LECC coordinators clearly had sufficient law enforcement experience and political clout to serve as effective emissaries of U.S. Attorneys in leading particular coordination efforts, most coordinators (who were appointed) lacked such attributes and could not be expected to achieve such results. Most high-level coordination began to take place directly under the aegis of U.S. Attorneys who forged their own liaison mechanisms (*see e.g.,* various kinds of coordination meetings utilized by U.S. Attorneys in San Diego, Memphis and Detroit discussed in Section V, *infra).* As a consequence of this change, a division of labor emerged over time such that LECC coordinators became primarily responsible for witness logistics, community outreach, and crime prevention activities. By the beginning of the 1990s, these activities had emerged as an important part of U.S. Attorney coordination efforts in their own right, and LECC coordinators emerged with new but different stature.

National Center for State and Local Law Enforcement Training

Increased Federal training of state and local police was viewed as another important means to increase collaboration and coordination. In October, 1982, President Reagan announced the establishment of a National Center for State and Local Law Enforcement Training at the Federal Law Enforcement Training Center (FLETC). A branch of the Department of Treasury with three locations in Glynco, Georgia, Marana, Arizona,

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and Artesia, New Mexico, FLETC housed training staffs of nearly 20 Federal law enforcement agencies (including the DEA) and was already charged with providing training for most Federal law enforcement agents. Now, largely on a tuition-free basis, it was tasked with offering specialized training to state and local law enforcement in sophisticated investigative techniques and intelligence analysis, particularly in the areas of violence- and drug-related activity, as well as organized crime.

Within a few years, FLETC was training nearly 4,000 state and local officers each year, while DEA training (which later moved to the FBI's Quantico, Virginia training site in 1985) involved twice that number. Over time, such training—and the multiplication of trainee alumni and relationships with Federal agencies—have had a strong influence in breaking down local preconceptions of Federal agency operations and promoting the valuable exchange of information. It has also served as a tangible inducement to greater Federal-local collaboration and complemented the operational reality of the larger numbers of formal and informal task force arrangements emerging around the country.[38]

The FBI's Assumption of Concurrent Jurisdiction for Drug Law Enforcement

The decision taken on January 21, 1982 to give the FBI concurrent jurisdiction with DEA for drug law enforcement and investigation was the first of several efforts in increase Federal agency coordination so as to streamline field operations that might involve agents from both organizations as well as local police. Controversial at the time, the idea was to wed DEA's street-level undercover experience with the FBI's ability to combat large criminal enterprises.[39] While the FBI's operational involvement was to be selective, the Administrator of DEA was required to report to the Director of the FBI on drug enforcement efforts. More important, over time the FBI in the field was forced to become more collegial and collaborative with both DEA[40] and the state and local law enforcement agents who worked on urban drug trafficking investigations on a day-to-day basis . While this expansion of the FBI's mandate to include certain kinds of street crime only brought about a gradual shift in thinking at the Bureau (and its relationship with the DEA remained a very uneasy one until the mid-1990s as reflected in difficulties experienced in Memphis, *see* Section V, *infra*), it opened the door to a host of later collaborative initiatives involving other Federal agencies and state and local police, beginning with the OCDETF Program in 1982 (*see* below), and extending to the FBI's own Safe Streets Program in 1992.

Organized Crime and Drug Enforcement Task Forces (OCDETF)

After the limited introduction of DEA State and Local Task Forces in the late 1970s, the next major organizational innovation in formal Federal-local operational law enforcement collaboration was arguably the establishment of the Organized Crime Drug Enforcement Task Force Program (OCDETF) in October, 1982. Modeled generally on the successful cabinet-level South Florida Task Force chaired by Vice-President George Bush, the OCDETF Program was designed to target high-level drug traffickers and large-scale money laundering organizations using a multi-agency approach that included state and local law enforcement. But whereas the South Florida Task Force aimed most immediately at the interdiction of drugs, the OCDETF Program sought the longer-term disruption of the actual drug organizations and their financial operations. The DEA, FBI, Customs Service, Internal Revenue Service, U.S. Coast Guard, Immigration and Naturalization

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Service (INS), U.S. Marshals Service, Bureau of Alcohol, Tobacco, and Firearms (ATF), were all brought into a formal interagency collaboration in 13 regional offices throughout the United States, under the coordinating guidance of designated U.S. Attorneys in a manner echoing the recommendations of the Attorney General's Task Force on Violent Crime.[41] OCDETF operations were specifically aimed at drug trafficking organizations—both domestic and international—that were vertically integrated and crossed jurisdictional borders. The program was to focus on financial investigations in order to reinforce the underlying drug charges, maximize the chances for forfeiture of drug dealers' assets, and provide jurors with a better understanding of the magnitude of drug organizations' operations.[42]

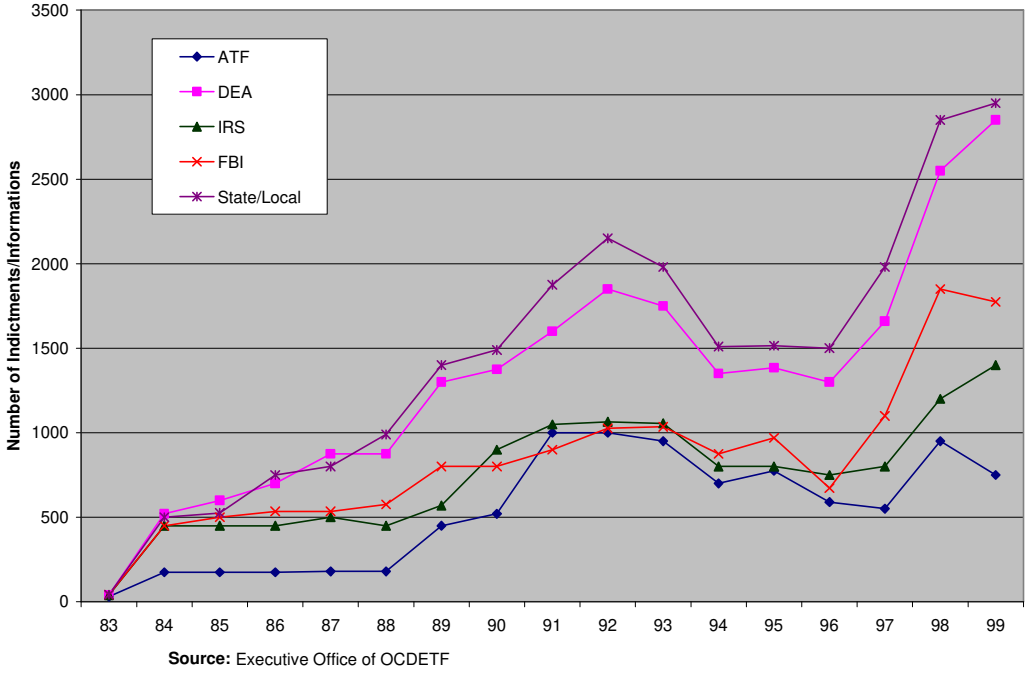
The task forces were established not as separate standing bodies but rather formal administrative linkages through District Coordination Groups that would permit close collaboration between Federal, state, and local agents on a case-by-case basis, with specific investigations approved by the regional offices.[43] The decentralized, consensus-oriented, field-driven nature of the program, organized around district-level coordinating prosecutors whose salaries were paid out of a special program budget, had the flexibility to develop regional and local investigations responsive to particular drug trafficking patterns. Close supervision of the investigations from the beginning by the coordinating Assistant U.S. Attorneys were designed to produce the best possible cases from an evidentiary point of view, and to permit extensive use of Federal grand juries and electronic surveillance where necessary.[44] Indeed, investigations over the years have made broad use of many of the most powerful procedural tools available to Federal prosecution.[45]

Even though the OCDETF Program's emphasis on upper-level drug trafficking targets did not suggest an obvious role for state and local law enforcement, in fact the OCDETF Program Guidelines strongly encouraged "maximum cooperation among all drug enforcement agencies" and extensive local law enforcement involvement. Such involvement could be crucial in a particular case where local intelligence on an organization's distribution patterns or use of violence toward rivals might be extensive. To encourage local officials to cooperate, the OCDETF Program followed the DEA State and Local Task Force model of drawing up formal agreements that permitted Federal reimbursement of overtime and other state and local expenses incurred in OCDETF cases; the deputizing of state and local enforcement officials as Federal agents when appropriate (but only for the duration of the particular investigation); providing for the sharing of forfeited assets seized in investigations; and cross-designating state prosecutors as special U.S. Attorneys on particular cases.[46]

Since the program was established, state and local law enforcement participation has steadily expanded and has consistently remained at a high level. As the number of OCDETF investigations leading to indictments rose dramatically between 1983 and 1999, state and local law enforcement participation in those investigations rose from 54 percent to 75 percent.[47] These participation rates have generally tended to exceed even those of the DEA in OCDETF indictments (*see* Figure 6). In general, the strongest inducements for local law enforcement participation in the OCDETF program appear to be access to large asset forfeitures, the exposure to advanced investigative techniques, and the prospect of removing major trafficking agents from particular localities.

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Figure 6. Participation of Various Agencies in OCDETF Indictments/Informations, by Fiscal Year, 1983-1999



Source: Executive Office of OCDETF

The Comprehensive Crime Control Act of 1984

After assiduous lobbying by the Reagan Administration, Congress enacted the Comprehensive Crime Control Act of 1984 in October, 1984, ensuring the implementation of many of the Violent Crime Task Force recommendations announced by Attorney General Smith some three years earlier. In a sweeping piece of legislation covering everything from computer fraud to the resurrection of a new limited block grant program, the Act contained three major elements that laid the foundation for later developments strongly favoring both Federal-local law enforcement collaboration and Federal prosecution of urban drug and firearms crimes.

Asset forfeiture. While forfeiture of real property used in drug trafficking—drugs, manufacturing equipment, conveyances—had been prescribed by the 1970 Comprehensive Drug Abuse Prevention and Control Act, the 1984 Comprehensive Crime Control Act now allowed seizure of the monetary proceeds traceable to drug transactions. The Federal government only had to show probable cause that money or property was involved in an illegal drug transaction in order to file a civil forfeiture case; a defendant need never have been convicted of a crime.[48] By establishing a Department of Justice Assets Forfeiture Fund, whose monies could be used by Federal law enforcement agencies in a dedicated manner to maintain forfeited property, make awards to informants, and execute liens and mortgages against such property,[49] the 1984 Act set the stage for later amendments that would permit such monies and seized property to be shared with state

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and local law enforcement agencies—as a way of minimizing the drain on local legal resources and secondarily inducing cooperation with Federal authorities.

Preventive Detention. Realizing one of the centerpieces of the Reagan Administration's anti-crime package, the 1984 Comprehensive Crime Control Act established a pretrial detention requirement for certain defendants following a hearing. Contrary to most state pre-trial detention statutes, the new Federal law created a rebuttable *presumption* that certain defendants be detained without bail as both dangers to the community and flight risks. These defendants included those charged with various Federal drug felonies carrying a maximum sentence of at least 10 years and other serious crimes. In the years that followed, the availability of this tool also tended to increase the relative attractiveness of Federal prosecution as an adjunct to Federal-local law enforcement collaboration.[50]

Tough New Penalties, Including Mandatory Minimum Sentences for Certain Drug and Firearm Crimes. The Comprehensive Crime Control Act levied tough new penalties for certain existing crimes and created several others. The Act increased maximum fines for most serious drug offenses, including a maximum fine of $25,000 and a maximum prison term of 20 years for trafficking in large quantities of specified drugs. In the area of violent crime, the Act provided mandatory minimum sentences for use of a firearm in the commission of Federal crimes, setting a minimum sentence of five years in addition to whatever sentence was imposed for the underlying crime. More important, it established an Armed Career Criminal statute that authorized Federal prosecution and a mandatory 15-year sentence for specified repeat state offenders who carried a firearm while committing a burglary or robbery and who had two or more prior convictions for burglary.[51] These enactments, and Congressional amendments that followed in succeeding years, had the effect of greatly increasing the attractiveness of Federal prosecution relative to state prosecution in many firearms cases. The Armed Career Criminal Statute in particular gave state prosecutors leverage over repeat offenders by threatening them with a speedier, more severe Federal conviction if they did not cooperate.[52] In subsequent years, this kind of penalty differential between Federal crimes and their state equivalents often became so pronounced that it became difficult for Federal and local prosecutors alike to resist referring large numbers of cases to the Federal system.

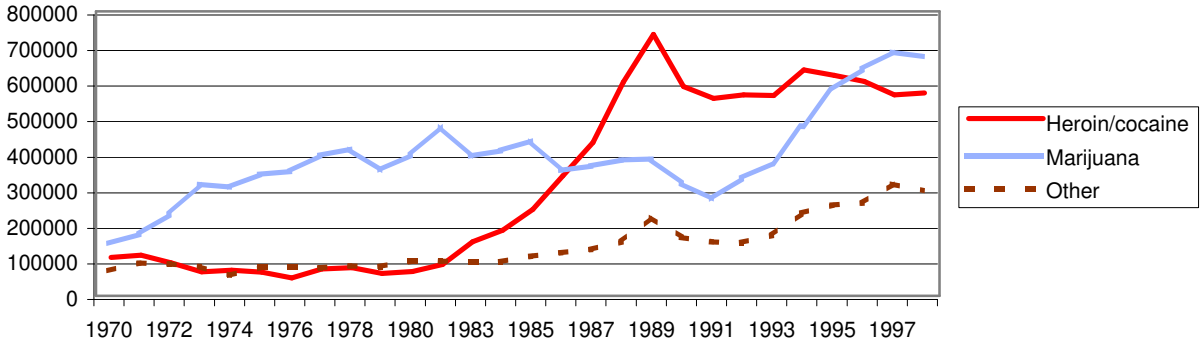
C. The Rise of the War on Drugs Creates Further Incentives for Operational Cooperation, 1986–1987

Although many kinds of drug use rose slowly or leveled off in the first few years of the decade,[53] since 1982–83, drug arrests had been on the rise (*see* Figure 7), prompting increasing concern among policymakers that the drug problem in the country was in fact worsening. When, on June 19, 1986, college basketball star Len Bias died of a cocaine overdose, public and media attention on drugs—particularly the appearance elsewhere of a new and highly addictive drug—"crack" cocaine—became focused as never before. Congress felt compelled to act, and in an astonishing three-month period, passed the Anti-Drug Abuse Act of 1986[54] without hearings or a formal conference to resolve House and Senate versions of the bill.[55] The Act, and its background circumstances, generated a number of new legislative, policy, and programmatic innovations that cumulatively took Federal-local law enforcement collaboration to a new level and that even more clearly signaled to Federal and state prosecutors that Federal prosecution could and would be used to address a

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significant share of urban violence and drug trafficking. While general public and politician support for such legislation was mutually reinforcing, its specific provisions were very much the product of Washington policymakers seeking to articulate an even tougher stance on urban crime.

Figure 7. Number of State and Local Arrests for Drug Abuse Violations, 1970-1998



Sources: 1970-80 data from Timothy J. Flanagan and Maureen McLeod, eds., *Sourcebook of Criminal Justice Statistics 1982*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, DC: U.S. Government Printing Office, 1983. 1981-1998 data from FBI, *Crime in the United States*, annual report.

The Anti-Drug Abuse Act of 1986 and Tougher Penalties

On October 17, 1986, the Anti-Drug Abuse Act was passed, consuming 56 pages in the Congressional Record and authorizing $1.7 billion in new spending to fight the drug problem. In addition to providing massive new amounts of funding for Federal drug enforcement (including millions of dollars for interdiction, anti-smuggling, and international assistance activities) and resurrecting a significant level of block grant assistance ($230 million) to the states, the Act established a broad array of stringent penalties for drug-related offenses. Mandatory minimum penalties were put into place that related to the amount of the drugs, rather than to the offender's role in the offense and his or her degree of culpability. The Act specifically imposed five- and 10-year minimum mandatory penalties for first-time drug trafficking or importation based on the quantity of any mixture or substance containing a defined level of a prohibited drug. A 10-year penalty was triggered if the offense involved at least one kilogram of heroin or five kilograms of powder cocaine or 50 grams of cocaine base, or "crack."[56] Fines of up to $4 million for an individual and $10 million for an organization could accompany these prison terms, with the amounts rising to $8 million and $20 million if death or bodily injury resulted.[57] Mandatory life sentences, meanwhile, were provided for "principal administrators, organizers or leaders" of continuing criminal enterprises,[58] defined as those receiving at least $10 million in gross receipts during a 12-month period. In all such drug cases, probation or suspension of a sentence was prohibited.[59]

In addition to this steep penalty scheme, the Act ushered in an expansive new world of money laundering violations. The Act made it a crime to transport or attempt to transport funds knowingly obtained through the commission of a crime or intended for use in a crime, and prohibited completed or attempted

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financial transactions involving the proceeds of unlawful activity if the intent was to promote such activity or conceal the source of the funds. In either case, penalties up to $500,00 or twice the amount of the transaction involved, and prison sentences up to 20 years, were prescribed for violations. To beef up enforcement, the Act also increased the authority of the Treasury Department and the IRS to investigate cases of suspected money laundering and authorized seizure and forfeiture of the cash or other property derived from such activity.

Finally, regarding firearms, the Act strengthened the Felon-in-Possession statute, which subjected felons who had shipped, transported, possessed, or received firearms that had traveled in interstate commerce to a maximum of five years in prison or 10 years if the violation was knowing.[60] Moreover, under the earlier-enacted Armed Career Criminal Statue, a felon violating the Felon-in-Possession law who had three previous convictions for a violent felony or serious drug offense could receive a hefty sentence enhancement; i.e., a fine up to $25,000 and imprisonment for a minimum of 15 years.[61] By 1994, the Bureau of Alcohol, Tobacco, and Firearms estimated that over 6,000 defendants had been arrested through use of the two statutes since 1986.[62]

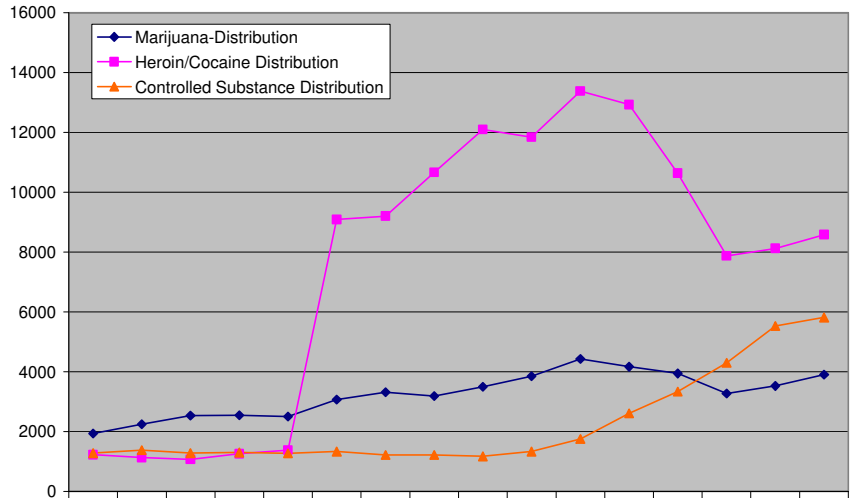
In each area—drugs, drug-related money laundering, and firearms—Congress provided significant incentives for Federal law enforcement and prosecutorial authorities to target suspects who might otherwise have been processed through state courts. Several veteran Federal prosecutors interviewed for this study in Memphis and Detroit recalled that higher drug penalties resulted in U.S. Attorneys' Offices Federally prosecuting a much larger number of drug cases starting in 1987–88 (*see* Section V, *infra*). Indeed, Federal statistics show a significant jump in Federal heroin/cocaine prosecutions in the late 1980s as the new penalties began to be used (*see* Figure 8). While the new penalty schemes resulted in arrests of larger numbers of high-level drug traffickers and career criminals, in many cases, such as those involving "crack" cocaine, some lower-level offenders, many of them with little or no criminal history, were swept into the Federal system.[63]

Asset Forfeiture: Equitable Sharing and Adoption

Under the Anti-Drug Abuse Act, Federal civil asset forfeiture gained new features that substantially transformed its use and made it another one of the important inducements to Federal-local law enforcement collaboration. Under the Act, Congress provided that "substitute assets" could be forfeited in place of forfeitable assets that were no longer available. This greatly broadened the range and availability of property open to seizure, which, as a result of the 1984 Comprehensive Crime Control Act, could be kept and used for law enforcement purposes. At the same time, another key section of the Act provided for "equitable sharing" of forfeited assets with state and local policies agencies that assisted with the forfeiture, based in part on their degree of involvement and cooperation.[64]

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Figure 8. Defendants in Cases Commenced in All Federal Courts by Most Serious Charge, 1982-1997. Distribution of Marijuana, Heroin/Cocaine, and Controlled Substances



	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
Marijuana-Distribution	1940	2251	2541	2548	2509	3075	3318	3186	3498	3853	4435	4168	3947	3274	3529	3907
Heroin/Cocaine Distribution	1231	1136	1074	1266	1385	9089	9204	10660	12092	11836	13380	12925	10638	7875	8124	8583
Controlled Substance Distribution	1283	1383	1283	1301	1278	1337	1224	1220	1174	1341	1754	2616	3335	4301	5537	5817

Source: Federal Judicial Center, Federal Criminal Case Processing Data (filings and terminations) 1982-1997, provided to Abt Associates.

As part of the "equitable sharing" program, the Department of Justice also established a mechanism whereby seizures or pre-seizure work accomplished exclusively by state or local agencies could be "adopted" by Federal authorities whenever the conduct giving rise to the seizure violated Federal law. When an "adoption" occurred through a request by state or local authorities, 80 percent of the forfeited assets would be allocated to the state or local agencies for law enforcement purposes, and 20 percent would remain with the Federal government. Originally designed to help state and local police in states facing legal barriers to certain kinds of forfeitures, over time some police have relied on the "adoption" process in situations where they simply can obtain more money Federally than by proceeding in state court.[65]

Equitable sharing and its adoption mechanism became over the years a major declared engine of Federal-local law enforcement collaboration, supporting the efforts of formal and informal collaborations alike.[66] By 1994, state and local governments had received $1.6 billion through the asset forfeiture program.[67] In Fiscal Year 1999, nearly 42 percent of the monies in the DOJ Assets Forfeiture Fund was allocated to equitable sharing (*see* Figure 9). This mechanism gave state and local police a very considerable economic stake in the Federal forfeiture law, and has been broadly viewed, along with Federal task force funding, as a key inducement in encouraging Federal-local law enforcement partnerships:

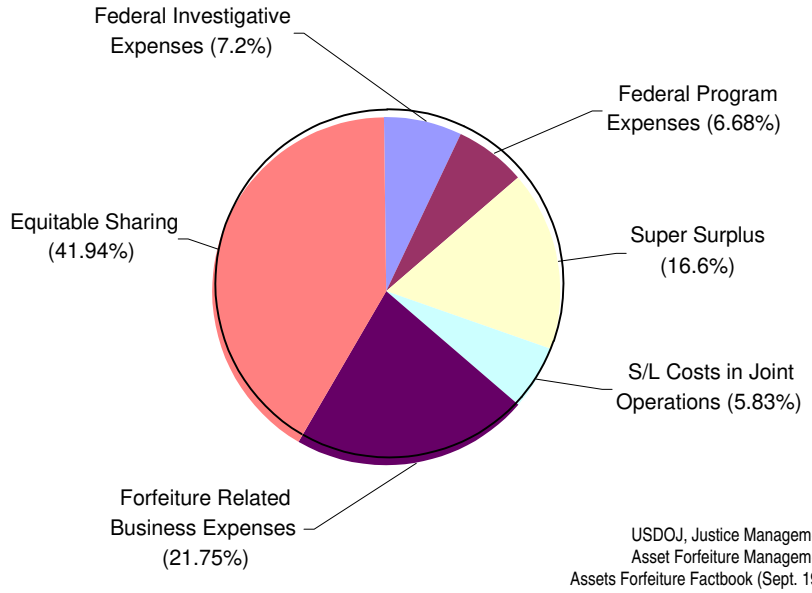
> Nothing generates cooperation like giving money to each other. The Chicago Police Department makes a drug arrest; the Feds seize the house under the Federal Forfeiture Statute, then sell it and return the proceeds

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to Chicago. We didn't work with the Chicago Police Department in the seventies . . . Today there isn't a significant case in this area where we don't work together.[68]

Equitable sharing has also been criticized generally for misdirecting law enforcement priorities and creating potentially ethically questionable self-financing mechanisms.[69] But whereas the equitable sharing program in fact rewards some degree of Federal-local operational collaboration, the adoption option may be invoked in situations that may or may not involve close working relationships, much less Federal participation.[70] Several Federal officials interviewed in Memphis and Detroit expressed doubts about the adoption forfeiture incentive structure that now exists (*see* Section V, *infra).* The verdict is still out on whether the latter tool is prudent or necessary even as currently structured, particularly as more states pass or strengthen their own forfeiture laws.

Figure 9. DOJ Assets Forfeiture Fund—Where Did the Money Go?
Fiscal Year 1999



USDOJ, Justice Management Division, Asset Forfeiture Management Division, Assets Forfeiture Factbook (Sept. 1999 Update)

DEA State and Local Task Forces Come Into Their Own

With the passage of the 1986 Drug Abuse Act, the DEA's State and Local Task Force Program, already a successful prototype for Federal-local operational collaboration, expanded significantly and became institutionalized. In the clearest indication yet that the 'War on Drugs' was serving as the prime impetus for expanded formal Federal-local law enforcement collaboration, Congress mandated that DEA integrate the state and local program into its overall national drug enforcement strategy. Congress also sharply increased the program's funding. Within a few years, the number of task forces grew from 27 in 1986 to 44 in 1989, and funding increased from $13.5 million to $32 million.[71] The Act also provided state and local task force

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participants with formal Federal investigative authority as a standard feature, affording participating police nationwide arrest powers. In place of informal, city-by-city agreements, standardized formal memoranda of understanding were drawn up that dealt with key aspects of task force operation, including liability matters and overtime compensation for non-Federal task force members.

Number of Task Forces	
1978	12
1998	134

DEA State and Local Task Forces were designed to target all levels of the drug distribution chain, although after many years of operation they reportedly achieved the most success against mid-level traffickers.[72] As the program developed, in many cases the task forces ended up referring more complex cases that they uncovered to U.S. Attorneys for OCDETF investigation.[73] The task forces featured a large complement of non-Federal personnel,[74] all of whom were required to make a relatively long-term commitment to the task force (at least one or two years). This longer-term commitment, though potentially difficult for many police officers and their departments, tended to create better teamwork and communication. As attested to by Federal and local officials interviewed in Detroit and San Diego, it also created closer links to state and local police departments and their intelligence sources (*see* Section V, *infra*). While DEA and other Federal law enforcement agencies continued to increase their level of *ad hoc* cooperation with state and local police throughout the 1980s, formal collaborations like DEA State and Local Task Forces—which numbered 134 at the end of 1998[75]—appeared to cement the closer working relationships and strategic planning necessary for many kinds of longer-term investigations.

Federal Discretionary Grants and Federal-Local Collaboration: The Organized Crime Narcotics Trafficking Enforcement Program and Others

In addition to collaborative efforts directly spearheaded by Federal law enforcement, other types of collaboration were explored by Federal officials in the Department of Justice through grant funding. Through a discretionary grant program of the Bureau of Justice Assistance, the first of what would become a series of demonstration efforts at Federal-local task force collaboration arrived on the scene in 1986. The Organized Crime Narcotics Trafficking Enforcement (OCN) Program was created and funded by the Bureau of Justice Assistance in 1986 as a discretionary grant program that would enhance "the ability of local, state and federal law enforcement agencies to remove specifically targeted narcotics trafficking conspiracies and offenders through investigation, arrest, prosecution and conviction."[76] These objectives were to be accomplished by promoting multi-agency response and prosecutorial plans targeting multi-jurisdictional trafficking conspiracies, and by establishing a formal mechanism—a "Control Group"—through which investigative and prosecutorial resources could be allocated. Unlike a traditional 'lead agency' task force where resources of participating agencies were assigned to one authority and operated under that authority's direction, the OCN model gave all participating agencies Control Group membership and an equal voice in consensus decisionmaking (although a lead agency was selected for particular investigations and cases).[77]

Although its grants were limited in number and duration—as of 1998, BJA had funded 29 projects in 22 states—the OCN program was viewed as a positive framework for collaboration that encouraged careful planning and selection of conspiracy targets in many large- and medium-sized cities around the country.

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Blending the targeted high-level focus and prosecutorial involvement of the OCDETF program with its own brand of egalitarianism, the program emphasized thoughtful planning, meticulous documentation, and self-evaluation.[78] BJA later replicated the program in the context of financial investigations (the FINVEST Program) and firearms trafficking (the Firearms Trafficking Program). But the small scale and limited replication of all of these programs were overshadowed by both the DEA State and Local and OCDETF Programs as well as the huge number of *locally-led* multijurisdictional task forces that began to receive Federal funding starting in 1989 (*see* Section III.D, below).

Project Achilles and the Rise of Federal-Local Collaboration on Firearms Prosecutions

With the rise of drug-related crime in the 1980s and increasing violence associated with such crime, the role of the Bureau of Alcohol, Tobacco, and Firearms in investigating criminal activity involving firearms grew in importance. Following the strengthening of the Armed Career Criminal statute and Felon-in-Possession statutes in 1986, the focal point of ATF urban firearms enforcement activity became the targeting and arrest of armed violent offenders, career criminals, and emerging violent gangs. With the start of its Achilles Program in 1986, the ATF specifically emphasized enforcement of the mandatory sentencing provisions of the two statutes, declaring that the illegal possession of firearms was very often the "Achilles' heel" of the violent and/or drug-dealing criminal.

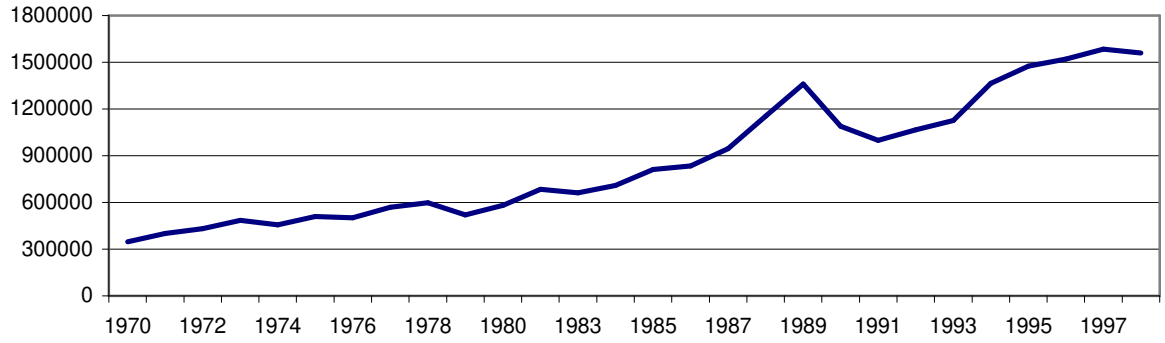
Within a relatively short time, ATF had assigned a significant number of special agents to multiple Achilles task forces located throughout the United States. Made up of ATF special agents and state and local law enforcement officers working in the most violent and drug-infested neighborhoods, some 20 informal task forces were operating throughout the country by April, 1992, with an even larger number of more *ad hoc* collaborations in existence elsewhere.[79] Firearms cases recommended for prosecution rose nearly five-fold from Fiscal Year 1988 to Fiscal Year 1991, with Achilles cases increasing from about 16 percent to 37 percent of the total.[80] In most cases, ATF and its task forces played a supporting investigative and coordinating role on firearms matters, responding to specific requests for assistance from Federal, state, and local drug enforcement task forces working on other matters. Although the ATF program offered overtime payments to local police officers, the agency's more modest budget made it difficult to offer the same level of operating expenses and physical space available to the DEA's State and Local Task Force Program. Still, intelligence-sharing and access to the ATF's technical expertise—ranging from the ATF's crime lab to its National Tracing Center—made collaboration mutually beneficial. Most state and local officials reportedly viewed cooperation with the ATF very positively, emphasizing the genuine sharing of benefits and burdens.[81] As reflected by Detroit's Achilles Task Force (*see* Section V, *infra*), while the program shrank in the early 1990s, it has since regained prominence due to public support for increased firearms prosecutions.

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D. Fear of Drugs and Violent Crime Leads to More Support for Federal-Local Law Enforcement Cooperation, 1988–1989

By 1988, a growing fear of increasing drug-related crime and violence had prompted calls for further legislative action. The number of homicides involving drugs jumped from 3.9 percent to 5.6 percent between 1986 and 1988.[82] Meanwhile, drug violation arrests climbed above 1 million in 1987 and continued to rise (*see* Figure 10).[83] In an atmosphere where overheated political rhetoric fed on, and in turn fed, a public frenzy over drug crimes and violence, Federal legislators passed another Anti-Drug Abuse Act in 1988. Along with its vast interdiction components, the Act created even more incentives for Federal authorities to collaborate with state and local police through the inauguration of the Byrne Grant Program and its grant funding of locally-led Multijurisdictional Drug Task Forces. About this same time, many police chiefs began to be heard at BJA conferences saying that Federal-local law enforcement collaboration was needed because local police could not handle drug trafficking and violent crime problems completely on their own.

Figure 10. Number of Drug Law Arrests for All Drugs, 1970-1998



Sources: 1970 to 1980 data from Timothy J. Flanagan and Maureen McLeod, eds., *Sourcebook of Criminal Justice Statistics 1982*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, DC: U.S. Government Printing Office, 1983. 1981 to 1998 data from FBI, *Crime in the United States*, annual report.

The Anti-Drug Abuse Act of 1988 and the Edward G. Byrne Memorial State and Local Law Enforcement Assistance Program

The Anti-Drug Abuse Act of 1988 went far beyond its 1986 predecessor in attacking the drug problem with more stringent penalties and a vast array of enforcement and prevention programs. Increased drug penalties included one that imposed a five-year minimum sentence on first conviction for possession of crack cocaine exceeding five grams in amount.[84] Meanwhile, at the other end of the spectrum, a 20-year mandatory minimum sentence was established for drug offenses forming part of a continuing criminal enterprise, or using a weapon during a violent or drug-trafficking crime. Mandatory sentences of life imprisonment were

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prescribed for defendants with two or more prior state or Federal drug felony convictions. Perhaps most important and useful to prosecutors, attempts and conspiracies were given the same penalties as completed drug trafficking offenses.

Along with the creation of a new Federal anti-drug policy coordinating body—the Office of National Drug Control Policy (ONDCP)—and the appropriation of large sums of money for Federal domestic drug enforcement and international interdiction and assistance activities,[85] the 1988 Act established the Edward G. Byrne Memorial State and Local Law Enforcement Assistance Program. Named after a New Jersey policeman killed while guarding a drug informant, the Byrne program was designed to make grants available to states for purposes of general improvement of state criminal justice systems and reduction and control of illicit drugs, both on the supply and demand sides. The Bureau of Justice Assistance was to make Byrne Program funds available through two types of grant programs. The *discretionary* funds were to be directly awarded to public and private agencies and non-profit organizations[86] and *formula* funds were to be awarded to the states, which would in turn make awards to selected state and local government entities.[87] While the Byrne Program resembled the earlier LEAA program in the breadth of its assistance priorities, much more flexibility was left to the states in choosing among those priorities under the formula grant program. The vast majority of states elected to spend the lion's share of Byrne money—roughly a third—on multijurisdictional task forces.[88]

Byrne-Funded Multijurisdictional Task Forces

Under the Byrne Formula Grant Program, states rapidly established a variety of multijurisdictional task forces designed to increase coordination and communication among law enforcement agencies and allow drug enforcement units to cross jurisdictional boundaries. MJTFs were often established to link together several smaller jurisdictions extending over larger suburban and rural areas. Task force numbers grew from 560 in 1989 to as many as 959 in 1992; during the same period, the number of states with 100 percent of their populations covered by at least one such task force rose from 16 to 20.[89] The Byrne program was found to cover roughly 17 percent of all MJTF operating costs, with 63 percent of the total amount being used for personnel costs and 25 percent for operating expenses.[90]

While the missions of MJTFs were often distinct and complementary to those of Federally-directed task forces, in fact the Byrne program tended to promote some degree of additional Federal-local law enforcement collaboration in several ways. First, many Federal law enforcement agencies served as standing members on MJTFs or participated in joint operations on a case-by-case basis: a 1996 Bureau of Justice Assistance report found that 24 percent of MJTFs had Federal agencies as task force members, while roughly a fifth of all task forces featured some participation by a Federal law enforcement agency or U.S. Attorney's Office in joint operations.[91] In these and other cases, civil asset forfeiture often served as a stimulus to collaboration. Second, well over half of all MJTFs were found to regularly exchange information with Federal law enforcement agencies, and 70 percent of such task forces featured such exchanges with DEA.[92] Over time, many of the Federal law enforcement agencies, particularly DEA, came to rely on MJTFs to enhance and expand agency reach and operations, particularly in rural and suburban areas. Even in the larger cities, where (as of 1993) 52 DEA State and Local Task Forces shared turf with MJTFs, cooperation was said to be significant and duplication of effort minimal, with most MJTFs targeting mid-level and street-level traffickers

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or specialized targets, and DEA task forces focusing more on interstate and even international traffickers.[93] In San Diego, for example, the study encountered an MJTF that served the metropolitan region and had a specialized focus on lower-level violence- and gang-involved narcotics offenders. In terms of sheer geographic reach, the MJTF's predominant rural and suburban focus was instrumental in creating a web of operational and communications linkages emblematic of an increasingly integrated national law enforcement system.

Years after their establishment, one of the most pressing questions about MJTFs, aside from how to measure their actual operational effectiveness,[94] involved their sustainability and strength of cooperation with Federal authorities. BJA reported in 1996 that 65 percent of MJTFs stated they would shut down if Byrne funding were discontinued, which was threatened by Congress in 1994. Whether or not these were realistic or self-interested answers, most observers continued to view Federal leadership and Federal dollars as "the glue that keeps a task force together and operating."[95] Consequently, many task force commanders in the early 1990s expected "to have to rely increasingly on asset forfeitures for future resources,"[96] with 99 percent of 528 commanders who had reported changing their operational emphases stating that they had done so to increase the emphasis on asset seizure.[97] Such seizures cumulatively totaled over $1 billion between 1988 and 1992.[98] Many viewed the retention of the Byrne program, slated for elimination by the Clinton Administration in its original 1995 budget, as the work of local law enforcement rallying behind the MJTFs and their ability to generate asset forfeiture revenue.[99] By the mid-1990s, many Federal law enforcement officials, including some interviewed for this study in the three cities (*see* Section V, *infra)*, displayed concern about the skewing of local law enforcement priorities by asset forfeiture and questioning whether a preoccupation with the sharing of assets was eroding the commitment of many MJTFs and some police forces to genuine teamwork with Federal authorities.[100]

High Intensity Drug Trafficking Areas

Section 1005 of the 1988 Anti-Drug Abuse Act authorized the Director of ONDCP to designate areas of the United States as High Intensity Drug Trafficking Areas (HIDTAs) for the purpose of providing increased Federal assistance to, and coordination with, state and local officials in combating the full range of drug-related problems, particularly supply-side matters having a harmful impact in certain areas of the country. At the end of 1989, ONDCP designated five HIDTAs in key drug gateway regions around the country: the metropolitan areas of New York City, Houston, Los Angeles, Miami, and a multistate area along the nation's southwest border. In 1990, these regions received funding and began establishing HIDTA executive committees made up of equal numbers of representatives from local/state and Federal law enforcement agencies to facilitate strategic planning and decisionmaking. The executive boards, chaired by a lead agency coordinator, were tasked with providing a "coordination umbrella" that could "foster a strategy-driven, systems approach to integrate and synchronize [multi-agency] efforts." Such coordination was supposed to be of a highly strategic nature—super-coordination, as it were—that would tie together Federal, state, and local law enforcement, Federal and state prosecutors, OCDETF mechanisms, DEA State and Local Task Forces, Multijurisdictional Drug Task Forces, and jail and prison administrators. Key agency liaison agents were to be co-located and train together wherever possible.[101] Within broad ONDCP objectives, each HIDTA was to be responsible for developing its own locally-tailored plans for synchronizing enforcement efforts and sharing intelligence.

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As with other Federally-stimulated Federal-local cooperation efforts, the principal inducements to cooperation were money and access to intelligence. HIDTA money was made available to fund a very wide range of special coordination needs (particularly intelligence-gathering capabilities) and the supplemental requirements of existing programs and task forces. Existing task forces could be strengthened or entirely new ones created depending on locally-determined priorities.[102] Yet, while HIDTA funds very much functioned as 'gap-fillers,' they could not be commingled (as distinct from Byrne funds to state and local agencies) and in the case of Federal agency recipients, had to be channeled, like OCDETF program monies, through special Federal procedures (roughly one-third of all HIDTA funds went to Federal agencies, while two-thirds went to state and local agencies). HIDTAs also had as a centerpiece high-tech facilities and systems for synthesizing and sharing drug intelligence among each of the partner agencies. Despite predictable and many times understandable reluctance on the part of agencies to share certain information, HIDTA mandates were developed to try to force significantly greater data dissemination and sharing through elaboration of common rules for officer and informant safety (*see* discussion of 'deconfliction' activities in Section VII, *infra*).

As the program grew in subsequent years—from the original five HIDTAs to 20 by 1998 and 25 by 1999[103]—so did the funds available for coordination and program supplementation: from $25 million in FY 1991 to $184 million in FY 1999 (*see* Figure 11). As befits the flexible, locally-driven nature of the program, it is hard to generalize about its development, either in terms of organization or external impact. Reports seem to suggest that coordination has proceeded apace in the more established HIDTAs, with some, like Los Angeles, spearheading not only the coordination of existing task forces, but the integration of such task forces into teams of task forces.[104] By the end of the 1990s, it was not clear, however, whether these coordination benefits were being offset by disadvantages, such as diversion of key resources and attention away from central agency missions and what might be termed 'coordination fatigue.' While the HIDTAs potentially were open to attack as "a funding program in search of a mission," as suggested by one interviewee (or a way of trying to portray to Washington policymakers effective coordination of the massive resources of the drug war, whether or not it really existed), their local, consensus-oriented decisionmaking, as evidenced by positive reviews in Detroit (*see* Section V, *infra),* seemed to offer a unique and flexible opportunity in certain urban areas to attune Federal authorities to local realities and strengthen Federal-local law enforcement planning and cooperation.

The Federal Sentencing Guidelines and Changes in Plea Bargaining

The Federal Sentencing Guidelines, which covered crimes committed after November, 1987, created an entirely new plea bargaining framework. As a result of that framework, Federal prosecution of serious urban crime—some proportion of which might otherwise have gone to state courts—gained yet another tactical advantage: substantial leverage over informants in extracting evidence. Due to the Guidelines' provision for reducing sentences based on a defendant's rendering "substantial assistance" to the government,[105] as well as the prosecutor's unfettered discretion in suggesting a reduction, Federal prosecutors now had substantial plea bargaining power over informants.[106] The mandatory minimum sentences incorporated into the Guidelines meant that providing substantial assistance to the government was often the only way for a defendant to avoid prison.[107]

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Figure 11. Total Funding Allocated to Individual HIDTAs, FY 1990–1998 (in millions)

HIDTA Funding	1990	1991	1992	1993	1994	1995	1996	1997	1998
Total budget authority	25.0	82.0	86.0	86.0	86.0	107.0	103.0	140.2	162.0
Allocations to individual HIDTAs									
Houston	3.3	10.6	11.9	11.6	11.5	10.0	9.6	9.5	9.5
Los Angeles	3.2	10.6	11.9	11.8	12.1	11.5	11.5	11.7	14.0
South Florida	3.8	10.6	11.9	12.2	11.8	11.6	12.0	11.5	11.7
New York	4.0	10.6	11.9	12.4	12.5	11.6	9.9	11.0	11.0
Southwest border	10.7	30.0	38.0	38.0	38.0	37.7	35.7	36.8	38.7
Washington/Baltimore					0.1	12.6	12.2	11.9	11.9
Puerto Rico/U.S. Virgin Islands						9.0	9.0	9.1	9.1
Atlanta						1.0	0.9	3.8	3.8
Chicago						1.0	0.9	4.2	4.3
Philadelphia/Camden						1.0	0.6	3.6	3.6
Cascade								3.0	3.0
Gulf Coast								6.0	6.0
Lake County								3.0	3.0
Midwest								8.0	9.5
Rocky Mountain								3.0	7.5
San Francisco								1.0	1.8
Detroit								1.0	1.0
Appalachia									6.0
HIDTA Assistance Center								1.7	2.3
Other		9.6	0.4					0.4	
Unallocated									4.3
Total	25.0	82.0	86.0	86.0	86.0	107.0	103.0	140.2	162.0

Source: U.S. General Accounting Office, Report No. GAO/GGD-98-188, High Intensity Drug Trafficking Areas Program.

In effect, the Sentencing Guidelines provided prosecutors with a new investigative resource. In a typical drug trafficking case, the government was now able to guide the defendant through a sentencing chart, showing him his best and worst possible outcomes. Because narcotics offenses carried a high probability of conviction, and because under the Guidelines, even small amounts of drugs could trigger onerous mandatory minimum sentences, even a defendant charged with possessing a small amount of drugs had a clear motivation to assist the government, in hopes of receiving a downward departure of his mandatory sentence.[108] Such an advantage was quickly grasped by state prosecutors, who could threaten to refer defendants to Federal authorities if cooperation were not forthcoming in the state system. This prosecutorial advantage was used to maximum effect in both judicial systems, and proved particularly useful in those cities where state and Federal prosecutors worked closely with one another on drug and gang task forces and other collaborations.

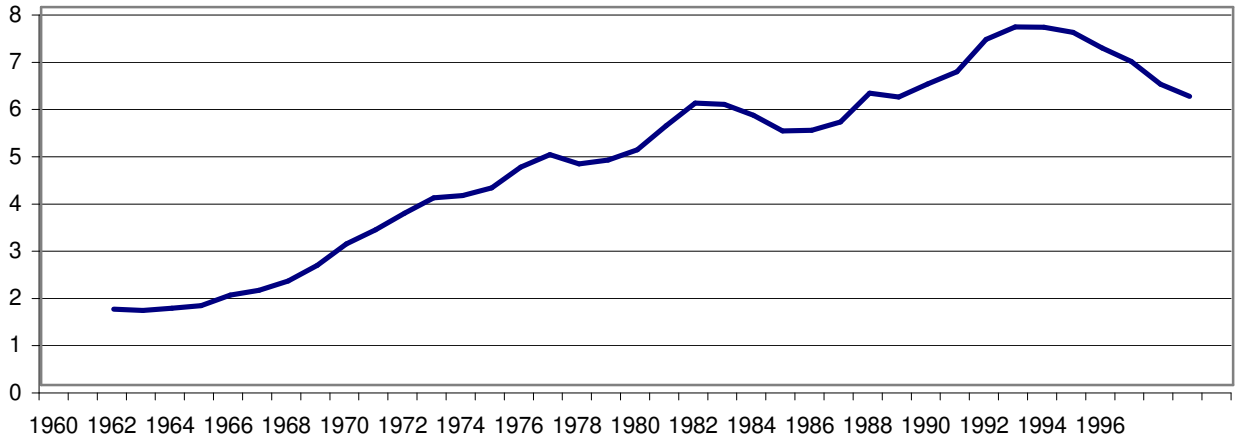
E. Violent Crime Spawns Highly Directed Cooperation and Prosecution by Federal Authorities, 1990–1992

In the 1980s, the rise of the war on drugs was a potent factor drawing Federal and local law enforcement authorities and prosecutors together. In the 1990s, violence in America's cities became an

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additional driving force. Even as Federal-local drug task forces multiplied and Federal prosecution of drug offenders significantly increased (charting a decade-long trend, prosecution of individuals charged with violating Federal drug laws rose from 5,981 in 1981 to 17,349 in 1991[109]), the story of the early 1990s was violence. Already a huge public concern, violent crime reached genuinely alarming proportions in 1990. In the first half of the year, the nation's violent crime rate increased by 10 percent, armed robbery by 9 percent, and murders by 8 percent. Washington, D.C. experienced a third straight year of record-breaking homicides, 483, and had the highest murder rate in the country. The FBI estimated that 40 percent of these crimes were drug-related. In general, violent crime was on an upward trajectory that would not level out and decrease until 1994 (*see* Figure 12). Homicides, particularly those of persons between the ages of 14 and 24, displayed an especially steep rise (*see* Figure 13).

Figure 12. Rate of violent crimes reported to police, 1960-1998
(per 1,000 inhabitants)



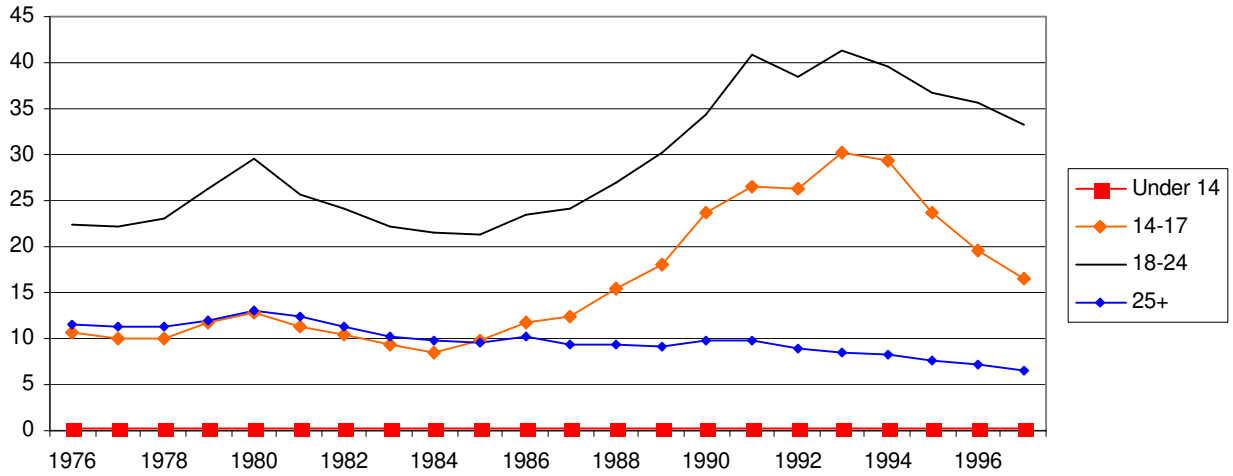
Source: FBI, Crime in the United States, annually. "Violent crime" includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

The violence was accompanied by, and mostly traced to, a noticeable upsurge in the number of street gangs, as distinct from more established and organized drug gangs.[110] Cities experiencing the first appearance of street gangs increased from an estimated 267 in 1985 to 769 in 1992 (*see* Figure 14), and the total number of cities with street gangs numbered at least 800 by 1991.[111] The violence and gang activity, reinforced in the public mind by the full spectrum of the popular media, prompted the Bush Administration to contemplate even more extensive Federally-initiated crime control initiatives.[112] Although in retrospect the use of certain kinds of specialized gang suppression and prevention programs may be questioned—largely based on their unintended effect of often reinforcing gang cohesiveness—the early 1990s spawned a variety of such strategies, many spearheaded by the Federal government in highly directed forms of collaboration with state and local police. A frightened public and local police who were frequently in denial about gang problems signaled to Federal officials that intensely local crime activity—lacking the clear link, as with drugs, to

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interstate commerce—could be an appropriate target for Federally-led law enforcement and prosecution. Over time, this engagement of Federal officials in violent crime matters opened the door to more comprehensive, community-oriented law enforcement strategies in which the Federal government played an influential supporting role.

Figure 13. Homicide rates by age, 1976-1997
(per 100,000 population)



Source: FBI, Supplementary Homicide Reports, 1976–1997

DEA's REDRUM Initiative

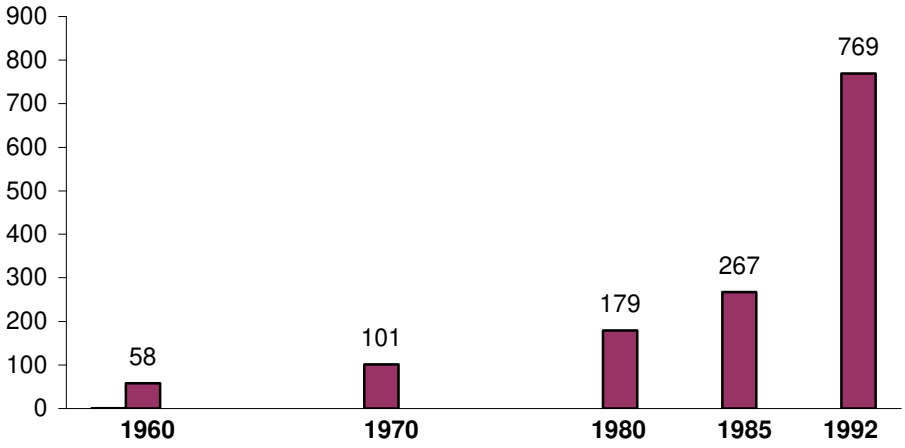
The new focus on violence led to a different kind of Federal-local law enforcement collaboration. As the number of homicides in Washington, D.C. increased, DEA agents joined with Washington's Metropolitan Police Department (MPD) to form a drug-related homicide task force, known as REDRUM ("murder" spelled backwards) in January 1991. This collaboration had its origins in a similar previous collaboration that DEA had pioneered in Miami and a few other cities in the early to mid-80s. The Washington task force combined MPD homicide detectives with DEA special agents to investigate drug-related murders and contract killings. The logic of the collaboration was spelled out by one DEA agent: "A drug gang may commit a handful of murders a year, at most, but they are making dozens of illegal drug sales every day. You follow the drugs to get to the murders." The task force was able to blend the experience and expertise of veteran homicide investigators with DEA's skills in conducting narcotics investigations and its unparalleled access to drug information through DEA databases.

The relative novelty of the collaboration, which spread to many other cities in the early 1990s, lay not in its complementary nature—folded into the already existing DEA State and Local Task Force Program—but rather its intensive functional and geographic focus. This was yet another sign that Federal authorities were

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willing to tackle purely 'local impact' cases to alleviate violence (and to rely on state prosecution, as necessary, to get the murderers). DEA contributions to collaboration included not only drug labs for evidence analysis but ample funds for witness protection—a particularly difficult problem with gang intimidation and violence. While REDRUM's usage declined in many cities with the drop-off in violent crime toward the end of the decade, other cities, like Detroit, saw fit to revive it based on their own unusual homicide problems (*see* Section V, *infra*). Meanwhile, the overall State and Local Task Force program grew significantly, with the number of task forces rising from 94 in Fiscal Year 1991 to 179 by Fiscal Year 1999, and the number of DEA special agents increasing from 511 to 940.[113]

Figure 14. Gang Cities Onset Chart, Cumulative Numbers



Source: Malcolm Klein, 1993, "Street Gang Cycles," in James Wilson and Joan Petersilia, eds., *Crime*, San Francisco: Institute for Contemporary Studies, p. 229.

Project Triggerlock

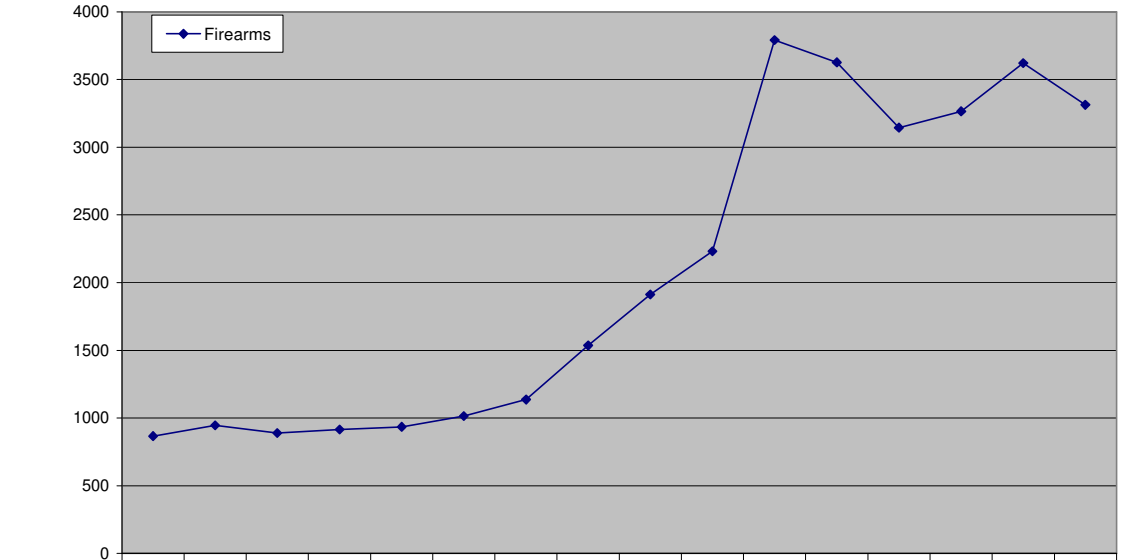
Faced with loud public calls for action against violent offenders, on April 10, 1991 Attorney General Richard Thornburgh announced Project Triggerlock, an unusually activist Federal firearms prosecution program. The Attorney General's policy directive instructed U.S. Attorneys, in collaboration with state and local officials, to use Federal, rather than state laws against criminals implicated in firearms violence if Federal law offered the stiffer punishment. Employing the motto "A gun plus a crime equals hard Federal time," the program built on the foundation established by the ATF's Achilles Program and encouraged the formation of even larger numbers of informal task forces to identify and prosecute armed criminals under a range of laws, including the Felon-in-Possession and Armed Career Criminal Statutes and the statute punishing use of a firearm in a Federal drug trafficking crime or crime of violence. Pursuant to this case referral mechanism, state and local law enforcement authorities and prosecutors were to assist Federal prosecutors in screening all state

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and local arrests in the respective Federal judicial district for appropriate qualifying offenders.[114] Even convicted prisoners were screened for this purpose. Sentence enhancements were later sought for offenders using semiautomatic weapons and involvement in gangs.[115]

While Triggerlock was supposed to function as a highly collaborative program that would complement, not displace, state prosecution of violent crime, U.S. Attorneys, under political pressure from both constituents and the Bush Administration, tended to implement the program aggressively. As many as 6,454 defendants were charged under the program in its first year, nearly double the number of individuals charged under Federal firearms laws the year before.[116] If some police chiefs were enthusiastic,[117] other observers attacked the program as a statistics-obsessed publicity stunt that swept in a sizeable number of non-violent offenders and raised double jeopardy concerns.[118] Undeniably, however, the steady accretion of mandatory minimum firearms penalties had produced a favorable Federal prosecution gradient, clearly discernible in the rise of Federal weapons prosecutions in 1991–92 (*see* Figure 15). In subsequent years, the Clinton Administration backed away from the activist, high-volume, blanket nature of the program (although it would be resurrected under a variety of other guises toward the end of the decade). Individual U.S. Attorneys' Offices, like those in Memphis and Detroit, responded similarly, sometimes based on simple workload problems (*see* Section V, *infra*). But apart from the large Federal prosecution numbers, the most notable feature of the program was the prominent coordinating role it gave U.S. Attorneys in the fight against violent crime. This leadership role would grow even larger as the decade progressed.

Figure 15. Defendants in Cases Commenced in All Federal Courts
By Most Serious Charge, 1982-1997
Firearms Offenses



	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
Firearms	866	945	888	916	935	1014	1137	1535	1912	2231	3791	3626	3144	3265	3620	3313

Source: Federal Judicial Center (FJC) Federal Criminal Case Processing Data (filings and terminations) 1982-1997, provided to Abt Associates

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The Weed and Seed Program and the Rise of Comprehensive Federal Crime Strategies

The increasingly prominent role of U.S. Attorneys in addressing local crime problems took on a new coloration with the penetration of 'community policing' ideas into Federal law policymaking through Operation Weed and Seed. While the Department of Justice had previously worked with other Federal agencies, such as Health and Human Services and Housing and Urban Development, to analyze and address crime problems in a more comprehensive way, the launch of the Weed and Seed program by DOJ in late 1991 was the first major Federal effort explicitly to link community-focused human services programs and neighborhood improvement activities ("seeding") with intensified, geographically targeted law enforcement initiatives by police and prosecutors ("weeding"). An overarching coordination strategy, Weed and Seed sought to mobilize resources in target communities in order to stabilize high-crime areas and promote community restoration. Community-oriented policing, engaging the overall community in problem solving, was to serve as the bridge between weeding and seeding.[119]

From three pilot sites in Kansas City, Missouri, Trenton, New Jersey, and Omaha, Nebraska, the program grew to 20 sites in 1992–93 (spurred in part by the Los Angeles riots occurring after the acquittal of police officers accused in the Rodney King beating) and 200 by mid-1999.[120] In each city, the U.S. Attorney was tasked with establishing a Weed and Seed Steering Committee that included the mayor, the district attorney, chief of police, other Federal, state, and local officials, as well as private-sector representatives and community representatives.[121] The U.S. Attorney, together with a small Weed and Seed staff, was asked to bring together these disparate groups to develop cohesive working relationships and realistic law enforcement and prosecutorial strategies. Weeding was to be implemented through stronger and longer street-level patrols, special operations, and greater coordination and integration of efforts within police departments and between local, state, and Federal law enforcement agencies.[122] In time, many Weed and Seed task forces emerged as components of FBI-led Violent Crimes Task Forces (*see* below). Prosecution was to be similarly community-based, but with targeted Federal cases being filed to remove particularly bad offenders from neighborhoods. While the Program was initially criticized for too little seeding activity and acting as a cover for prosecutorial initiatives like Triggerlock, as the decade progressed, Federal officials were viewed as more genuinely responsive and interested in joint problem solving. Prosecution, ironically, appeared to be a potentially weak link, with relatively few neighborhood-targeted Federal or local cases being brought due to ethical concerns about favoring, or appearing to favor, certain communities over others.[123]

The true significance of the Weed and Seed program lies not only in the key coordination role accorded U.S. Attorneys, but in the official Federal imprimatur placed on the value of comprehensive approaches to Federal-local law enforcement and prosecutorial collaboration. These approaches were to multiply in succeeding years with initiatives such as Project PACT and Comprehensive Communities. Having ventured into hitherto unfamiliar areas of purely local law enforcement due to fears about the survival of many American inner cities, U.S. Attorneys were now confronted with a need to address crime problems strategically with partners that extended well beyond those participating in Federally-led task forces. The learning achieved through local experience with community policing had an important, albeit slowly evolving impact on many U.S. Attorneys' thinking. But insofar as wary Federal prosecutors needed a way to embrace geographically

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targeted initiatives in a more traditional, legally sound way, they did so through high-level gang prosecutions modeled on the experience with organized crime, as discussed below.

The FBI's Safe Streets Violent Crime Initiative

When the FBI's 1991 Uniform Crime Reports showed that violent crime had increased 11 percent over 1989 and 22 percent over 1986, the Bureau responded by elevating its Violent Crimes and Major Offenders Program (VCMOP) to a national priority and reassigning 300 special agents from counterintelligence work to the program. In January, 1992, the Bureau created the Safe Streets Violent Crime Initiative (SSVCI), which redesignated 19 existing violent-crime focused efforts around the country as special FBI-sponsored task forces directed at the national violent crime problem. The heads of the fifty-odd FBI field offices were instructed to act in cooperation with state and local law enforcement to target gangs and other organizations engaged in violent crime and drug trafficking, as identified by state or local authorities. The program was a natural evolution of the FBI's increasing capabilities in gathering intelligence on criminal organizations. Many early efforts addressed the apprehension of violent fugitives, based on a large number of outstanding state and local felony warrants that provided a means of taking violent, recidivist criminals off the street.

The program ultimately launched three specialized types of program collaborations in addition to the general Violent Crimes Task Forces: (1) Fugitives Task Forces; (2) Gang Task Forces; and (3) Major Offenders/Interstate Theft Task Forces. While the Fugitives Task Forces and Major Offenders Task Forces tackled more traditional FBI targets,[124] the centerpiece of the program were Violent Crime and Gang Task Forces charged with concentrating on the perpetrators of crimes such as murder, kidnapping, robbery and extortion, as well as on the members of street gangs and drug organizations. Modeled in part on its own demonstration task forces in Washington, D.C., Chicago, and Newark developed in 1990–1991, and influenced by the DEA's State and Local Task Force Program, the FBI's SSVCI emphasized training, the provision of sophisticated investigative techniques normally associated with complex organized crime and racketeering investigations, and the use of overtime reimbursement to pay cooperating state and local police needed for around-the-clock work. Although prosecutions initiated from arrests made by Safe Streets task forces could be made under either state or Federal law, Federal prosecution and asset forfeiture were emphasized, using the RICO, Continuing Criminal Enterprise, Interstate Transportation in Aid of Racketeering (ITAR), and Hobbs Act statutes.

The FBI's SSVCI grew rapidly, with 14,019 arrests in FY 1992 rising to 25,078 arrests in FY 1997, and convictions and pre-trial diversions increasing from 6,473 to 8,713 during the same period. By June, 1998, 781 FBI Special Agents were teamed with 1,207 state and local police and 182 other Federal law enforcement officials. The number of Violent Crime Task Forces reached 50, with hybrid Violent Crime/ Fugitive Task Forces totaling 33 and Violent Crime/Gang Task Forces numbering 41.[125] Well-publicized indictments and prosecution of several notable street gangs, from the Black Gangster Disciples in Chicago to the Murder Town Gangster Crips in Omaha, Nebraska, burnished the program's reputation while drawing U.S. Attorneys even more heavily into use of Federal prosecution to break up entrenched urban gang leaders.[126] From the standpoint of collaboration generally, however, the most notable feature of the program was simply the newfound willingness (not without some reluctance) of the traditionally more aloof FBI to find a

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jurisdictional nexus through which to work on predominantly local crime matters and develop closer working relationships with state and local police.[127] By the end of the 1990s, as evidenced by FBI task forces encountered by the study in San Diego, Memphis, and Detroit (*see* Section V, *infra*), the FBI's program was well established in most large cities in America.

F. Efforts to Institutionalize the Partnership Concept, 1993–1999

Bill Clinton campaigned in 1992 on a platform emphasizing a 'partnership' between Federal, state and local authorities. When Janet Reno became Attorney General in 1993, violent crime rates were still at record levels. Unwilling to be seen as presiding over a Democratic Administration that was weak on crime, Justice Department officials favored continued Federal leadership of key initiatives against prominent gangs and violent offenders. But Reno was a former state prosecutor, and like Ed Meese a decade earlier, she underscored the importance of more consensus-oriented Federal-local collaboration, through local U.S. Attorney leadership, in attacking urban crime. While Federally-led initiatives like Triggerlock and Weed and Seed were to be continued, the top-down, highly directed qualities that characterized their introduction were to be replaced by a more politically deferential Federal approach.

Under the Reinventing Government movement's general rubric of 'customer'-oriented 'partnerships'—which would drive an agency's relationships with other levels of governments and the private sector—the Justice Department under Attorney General Reno championed even more substantial Federal-Federal and Federal-state-local law enforcement collaboration. Federal officials were effectively encouraged to do more listening than directing. Two intended embodiments of this new attitude were, respectively, the creation of the Office of Investigative Agency Policies (a loose oversight board composed of the heads of the Justice Department's different police agencies, designed in part to make local law enforcement coordination more feasible)[128] and the invigoration of the Attorney General's Executive Working Group Task Force on Federal/State/Local Law Enforcement Cooperation.[129]

The pronounced emphasis on cooperation did not flow merely from the philosophical inclinations of key policymakers in the Justice Department. It also stemmed from the sheer necessity of coordination—the need to render operationally effective the bewildering array of law enforcement and crime prevention programs spawned by the Federal government to assist state and local governments since the 1970s. Merely to avoid duplication and misunderstandings among Federal, state, and local authorities, a significant meshing of missions, personnel, and other resources was required. From this vantage point, despite the grumbling occasionally heard from older Federal law enforcement agents about 'feel-good' exhortations issuing from Washington to strengthen local collaborations and partnerships, the fact remained that locally-organized collaboration and coordination efforts were increasingly required in the 1990s in order for a semblance of operational coherence to exist on the ground. At the crossroads of these coordination efforts increasingly sat the U.S. Attorneys—the only law enforcement officials with sufficient political clout and communications links to all relevant law enforcement bodies to have a chance at forging a consensus and ensuring harmonized approaches to key problems.

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Attorney General's Anti-Violent Crime Initiative

With the Weed and Seed Program just finding its legs in many judicial districts around the country, the first real demonstration of the U.S. Attorney's more active coordination role came with the unveiling of the Attorney General's Anti-Violent Crime Initiative (AVCI) in the spring of 1994. Several months in the planning, and loosely based on a plan that languished several years earlier in the Bush Administration, the initiative requested U.S. Attorneys in each of the country's Federal judicial districts to develop and implement locally-tailored anti-violent crime strategies in cooperation with Federal, state, and local law enforcement officials. As with all such strategies, the challenge was figuring out how best to leverage comparatively small amounts of Federal personnel and resources relative to the massive scale of work being undertaken by state and local authorities. The complementary approach promoted by the AVCI was far from revolutionary; it would aid traditional state and local efforts with a variety of Federal tools, including "investigative grand juries, mandatory minimum sentences, witness protection, and the use of racketeering enterprise statutes." Unlike the Triggerlock Program, the approach was to be as locally particularized as possible: "In some Federal districts, attacking firearm violations might be the most appropriate course," said one Department of Justice source at the time. "In others, it may be more productive to focus on gangs or some other problem. The key is to use the most effective tool for the job."[130]

In most districts, the approach selected was a combination of more focused Triggerlock-type prosecutions against known violent offenders and the deployment of OCDETF prosecutions against violent gangs having a drug trafficking connection.[131] These OCDETF cases joined many others that Federal prosecutors had increasingly been bringing against street gangs since the late 1980s. The cases ranged from complex RICO cases against entire criminal organizations (some of them under the Safe Streets Program and its precursors) to more tactical prosecutions against individual gang members using Federal drug and firearms charges. To organize Federal violent crime efforts and survey the views of local law enforcement, each U.S. Attorney had earlier appointed a "violent crime coordinator" and received special DOJ seed money.

In the years that followed, Federal authorities would score notable triumphs against violent gangs and work even more closely with local police as the violent crime rate—already on the downswing at the start of AVCI—diminished further. But those expecting that a significant decrease in violent crime would lead to a rollback of Federal prosecutions and the restoration of what had years before appeared to be much clearer Federal jurisdictional spheres, were disappointed. Federal violent crime and gang prosecutions proved both politically popular and relatively effective, measured not in modest numbers of arrests and convictions but often in whole neighborhoods reportedly breathing easier. Increasingly, there seemed to be no practical alternative to having politically advantaged representatives from the U.S. Attorneys' Offices help elaborate a strategic foundation for combating these and other crime control efforts in coordination with Federal, state, and local law enforcement officials.[132]

The Violent Crime Control and Law Enforcement Act of 1994

From the vantage point of Federal-local law enforcement collaboration and Federal prosecution, one of the most notable features of the mammoth $30.2 billion 1994 Crime Bill was its overall partnership ethos—that

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Federal authorities should wherever possible support, rather than necessarily lead, crime control efforts in American cities. While Federal law enforcement agencies, courts, and prosecutors would receive over $2 billion in funding for their work over six years, the Act allocated very significant sums of money to states and localities for the hiring of 100,000 community-oriented police officers ($8.8 billion), a wide range of crime prevention programs ($6.1 billion, including $1 billion for specialized drug courts and modest funds for state and local domestic violence efforts), and continuation of the Byrne program ($1 billion).[133] The 1994 Act also set aside nearly $4 billion in Federal funds for states that enacted truth-in-sentencing legislation ensuring that violent offenders served at least 85 percent of their sentences. Meanwhile, a new emphasis on crime prevention marked a shift away from the interdiction and prosecution emphasis that characterized the broad contours of the 1986 and 1988 Anti-Drug Abuse Acts.

The 1994 Act also ratcheted up Federal criminal penalties that would ostensibly further strengthen and favor Federal prosecution in many situations where concurrent Federal and state jurisdiction existed. The Federal death penalty was extended to a variety of crimes (including drive-by shootings resulting in death, large-scale drug trafficking by 'drug kingpins,' and murder of a Federal law enforcement officer); a Federal Three Strikes penalty was created that called for mandatory life imprisonment without parole for Federal offenders with three or more convictions for serious violent felonies or drug trafficking crimes; and new and stiffer penalties were added for certain violent and drug trafficking crimes committed by gang members, as well as for interstate firearms trafficking and for use of semi-automatic weapons. Based on resource and political considerations, however, it was not entirely clear how frequently any of these statutes would be used by Federal prosecutors.

DEA's MET Program and Intensification of Local Drug Trafficking Enforcement Work

The impact of violent crime on American cities and the Crime Act's provision that certain urban areas could be designated Violent Crime and Drug Emergency Areas led the DEA to revise its strategic approach to drug trafficking enforcement. Long focused on investigating the highest levels of national and international illegal drug trafficking and lending a supporting role to state and local law enforcement efforts through the Byrne Multijurisdictional Task Forces, by 1994 the DEA was persuaded that it needed to give higher priority to combat drug-related violent crime in individual neighborhoods and communities. The hunt for "Mr. Big" had not necessarily helped many communities suffering from the ravages of smaller-scale drug dealing and associated gang violence. The first step taken by DEA was continued expansion of the State and Local Task Force program. The second step involved a stronger focus on violent crime. Just as OCDETF prosecutions were broadened to include gang-related drug trafficking targets, so the DEA in February, 1995 launched its Mobile Enforcement Team (MET) program to tackle drug-oriented violent crime in particular urban districts.

DEA was seen as offering not only additional resources and investigative tools, but new personnel who could more easily penetrate local distribution rings and make undercover buys. Consisting of 8 to 12 DEA special agents, each MET operation was to be deployed strictly in response to a request from a police chief, sheriff, or district attorney. With an average deployment length of approximately 160 days,[134] Federal agents were to work on a neighborhood intensively, with the kind of concentrated approach envisioned in certain parts of the Weed and Seed Program. Local police were to identify the targets and goals of the intervention, while

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methods of investigation, surveillance, and informant handling were left to the DEA. After the dismantling of violent drug organizations, DEA agents would also assist with an extensive performance evaluation and targeted Demand Reduction Follow Up Teams.[135] By March 31, 1998, 152 MET deployments had taken place in locations all over the country. A 1999 GAO report reviewing the program's performance revealed numerous operational successes and potentially significant overall decreases in crime in the affected neighborhoods. Still a causal link was hard to discern and many individual results appeared highly transitory as new drug dealers moved in to succeed those removed by the program.[136] From a broader perspective, however, the program's greatest significance may have been Federal officials' intensified commitment to local drug and violent crime work[137] and the DEA's recognition that such work was part of a "seamless continuum" of anti-drug trafficking efforts that often led to higher level drug targets.[138]

Project Exile and the Continuing Attraction of Federal Prosecution

Even as the nation's violent crime rate fell during the second half of the 1990s, certain cities remained mired in gun violence and other forms of violence that stood out even more starkly when viewed against national trends. Among these cities was Richmond, Virginia, which had one of the highest murder rates in the country with 139 homicides in 1997 in a city of 200,000. Faced with this situation, in which many state courts released most firearms defendants on bail before trial, Federal prosecutors and local police turned once again to Federal gun possession statutes to attempt to achieve stronger results. Within a year of its initiation in the spring of 1997, "Project Exile" had refurbished the basic features of the Triggerlock Program. It also led to a determined effort to incarcerate—in Federal prisons many miles away from Richmond (hence the name "Exile")—not only hardened street criminals but gun-carrying offenders of all kinds, including those committing domestic violence. Virtually every Federal investigative agency put additional investigative resources into the city and the Department of Justice furnished additional prosecutorial support. Whether or not a clear causal link could be established to this Federal input of resources, murders in Richmond dropped by well over 30 percent after the first year of the program, and another 30 percent the year after that. Buoyed by the initiative's success, and prodded by the National Rifle Association, which contributed heavily to an advertising campaign built around Exile, Congress instructed the Justice Department to start similar Federal firearms prosecution programs in Albuquerque, Denver, Baltimore, Salt Lake City, and Charleston, South Carolina. This was in addition to similar efforts begun by U.S. Attorneys in Philadelphia, Rochester, and Oakland. Although these cities did not process all firearms cases Federally due to resources issues, the popularity of the approach led Attorney General Reno in June 1999 to request that all U.S. Attorneys review their local initiatives against violent crime and firearms trafficking to see whether the Exile model could be adopted in still other Federal judicial districts.[139]

The reinvigoration of high-volume Federal gun prosecutions—well over 400 people were indicted under Exile after two years of the program—has raised persistent questions about Federal-local law enforcement collaboration and the use of Federal prosecution at a time when many were envisioning a general return to a lower-profile role for Federal authorities. While Exile was attacked by critics as featuring many of Triggerlock's assembly-line characteristics, in fact there was considerable communication between Federal, state, and local authorities through a task force that met weekly to consider the merits of individual cases. Even as Federal judges in Richmond deplored the "substantial Federal incursion into a sovereign state's area of

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authority and responsibility,"[140] city authorities and the public cheered the program as a results-oriented, pragmatic approach to a serious local problem.

At century's end, even as Virginia and other states passed tougher gun legislation,[141] Project Exile and its progeny raised a host of questions about the ultimate role of Federal prosecution in combating violent street crime: How prudent or necessary is its use generally across the country when crime rates are falling and the states are in fact assuming greater enforcement responsibility? Is Exile's success attributable to Federal prosecution, or rather to the community-wide support behind the program, including a very effective advertising campaign?[142] Does Federal involvement really bring any truly qualitatively different assets to the fight against weapons violence, given that Virginia's bail statute and weapons statutes are now quite stringent? Even if U.S. Attorneys and Congress succumb to calls for Federal authorities to 'do something' about persistent local violent crime problems, can line investigative agents and prosecutors exercise Federal jurisdiction strategically and responsibly at the margins? Does continuing use of Federal prosecution in these circumstances tend to distract attention and resources away from other serious threats more uniquely suited to Federal law enforcement, such as health care fraud and computer crime? General answers were hard to come by, with very different strategies and resource usage patterns emerging in different Federal judicial districts around the country. Increasingly, it appeared that U.S. Attorneys were engaging in complex political and managerial negotiations in their districts, seeking to balance these strategic and resource concerns.

U.S. Attorneys' Offices and Support for Problem-Solving Crime Reduction Strategies

The growing involvement of Federal authorities in stemming violent crime, as well as the increasingly influential role of U.S. Attorneys' Offices in helping to coordinate the application of multi-agency and community resources to address the problem, led to a new problem-solving, impact-oriented approach to Federal prosecutions. Rather than reactively thinking about individual cases handed to them by Federal and local law enforcement, some Federal prosecutors began, in the second half of the 1990s, to conceive of their role in a more holistic way. A "body count" mentality focused on arrests and convictions was beginning to give way to strategies addressing crime reduction and community safety.[143]

In these circumstances, Federal prosecutors, potentially able to maintain a broader perspective on a city-wide or neighborhood violence problem than individual investigative agencies (which often tend to focus solely on their own missions and on overall national goals and numerical targets), could think not merely about the quality of evidence or likelihood of conviction in a particular case, but about which individual and organizational (gang) targets merited investment of scarce Federal resources to achieve maximum long-term impact. Often the most important change in thinking involved a concern for patterns and linkages occurring across a particular geographic territory—how individual murders might, for example, be part of broader gang activity, or how individual car theft cases targeted by the FBI might connect to an illegal vehicle export ring tracked by the Customs Service.[144] Increasingly, the use of relevant regulatory tools and the help of community organizations to enhance social controls offered other paths to crime reduction besides the efforts of Federal and state officials to "prosecute their way out of the problem."

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Armed with this more comprehensive view of crime reduction, certain U.S. Attorneys' Offices found themselves more involved in analyzing relevant data and collaborating in very different, often purely *supportive* ways, with local authorities. In the well-known case of the Boston Gun Project, the U.S. Attorney's Office played an influential supporting role between 1995 and 1997, working with local police, probation, and ATF officers to target violent "hot spots," educate high-risk gang members, trace illegal weapons trafficking patterns, and prosecute resistant offenders. Such prosecutions reinforced the overall deterrent message conveyed to neighborhood youth through a variety of communications channels.[145]

Later, in March 1998, the Department of Justice launched the Strategic Approaches to Community Safety Initiative (SACSI) in five cities, explicitly including ongoing data analysis and program evaluation as integral parts of a comprehensive problem-solving approach to particular kinds of crime reduction. In each of the five cities—New Haven, Indianapolis, Memphis, Winston-Salem, and Portland, Oregon—a unique mix of cooperating agencies and academic researchers came together under the leadership of U.S. Attorneys' Offices to target a specific crime issue for "data-driven problem-solving." For example, in Portland, the local initiative examined the connections between gun violence and alcohol abuse, while in Indianapolis the initiative focused on recent high homicide rates. Remarkably, in Memphis, the city's nation-leading sexual assault problem was targeted, even though it was not a problem directly susceptible to Federal prosecution (*see* Section V, *infra*). In each case, the collaborative teams had a mandate to analyze relevant data closely, improve their geographic information systems (GIS) to map crime patterns, and implement a multi-dimensional problem-solving strategy that could be empirically evaluated.

Although it represents a grant-funded experiment, SACSI could be viewed as defining the cutting edge of Federal leadership in attacking urban crime using advanced analytical tools. But it may also represent, in microcosm, a sign of things to come in regard to the trio of tensions that surround the expanded Federal role in investigation and prosecution of urban crime. As the study found when it visited Detroit, San Diego, and Memphis, those tensions appear to have been eased by the emergence of a working equilibrium based on, respectively, the development of some degree of joint responsibility for collaboration activities, Federal prosecutorial restraint informed by open communications between Federal and state prosecutors, and consensus-based-problem solving (*see* Section VI, *infra*). As SACSI is in part intended to demonstrate, Federally-led consensus-building and facilitation of strategic planning, derided by some traditional law enforcement officials as so much talk, may ultimately prove its worth by ensuring that all local authorities see the big picture and choose their priorities wisely, thereby promoting this equilibrium. Even if the Federal operational role shrinks in an era of falling crime rates, there is the possibility that this facilitation role may remain, based on both a political imperative (the need for U.S. Attorneys or HIDTAs to exercise 'convening power' over otherwise fractious or narrowly focused local police and Federal law enforcement agencies) and the untapped potential to seek the collection of, and to analyze, empirical data to aid such priority-setting.

Thus, a program such as SACSI fully assumes the need for and effectiveness of multilateral agency collaboration; it is readily understood that Federal law enforcement and prosecutors will work closely with local police, probation, and social service representatives on a pressing local problem like firearms violence. Increasingly, however, the Federal *analytical* and catalyst role may be as important as the operational one. In this new universe, Federal prosecution may still represent the ultimate weapon to be deployed in support of

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collaborative work, but more and more it is another tool—the unique perspective of Federal prosecutors in helping analyze and develop multidimensional crime reduction strategies—that may refine its deployment. Ultimately, Federally-coordinated problem-solving efforts may be among the most rational ways to address the perennial resource limitations on, and principled objections to, Federal prosecution of urban street crime. Assuming that Federal authorities have only so much money to devote to urban crime, Federal assistance in coordinating appropriate local responses can be defended as serving a unique purpose, while the ultimate Federal operational, technical assistance, or information dissemination activities undertaken as a result of that facilitation can, if properly selected, also be justified as targeted and complementary in nature. At the dawn of a new century, however, the real issue may be the developmental costs entailed in bringing U.S. Attorneys' Offices to the point where they can readily assume a more analytical leadership role. As discussed in Section VII, *infra,* it is far from easy for lawyers trained in putting together solid individual cases to simultaneously devote time to the development of organizational analytical capabilities, the training of themselves and investigative agents in new skills, and the coordination of more intensive information-sharing.

G. Why Collaboration Took Root

From the earliest DEA-supported state and local task forces in cities like New York, San Diego, and Buffalo, to experimental collaborations like the Memphis Strategic Initiative on Sexual Assault, two decades of Federal-local law enforcement collaboration in American cities have produced profound changes. These changes are discussed in Section V, *infra.* The reasons why such collaboration developed as it did defy unitary explanations, however. Certainly legislation, policies, and programs issuing from Washington—stimulated by the public, Congress, and the media—created prosecutorial and programmatic mechanisms that explicitly or implicitly encouraged collaboration.[146] It is reasonable to look backward to the establishment of the OCDETF Program and the emergence of the DEA State and Local Task Force Program as basic sources of programmatic inspiration that many other Federal-local collaborations would ultimately end up borrowing from to some degree. These and other programs, supported by agency directives and funding streams, created new bureaucratic rewards and incentive structures based on the promotion of local cooperation. However, relatively few Federal law enforcement authorities or local police departments were initially enthusiastic promoters of collaboration despite its many significant benefits; perceived or real disincentives on the ground were often simply too strong.

Indeed, it is safe to say that until the late 1980s and early 1990s, few urban police departments or regional offices of Federal law enforcement agencies themselves advocated such collaboration on other than an episodic basis. Until that time, in many cities collaboration was merely viewed as a politically correct thing to do; its plausible advantages were touted even as Federal agents and local police in a particular location might be unaware of those advantages, resistant to changes in routine, ideologically opposed to collaboration, or convinced that collaboration simply did not provide sufficient benefits to outweigh the costs (in terms of time, energy, and corporate culture/personality conflicts). Yet by the late 1980s, some police chiefs began to speak out in favor of collaboration at BJA conferences and other forums, saying they could benefit from Federal operational assistance in dealing with drug trafficking, and later, violent crime. By the early 1990s, more innovation in collaboration was probably occurring as a result of local initiative, rather than as a result of Washington directives. And by the mid- to late 1990s, many Federal and local participants were sufficiently

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comfortable with some kinds of joint operational work—and had been encouraged so strongly by the Department of Justice to build partnerships—that collaboration had become a fixture in most large cities, however uneasily tolerated by some law enforcement officials, in most large cities. Even those who had witnessed their share of friction due to disputes over missions and personalities (or who pined for the days when bureaucratic routines were understandably simpler) appreciated the better interagency communication and coordination that seemed to have emerged at the end of the decade. In the end, it was often personal relationships that in fact made collaboration take root; just as such relationships were often the only bond between Federal and local officials 20 or 30 years ago, so in the 1990s, despite all of the formal and bureaucratic linkages, it was often personal diplomacy and friendships that allowed such linkages to function as intended.

As with so many other Federal initiatives, money served as a crucial lubricant to collaboration. Funding at several levels—operational expenses and 'buy money,' overtime, and asset forfeiture—combined to make task force and other types of collaboration manifestly attractive to many urban police departments that had only collaborated intermittently on a case-by-case basis in the past. Byrne program funding that similarly brought together state and local law enforcement units into Multijurisdictional Task Forces and increased their joint coordination with DEA and other Federal agencies, had a reinforcing effect. Most Federal and local officials viewed monetary inducements as a fair reward to local law enforcement authorities for subjecting themselves to Federal paperwork requirements, personnel shifts, frequently changing Washington policies, and in many cases, direct Federal agent or Assistant U.S. Attorney supervision.

It is also reasonable to view these particular factors as helping to entrench Federal-local law enforcement collaboration during the past decade.

- ***Federal engagement in the fight against violent crime.*** Whatever its long-term implications for Federal law enforcement priorities, the engagement of Federal law enforcement authorities in the fight against urban crime—and particularly violent crime and anti-gang work—forced Federal officials to forge new, more supportive links to local law enforcement and become much more familiar with local needs and intelligence. The drug wars may have led to the introduction of Federal-local collaboration, but the fight against violent crime in the nation's cities was the stimulus for Federal and local law enforcement officials in many locations to talk to each other as true equals.

- ***The Clinton Administration's emphasis on Federal-local partnerships.*** While rhetorical support for Federal-local law enforcement collaboration had been a staple of the Reagan and Bush Administrations, only the Clinton Administration made it a priority worthy of major programmatic support. The experience with the Triggerlock initiative and the early days of the Weed and Seed Program had demonstrated some of the shortcomings of Federal officials espousing collaboration but assuming an excessively directive role in program implementation. To forge genuine mutual trust in collaborative relationships, state and local actors would need to have a more significant role in decisionmaking and strategic planning.

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- ***The muting of Federal law enforcement rivalries.*** The Clinton Administration also undertook a determined effort to downplay Federal law enforcement agency rivalries and improve inter-agency coordination. Agency heads were instructed to emphasize the importance of teamwork to their bureaucracies and attempted to balance traditional incentive structures based on agency statistics with praise for collaboration and crime reduction impacts. Though resisted at many levels, these efforts tended gradually to produce a different mindset among Federal law enforcement agents working at the local level, as well as more rapid, consistent progress on collaborative investigations with local law enforcement authorities.

These two decades of change in Federal-local law enforcement collaboration and the expanded use of Federal prosecution to combat urban crime can also be assessed through quantitative information capturing aspects of both developments. The next section provides some of this information, looking first at the growth of various types of task forces and other collaborations, and then discussing trends in the use of Federal prosecution. Having a familiarity with both types of information is useful in putting in perspective the experience of three American cities—San Diego, Memphis, and Detroit—as the study discusses each metropolitan area's struggle to address the three tensions created by collaboration.

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IV. PUTTING THE ORGANIZATIONAL AND PROSECUTORIAL DIMENSIONS OF FEDERAL-LOCAL LAW ENFORCEMENT COLLABORATION IN PERSPECTIVE

Two decades of growth in Federal-local urban law enforcement collaboration have resulted in the proliferation of Federally-funded task forces and other collaborations in cities all over the country. It has also resulted in broader use of Federal prosecution to address urban crime challenges. It is worth looking at the cumulative impact of each of these developments in some depth, in order to better assess the magnitude of these changes.

A. The Growth of Federal-Local Task Forces and Other Urban Crime-Fighting Collaborations

Increasing Federal-local law enforcement collaboration to fight urban drugs, weapons, and gangs has manifested itself most clearly through the creation of formal or informal organizational (usually task force) structures, coordinated case targeting or referral initiatives (e.g., Project Exile and the like), coordinated case selection and funding mechanisms (e.g., OCDETF), comprehensive or strategic problem-solving initiatives (e.g., Weed & Seed, SACSI), and more general strategic law enforcement funding and coordination mechanisms (e.g., HIDTA). These collaborations are in addition to others that may exist to fight white collar crime, traditional organized crime, money laundering, international drug trafficking interdiction, and other more traditional Federal law enforcement objectives.

The chart below (Figure 16) describes some of the more prominent task forces and other collaborations that emerged in the last several decades, and the chart following (Figure 17) helps summarize the different characteristics of these collaborations. Given their sometimes overlapping missions and organizational characteristics, it is generally difficult to draw bright line distinctions between various types of task forces and between task forces and other collaborations, but some distinctions are nevertheless useful.

First, there are national, Federally-funded task force programs (e.g., FBI's SSVCI, the DEA's State and Local Task Force Program) that feature formal collaboration arrangements of long duration (although some may have provisional status initially), and that feature significant special program funds for investigative expenses and police overtime. These task forces are ultimately managed by Federal investigative agencies and operate according to Federally-organized paperwork and procedures. These programs are generally intended to fund long-term Federal-local task forces.

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Figure 16. High Profile Federal-local Collaborations Targeting Urban Crime

Program	Initiated	Sponsoring Agency	Purpose
State and Local Task Forces	1978	U.S. Drug Enforcement Administration (DEA)	Uses a high degree of local law enforcement participation and leadership to target mid- to upper-level drug trafficking in larger cities.
Organized Crime Drug Enforcement Task Forces	1982	U.S. Department of Justice (DOJ)	Targets high-level drug traffickers and large-scale money laundering organizations through individual case collaboration and funding.
Project Achilles	1986	Bureau of Alcohol, Tobacco, and Firearms	Uses stringent Federal firearms penalties to target armed violent offenders through case selection. (Program may assume other names in particular localities.)
High Intensity Drug Trafficking Areas	1989	Office of National Drug Control Policy	Generally coordinates and supports Federal-local collaboration in fighting drug-related crime in "gateway" regions.
Weed and Seed	1991	DOJ	Combines community-focused human services and economic development programs with neighborhood-targeted law enforcement.
Safe Streets Violent Crime Initiative	1992	Federal Bureau of Investigation (FBI)	Uses special task forces with local law enforcement participation to transfer FBI experience against criminal organizations to investigations against gangs.
Mobile Enforcement Teams	1995	DEA	Provides short-term, collaborative assistance to communities that request Federal help to address drug-oriented violent crime.
Anti-Violent Crime Initiative	1994	DOJ	Linked U.S. Attorneys, State and local authorities, and often the FBI, to develop locally-tailored antiviolent crime strategies. (Although program funding has ceased, some collaborations are still ongoing.)

There are also discretionary grant program-funded task forces, as well as special grant funded demonstration projects. The former is represented by the Byrne Grant Program, which, through state agencies, ultimately funds many hundreds of task forces under state or local leadership. Federal membership or participation in such task forces may be quite limited. The latter is represented by projects like SACSI (Federally-led) and BJA's Organized Crime Narcotics Trafficking Enforcement Program (state-led).

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Figure 17. Types of Federal-local Law Enforcement Collaboration

	National Task Force Programs	Grant-funded Programs / Demonstration Projects	Special Initiatives / Informal Collaborations	Umbrella Coordination Mechanisms
Federally led collaborations	• FBI Safe Streets Violent Crime Initiative. • DEA State and Local Task Force program. • ATF Project Achilles (includes some formal task forces).	• Special programs or task forces funded by the Bureau of Justice Assistance (BJA) through discretionary grants [e.g., Washington (D.C.) Metropolitan Task Force]. • Other special Federal grant programs (e.g., SACSI)	• Some U.S. Attorney Anti-Violent Crime Task Forces (continuing with decentralized funding). • Also, case-specific collaborations (including case-targeting initiatives) between Federal, State, and/or local agencies (e.g., some Achilles- and Exile-type collaborations). • DEA Mobile Enforcement Team program. • Some Project Achilles collaborations.	• HIDTAs (regional executive boards). • OCDETF (district coordination groups and case-specific collaboration). • Law Enforcement Coordinating Committees (LECCs). • Regular Federal judicial district law enforcement coordination meetings facilitated by U.S. Attorneys.
State- or locally led collaborations		• Byrne Program-funded Multi-jurisdictional Task Forces (MJTFs) (only 25% have formal Federal agency participation). • Also, demonstration projects funded by BJA (e.g., Organized Crime Narcotics Trafficking Enforcement Program).	• MJTFs with episodic Federal participation on investigations.	• Special local initiatives or coordinating groups (e.g., Methamphetamine Task Force in San Diego).

Notes: Many programs may be supplemented by HIDTA and Weed and Seed initiative funding and/or individual OCDETF case funding in particular regions or Federal judicial districts. Some FBI task forces may overlap administratively with Anti-Violent Crime Task Forces, which may be partly self-funded by individual U.S. Attorneys' offices. Some case-targeting initiatives may also be pursued through formal task force programs (e.g., Achilles).

Generally, a distinction can be also drawn between collaborations that are formally constituted in some fashion (through a Memorandum of Understanding and compliance with Federal agency paperwork requirements) and exist over a significant period of time, and collaborations that are informal or substantially

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ad hoc, coming together for a particular investigation or intelligence-sharing purpose. Sometimes, however, informal collaborations may exist over a longer period of time, such as some of the U.S. Attorney's Violent Crimes Task Forces that operate in some cities. After an initial infusion of funds in 1995, these task forces frequently were effectively subsumed into other task force programs like the FBI's SSVCI. In other cities, such as Memphis (*see* Section V, *infra),* such task forces continue under U.S. Attorney leadership. Some, like the one in Memphis, may be more formally constituted and may feature special contributions for police funding by the U.S. Attorney's Office (out of its own funds) or by another participating agency member, e.g., ATF. Others may rely on each of the participating agencies and police forces to fund their own expenses.

Finally, in addition to operational collaborations, there exist facilitative coordinating mechanisms that also qualify as kind of Federal-local law enforcement collaboration. These include HIDTA Executive Boards, various OCDETF District Coordination Groups that may share information and ideas in addition to or apart from direct work on OCDETF-funded cases, and *ad hoc* arrangements for intermittent strategic planning and coordination organized by U.S. Attorneys' Offices.

Most of the Federal-local law enforcement collaborations that exist in larger cities—and most of the collaborations highlighted in this study—feature formal Federal law enforcement leadership and significant deployment of Federal law enforcement personnel. By contrast, most smaller cities, as well as suburban and rural areas, support Multijurisdictional Task Forces that are largely staffed and led by state and local law enforcement authorities. These MJTFs may or may not have any regular Federal law enforcement participation; a recent study for the U.S. Department of Justice indicated that only 24 percent of MJTFs had Federal agency members, and only between 18 percent and 34 percent conducted episodic joint investigations with agencies like the FBI or the DEA, respectively. No more than three-quarters of these MJTFs even communicated or cooperated with the DEA "on a regular basis."[147]

All such collaborations are by definition intergovernmental agreements of a more or less formal nature whose activities are often the product of negotiation and bargaining rather than bureaucratic command.[148] As such, task forces and other collaborations function with a great deal more discretion and uncertainty than other, more unitary, hierarchical entities, tending to exaggerate the importance of process and individual personalities over effective organizational functioning. The more formally-organized collaborations, particularly the national task force programs directed by the DEA and FBI, reflect efforts to reduce or channel this uncertainty and discretion and to institutionalize longer-term collaboration. From an early date, for example, the DEA State and Local Task Force Program utilized MOUs (which became standardized in the mid-1980s) to allocate roles and responsibilities of various agency participants and establish uniform procedures and paperwork requirements. The DEA program also required non-Federal law enforcement personnel to make a relatively long-term task force commitment (e.g., one to two years).

To ensure better local buy-in to the concept, DEA task forces have featured executive committees with full local participation on matters of personnel selection, crime targeting, and investigative supervision. The DEA has also contributed significant resources to the program, including investigative expenses (such as 'buy money' and payments to informants), equipment, and police overtime funds to ensure round-the-clock

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availability of local police officers. Many of these general features have found their way into the FBI's SSVCI Program and certain affiliated Attorney General's Anti-Violent Crime Task Forces.[149]

To appreciate the dimensions of some of these various programs, it is useful to examine statistics reflecting their current size and recent growth. For example, the DEA State and Local Task Force Program had a total of 179 task forces operating in Fiscal Year 1999, of which 131 were funded and 48 were provisional (*see* Figure 18). Those numbers have nearly doubled since the beginning of the 1990s. At the same time, the number of DEA special agents assigned to these task forces increased by about 84 percent between Fiscal Years 1991 and 1998, while the number of assigned state and local law enforcement officers increased by about 34 percent during the same period.[150] Reflecting an overall shift in emphasis toward more local law enforcement activity, about 22 percent of DEA's more than 4,300 special agents were assigned to state and local task forces in fiscal year 1998, compared to about 14 percent of the total 3,542 special agents at DEA in Fiscal Year 1991.[151] Similarly, the amount of time spent by DEA special agents overall on state and local task forces also increased steadily in the 1990s. DEA special agents spent about 19.5 percent of all domestic investigative work hours on such task forces in Fiscal Year 1998, compared to about 9.2 percent during Fiscal Year 1990.[152] In the meantime, operating expenses (including police overtime) for the State and Local Task Force Program grew from $6.05 million in FY 1984 to $21.26 million in FY 1999.[153] If relevant dedicated DEA payroll and headquarters costs are factored out, the amount spent on the program in recent years is still about three times greater than it was nearly a decade ago.

Figure 18. Growth of DEA's State and Local Task Force Program
FY 1991 – FY 1999

Fiscal Year	Funded Task Forces	Provisional Task Forces	Total Task Forces	DEA Special Agents	State and Local Officers	Program Operating Budget ($ millions)
1991	71	23	94	511	1,153	$14.190
1992	73	25	98	516	1,209	$16.690
1993	75	25	100	566	1,226	$14.415
1994	83	20	103	601	1,221	$15.157
1995	79	36	115	616	1,251	$15.206
1996	92	41	133	595	1,296	$16.317
1997	100	51	151	721	1,435	$20.736
1998	122	50	172	940	1,548	$23.421
1999	131	48	179	n/a	n/a	$21.265

Source: U.S. General Accounting Office Report GAO/GGD-99-108, *DEA Operations in the 1980s*. Budget figures obtained from DEA Budget Office.

The FBI's Safe Streets Violent Crime Initiative has experienced similar rapid growth during the last decade. The number of violent crime task forces grew from 19 in 1992 to 164 as of March, 1999 , operating out of 52 FBI field offices. Of this total, 49 were general Violent Crime Task Forces, 32 were Violent Crime/Fugitive Task Forces, 45 were Violent Crime/Gang Task Forces, 21 were exclusive Fugitive Task Forces, and 17 served as Interstate Theft/Major Offenders Task Forces. A total of 785 FBI Special Agents

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worked on such task forces, together with 142 agents from other Federal law enforcement agencies and 1,255 state and local law enforcement officers.[154] The FY 1999 budget for the SSVCI, including salaries, was an estimated $112.5 million.

Other national programs supporting Federal-local law enforcement collaboration have also expanded. ATF's Achilles Program is now in place in all 24 ATF field divisions, and specific Achilles Task Forces have been established in 29 major cities across the United States.[155] DEA's MET Program grew to 23 teams at the beginning of 1998 with 250 DEA special agents involved. Over 220 MET deployments have occurred since the program began in 1995 (through 1998).[156] As for the OCDETF, HIDTA, and Byrne Program funding mechanisms, these have grown enormously in recent years. For example, OCDETF investigations rose from 213 in fiscal year 1983 to 1484 in fiscal year 1999, while the program's overall budget across all participating agencies grew from $112,729,000 to $379,914,000 during the same period.[157] The HIDTA Program, meanwhile, expanded from five original sites in Fiscal Year 1990 to 20 in 1998, while witnessing its budget grow from $25 million to $162 million during this same period.[158]

As for discretionary grant-funded collaborations, Byrne-funded MJTFs increased in number from 560 in Fiscal Year 1989 to well over 900 in Fiscal Year 1992, while the amount budgeted by recipient states for MJTFs totaled $738 million in Fiscal Year 1994 (matching state grants brought the overall total to more than $1 billion).[159] Yet, as stated before, only about 24 percent of these task forces are reported to have Federal agency members. Other grant-funded collaborations are very few in number. For example, the number of demonstration grants funded by BJA under its three major discretionary grant programs for multijurisdictional task forces—the Organized Crime Narcotics Trafficking Program, the Financial Investigations (FINVEST) Program, and the Firearms Trafficking Program—numbered under 50. Federally-led demonstration collaborations such as those under SACSI are even smaller in number. Yet their influence in a given community can be very significant, and their importance and numbers could grow in coming years.

Although dramatic, this expansion of Federal law enforcement activity, most of it directed at drug, weapon, and gang activity, should be viewed in the broader context of overall growth in State and local law enforcement personnel and budgets during the past two decades. For example, in 1996, Federal sworn law enforcement officers represented only about 10 percent (74,493) of the total 738,028 full-time sworn law enforcement officers in the United States.[160] In 1995, four-fifths of the nation's total expenditures for criminal justice operations were spent by state and local governments. If Federal grants to other levels of government are excluded, the state and local share of spending was even larger that year—nearly 86 percent.[161]

Finally, this expansion of Federal law enforcement activity does not necessarily imply an actual impact on crime. While anecdotal evidence for community impact of Federal-local law enforcement collaboration is high, solid empirical evidence is difficult to obtain (*see* Section VI.E, *infra).*

B. The Growth of Federal Prosecutions to Combat Urban Crime

Due to large areas of jurisdictional overlap, most of the prosecutable crimes associated with drug, weapons, and gang enforcement in American cities can be taken to state or Federal court. As already

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discussed, the relevant Federal legislation necessary to bring such cases to Federal court predated the rise of Federal-local task forces on the American urban landscape; for example, Federal drug and firearms statutes, as well as RICO, Continuing Criminal Enterprise, and murder-for-hire statutes, were available to, and used by, Federal law enforcement agencies and nascent DEA task forces in limited fashion as early as the 1970s to reach a number of organized crime targets involved in urban street crime. As task forces proliferated in the 1980s, so too did the substantive and procedural amendments that made Federal prosecution an even more potent weapon in the expanded fight against drugs, gangs, and guns on urban streets. Strengthened Federal prosecutorial tools went hand in hand with the growth in task forces and their range of activities.

Thanks to these legislative modifications, task forces and other Federal-local law enforcement collaborations now generate significant numbers of Federal prosecutions in the drug trafficking and unlawful firearm possession arenas. Yet, as discussed below, overall numbers of Federal criminal prosecutions of these or other crimes represent but a tiny fraction of cognate state prosecutions. At a time when claims about the 'Federalization of crime' command wide attention, it is important to examine the magnitude of the alleged problem and determine how it is being addressed by policy and practice. Indeed, to help gain insight into the magnitude of the rise in Federal criminal case filings, it is helpful to understand more clearly how Federal prosecutors elect to use Federal prosecution in situations where concurrent jurisdiction obtains. It is also helpful to try to see how these decisions are made in the collaborative environment of Federal-local task forces, where possibly a more structured dialogue about jurisdiction takes place between Federal and state prosecutors.

General Trends in Federal Investigation and Prosecution of Urban Crime

In recent years, a number of commentators, as well as the Chief Justice of the United States Supreme Court, have assailed the 'Federalization of crime," focusing on the growing number of Federal criminal statutes on the books[162] and the rising number of Federal criminal court filings.[163] These trends are viewed as undermining America's Federal system by substituting, to a significant degree, Federal for state and local judgment on local law enforcement matters. While the Federalism and accountability concerns may be well founded, three important facts should be kept in mind.

First, as discussed below, the mere presence on the books of larger numbers of Federal criminal statutes does not imply that Federal jurisdiction will necessarily be *exercised* with any particular frequency.[164] Prosecutorial discretion and Federal resource constraints tend to limit severely the numbers of Federal criminal investigations and prosecutions that are initiated, not only in the area of urban street crime, but across all areas of Federal criminal jurisdiction. Second, due to these constraints, Federal prosecutors usually seek to use Federal prosecution strategically, employing its procedural and substantive advantages against higher-level targets (individuals or organizations) or against more dangerous recidivists. Third, and reflecting both of these facts, the proportion of Federal to state prosecutions in this country is exceedingly small. In fact, as discussed below, the percentage of Federal prosecutions comprising total criminal prosecutions in the country actually *declined* during the period 1984 to 1994 when, as this study has shown, Congress and the Executive Branch combined to greatly expand the legislative and policy incentives for using Federal prosecution.[165]

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The absolute rise in Federal criminal investigations and case filings over the past several decades must itself be interpreted with caution. While larger numbers of Federal drug, weapon, and gang prosecutions have doubtless accompanied the growth of Federal-local law enforcement collaboration, there is no way easily to ascertain the magnitude of this phenomenon, as aggregate statistics on Federal investigations and prosecutions do not indicate which ones were the product of task force or other collaborative work. It is also impossible to discern from aggregate Federal case processing statistics precisely what proportion of Federal cases involve concurrent jurisdiction crimes that could or would have been prosecuted by state authorities. Indeed, there are multiple layers of complexity and uncertainty in this regard, or for that matter, with respect to the larger question of "Federalization." First, definitionally, there are many crimes (including some that are regulatory, rather than statutory in nature) that might not necessarily be deemed subject to true concurrent jurisdiction given a lack of clear one-to-one correspondence between what might otherwise be generally cognate Federal and state provisions (the latter may additionally vary from state to state). Second, except for OCDETF and certain other cases for which formal Federal statistics are kept, there is often no easy way to ascertain if a particular investigation or case is primarily or exclusively handled by Federal authorities. Finally, not all collaborative or task force investigations result in Federal prosecutions; many cases are declined or referred to state authorities for a wide variety of reasons (e.g., insufficient evidence; heavy workloads, tactical considerations) that defy simple explanation.

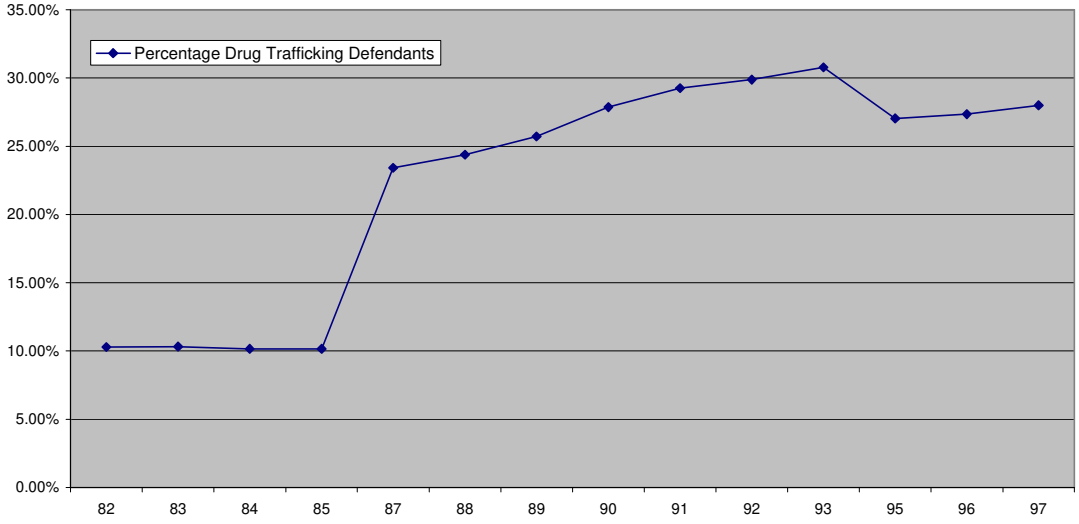
Looking at the rise in Federal prosecutions in comparison to state prosecutions is a useful context-setting exercise. To begin with, in recent years, only about 4.3 percent of all felony convictions in the United States have been obtained in the Federal system.[166] Moreover, in 1994, not even 31,000 felony cases were *filed* in Federal courts, while felony filings in state courts totaled well over *1.7 million.* This means that relatively recently, felony cases initially filed in Federal courts accounted for only about *1.8 percent of the total preliminary stage felony caseload in the country*.[167] Perhaps equally significant, Federal felony case filings increased at only half the rate of state filings during the period 1984-1994: using court statistics drawn from 42 state courts, the National Center for State Courts reported that during that decade, felony filings in state courts increased at a rate of 64 percent, in contrast to Federal court felony filings increasing by 32 percent. In absolute terms, the Federal courts' share of the country's total felony caseload actually shrank from 2.2 percent to 1.8 percent during that period.

Comparing particular kinds of cases, this small ratio of Federal to state prosecutions persists. Taking convictions rather than cases filed, in 1996 there were an estimated 347,775 felony convictions in state court where drug possession or trafficking represented the top charge, compared to 18,045 Federal felony convictions with the same kinds of drug charges.[168] Accordingly, Federal felony drug convictions—a significant number of which doubtless resulted from Federal prosecutions of major national and international drug trafficking activity rather than simply mid- to upper-level dealers operating principally in particular urban neighborhoods—still represented a very small (4.9 percent) proportion of the total felony drug convictions in the United States in 1996.[169] Meanwhile, on the firearms front, a higher proportion of felony firearms convictions—approximately 9 percent in 1996—were generated by the Federal courts, but this still meant that more than 9 out of 10 felony firearms convictions were handed down by state courts that year (a proportion that has seemed to remain fairly constant after a significant rise in the late 1980s and early 1990s).[170]

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Nevertheless, for U.S. Attorneys and the Federal courts, changes in the Federal investigative and criminal law caseload during the period 1982 to 1999 had practical implications. Although the relative number of Federal criminal case filings fell during this period, the proportion of defendants charged in Federal court with drug trafficking as the most serious crime, as a percentage of all criminal defendants, rose nearly threefold between 1982 and 1997 (*see* Figure 19).

Figure 19. Defendants in Cases Commenced in Federal Court, 1982-1997
By Most Serious Charge
Drug Trafficking Defendants as a Percentage of All Federal Criminal Defendants



Source: Federal Judicial Center

NOTE: Drug Trafficking subsumes Cocaine/heroin Distribution, Marijuana Distribution, and Controlled Substance Distribution as classified by the Administrative Office of the U.S. Courts, using 4-digit identification codes.

At the same time, the proportion of Federal defendants charged with illegal firearm possession or transfer offenses as the most serious charge increased nearly fourfold (*see* Figure 20). It is precisely this new allocation of the Federal prosecutorial and judicial workload in recent years—particularly in light of the downturn in many categories of crime—that has had critics asking whether other Federal priorities are relatively under-resourced.[171] As discussed below, however, there are a number of policies and principles on which U.S. Attorneys rely to constrain the exercise of Federal jurisdiction and minimize conflicts due to concurrent jurisdiction.

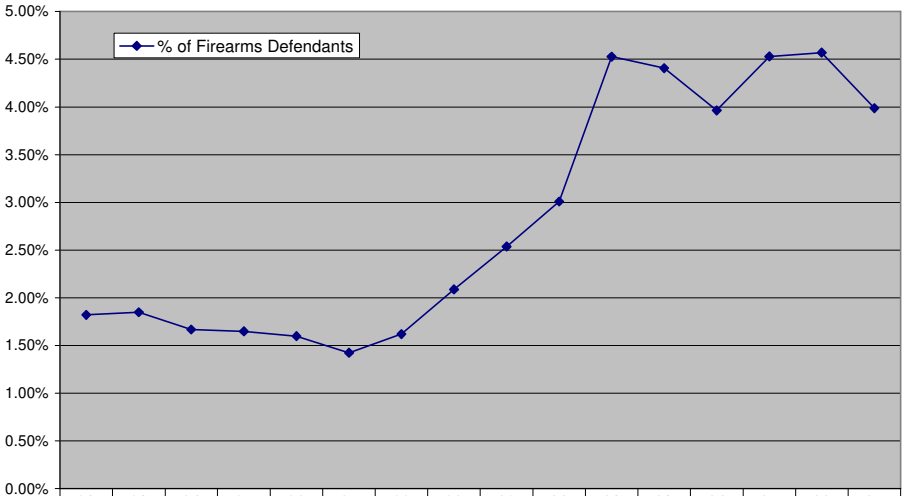
Principled Constraints on the Exercise of Federal Jurisdiction

The consistently small share of the nation's overall criminal caseload shouldered by Federal prosecutors and courts evidences a highly selective exercise of Federal jurisdiction. As two commentators have noted, "[t]he virtually unlimited power of the national government both to enter the field and to exclude other levels of government is exercised with extraordinary restraint under current conditions of American justice."[172]

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Two basic factors account for this selectivity: Federal resource constraints and principles guidelines for the exercise of Federal jurisdiction enunciated by the U.S. Department of Justice.

Figure 20. Defendants in Cases Commenced in Federal Court, 1982-1997,
By Most Serious Charge
Firearms Defendants as a Percentage of All Criminal Defendants



	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
% of Firearms Defendants	1.82%	1.85%	1.67%	1.65%	1.60%	1.42%	1.62%	2.09%	2.54%	3.01%	4.53%	4.41%	3.96%	4.53%	4.57%	3.99%

Source: Federal Judicial Center

NOTE: Offenses Classified by 4-digit offense codes utilized by Administrative Office of the U.S. Court.

Resource constraints have played, and continue to play, a defining role in the American criminal justice system. At any given time, Federal law enforcement agencies and prosecutors have only so much personnel and operating expenses with which to target certain individuals, organizations, and varieties of criminal activity. These actors are in turn constrained by resource and political pressures imposed by other institutions at the back end of the criminal process: courts, pretrial and probation services, corrections. Two scholars have estimated that Federal law enforcement or policing activities comprise only 8 percent of all national resources devoted to that function.[173] But resource constraints are themselves a product of the nation's Federal system and limited form of national government. As discussed earlier in this study (*see* Section II, *supra*), the potential reach of Federal jurisdiction, although vastly broadened over two centuries, nevertheless has traditionally been constrained by a shifting cluster of principles seeking to define the "Federal interest" in its actual exercise.

Over the past several years, a vigorous debate has ensued about the precise contours of those principles. On the one hand, the Federal judiciary has advocated a fairly fixed notion of appropriate Federal jurisdiction based on five types of offenses: (1) offenses against the Federal government or its inherent interests; (2) criminal activity with substantial multistate or international aspects; (3) criminal activity involving complex commercial or institutional enterprises most effectively prosecuted with Federal resources or

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expertise; (4) serious, high-level, or widespread state or local government corruption; and (5) criminal cases raising highly sensitive local issues, e.g., egregious civil rights violations.[174] These nominally stable spheres would exclude most kinds of urban street crime, no matter how serious, based on the lack of a compelling Federal interest. A conspicuous rationale for this approach concerns the preservation of the Federal judiciary as a limited jurisdiction forum with specialized expertise.[175]

Acknowledging that this approach lacks flexibility to address limited, but serious current violent crime challenges in American cities as well as unknown future threats, other observers have proposed broader principled schemes based on states' ineffectiveness in investigating or prosecuting certain kinds of crime and/or the Federal government's comparative advantage in addressing the problem. Under this construct, the perception or reality that state and local law enforcement in recent years required Federal help to stem the tide of violent, gang-related, and high- to mid-level drug trafficking crime would plausibly warrant the exercise of Federal jurisdiction absent any other "inherent" Federal interest.[176] Still others have urged that some kind of temporal limits be placed on this type of Federal intervention. According to this view, a national or local emergency may require the application of specialized Federal operational resources, but the Federal role should abate when the crisis has passed, and in the meantime, Federal funding and training should help state and local agencies develop the capabilities to address such problems on their own in the future.[177] This view holds that state and local reliance on Federal prosecutorial advantages (including stiffer Federal penalties) may retard such capacity-building or circumvent local voters' expressed preferences to the contrary.

In the midst of this debate, and overseeing the actual, as opposed to the theoretical, exercise of Federal jurisdiction, the U.S. Department of Justice has in the past several years supported an eclectic set of principles on the subject. The Department acknowledges that Federal criminal jurisdiction may be invoked if there is a "pressing problem of national concern," state criminal jurisdiction is inadequate to solve "significant aspects of the problem," and the Federal government has unique comparative advantages to offer in assistance. This view rejects as unworkable the type of "fixed spheres" approach championed by many in the Federal judiciary or others alarmed by "Federalization," insofar as "[i]t is exceedingly difficult to draft a statute in a way that includes only those crimes that are sophisticated, inter-jurisdictional, or sensitive enough to require a Federal solution."[178] Instead, the Department of Justice continues to rely on *prosecutorial discretion* as the ultimate brake on excessive Federalization.

The Department's understanding of prosecutorial discretion, as embodied in the United States Attorney's Manual, embraces four essential elements. First, prospective cases must have a 'substantial Federal interest."[179] Second, prospective defendants must not be subject to 'effective prosecution' in another jurisdiction.[180] Third, Federal prosecutors should assess the comparative litigation and other advantages that may attend Federal prosecution.[181] And finally, Federal prosecutors should communicate with their state counterparts to help decide which cases to prosecute in Federal court among all cases that are potentially eligible for Federal prosecution.[182]

These elements are refined further in specific types of cases. For example, in the important area of drug prosecutions, the U.S. Attorney's Manual identifies a blend of eight principled and pragmatic factors to be considered in deciding whether a drug cases should be taken to Federal or state court: (1) sufficiency of the

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evidence; (2) degree of Federal involvement; (3) effectiveness of state and local prosecutors; (4) willingness of state or local authorities to prosecute cases investigated primarily by Federal agents; (5) amount of controlled substances involved; (6) violator's background; (7) possibility that prosecution will lead to disclosure of violations committed by other persons; and (8) the Federal district court's backlog of cases.[183] The manual further urges Federal prosecutors "to cooperate fully with state and local prosecutors and investigators" in drug cases, and instructs them to "meet or confer" with state and local counterparts "in connection with referral of federal cases for prosecution."[184] While these guidelines are quite flexible and do not require any specific quantum of justification among these factors, they can, if properly employed, significantly constrain prosecutorial discretion.

Finally, at the local Federal judicial district level, U.S. Attorneys' Offices maintain unpublished prosecutorial guidelines that set forth even more specific district-relevant criteria for weighing the decision to prosecute cases Federally. These guidelines may contain both quantitative and qualitative factors, and reflect an understanding of both individual circumstances and office resource limitations. In the drug area, for example, many districts use quantitative weight-based guidelines to determine whether Federal prosecution should be utilized, accepting for investigation only those cases that, say, involve possession or distribution of a certain quantity of cocaine. Those offices may, however, also make exceptions for cases involving a lesser weight if, for example, there is evidence that an offender used a firearm or engaged in violence while trafficking in drugs, or had a prior conviction for drug trafficking.

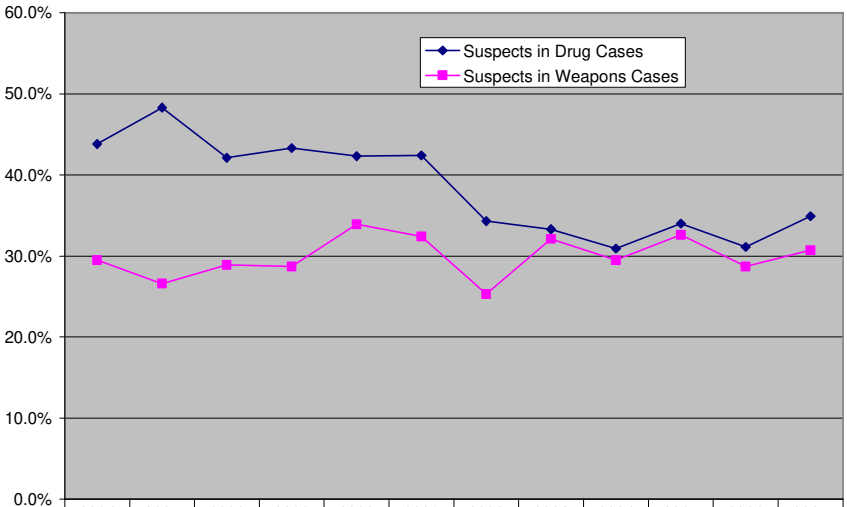
Local guidelines and resource considerations, together with priorities set by individual U.S. Attorney's Offices, may result in certain types of cases that were initially referred to those offices being declined. Some proportion of those cases will be referred to state prosecutors. In any given case, evidentiary, workload, and Federal interest considerations may combine to produce particular declination decisions. While it is difficult to interpret general Federal declination statistics given the wide variety of reasons for such declinations, it is interesting to note that the overall proportion of Federal drug investigations referred to "other prosecution" (a category which, except for a very small proportion of Federal administrative hearings, means state prosecution) did in fact decrease from 1984 to 1997. The percentage of weapons cases referred to other prosecution remained relatively unchanged overall, despite a significant drop in 1992, most likely attributable to the Triggerlock program (*see* Figure 21). This may well reflect a general Federal determination to accept more drug cases for investigation over time, but due to changes in district-level prosecutorial guidelines as well, it may also indicate that a different type of drug (or weapons) case is being accepted, e.g., more serious cases meeting all of the criteria set forth in local district guidelines.

Insofar as two recent high-ranking Department of Justice officials contend that "neither federal resource advantages nor federal legal advantages should themselves be sufficient to defeat the presumption of state prosecution" for most street crime,[185] the Department advocates active Federal, state, and local law enforcement dialogue to ensure the most effective use of Federal prosecution. It views Federal prosecutions in support of Federal-local task force activity or coordinated case targeting (e.g., pursuant to a particular national or local initiative) as a model of a "cooperative approach to the exercise of prosecutorial discretion."[186] Thus, in an article a few years ago, the Deputy Attorney General and another senior DOJ official specifically praised as an appropriate use of Federal prosecution a task force case in Oakland, California that broke up two notorious

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street gangs based on the local police department's knowledge of the gangs and Federal officials' wiretapping powers.[187]

Figure 21. Suspects in Matters Declined for Prosecution by U.S. Attorneys, Weapons and Drug Offenses, 1984-1997
Percentage Referred or Handled in Other Prosecution



	1984	1985	1986	1988	1989	1990	1992	1993	1994	1995	1996	1997
Suspects in Drug Cases	43.8%	48.3%	42.10%	43.30%	42.30%	42.40%	34.30%	33.30%	30.90%	34%	31.10%	34.90%
Suspects in Weapons Cases	29.5%	26.6%	28.90%	28.70%	33.90%	32.40%	25.30%	32.10%	29.50%	32.60%	28.70%	30.70%

Source: Bureau of Justice Statistics, *Compendium of Federal Justice Statistics*, 1984-1997.

The Department's collaborative approach to managing concurrent jurisdiction in street crime circumstances mirrors the Clinton Administration's support for Federal-local law enforcement collaboration generally. Promoting Federal-state-local dialogue around decisions to prosecute cases Federally at least partially addresses concerns that Federal jurisdiction may be invoked without regard to local interests, capabilities, and sensitivities. Moreover, since Federal-local local task forces and other collaborations often feature fairly well-developed institutional relationships and tackle a significant proportion of street crime qualifying for the exercise of concurrent jurisdiction, [188] such collaborations can arguably be viewed as forums that afford the possibility of reasonably deliberative jurisdictional communications among Federal, state, and local participants. This is true even if many of these collaborations maintain a working presumption—as most of them do—that the vast majority of investigations that they generate will be handled Federally, and the resulting cases prosecuted in Federal Court unless there are particular evidentiary or penalty-driven reasons to the contrary. Whether the local police and state prosecutors involved in these collaborations can effectively represent the Federalism and accountability concerns of the general public (most observers would say they cannot, given how attenuated these putative representative links and available oversight mechanisms are), the fact remains that a significant number of concurrent jurisdiction decisions involving urban street crime are likely to be made in quasi-consensual circumstances within task forces and other collaborations. Interviews with prosecutors in San Diego, Memphis, and Detroit appear to bear out this supposition. (However, in some

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jurisdictions, local law enforcement officials—often unelected—may enter into understandings with Federal law enforcement agencies that effectively bypass the views of local prosecutors, whose ultimate supervisor, the district attorney, is elected.)

This 'process' solution to concurrent jurisdiction, as decentralized and circumstantially determined as it is, of course only goes so far. State and local task force members assigned to Federally-led task forces may or may not be particularly accountable even to their home law enforcement agencies. Ideally, task force leaders and prosecutors would have recourse to a more tightly defined hierarchy or quantum of the various available Federalism principles to guide their exercise of prosecutorial discretion. As to justifying the Federal jurisdiction on the basis that state authorities have demonstrated 'ineffectiveness' in fighting urban crime, should the Federal government invariably step in, or should state authorities be expected or required to remedy the deficiencies, particularly if legislative changes are required to impose tougher penalties and boost the number of prison beds? The decisions will ultimately be locally-tailored ones, but many would likely agree with the proposition that the mere relative severity of Federal criminal penalties should not alone serve as the primary determinant of Federal jurisdiction. As states like California have shown with Three Strikes Laws, the relative severity of Federal punishments may be evanescent; state legislators can rise to the challenge of changing state laws where political will exists. Federal procedural and investigative tools—those affording advantages in longer-term investigations against higher-level crime figures or criminal organizations—are a better basis for the exercise of Federal jurisdiction, insofar as they embody comparative advantage and special expertise dating back many years, but even here, states can adopt their own tools if they believe it is important. The important thing is to try to establish some semblance of a rational division of labor, generally based on subject matter, after a crisis has passed. For example, even in the general area of urban street crime, it would seem to make sense for Federal prosecutors to handle fewer gun cases henceforward—many of these cases do not require extensive investigation and special tools—and to focus their remaining urban crime resources to complex drug and gang prosecutions. Interestingly, political pressures brought by the gun lobby and the general public have generally tended to push U.S. Attorneys in a different direction in recent years.

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V. FEDERAL-LOCAL LAW ENFORCEMENT COLLABORATION IN INVESTIGATING AND PROSECUTING URBAN CRIME: TASK FORCES AND OTHER COLLABORATIONS IN THREE CITIES

The development of Federal-local law enforcement collaboration in addressing urban crime has manifested itself in significantly different ways in various cities around the country. Despite a common stimulus from Washington, each urban area has had its own particular set of crime problems, as well as unique political and social environments. Each city has also had a unique collection of Federal and local law enforcement organizations with their own traditions of interaction and their own idiosyncratic personalities. In the American Federal system, the interplay of Federal, state, and local actors virtually ensures that national initiatives will be altered and adapted in important ways in the process of implementation.[189] Even where, as here, much of the implementation of Federal policies and programs rested with Federal officials, local politics and the mix of relevant law enforcement and community organizations have left their distinct mark.

Because these Washington-driven changes unfolded in considerably different local circumstances, it is worthwhile examining some of these divergent environments in greater detail. Looking more closely at the implementation process may yield a clearer picture of how the visions of Federal legislators and Justice Department policymakers were actually realized. It can illuminate the ways in which local experimentation and adaptation can sometimes improve upon, and/or deviate from, that vision. Most important, it can reveal how the actual participants in these initiatives, both Federal and local, have adapted to collaboration, and how sustainable that collaboration might be in the years ahead.

This study chose to look in greater detail at the phenomenon of Federal-local collaboration in investigating and prosecuting urban crime in three cities: San Diego, Memphis, and Detroit. As noted in the Introduction, these cities were selected for a variety of reasons, including their geographic distribution, their different populations and demographic characteristics, their differing crime problems and rates, the presence of significant Federal criminal court caseloads,[190] and the fact that in recent years—though not necessarily in the more distant past—significant efforts at Federal-local law enforcement collaboration had emerged. To a degree, it was also deemed important to select cities large enough to illustrate the development of many, if not most of the nationally-promulgated collaborative initiatives discussed earlier in the study.

Each city indeed has a unique story to tell about Federal-local law enforcement collaboration over the period 1982 to 1999. San Diego, with deep roots in Federal-local law enforcement cooperation, is home to one of the most progressive police departments in the country, and is often viewed as a model environment for collaboration. Detroit, beset by a host of urban economic and crime ills, had a frosty relationship with Federal law enforcement throughout the 1980s and well into the next decade but in recent years has witnessed a transformation in its Federal-local law enforcement relationships. Memphis, a smaller city with a more limited Federal law enforcement presence, has seen its Federal-local law enforcement collaboration increase slowly but steadily through the years, aided in part by a changing civic consciousness that accompanied the city's economic revitalization. Notably, in each city, key individuals in Federal law enforcement and prosecution

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played a major role in attempting to reach out to other Federal and local actors and seeking to raise confidence in the process of collaboration.

By taking a closer look at these cities' experiences with Federal-local law enforcement collaboration, and by interviewing Federal and local law enforcement and prosecutorial officials involved in task forces and other Federal-local law enforcement collaborations, the study sought to learn more about the following: How, and how quickly, did Federal-local law enforcement collaboration develop? Were Federal initiatives welcomed, resented, or simply tolerated by Federal and local participants? What or who were the forces driving greater working collaboration at the local level? Has there been greater local participation and decisionmaking in collaborative initiatives over time? Which initiatives have proven more successful over time, in terms of both organization and impact? What factors have seemed to help or hinder collaboration? While information about the experiences with Federal-local law enforcement collaboration in these three cities can hardly be considered representative of other cities' experiences, they do shed light on the variety of forms that Federal-local law enforcement collaboration can take, and on the dangers of making easy generalizations about how such collaboration should, or does, work in practice.

For each of the three cities, the study provides a brief overview of the urban area's recent demographics and crime problems, as well as the general historical development of Federal-local law enforcement collaboration in that city. Then, based on limited interviews and documentary material, a number of Federal-local law enforcement collaborations in the three cities—primarily, Federally-sponsored task forces—are compared and contrasted according to the main type of urban crime-fighting mission involved and the different crime and political environments affecting the collaborations. Special attention is devoted to the structure and management of operations, and the use of Federal prosecution involved in the various collaborations.

A. The Evolution of Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime in Three Cities

1. San Diego: Federal-Local Law Enforcement Collaboration with Deep Roots

San Diego is a city of over 1.4 million, the sixth largest city in the United States. It has experienced explosive population growth in the last two decades. Economic growth has powerfully re-shaped the center of the city, changing what was once a shabby downtown area frequented by sailors on leave into a highly attractive civic and commercial center. There has also been enormous development on the periphery. The city as a whole encompasses not only the relatively small commercial downtown area containing a busy seaport, but numerous geographically distinct neighborhoods and bedroom communities, as well as a number of smaller rural areas dispersed over a number of hills and canyons. To the south of the city limits is the border with Mexico, the site of a constant flow of migrant workers and commercial trade with both legal and illegal dimensions. The majority of the city's residents are middle-class, but there are large Hispanic and black minority communities, some of which are significantly impoverished.

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San Diego's experience with Federal-local law enforcement cooperation extends far back in time, and rests on fertile ground. It can truly be said to have anticipated trends elsewhere in the country by one or in some cases, even two decades, so that an essential framework for cooperation was in place as early as the mid-1970s.

a. Crime in San Diego

While overall crime increased in San Diego along with the rest of the country during the 1980s, it began to decrease in 1991. During the 1990s, San Diego became known as one of the safest big cities in the United States, with an FBI Index Crime Rate per 1,000 population of 49.2 in 1997. The Violent Crime Rate, meanwhile, was 8.2, which was not much higher than the nationwide average of 6.1, and considerably lower than cities like San Francisco (11.3), Dallas (13.8), and Los Angeles (16.0).[191]

Violent crime in fact rose steadily in San Diego County from the mid-1980s (10,733 violent crimes reported in 1984) and peaked in 1992 (25,116 reported violent crimes) before beginning a steady descent that continued through the end of 1998 (16,593).[192] Homicides soared from 163 in 1984 to 278 in 1991, and then dipped to only 86 in 1998, while aggravated assaults increased from 5,624 in 1985 to 15,406 as late as 1994 before falling to 11,501 in 1998. Meanwhile, there was also a noticeable drop in the proportion of violent incidents involving the use of firearms. Robberies with firearms dropped the most, down from 36 percent of all robberies in 1994 to 26 percent of all robberies in 1998. At the same time, the proportion of aggravated assaults involving firearms use fell from 19 percent in 1994 to 14 percent in 1998.[193]

Gangs have been a persistent problem over the last two decades. According to members of the District Attorney's Gang Prosecution Division, the County of San Diego contains approximately 100 street gangs with an estimated 8,000 gang members. There have reportedly been over 300 violent crime cases per year related to gangs in the County of San Diego, including 15-30 gang murders. Gang members are involved in turf-type violence (e.g., drive-by and contract shootings, stabbings at parties, etc.), street robberies, auto theft, and residential burglaries. In addition, many of the gangs are also involved in street-level sales of narcotics.

Narcotics have been a major problem in the crime scene in San Diego for two decades, with rock cocaine being the drug of choice in the late 1980s and early 1990s, and lately methamphetamine leading a new wave of drug manufacturing and trafficking.

Budgets for law enforcement increased steadily during the period in question, with some of the greatest increases occurring in the last several years. Total spending for law enforcement in San Diego County rose from $285,349,023 in Fiscal Year 1991–1992 to $463,367,967 in Fiscal Year 1998–1999. Expenditures for prosecution jumped from $46,379,654 to $115,902,337 during the same period. Even with most types of crime decreasing in recent years, the number of sworn San Diego police personnel rose from 1,971 in Fiscal Year 1994–1995 to 2,053 in Fiscal Year 1998–1999.[194]

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b. The Evolution of Federal-Local Collaboration in Investigating and Prosecuting Urban Crime in San Diego

San Diego is known as a city and county with a high degree of Federal, state, and local law enforcement cooperation. A self-consciousness about cooperation and collaboration is woven into the fabric of the area's law enforcement establishment. This culture of collaboration tends to be inculcated in those coming into the system for the first time. There are several reasons given for this law enforcement culture. Many point to the proximity of the international border with Mexico and the high concentration of Federal law enforcement personnel, including the U.S. Border Patrol, Customs Service, and Coast Guard. Similarly, the high concentration of Federal military establishments in the San Diego area, particularly naval bases and naval air stations, reportedly acted as a strong stimulant to early cooperation, as various authorities came to grips with the jurisdictional complexities of crimes committed on or near Federal establishments or by Federal personnel traveling in the region. While the San Diego region is prey to many kinds of drug-related crime as a result of its proximity to the U.S.-Mexico border, there is also the belief, among several of the law enforcement officials interviewed for this study, that the massive deployment of border control resource in the area has contributed as much to the recent decrease in crime as any dedicated Federal-local anti-drug trafficking collaboration work.

Others looking for keys to the success of inter-jurisdictional cooperation point to the high degree of preexisting local teamwork fostered by the need of several geographically dispersed parts of San Diego proper and its suburbs, separated by hills and canyons, to work together to achieve results. This was one of the major factors behind the establishment in 1966 of the San Diego Association of Governments (SANDAG), which provides an inter-governmental structure for sharing of resources in several areas, including criminal justice.[195] Still others reference the important individual roles played by longstanding County District Attorney Edward Miller, a former Federal prosecutor who cultivated strong ties to the U.S. Attorney's Office and Federal law enforcement agencies during his remarkably long tenure from 1971 to 1995.[196] Under Miller, a significant number of district attorneys were cross-deputized as Federal prosecutors for special cases. To this day, there are close relationships and frequent communication between the DA's Office and the U.S. Attorney's Office. More recently, the prosecutors' relationship has been reinforced by an agreement between the U.S. Attorney and current District Attorney, Paul Pfingst, regarding the prosecution of border drug crimes. Traditionally the province of the U.S. Attorney, the alleged transportation of drugs into the United States from Mexico are routinely prosecuted by the local prosecutor if the drugs are destined for local users (*see* discussion below).

Federal-local collaboration began to take shape in the mid-1970s when the DEA became involved in a highly successful local task force known as the Narcotics Task Force (NTF). NTF is reported to be the second oldest drug task force in the country, and started as a purely local collaboration in 1973. Through a later special agreement with DEA, NTF became the functional equivalent of a DEA State and Local Task Force, with shared decisionmaking and team operational structures, as well as the availability of 'buy money' and overtime to assist local police participation. NTF teams assigned to different geographic districts in the county or to specialized functional activities grew significantly in number during the 1980s. At the same time, Federal collaboration deepened in the late 1980s with the participation of the FBI and the ATF in the District Attorney-led initiatives against local gangs known as 'Operation Blue Rag' and 'Operation Red Rag.'[197]

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Collaboration further deepened in the 1990s with NTF's promotion of the development of the Narcotics Information Network (NIN), an intelligence network that is part of the larger Regional Information Sharing Systems (RISS) significantly underwritten with Federal funds.[198] NIN was begun in 1992 and allows registered law enforcement agencies (currently there are 45) to make inquiries of an expansive database about issues of narcotics trafficking, organized crime, gangs, guns, and white collar criminal activity. It also permits an agency to see whether a suspect who is being investigated is the subject of any other investigation. NIN receives 85,000 inquiries per year, and cooperation has increased significantly every year while duplication of effort has shrunk commensurately.

More extensive Federal-local collaboration occurred pursuant to the 1991 establishment of the California Border Alliance Group (CBAG), part of the Southwest Border HIDTA. The HIDTA collaboration was extensive and led to the creation of several joint task forces, including a special Combined Border Alliance Prosecution Initiative started in 1996 that became responsible for prosecuting the bulk of large-scale border drug cases. The early 1990s also saw the formal establishment of the FBI's Violent Crimes Task Force under the Bureau's Safe Streets Program. Inter-agency communication among all of these collaborations was reportedly extensive and well coordinated. Among the more notable high-level coordination mechanisms is a monthly meeting of key police chiefs in San Diego County with the U.S. Attorney and the District Attorney.

2. Memphis: Building Federal-Local Collaboration Incrementally

Memphis is a city of nearly 600,000 (with a metropolitan area of 1,100,000) that has seen its economic fortunes transformed over the past two decades. From a port and rail center handling agricultural and light manufacturing goods, Memphis has evolved into a huge distribution hub for North America, featuring the world's largest cargo airport and the headquarters of Federal Express (whose airplanes every night converge on the airport for purposes of routing hundreds of thousands of packages across the continent). Tourism focused on Memphis' musical heritage has also helped diversify the city's economy. Economic development has been steady, but its benefits are unevenly divided; despite a healthy 3.7 percent unemployment rate for the metropolitan area as a whole, a much higher rate obtains in Memphis proper, and a significant number of urban poor remain in the city's core.

Unlike San Diego, Memphis had little Federal-local law enforcement collaboration until the mid-1980s, with few external factors militating strongly in favor of collaboration. Instead, collaboration has occurred incrementally, in many cases through the development of strong personal relationships and political decisions taken by local law enforcement leaders in recent years.

a. Crime in Memphis

Memphis has traditionally had high crime rates relative to other large American cities. In 1997, its FBI Index Crime Rate was 100.4 per 1,000 population (compared to a nationwide average of 49.2, which was also San Diego's rate for that year) and a Violent Crime Rate of 18.6 (compared to a nationwide average of 6.1).[199] The city's homicide rates have been quite high, but have declined from higher levels in the mid-1990s (e.g., 188 in 1994 and 191 in 1996 to 122 in 1998). Assaults, however, have climbed during the same period, from

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only 7,435 in 1994 to 16,274. Rape also has increased, from 737 in 1994 to 1,020 in 1997 (but followed by a decline to 751 in 1998).[200]

Despite the economic turnaround, one district attorney described Memphis as a "Detroit waiting to happen." In the last eight years, gangs have emerged as a major source of violent crime. Despite being in denial for some time, Memphis law enforcement has recently acknowledged the full dimensions of the gang problem, estimating perhaps 3,500 gang members to be active in the city. Although the gangs in Memphis are involved in violent crime, their main criminal enterprise is drug selling. Partly in response to this, the District Attorney General established an Anti-Gang Team in 1997 to prosecute gang-related crimes.

b. The Evolution of Federal-Local Collaboration in Investigating and Prosecuting Urban Crime in Memphis

Federal-local law enforcement cooperation has evolved substantially over the past two decades. Cooperation was highly episodic and tenuous until the late 1980s in Memphis. Much of this slow development had to do with the closed, insular nature of the Memphis Police Department (MPD) until recently, as well as difficulties (including low staffing levels and inter-agency rivalries) that the FBI and DEA experienced with their field offices during the 1980s. Until Shelby County District Attorney General William Gibbons took office in 1997, that office had reportedly also shown some resistance not only to Federal-local operational collaboration but also to Federal financial assistance.

Some limited but steady informal cooperation emerged in the drug area in the late 1970s between the police, the Shelby County Sheriff's Office (as part of a Metropolitan Narcotics Unit), and the U.S. Attorney's Office, based on success in a 1978 Federal prosecution involving a gangster named Frank Sensiola. The narcotics work, which featured only limited guidance and involvement from DEA, came to the U.S. Attorney's Office largely due to the personal relationships that certain Memphis police forged with key Federal prosecutors; in turn, this modest Federal-local cooperation built on personal relationships forged earlier in the decade between certain Memphis police officers, a Federal Secret Service Agent, and Federal prosecutors in connection with several forged government check cases. Relations between the U.S. Attorney's Office and the District Attorney General's Office, however, reportedly remained cool.

These limited beginnings gave rise to somewhat greater interaction with the passage of the 1986 and 1988 Anti-Drug Abuse Acts and the increase in the potential attractiveness of Federal drug prosecutions. Although the U.S. Attorney's Office had been reluctant to take pure 'street' cases, and the local DEA office featured only three agents throughout most of the 1980s, during the second half of the decade Federal prosecutors began to accept directly from local police as many as 20 or more cases per year qualified for the Federal mandatory minimum sentences (chiefly, five gram crack cases). Alongside this high volume of cases, Federal prosecutors were also accepting larger numbers of firearms cases from local police, a stream that became a flood with the advent of the Triggerlock initiative at the beginning of the 1990s.

Based partly on the notion that Federal drug prosecutions needed to be more strategically focused, a formal DEA task force known as the Memphis Drug Enforcement Task Force was finally established in 1991,

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and the DEA agent complement grew to six agents. The DEA sought a greater focus on upper-level drug investigations, to be underwritten by the OCDETF program or DEA itself. Mid-level cases were often left to the newly-established Western Tennessee Regional Violent Crime and Drug Task Force, an MJTF that interacted frequently with the DEA and Federal prosecutors, and which was funded through Byrne grants and asset forfeitures from the District Attorney General's Office. At the same time, the U.S. Attorney's Office tightened its drug guidelines: henceforward, only 50 gram crack cases, one kilo powder cocaine cases, and 250 lb. marijuana cases would presumptively be accepted for Federal prosecution. Triggerlock cases also tapered off, with only armed career criminal cases normally being taken.

Steady incremental growth in Federal-local law enforcement collaboration continued to characterize the 1990s, as a variety of new crime challenges presented themselves. In 1992, with the advent of the FBI's Safe Streets Program, a Violent Crimes Task Force was begun, focusing initially on fugitives. Later in the decade, after an astounding 90 bank robberies were registered, and after years of fairly successful informal collaboration between the FBI and the MPD, a Bank Robberies Unit was established within the task force. This was yet another specialized FBI-led task force, following on the heels of an Auto Theft Task Force begun in 1995 to address a significant auto theft problem in the Memphis area. The Auto Theft Task Force itself gave rise to a cargo theft unit to deal with heavy thefts from rail, truck and transportation facilities in "America's Distribution Center." The resulting combined Auto Cargo Theft Task Force has two FBI agents, one U.S. Customs Agent, and 12 Memphis Police officers. Indicative of the FBI's new attitude toward collaboration with police was its approach toward its bank robbery task force begun in the mid-1980s. In the beginning, the FBI was unwilling to let police handle the crime scene. Many years later, crime scenes are worked jointly, on the basis of common procedures.

The U.S. Attorney's Office has also spearheaded Federal-local law enforcement collaboration. In the firearms area, the Office began its own Violent Crimes Task Force. Starting with a Triggerlock component involving Memphis police, ATF, and the Shelby County Sheriff's Office, the U.S. Attorney's Office began a collaboration in 1991 with no funding or MOU. Although Federal gun prosecutions have diminished since then, the collaboration continues with ATF providing equipment, some clerical funding, and overtime pay for local officers. As time went on, the task force assumed responsibility for prosecuting firearms recidivists who emerged from the Safe Streets bank robberies task force. In 1995, a youth firearms component was added to the Violent Crimes Task Force under the leadership of new U.S. Attorney Veronica Coleman. The U.S. Attorney's Office obtained a grant from the Department of Justice under the Anti-Violent Crime Initiative to address youth gun violence. Working with ATF, FBI, MPD, the Distinct Attorney General's Office, Memphis Schools, and the Memphis Juvenile Court, the new collaboration, known as Cease Fire, sought to enforce aggressively the President's new Youth Handgun Safety Act Initiative. In 1997, to ensure smooth coordination between Federal and state prosecutors, the U.S. Attorney began meeting with the new District Attorney General, William Gibbons, on the first Wednesday every month.

With FBI help, the U.S. Attorney's Office also established a Child Pornography Task Force in 1997 that brought together the FBI, the MPD, the Postal Service, the U.S. Customs Service, and the Shelby County Sheriff's Office to tackle the child pornography problem, primarily on the Internet. The task force involves both preventive work involving Memphis schools and Internet service providers, as well as aggressive Federal

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prosecution with the FBI's 'Innocent Images' program. The U.S. Attorney's Office undertakes a good deal of the educational work, acknowledging the potential problem-solving benefits of these efforts relative to simply filing cases.

Finally, an entirely new kind of U.S.-Attorney-driven Federal-local collaboration emerged in 1998 with the U.S. Attorney's Office leading a local Strategic Approaches to Community Safety Initiative (SACSI) project to address the high rate of sexual assault in Memphis. Through a grant from the National Institute of Justice, the U.S. Attorney's Office brought together the MPD, the Juvenile Court, and researchers from the University of Memphis Department of Criminal Justice, among others, to chart a problem-solving approach to the sexual assault phenomenon in the city that includes continuous data analysis. The effort represents a significant evolution in the Federal collaborative role, from primarily furnishing Federal investigative and prosecutorial services to providing a key facilitative environment for local problem solving. This type of effort is also aided by the newly-established Memphis-Shelby Crime Commission, which draws together law enforcement and business community representatives, together with academic researchers, to engage in community education and problem-solving work using nationwide 'best practices' in law enforcement and crime prevention.

3. Detroit: Overcoming a Legacy of Noncollaboration

Detroit, a city of just over one million that has long known as one of America's most economically depressed large cities, has also carried the reputation of being one of its most crime-ridden. For many years, Detroit has had one of the highest crime rates in the country. Recently, however, the city has shown signs of the renaissance that has often been trumpeted by civic leaders, but not yet been realized. Downtown development has expanded alongside plans for new football and baseball stadiums and three casinos, but significantly more investment and lower taxes will be required to begin to fill up the acres of abandoned city blocks that lie outside the immediate riverfront area. Jobs have increased from 1.5 million to 2 million over the past decade, but poverty is so entrenched (the median household income in the 15th Congressional District covering most of inner city Detroit is lower than all but two other districts in the U.S.) and crime has been a way of life for so many Detroit inhabitants that it will take many years to bring Detroit's unemployment rate of 7 percent appreciably closer to Michigan's statewide rate of 3.2 percent. School dropout rates are also quite high. Wayne County, which includes Detroit, had a 6.6 percent dropout rate, while Detroit had a 26 percent rate. One third of the students in the Detroit school system, which was finally taken over by the state, are truant.

Against this challenging backdrop, the city has only recently experienced good working relationships between Federal, state, and local law enforcement officials. For many years, largely coinciding with the tenure of Mayor Coleman Young, relationships between Detroit city officials and Federal law enforcement authorities were quite strained, particularly in matters involving the Detroit Police Department (DPD). Only in the past several years, with new leaders installed in the DPD, Mayor's Office, and U.S. Attorney's Office, have law enforcement relationships become more collegial and collaborative.

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a. Crime in Detroit

Detroit's crime rate has traditionally been very high relative to most other large American cities. In 1997, its FBI Index Crime Rate was 116.7 per 1,000 population, as compared to a nationwide average of 49.2 The Violent Crime Rate, meanwhile, was 24.2, as compared to the nationwide average of 6.1.[201] Drug consumption is a problem as in any large metropolitan area, but trafficking patterns are highly decentralized. Detroit represents a 'user' city and transshipment point rather than a large source or distribution center. As for gang activity, there are no large dominant gangs in Detroit as there are elsewhere. Gangs are small and often based on family or ethnic ties; their flexibility and the intricacy of dispersed gang networks makes them relatively hard to penetrate. While Detroit has experienced a decline in the incidence of rape, robbery, assault, burglary, larceny, and auto theft in 1999 compared to the same 6-month time period in 1998, there has been a puzzling and disturbing 22 percent increase in homicides. While civic leaders have asserted that Detroit is a much safer city today than several years ago in general terms, the fact remains that homicides are a major cause for alarm. During the weekend preceding the visit of this study's researchers to Detroit, nine murders were committed.

Despite falling crime rates overall, there is widespread concern that Detroit could plunge back into the economic decline and despair that caused whole neighborhoods to be ravaged by drugs and gangs and virtually cease to exist as habitable environments. According to one prosecutor interviewed for this study, "disorder reigns in Detroit's neighborhoods." The problems are widely viewed as urgent, but city government is not seen as being able to grapple with them effectively. Over-centralization is a problem at a time when many criminal justice and neighborhood revitalization experts see decentralized solutions as the answer to the city's real rebirth. Validating the "Broken Windows" thesis, low-level offenses like prostitution, vandalism, and street-level drug possession are widely viewed as creating an atmosphere in which serious crime can flourish.

b. The Evolution of Federal-Local Collaboration in Investigating and Prosecuting Urban Crime in Detroit

The story of Federal-local law enforcement cooperation in Detroit is a relatively short one, featuring a somewhat promising beginning in the mid-1970's, a long drought period during the 1980s and early 1990s, and a new era of collaboration beginning in the mid-1990s. There is widespread agreement that the tenure of Mayor Coleman Young represented an era of essential noncooperation, where working relationships between Federal authorities and Detroit police were extremely difficult to forge and maintain, and where relations between state and Federal prosecutors were only adequately sustained, largely because the two U.S. Attorneys preceding the current officeholder, Saul Green, were former local prosecutors.

In the early 1970s, little operational collaboration took place between Federal and state authorities except in the case of certain bank robberies and interstate frauds. Even then, according to some interviewees, the FBI would usually agree to investigate bank robberies only if the funds involved exceeded $5,000 and the case was prominently featured in the media. Limited cooperation between Detroit Police and DEA emerged in 1972 in connection with a well known drug trafficking case involving an individual named Eddie Jackson, and this led in 1973 to the establishment of a modest DEA-DPD collaboration staffed with four police officers

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under the supervision of a DEA agent. Nevertheless, some police recall that at the time, the DPD generally felt that cooperation was a one-way street, with local officers getting insufficient information and training. Distrust between the two organizations increased in the mid-1970s as the DPD admitted investigating a drug trafficking case in 1976 that involved on-site work in Mexico; the police failed to notify DEA about this work until after the fact. Cooperation improved somewhat as a result of a Detroit Police narcotics unit reorganization; by combining in one division the narcotics work of 14 separate precincts, the DPD was better able to manage its investigations across the city and coordinate with Federal agencies through a discrete number of liaison officers.

Despite better communication, it was not until 1982, when DPD, the DEA, and the FBI collaborated on a gang investigation involving a violent organization known as Young Boys Incorporated (YBI), that even modest Federal-local operational collaboration emerged. YBI was a gang of approximately 200 members involved in street-level drug trafficking that also implicated other crimes like extortion and homicide. The gang was estimated to have earned $1 million per week in narcotics trafficking. In 1983 and 1984, using OCDETF funding, DPD, DEA, and FBI formed a task force known as Operation Brown Shark that led to a first phase of 48 Federal convictions. Federal wiretaps figured heavily in the investigation, and a second phase extending somewhat longer led to additional convictions. The investigation was viewed as a significant accomplishment in building bridges between local police and Federal law enforcement.

This modest triumph was, however, short-lived. While some lower-level police officials were able to maintain discreet, cordial relations with Federal law enforcement agents (what several Federal and local officials described as "under the table" cooperation), an unofficial top-down policy of noncooperation was communicated by Coleman Young's administration. Many police officers were simply told they were forbidden to talk with Federal law enforcement agencies. Federal agents were told not to meet in city buildings. Without the glue of local police cooperation and information, task forces and other collaborations, including those between Federal agencies, found it harder to take root. In the meantime, Federal cooperation flourished with the Michigan State Police, with the latter joining a number of DEA-related task forces focused on suburban Detroit and Southeastern Michigan, as well as the Detroit Airport.

Some thawing took place in the early 1990s with the establishment of an ATF Achilles Program Task Force in 1990, but that arrangement was not formalized until 1994. That year, a sea change took place in Federal-local law enforcement relationships due to the election of a new Detroit Mayor, Dennis Archer, and the appointment of a new police chief, Ike McKenna. Equally important was the appointment of a new U.S. Attorney, Saul Green, who talked explicitly about building strong Federal-local law enforcement relationships, as well as the turnover of many SACs in the various Federal law enforcement agencies. Within a short time, the U.S. Attorney had initiated an informal Federal Law Enforcement Committee that met on a monthly basis, and to which both the Detroit Police Chief and a Michigan State Police representative would be invited. Not long thereafter, a kind of informal "Number Two" group was formed that promoted contacts among the key assistants in all of the Federal law enforcement agencies in Detroit, including the Executive Assistant U.S. Attorney. These linkages unfolded against the backdrop of an even broader anti-crime coalition known as the Alliance for a Safer, Greater Detroit that brought together community, business, and law enforcement leaders in a partnership "to reduce crime and the fear of crime in Detroit and improve the image of Detroit as a safer

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place for residents, visitors, and business."[202] Serving on the Alliance are representatives from the Sheriff's Office, DPD, the state judiciary, Federal law enforcement (ATF, DEA, U.S. Secret Service, U.S. Attorney), as well representatives from the private sector, the health care system, city government, civic and social services organizations.[203]

By the mid-1990s, operational changes were unmistakably evident. An FBI Violent Crimes Task Force was created with significant DPD cooperation and involvement. DEA's MET Program was invited to work in Detroit several times. The first of three Weed and Seed sites were inaugurated with the dedicated backing of the U.S. Attorney's Office. DPD officers began to be assigned in significant numbers to prevention programs like D.A.R.E. and ATF's Gang Resistance Education and Training (GREAT) program. The new era could be said to have been truly confirmed in 1997 by the active collaboration of DPD with the DEA in mounting several Federal cases against the Lovitt family, a significant narcotics trafficking group that had apparently corrupted several judges in Detroit with a number of payoffs. The case involved significant undercover operations using DPD officers and DEA money to bring down 10 family members, all of whom received sentences of five years or more in the Federal system. Many observers viewed the case as confirming the benefits of Federal-local law enforcement cooperation and helping DPD overcome its Coleman Young-era isolation. Another major signal of the new era has been the willingness of DPD's Internal Affairs Unit to work closely with the FBI on a large number of police corruption cases (nearly a dozen were filed in 1998–99). Corruption within the force has reportedly been significant, involving several individual officers having engaged in shakedowns and other 'freelance' work. Since 1996, the FBI and U.S. Attorney's Office have worked on a steady stream of investigations in this area.

Today, Federal-local operational law enforcement cooperation appears to be proceeding on a new basis. The willingness of all the key agencies to work together is palpable, yet the crime problems in Detroit are so severe and resources so inadequate that sustaining the momentum of cooperation will prove challenging in the years ahead. Another major obstacle remains the poor state of the Detroit Police Department: the agency is woefully short on technology and adequately trained police, and is housed in an antiquated building that several Federal law enforcement agents say impedes the potential for co-location of task force personnel there. The DPD continues to use index cards to collect their intelligence, and computers are severely rationed within the department. Statistics are very poor, making problem-solving work and the targeting of hot spots exceedingly difficult. Only four computers exist within the Narcotics Bureau, and those are located in a secure area so that narcotics officers are unable to access them on a regular basis. There is also no computerized dispatching system or uniform digital communications system. Meanwhile, few officers have experience working with Federal agents or complying with Federal evidence requirements. All of this makes the Federal investment in cooperative work even more difficult and time-consuming, thereby reducing its attractiveness to Federal agencies with their own Federal priorities. The result is an exceedingly fluid and evolving situation in Detroit, with most collaborations existing on a very limited *ad hoc* basis.

Overall Federal-local law enforcement coordination, however, continues to improve through two important mechanisms: an expanded monthly forum convened by U.S. Attorney Saul Green that has included additional state and local law enforcement agency representatives for multilateral problem solving and consensus-building, and the Southeastern Michigan HIDTA. The former, originally confined to Federal law

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enforcement authorities, has since been broadened to include a wide variety of community representatives through the assistance of the office's LECC coordinator. The latter, established formally in 1997, had problems hitting its stride in its first year of operation. By mid-1999, however, the organization and its several specialized committees had become, according to several law enforcement representatives, a reasonably effective information clearinghouse that enabled a wide range of state and local agencies to hammer out problems and concerns and select overall law enforcement priorities for Detroit. This is true despite—or perhaps because of—the jockeying for HIDTA money that has become a major preoccupation of HIDTA member agencies. Among the most important and central achievements of the HIDTA has been its core "deconfliction" work to ensure non-duplication of activity; according to one source, most Federal and state law enforcement agencies are well on their way to ensuring 100 percent compliance with necessary notifications, while even the DPD has been making good progress in reaching that goal. This is important, since Federal-local operational law enforcement cooperation in Detroit is a rather jumbled affair, proceeding apace at the level of actual operations, but presenting a confusing array of overlapping arrangements as between the Federal agencies involved and their funding streams (many Federal and local law enforcement officials interviewed seemed to have difficulty keeping straight the names and current missions of many of the FBI, DEA, and ATF-supported collaborations). This is a challenge for strategic planners at the upper levels.

The biggest challenge to cooperation in Detroit continues to be meshing the professional cultures of local police and Federal law enforcement agencies after years of limited interaction. While there is enthusiasm for collaboration, often the practical tools and institutional memory are missing. Many DPD units must start from scratch when it comes to collaboration and mounting longer-term investigations. This challenge has been heightened, say many observers, by generational turnover in all agencies, so that there are now fewer veterans on both sides who understand what training is about or how paperwork is handled. Nothing can be taken for granted; as one Federal agent said: "Cooperation doesn't happen automatically. You have to sell it every day."

B. Federal-Local Law Enforcement Collaborations in the Three Cities

Figure 22. Task Forces and Other Federal-Local Collaborations Examined in This Study

Gang-Focused Collaborations
- *Violent Crimes Task Force Gang Group (San Diego)*
- *Gang Task Force (Memphis)*

Violent Crime and Firearms-Focused Collaborations
- *U.S. Attorney's Violent Crimes Task Force (Memphis)*
- *Strategic Sexual Initiative on Assault (Memphis)*
- *Detroit Achilles Task Force (Detroit)*
- *Violent Crimes Task Force (Detroit)*

Drug-Focused Collaborations
- *Narcotics Task Force (San Diego)*
- *Drug Enforcement Task Force (Memphis)*
- *DEA Group 6 Task Force (Detroit)*
- *DEA Group 5 Task Force—REDRUM (Detroit)*

Mirroring national trends, Federal-local task forces and other collaborations have proliferated in San Diego, Memphis, and Detroit over the past two decades, creating a dense web of interagency communications channels and joint operational activities. Starting in many cases with a general national prototype, these Federal-local law enforcement collaborations have evolved in different ways based on their local environments and operational needs. In the case of FBI Violent Crime and DEA State and Local Task Forces, however, many organizational arrangements are kept uniform and local adaptations are relatively circumscribed.

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The following subsections discuss 10 of these Federal-local law enforcement collaborations, clustered according to their principal mission in the areas of gangs, violent crime, and drugs (*see* Figure 22). As will readily be seen, however, the connections between these three subjects frequently result in a collaboration drawing in many other kinds of criminal activity and offenses other than those suggested by the group's name or central mission.

Information for this study was drawn from interviews with Federal, state, and local law enforcement officials and Federal and state prosecutors involved in the various collaborations. The interviews were conducted during three- (Detroit, Memphis) or four- (San Diego) day visits to the three cities in question. Two gang-focused collaborations are profiled, together with four violent crime-focused collaborations and four drug-focused collaborations. The origins, mission, membership, and key operations of each collaboration are presented, followed by a discussion that compares and contrasts each group based on how they address the dual tensions of structuring and managing collaborative relationships and managing concurrent jurisdiction.

1. Gang-Focused Collaborations

In San Diego and Memphis, investigators for this study met with various law enforcement officials and prosecutors familiar with and/or involved in gang task forces supported by the FBI's Safe Streets Violent Crime Initiative (SSVCI), and were able to obtain a significant range of views on the operations of those task forces. In Detroit, the investigators were able to speak with only two people involved in the SSVCI gang task force, which was reportedly undergoing considerable reorganization. Accordingly, only the task forces in San Diego and Memphis are discussed in any depth. While a few other task forces in and around those two cities devote some of their work to anti-gang activities, they either feature significantly less Federal involvement or have a jurisdictional reach that goes far beyond the inner city or metropolitan areas (e.g., there is a Byrne-funded Western Tennessee Violent Crimes Task Force that covers a large portion of the Western part of the state and has only *ad hoc* participation by Federal agencies).

As FBI-sponsored SSVCI gang task forces, the San Diego and Memphis collaborations have the general mission outlined by the FBI in its nationwide strategy on gangs, and operate according to general standards established for all Violent Crime Task Forces under the SSVCI. The FBI's gang strategy emphasizes proactive, long-term investigations that seek to identify a community's violent street gangs as a priority matter and to apply to them the investigative techniques and strategies that the FBI had successfully used to combat traditional organized crime. These techniques include development of a sophisticated intelligence base, undercover operations, and the applications of various electronic surveillance techniques. The FBI typically contributes a number of key equipment items and expenses to task force operations, including pagers, cellular phones and air time, covert telephone lines, vehicle rentals, and money for informants.

a. The FBI Violent Crime Task Force Framework

To structure formal relationships with state and local law enforcement agencies under the SSVCI, the FBI utilizes a standardized Memorandum of Understanding (*see* Appendix B) that covers the following topics:

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- Mission of the task force;
- Federal deputization of state and local law enforcement officers;
- General direction of the task force under an executive board made up of participating agency representatives;
- Day-to-day supervision of the task force under an FBI Supervisory Special Agent (SSA);
- Adherence of investigations to Federal Attorney General investigative guidelines, guidelines on undercover operations, and guidelines on informants and cooperating witnesses;
- Adherence to FBI paperwork policies and regulations;
- Overtime pay for state and local participants in the task force;
- Arrangements for equipment, space, and personnel contributions (the latter must be full-time contributions); and
- Allocation of liability.

Most of the MOU and its specific wording are mandatory and non-negotiable.[204] Generally, only the details of the provisions dealing with equipment, personnel, and space are discretionary, although flexibility is permitted to describe the organizational structure (so long as final day-to-day supervision of the task force rests with an FBI agent). Two interesting provisions deal with the handling by the task force of media relations and concurrent jurisdiction. With respect to the media, the MOU contains mandatory language requiring coordination and consensual decisionmaking with respect to all press releases and statements. On dual jurisdiction, the MOU states that the criteria for prosecuting a case in a particular jurisdiction "will focus upon achieving the greatest overall benefit to law enforcement and the public," and that any jurisdictional issues "will be resolved through discussion among all investigative agencies and prosecutive [sic] agencies having an interest in the matter."

b. Description of the Gang Task Forces Encountered in This Study

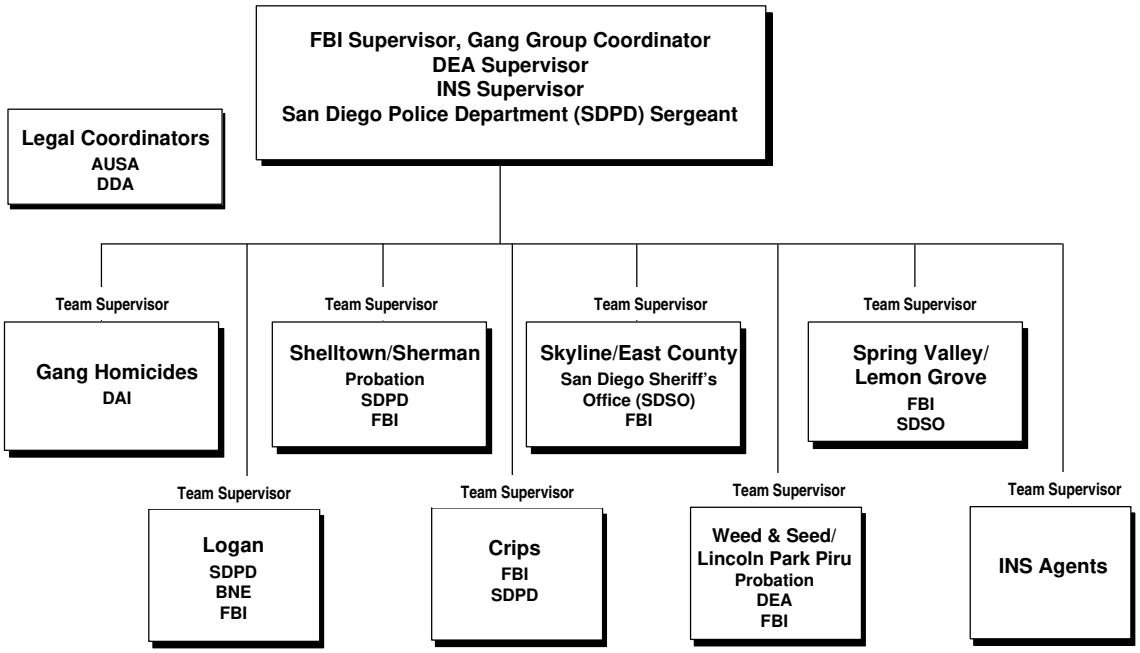
San Diego Violent Crime Task Force Gang Group

As its name suggests, the gang task force in San Diego is formally denominated a 'group' within an integrated FBI Violent Crime Task Force Structure that also includes a Fugitives Group emphasizing maximum coordination among Federal agencies in the apprehension of fugitives in the Southern District of California, and a Major Offenders Group concerned with particular violent crimes such as kidnapping, extortion, bank robberies, bombings, and arson. The Gang Group is the largest of the three units, which is somewhat unusual for most cities. The group has a clear mandate to pursue gang violence, often with a drug connection, and to bring together people and organizations with gang expertise to combat the problem. The collaboration has built-in incentives for the FBI and San Diego Police Department (SDPD). The SDPD wants to reduce violent street crime using Federal tools; the FBI is looking for high-level cases. The FBI is able to use the crime analysis unit of the SDPD and street-level contacts of SDPD officers to develop a large intelligence base. The Task Force employs a full-time analyst who analyzes gang crime statistics to determine which gang or gang-controlled area is most taxing the resources of local law enforcement. Local police working on the task force are able to access sophisticated Federal tools, including surveillance methods. The ultimate objective is to use Federal and state prosecution to tackle entire gang units (particularly leadership

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groups, if they exist), rather than simply individual gang members *per se.* The task force existed on an informal basis as early as 1988, with 20 officers and agents involved. Today, with significant FBI SSVCI program support, there are about double that number of participants. The member agencies involved now include the FBI, DEA, SDPD, INS, the County Sheriff's Office, and the San Diego County Probation Office. All local officers are deputized as Federal agents. Two Assistant U.S. Attorneys work with the task force, as does a deputy district attorney[205] (*see* Figure 23). There is also significant funding from the Weed and Seed Program, and from the regional HIDTA.

Figure 23. San Diego Violent Crimes Task Force Gang Group



Source: Narcotics Task Force

Over the years, the Gang Group has targeted gangs whose operation as a "continuing criminal enterprise," size, and impact on drug violence in San Diego County has been significant. Among the major successes have been certain Federal prosecutions of local members of the California Mexican Mafia (La EME), a group that originated in the California Penal system); significant dismantling of the Logan Heights Red Steps Gang, which terrorized a large district of the city; and a major breakup of several black gangs in the Lincoln Park area of San Diego. In cases where there is a drug nexus, an OCDETF investigation may result. Some county and local participants expressed concern about Federal gang task force work focusing too heavily on leaders' drug connections (as a result of Federal priorities and access to OCDETF money as well as possible forfeitures) to the exclusion of prosecutions against younger, lower-level street thugs committing a larger share of street violence. However, it was conceded that other enforcement initiatives, such as the JUDGE unit (a

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Byrne-funded MJTF focused on drug-and gang-involved probation offenders) was often better situated to handle this work.

FBI Memphis Gang Task Force

In 1992, the FBI created a Gang Task Force with MPD and the Shelby County Sheriff's Office. The group had an MOU and formal organizational structure. In 1996, however, there were several senior staff changes at the MPD, and they withdrew their officers from the task force, ostensibly due to manpower concerns. The formal arrangements lapsed. In 1997, however, the U.S. Attorney's Office approached the FBI and suggested a four-way collaboration with a local anti-gang unit headed by the District Attorney General (which was already receiving Federal funding through a Law Enforcement Block Grant shared between city and county law enforcement agencies) and supported by the Shelby County Sheriff's Office (through its Street Crimes Unit and Abatement Team). The FBI agreed to chair the informal group and provide three dedicated FBI agents. The task force has come to include the Secret Service (providing assistance with fraud and money laundering cases), the DEA, the ATF, the INS, and the State Corrections Department. Recently, MPD has assigned two police officers temporarily to the task force. Since the collaboration's new start in 1997, however, the FBI has not provided a steady funding stream for the task force, so there has been no Federal overtime or equipment provided. While the FBI facilitates surveillance efforts, overall intelligence-gathering within the collaboration builds on a database kept in the District Attorney General's office containing a wide range of criminal gang intelligence information.

The task force's work targets individuals and gangs alike, the most prominent of which is the Gangster Disciples organization whose home base is in Chicago. Several successes have been achieved against this organization. Another major target has been the Traveling Vice Lords. Crimes that the task force focuses on include homicides, drug trafficking, illegal firearms possession, and numerous types of fraud. Since its inception, over 50 homicide indictments have resulted. Wherever possible, RICO or Continuing Criminal Enterprise charges are sought to be filed, although it is acknowledged that these cases are difficult to build and time-consuming. The key effort is understanding the particular organizational structure involved and seeking to disrupt it, taking advantage of warring factions and internal dissent. OCDETF investigations are utilized frequently, which allows for Federal funding to pay informants, purchase equipment, and relocate witnesses. The sustained work of the task force is viewed as more effective than episodic Weed and Seed sweeps, which in the opinion of several task force members only results in criminals lying low for a few weeks and then reappearing. There have, however, been several similar 'zero tolerance' sweeps with the assistance of the Tennessee Highway Patrol that have been effective. Federal prosecution generally is used in gang cases, in order to take advantage of Federal wiretaps (Tennessee does not have a state wiretapping statute) and the Federal grand jury (which is often helpful in subpoenaing telephone records).

c. Structuring and Managing Federal-Local Law Enforcement Collaboration on Gangs

The two task forces share basic FBI operating principles and policies, but differ significantly in their organizational formality. The San Diego task force is organized around formal relationships memorialized in an MOU. Following the Memphis Police Department's withdrawal from a formal relationship in 1996, the

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Memphis task force has been informally structured by design. The lack of a full-time police presence on the Memphis Task Force has limited somewhat its flexibility in undertaking certain kinds of longer-term investigations, but not proven detrimental in practical terms, according to the Federal participants.

The differences in formality affect the structure and governance of the two task forces. The San Diego Gang Group falls under the general supervision of the Violent Crimes Task Force as a whole, which is managed by an executive committee made up of the FBI SAC, the DEA SAC, and an SDPD captain. An INS agent also participates in management (*see* Figure 23). The three main supervisors meet weekly, and sometimes semi-weekly, to discuss all issues, including those touching on personnel. The FBI and DEA maintain parallel files, but paperwork complies with FBI requirements. The Gang Group is composed of several geographically based teams that are co-located in space provided by the U.S. Attorney's Office. The DEA and SPD Street Gang unit have two teams under their control, while the FBI has three teams and the INS has one specialized team. Each team generally has about five people, who report to one of a diverse group of team leaders that includes SDPD sergeants as well as FBI agents. There is a general gang unit meeting every week, at which the entire task force meets with the gang detectives from local police departments. There are also frequent meetings with AUSAs and the deputy district attorney assigned to the task force. The teams share large amounts of information between them, as well as resources; there is also frequent collaboration on particular gang targets.

The Memphis Task Force, by contrast, is not co-located and there is no formal structure or governance. There are, however, weekly meetings every Wednesday morning at the FBI's office to focus on gang-related crime. The FBI SAC sets the agenda, but does not direct the discussion. The informal co-chairmen of the task force are Director of the Anti-Gang Team in the Shelby County District Attorney's Office and an Assistant U.S. Attorney. Although there is no MOU for the task force as a whole, there is an MOU between the participants regarding the sharing of gang intelligence. All members of the task force attend the meetings voluntarily; according to one participant "they are there because they want to be there." Information-sharing constitutes the centerpiece of the group's work, with an expectation that duplication of effort will be avoided, and that collaboration will result in better investigative work against particular gang members. A primary source of such information is the Shelby County District Attorney General's Anti-Gang Team that began work in 1997 and that specializes in anti-gang work of both a preventive and prosecutorial nature. Decisionmaking is quite flexible and open, with members deciding consensually which agency will serve as the lead agency on an investigation, and whether a case should be brought Federally or through the state system.

Federal and local participants' views on Federal-local law enforcement collaboration were remarkably consistent despite the very different local environments and organization of the two gang task forces. All participants were highly supportive of collaborative work, although there was somewhat greater concern about the future of collaboration in Memphis due to the lack of a full-time task force commitment by the Memphis Police. FBI agents were enthusiastic about the local knowledge they had accumulated through collaboration with the police, and also cited cooperation from the Shelby County correctional authorities, which has enabled the FBI to conduct surveillance on local inmates. FBI agents and the U.S. Attorney's Office in Memphis lauded the role that the District Attorney General's Office had played in confronting the gang problem in Memphis and emphasizing the importance of local law enforcement participation. Information-sharing was

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fairly consistently viewed as the most difficult aspect of Federal local collaboration—the area where interests otherwise aligned might nevertheless diverge. While open information-sharing was viewed as critical for minimal collaborative success, it was widely acknowledged by those interviewed that rational self-interest and prudence might restrict the sharing of certain informant information in the interest of officer and informant safety. In Memphis in particular, the common intelligence base was viewed as having emerged very slowly and would continue to require patience and trust to expand.

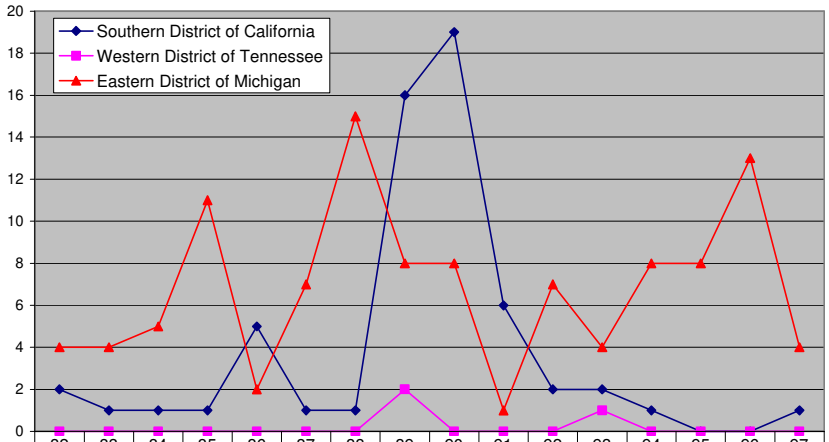
Interviewees were unanimous in saying that consistent, trustworthy personal relationships were critical to successful collaboration. This was true, according to different interviewees, even if a strong MOU was in place. Police said it was difficult to build such relationships with FBI agents due to the frequent transfer of the latter around the country, but that this problem was becoming less of a problem based on the increasingly collaborative atmosphere in both cities. San Diego police also noted that the longstanding institutional framework created by the Gang Group and the history of collaboration in San Diego further minimized these occasional disruptions. Two complaints surfaced among local participants that were heard in all three cities: the burdensome nature of Federal paperwork requirements and the perceived slowness of Federal agents and prosecutors in reaching agreement on strategic priorities and concluding investigations. Federal agents and police in both cities conceded that the volume and detail of Federal paperwork requirements as well as more stringent evidentiary expectations weighed heavily on local police, but said that the latter were increasingly taking these matters in stride as more and more officers become accustomed to task force work.

d. Managing Concurrent Jurisdiction in the Gang-Focused Collaborations

Participants in both task forces expressed satisfaction with the way in which jurisdictional decisions were made—both initial decisions about building investigations and later decisions, if different, about where to file cases. In both task forces, Federal and state prosecutors play influential, proactive roles in structuring investigations. All task force participants said they believed Federal jurisdiction was used strategically to handle cases against the highest-level, most complex gangs involved in drug trafficking and violent crime. There was an effort to build longer-term investigations that could result in RICO or Continuing Criminal Enterprise (CCE) charges being brought against large numbers of gang members. In these cases, procedural advantages such as limited immunity for informants, and more liberal rules on accomplice testimony and joinder of defendants, could result in as many as 25 to 30 gang members being tried together. It was acknowledged, however, that these cases are very time-consuming and labor intensive, and that often, key gang members can be charged with simpler drug trafficking and firearms offenses. As Figure 24 shows, Federal CCE prosecutions were quite rare in the three judicial districts under discussion over the past decade and significant numbers of defendants in a given year often simply reflect a fortuitous coming together of a long and difficult investigation. San Diego interviewees further acknowledged that some of the relative advantages of Federal prosecution in the violent crime area had diminished with passage of the California Three Strikes law in 1994, as well as the state's adoption of a 'use immunity' statute within the last two years. In part due to this less pronounced prosecutorial differential between the two systems (and the high volume of cases in Federal Court in San Diego), San Diego task force prosecutors estimated that only about 20 percent of the task force's cases were filed in Federal Court. By contrast, Memphis task force prosecutors estimated that more than 80 percent of their cases were brought in Federal Court.

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Figure 24. Defendants in Cases Commenced in Three Federal Judicial Districts by Most Serious Charge, 1982-1997
Continuing Criminal Enterprise Cases



	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
Southern District of California	2	1	1	1	5	1	1	16	19	6	2	2	1	0	0	1
Western District of Tennessee	0	0	0	0	0	0	0	2	0	0	0	1	0	0	0	0
Eastern District of Michigan	4	4	5	11	2	7	15	8	8	1	7	4	8	8	13	4

Source: Federal Judicial Center
NOTE: Offense classification by 4-digit code utilized by Administrative Office of the U.S. Courts

State and Federal prosecutors affiliated with the two task forces stated that there was an informal, ongoing dialogue for making jurisdictional decisions. DAs and AUSAs will seek to reach agreement on jurisdiction as early on in the investigation process as possible in order to ensure that appropriate evidence is obtained and the greatest prosecutorial advantages (both substantive penalties and procedural tools) are available. Longer-term investigations of well-established gangs will usually seek to take advantage of Federal prosecution, but everything depends on the specific information leads and emerging evidence being collected. In any event, once an investigation nears completion, Federal prosecution is seen as conferring considerable leverage in negotiations with defendants: frequently, state prosecution is offered to defendants as a less severe alternative to Federal prosecution if the defendants agree to provide useful information. Also, Federal jail facilities are viewed as much safer than state facilities, which helps protect witnesses from rival gang members or other threatening individuals.

2. Violent Crime-Focused Collaborations

Federal-local violent crime collaborations can sweep in a wide range of different missions and programs that defy simple classification. These range from formal FBI SSVCI task forces to special locally-initiated and grant-funded collaborations such as the Memphis Strategic Team Against Rape and Sexual Assault. Four violent crime collaborations in San Diego, Memphis, and Detroit are highlighted in this study.

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a. Different Types of Federal-Local Law Enforcement Collaborations Focused on Violent Crime

In this study, four very different types of Federal-local violent crime-focused collaborations were encountered in the cities of San Diego, Memphis, and Detroit. Generally speaking, violent crime collaborations have tackled some of the most diverse urban crime phenomena, from bank robberies to kidnappings to illegal firearms possession. Yet few of these types of cases have been undertaken in most urban crime settings unless there have been special indicia implicating a clear Federal nexus. These indicia typically include interstate criminal activity, but they often involve larger scale crime rings with serial or patterned phenomena. Since the late 1980s, Federal investigations of violent crime activity have often probed firearms violence and various gang-driven activities such as extortion, murder-for-hire, and serial home invasions. The four types of violent crime collaborations encountered in this study are merely suggestive of the many kinds of violent crime collaborations that do or could exist in this country.

One major type of Federal-local violent crime collaboration, already alluded to, are FBI-sponsored SSVCI Violent Crime task forces. Depending on the particular urban problems involved, these task forces may focus on bank robberies, armed robberies, kidnapping, extortion, murder for hire, firearms violations, and violent offenses falling within the Interstate Transportation in Aid of Racketeering statute or the Hobbs Act. There are also specialized SSVCI Interstate Theft and Major Offenders Task Forces that target violent major theft groups whose crimes include armed truck hijackings, armed automobile hijackings, and auto theft and major serial jewelry robberies. The FBI task forces operate under a general MOU of the kind discussed above in connection with FBI gang task forces.

Another category of violent crime collaboration includes collaborations that originated under the Attorney General's Anti-Violent Crime Initiative (AVCI) and that still generally operate under U.S. Attorney leadership. Although several of these task forces later consolidated with FBI task forces, in several cities (such as Memphis) they have endured, even as the ACVI's one-time funding allocation dried up (they have later been sustained by the respective U.S. Attorneys' Offices' general budgets). Today, these task forces tackle specialized problems that may not fall fully within SSVCI's priorities and mandates. In Memphis, for example, gun violence is the focus, and the U.S. Attorney's Office has teamed up with the ATF and relied on that agency's program mandates to help fund collaboration with local police and prosecutors. These other violent crime task forces may or may not have an MOU memorializing certain understandings with Federal and local participants. If AVCI money has been exhausted, there may not be any money for police overtime except through other funding pools (such as ATF money in Memphis).

Yet another type of violent crimes collaboration encompasses traditional ATF firearms-focused task forces like those operating under the agency's Achilles Program. These task forces have special agreements covering overtime arrangements with police, but may or may not have overall MOUs spelling out other task force operational details. This study encountered such a task force in Detroit as part of ATF's Achilles Program. In general, ATF task forces are more informally structured, and are often folded into other collaboration structures with non-ATF leadership.

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Finally, there may be other special collaborations that do not owe their origins to any Federal congressionally-mandated program but are rather locally-initiated creations that are largely self-financed or supplementally-funded by Federal grants. This study interviewed participants in such a collaboration in Memphis, in the form of the Memphis Strategic Team Against Rape and Sexual Assault. The STARS team resulted from a grant application submitted by the U.S. Attorney's Office in Memphis in connection with the Strategic Approaches to Community Safety Initiative (SACSI) developed by the National Institute of Justice and the Bureau of Justice Assistance. STARS is not a pure law enforcement collaboration, but rather a unique empirically-oriented initiative that unites a wide range of law enforcement and prevention-focused organizations in a common problem-solving endeavor.

b. Descriptions of the Violent Crime Collaborations Encountered in This Study

U.S. Attorney's Violent Crimes Task Force (Memphis)

The U.S. Attorney's Violent Crimes Task Force in Memphis has two components: a Triggerlock component focused on violent offenders illegally carrying weapons, and a Cease Fire component addressing the trafficking of firearms to juveniles.

The Triggerlock component originated with the national Triggerlock initiative in 1991; the ATF, U.S. Attorney's Office, Shelby County Sheriff's Office, and Memphis Police Department formed a task force in that year to take advantage of the Federal laws that targeted repeat violent criminals carrying firearms. Since that time, the task force has accepted for Federal prosecution a significant number of firearms cases based on ATF paperwork requirements. Federal prosecutors interviewed for the study indicated that very large numbers of such cases were accepted in the early 1990s, but it later became difficult to handle such large numbers and the local District guidelines governing weapons cases were tightened. If a firearms case is approved by a senior prosecutor, the case agent runs a full arrest history on the subject and gathers all documentation on indictments, convictions, and time served. Then he interviews the suspect, gets fingerprints, tests the firearm, and types up the paperwork. The biggest challenge, however, appears to be ensuring that local information gets into the hands of ATF agents and Federal prosecutors. For some time, police officers had arrest and case processing information, but often spotty information on an offender's criminal history.[206] There was no Federal money involved in Triggerlock initially, so the task force developed in an *ad hoc* fashion without an MOU. Currently, however, the ATF provides office space and equipment (including surveillance equipment) for the Triggerlock unit, as well as access to information from the ATF Gun Tracing Center. The ATF also provides up to $13,000 per year for local officer overtime. There are currently three Memphis police officers, one ATF agent, one Sheriff's deputy, and one AUSA in the unit.

Although Triggerlock as a national initiative fell out of favor in Washington by the mid-1990s, the Triggerlock unit in Memphis retained its name and was united under U.S. Attorney leadership with another local initiative, known as Cease Fire, in 1995. Cease Fire owed its start to U.S. Attorney Veronica Coleman, a former Juvenile Court judge who obtained a two-year Anti-Violent Crime Initiative Grant from the U.S. Department of Justice to focus on gun trafficking involving juveniles. Memphis and Shelby County had earlier that year experienced a 39 percent increase in weapons possession on school campuses, and a 50 percent

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increase in the number of youth charged with reckless endangerment with a weapon. Forty juveniles had been charged with some kind of homicide. Under Coleman's leadership, the newly-formed Cease Fire program brought together under an MOU the FBI, ATF, MPD, Sheriff's Office, DA's Office, the Memphis Schools, and the Memphis Juvenile Court. It also sought to coordinate the work of other Federal-local task forces in furtherance of the Cease Fire Program's aims. The U.S. Attorney's Office provided office space for all affiliated agents, while ATF picked up overtime and equipment for task force unit operations. Currently, there are three local police officers, one ATF agent, and one AUSA assigned to Cease Fire. Since many of the most serious youth crimes have been committed with firearms, the group's focus has been to prosecute adults who unlawfully provide weapons to juveniles. A preventive dimension has also been added, with considerable education and outreach designed to keep weapons from reaching youth through the schools and other channels. Overall, a three-fold problem-solving approach was adopted: (1) discovering how many children have been obtaining guns; (2) determining what patterns in gun procurement have been occurring, in order to formulate policies deterring distribution; and (3) developing prosecutable cases against adults putting guns in the hands of children (for other materials describing the Cease Fire program, *see* Appendix C).

The two parts of the VCTF have worked energetically on their respective objectives over the past several years. Triggerlock strategies have changed little over the years, although there has been a curtailment of Felon-in-Possession cases and much greater emphasis exclusively on Armed Career Criminal prosecutions. Due to the initial cascade of cases that overwhelmed both Federal prosecutors and judges, Triggerlock work has gradually become more selective. The Cease Fire unit's work, meanwhile, has been well-received in the community, although statistics only tell part of the story. During the one-year period following the establishment of the task force, task force records showed that 748 juveniles were processed in Juvenile Court with firearms. Only 81 percent of all arrestees were actually interviewed, and 262 weapons were traced. Many of the arrestees denied weapons possession or refused to talk to interviewers. But significant amounts of relevant data were obtained, helping with the targeting of both educational and prosecutorial efforts. In addition, a school safety video was made, a media campaign was launched, outreach was conducted with community and neighborhood associations and public housing authorities, and training was conducted for county and private school security officers. Eventually about 12 cases a year were brought, including the first case in the country brought under the Youth Handgun Safety Act (18 U.S.C. sec. 922(x)) and a number of Gun-Free School Zone (18 U.S.C. sec. 922(q)) cases. Juvenile gun crimes over a three-year period (1996–1998) declined between 6–10 percent, although other factors besides the efforts of the Cease Fire initiative were likely involved.

Memphis Strategic Initiative on Sexual Assault

The Memphis Strategic Initiative on Sexual Assault, also known as the Memphis Strategic Team Against Rape and Sexual Assault (STARS), is among the most innovative Federal-local law enforcement collaborations currently operating in the United States. One of five demonstration projects funded by the National Institute of Justice (NIJ) as part of the Strategic Approaches to Community Safety Initiative (SACSI),[207] the Memphis initiative grew out of a proposal led by the U.S. Attorney to attack a sexual assault problem that was resistant to existing law enforcement strategies, and that had grown despite nationwide declines in rape and sexual assault. As with other SACSI proposals, the Memphis team sought to target a

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particular criminal activity for data-driven problem solving and more targeted prevention and prosecution efforts. Data was to be carefully and continually analyzed in the service of empirically-evaluated law enforcement strategies (*see* Figure 25). The U.S. Attorney's leadership of the initiative was remarkable and somewhat controversial: sexual assault was clearly a local problem susceptible to local prosecution under state law. Still, many supported Federal coordination of an effort uniting a broad spectrum of local agencies and academic resources in a common enterprise against a seemingly intractable problem.

Ultimately, following award of the project in 1998, the U.S. Attorney's Office brought together the following diverse organizations within the initiative's working group: Memphis Police Department, the Memphis-Shelby Crime Commission, the Shelby County Sheriff's Office, the University of Memphis Department of Criminal Justice, the Memphis Director of Public Services, the Juvenile Court of Memphis and Shelby County, the Tennessee Department of Children Services, the District Attorney General, the Shelby County Public Defender, the Memphis Sexual Assault Resource Center, the Department of Preventive Medicine at the University of Tennessee, the Shelby County Victim Assistance center, and the Shelby County Correctional Center. Other groups to be added include youth and community organizations, churches, probation and parole authorities, Memphis Neighborhood Watch, and state health and human services agencies. NIJ grant funding is minimal, supporting only the special coordinating AUSA and an evaluation by outside researchers.[208] It is a testimony to the community's interest in collaboration that the Memphis Police are willing to be integrally involved in the project, and that state prosecutors have pledged to prosecute vertically any sexual assault cases arising through enforcement activities. It is obvious that the Federal contribution revolves largely around the energy and leadership mustered by the U.S. Attorney and her key staff working on the initiative. It is difficult to tell whether the sexual assault question could be addressed as systematically (even without the Federal grant funding) without significant Federal leadership in convening and coordinating local resources.

The group's plan of action began with collection of research data in the summer and fall of 1998, followed by selection of particular neighborhoods for intervention and an examination of particular sexual assault typologies. Over 5,000 cases from 1995 to 1997 were fed into a comprehensive incidence analysis to begin to separate out different typologies, based in part on the ages of victims and offenders, rates of recidivism, and various environmental/geographic indicators. The first data collection work was almost entirely manual and very labor-intensive; subsequent data collection work is supposed to involve significant electronic data entry. The differentiation of typologies is based on the premise that different sexual assault types or scenarios call for different kinds of intervention.[209] The first scenario chosen for intervention are vehicle-related rapes, including forced abductions and voluntary encounters. Researchers found that nearly 20 percent of the sexual assault cases in the Memphis area involved vehicles. Types of interventions will include education/prevention, environmental design strategies, and law enforcement. There is supposed to be an emphasis on rapid, visible results.

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Figure 25. Strategic Approaches To Community Safety Initiative (SACSI)

Memphis Strategic Initiative on Sexual Assault

SACSI represents a unique program that brings together the various perspectives and capacities of community groups and agencies to address a major crime problem. Knowledge from street-level law enforcement and community organizations is combined with analytical research to determine the exact nature and scope of a targeted crime problem and to design interventions based on the opportunities revealed by the analysis. Ongoing adaptation of the intervention takes place as analysis discloses failures or inefficiencies in the underlying strategy. All five SACSI demonstration sites follow the same implementation steps:

- Form an interagency working group
- Gather information and data about a local crime problem
- Design a strategic intervention to tackle the problem
- Implement the intervention
- Assess and modify the strategy as the data reveal effects.

The Memphis Strategic Initiative on Sexual Assault has identified sexual assault as the target of Memphis SACSI work, based on persistently high rates of sexual assault in the city despite nationwide declines in rape and sexual assault.

Working Group. The following organizations have been brought within the initiative's working group:

- Memphis Police Department
- Memphis-Shelby Crime Commission
- Shelby County Sheriff's Office
- University of Memphis Department of Criminal Justice
- Memphis Director of Public Services
- Juvenile Court of Memphis and Shelby County
- Tennessee Department of Children Services
- District Attorney General's Office
- Shelby County Public Defender, Memphis Sexual Assault Resource Center
- Department of Preventive Medicine at the University of Tennessee
- Shelby County Victim Assistance Center
- Shelby County Correctional Center

A "core group" meets biweekly to direct the ongoing work of the initiative, consisting of the U.S. Attorney and a special coordinating attorney, the Memphis Police Chief, the City of Memphis Public Services Director, a professor from the University of Memphis Department of Criminal Justice, the Memphis-Shelby Crime Commission Director, and the Juvenile Court Operating Officer.

Designing the intervention. Using over 5,000 cases from 1995–1997, researchers conducted a comprehensive incidence analysis to identify different sexual assault typologies (featuring indicators such as ages of victims and offenders, rates of recidivism, and various environmental factors). Based on different typologies being encountered, vehicle-related rapes or other sexual assaults (accounting for nearly 20% of all sexual assaults in the area) have been chosen for the first intervention by the initiative.

Implementation. The intervention, to begin in 2000, will include preventive and educational work as well as law enforcement/prosecution activities.

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However, initial indications were that coordination of the group was difficult and momentum hard to sustain given all of the member organizations' regular work obligations. As of summer 1999, a rape hotline had not yet been established. It is not difficult to imagine the difficulties that other U.S. Attorney's Offices will face—with or without special grant funding or one or more dedicated full-time analytical positions—in seeking to adopt a more problem-solving approach to their work. While there is an attorney-adviser temporarily serving as a project coordinator, it is already clear how much of the burden of the entire project rests on his shoulders as collaboration partners all try to fit problem-solving meetings and regular exchanges of information into their regular work routines.

Detroit Achilles Task Force

The Achilles Task Force in Detroit had its roots in a loose ATF partnership formed with the DPD in the late 1980s to deal with motorcycle gang problems. After some success working together on that problem, ATF sought to extend its national Achilles Program to Detroit in 1990. The original mission of the task force, which has broadened over the past several years, was to reduce violent crime by identifying multi-convicted felons who were involved in violent crime and armed narcotics trafficking and sentencing them to long prison terms through Federal or state prosecution. However, Federal gun prosecutions were emphasized, and at one point, multiple assistant DAs from Wayne County were cross-designated to participate in the project. The initial informal nature of the task force flowed directly from the Coleman Young administration's reluctance to cooperate actively with Federal law enforcement agencies. In 1991, the task force culminated a year-long undercover investigation dealing with a Detroit street gang known as the Latin Counts. The investigation led to 66 gang members being convicted in Federal court of firearms and related narcotics offenses. In 1993, the task force arrested 36 persons connected to the Cobras street gang. In 1994, ATF and DPD finally entered into a formal MOU. Currently, DPD assigns six to seven officers to the task force, all Federally deputized, who average 12 to 13 hours of work each day. ATF assigns three special agents to the task force. ATF provides up to $13,000 per year for overtime, as well as vehicles, computers, and training. ATF has also contributed up to $250,000 per year for drug buys and informant payments due to the DPD's lack of money.

ATF's SACs in Detroit have been willing to focus on street-level investigations that may not necessarily net the agency much in the way of high-level Federal prosecutions. These include gang sweeps that dovetail with Weed and Seed priorities. Nevertheless, Achilles has achieved a number of more strategic successes, using undercover operations. In 1995, the task force arrested 18 members of an organization known as the Davis Family that had been responsible for a multi-kilo drug ring in the Delray area of Detroit. In 1997, another undercover operation resulted in the arrest of 77 persons for Federal firearms and narcotics violations. Finally, in 1999, as part of an 18-month gang sweep, 166 persons were arrested for state and Federal firearms and narcotics violations occurring in the 8th precinct of Detroit as well as the city of Highland Park. As of the fall of 1999, more than 135 people had been convicted. Overall, Detroit police commanders interviewed for the study reported that gang activity in areas where the task force has worked had virtually ceased. An estimated 400 gang members out of a possible total of around 1,000 in the city have been imprisoned, largely through the Achilles program. Homicide rates in the precincts where the task force has conducted operations have also reportedly been reduced. And starting at the very end of 1998, ATF began a higher-volume illegal firearms possession prosecution program loosely modeled on Richmond, Virginia's Project Exile, called

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Operation Countdown. Inviting a broader range of Felon-in-Possession cases to be filed in Federal Court, the U.S. Attorney's Office nevertheless has emphasized that its guidelines remain unchanged.[210]

Violent Crimes Task Force (Detroit)

The Violent Crimes Task Force is a collaborative initiative based in the DPD and actively supported by the FBI under its SSCVI that was formed in 1993 and formalized in 1994. Significant initial funding came from the U.S. Attorney's Office through the Anti-Violent Crime Initiative. The task force brings together a number of Federal, state, and local law enforcement agencies, including the DPD, DEA, ATF, FBI, and the Michigan State Police. Members of the task force investigate and prosecute both unsolved and current cases implicating violent crime, ranging from those involving adult gangs running organized crime-type enterprises to those directing serial home invasions. A so-called long-term team focuses on proactive long-term investigations involving criminal organizations, while a short-term team handles more reactive situations, targets, such as those involving crimes like bank robberies, serial rapes, and murders. Four FBI agents work with approximately 25 to 30 other law enforcement officials—mostly DPD officers—out of offices at Detroit Police Headquarters. The FBI provides vehicles, investigative expenses, and overtime pay through the SSVCI, although it also funds a significant number of longer-term cases out of its own headquarters budget. The task force is also slated to receive HIDTA funding for longer-term investigations with a drug nexus.

The Violent Crimes Task Force operates according to an FBI SSVCI MOU, but according to local participants has a mission that is more flexibly interpreted in deference to local concerns that excessive specificity about objectives might unduly limit the assistance that the FBI could provide in investigations having a more objectively local nature (i.e., violent crimes that might not have a direct interstate nexus and a necessarily serial pattern with organized crime characteristics). In general, the FBI in Detroit plays a highly supportive, rather than directive role in the task force, both as a matter of practical and symbolic agenda-setting. In the aftermath of a long era of noncollaboration, and in a city with as many crime problems as Detroit, there is a widespread sense that the FBI is intent on showing that Detroit Police are principally responsible for establishing priorities and setting objectives. Against this backdrop, the FBI, DPD, and Michigan State Police collaborated successfully through the short-term team on a number of bank robbery and serial rape cases. The long-term team has also had a number of successes, including the breakup of an organized crime group with ties to the Middle East and the dismantling of a loose group of serial home invaders known as the Dog Pound who were stealing drugs from various traffickers. The latter case was considered difficult to break due to the reluctance of witnesses to come forward, including the drug dealers whose houses were raided. Federal prosecution and accompanying witness protection figured as important tools in the case.

c. Structuring and Managing Federal-Local Law Enforcement Collaboration on Violent Crime

Significant differences in mission and agency participation among the various violent crime collaborations translate into different organizational and management approaches. The FBI's Violent Crimes Task Forces, governed by a SSVCI MOU, have a more formal structure. For example, the agency's Violent

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Crimes Task Force in Detroit has an Executive Board made up of representatives from the FBI, DPD, and Michigan State Police that meets quarterly to set policy and establish and review objectives. Day-to-day operations, meanwhile, are handled by two pairs of DPD and FBI officials serving as co-team leaders of the short- and long-term teams, which generally meet weekly. A looser structure characterizes the ATF Achilles Task Force in Detroit and the Attorney General's Violent Crimes Task Force in Memphis. The ATF task force, whose membership consists entirely of Memphis police and the state and Federal prosecutor liaisons, is run by an ATF Group Supervisor, who holds daily meetings with co-located Memphis police officers to ensure that the group's objectives are on target. The group also meets with the prosecutors on an as-needed basis. The two components of the U.S. Attorney's Violent Crimes Task Force in Memphis operate in a similarly informal, and highly autonomous manner. Although the Cease Fire unit has an MOU, it emphasizes task force objectives rather than governance. Although Federal prosecutors convene meetings on an as-needed basis and provide overall coordination and momentum to investigations, day-to-day operations of the task force rests with a senior ATF agent who works with both units. The Cease Fire Unit does, however, convene quarterly meetings with other involved agencies, such as the Memphis Schools and Memphis Juvenile Court.

The Memphis Strategic Initiative on Sexual Assault, a very different kind of collaboration, understandably features a unique and complex governing structure consistent with the wide range of organizations participating in the project and the need for a significant amount of intra-team transparency. The constituent agencies forming the working group function as a kind of advisory board that meets quarterly to set overall policy. An executive committee known as the "core group" meets biweekly under the guidance of the U.S. Attorney and the special coordinating attorney. The core group includes the Memphis Police Chief, the City of Memphis Public Services Director, a professor from University of Memphis Department of Criminal Justice, the Memphis-Shelby Crime Commission Director, and the Juvenile Court Operating Officer. The core group in turn assists the so-called front-line staff in making the project's purposes and objectives known to professionals who work with rape victims on a daily basis.[211] This front line staff includes the Police Department's head of the Sex Crimes Squad, the head of the Memphis Sexual Assault Resource Center, a Victim/Witness Specialist in the U.S. Attorney's Office, and a person in charge of database management at the U.S. Attorney's Office.

There was enthusiastic support among the interviewees for Federal-local law enforcement collaboration to combat violent crime in both Memphis and Detroit. Some Memphis Police said information-sharing could go further and was still a bit one-sided, but there was optimism that this was changing with time and the building of increased trust. Similar comments were heard in Detroit, where both Federal and local officials understood that DPD officers needed a significant amount of time and training with Federal agents before optimal information-sharing was possible. Federal and local officials in both cities emphasized the importance of having the right people involved in a collaboration. Federal officials on the ATF task force underscored that DPD personnel go through a high degree of scrutiny to get onto the Achilles Task Force, while the FBI in Detroit made the same point. Veteran police in both Detroit and Memphis said that the FBI was much easier to work with than in the past, and that this had much to do with the experience of the attitude and experience of the agents involved. Police in both cities were highly complimentary of the ATF, which is perceived as having closer relationships than other Federal agencies to the street and to the many police who have worked with it in the past. Notably, both the FBI and ATF in Detroit acknowledged the importance of

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locating their collaborations at the DPD's headquarters, both as a matter of symbolism and providing on-site equipment to the underfunded police authorities. Indeed, all of the advantages conferred by Federal-local collaboration appear to have been very important to the DPD, which otherwise lacks any real funding for the surveillance tools necessary for longer-term investigations.

Participants also pointed to a number of other useful attributes of their collaborations that tended to promote teamwork and shared responsibility. Joint operational leadership and shared decisionmaking at all levels of the collaborations came at the top of the list. Two of the collaborations have high-level leadership representation even where final authority for certain collaboration decisions may rest with a particular Federal agency official. For example, The FBI's Violent Crimes Task Force has DPD officers serving as co-leaders of the long- and short-term investigative teams. As noted above, the Memphis Strategic Initiative on Sexual Assault has key core group representation by the Memphis Police Department, U.S. Attorney's Office, Memphis Public Services Department, the Memphis Juvenile Court, and the Memphis-Shelby Crime Commission. The two ATF-involved task forces—Achilles in Detroit and the U.S. Attorney's Violent Crimes Task Force—did not have police department officials in formal leadership positions, but there was a general perception that the ATF's informal collaborations created a highly egalitarian, participatory task force culture that lessened the need for this feature. In fact, all of the collaborations appeared to share a relatively open professional culture that encouraged participation of all members in helping to set agendas and contribute to investigative decisions.

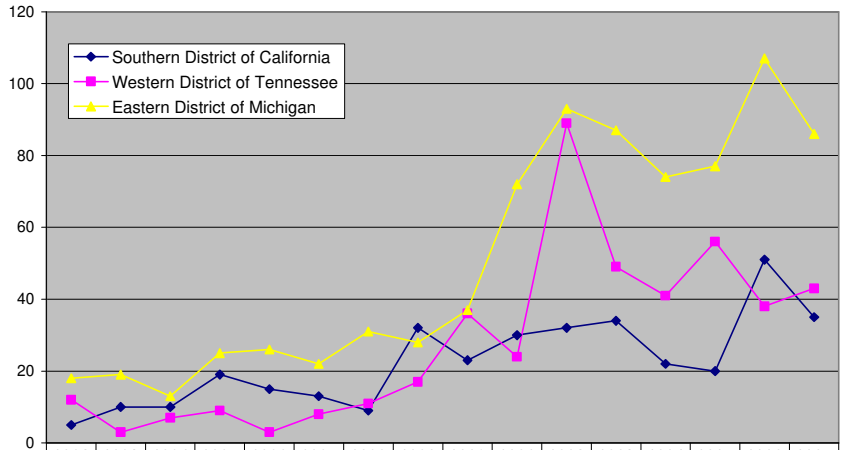
d. Managing Concurrent Jurisdiction in the Violent Crime Collaborations

Despite great variations in missions of the four violent crime-focused collaborations examined for the study, most interviewees in Memphis and Detroit suggested that jurisdictional decisions were noncontroversial and facilitated by close involvement of state and Federal prosecutors in collaborative work. All of the collaborations featured Federal and state prosecutors in key leadership roles or as designated liaisons. The prosecutors tended to proactively shape investigations and make provisional determinations as to where cases would likely be brought if expected evidence were forthcoming. Where communication was open and frequent between the state and Federal prosecutors, results were clearly said to be better.

The actual use of Federal prosecution among the four collaborations varied based on the different missions involved. Prosecutors involved in the firearms-focused task forces indicated that nearly 90 percent of all cases handled by the collaboration ended up in Federal court, as would be expected given the strategic use of the procedural and substantive advantages of Federal firearms prosecutions. Case processing data show that firearms cases in the Western District of Tennessee and the Eastern District of Michigan increased dramatically in the late 1980s and early 1990s (apparently coinciding with the Triggerlock initiative), and then decreased thereafter, although much more so in the Western District of Tennessee (*see* Figure 26).

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Figure 26. Defendants in Cases Commenced in Three Federal Judicial Districts By Most Serious Charge, 1982-1997 Firearms Offenses



	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
Southern District of California	5	10	10	19	15	13	9	32	23	30	32	34	22	20	51	35
Western District of Tennessee	12	3	7	9	3	8	11	17	36	24	89	49	41	56	38	43
Eastern District of Michigan	18	19	13	25	26	22	31	28	37	72	93	87	74	77	107	86

Source: Federal Judicial Center

The FBI, meanwhile, estimates that nearly 90 percent of the cases generated by the long-term team on its Violent Crimes Task Force in Detroit are prosecuted Federally—generally reflecting the use of surveillance and other tools by Federal investigators—while only an estimated 60 to 70 percent of the more reactive investigations handled by the short-term team result in Federal prosecutions. It is likely that any prosecutions of sexual assault under the Memphis Strategic Initiative on Sexual Assault would result in state court filings, although there might be Federal prosecutions for certain kinds of individual defendants involved in other kinds of criminal activity (e.g., illegal firearms possession).

Local law enforcement officials and prosecutors in Memphis and Detroit expressed considerable enthusiasm for Federal prosecution, but police in Memphis also expressed disappointment that it could not be used more frequently, particularly in firearms cases. Memphis police understood that the U.S. Attorney's Office had elected to be more selective about Federal weapons prosecutions, but still believed that greater numbers of such cases should be handled by Federal prosecutors. Police and state prosecutors know that the sentencing structure in Tennessee is quite weak in the case of firearms offenses, so there is a strong interest in having more cases prosecuted Federally. This local disappointment exists despite the fact that the U.S. Attorney's guidelines are frequently relaxed in the case of individuals with a clear pattern of recidivism and/or who use a weapon or brandish a weapon in committing a crime. At the same time, it is understood that about 20 percent of cases that are presumptively consistent with the local Federal guidelines may nevertheless be turned down if they feature first-time offenders or lower-level crimes. Although there is no clear connection or zero sum relationship between firearms cases and the work of the Memphis Strategic Initiative on Sexual

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Assault, a few police and prosecutors seemed to believe that the U.S. Attorney's Office might better spend its time increasing its numbers of Federal gun and other violent crime cases. State prosecutors did, however, acknowledge the U.S. Attorney's more limited violent crime mandate, as well as the political pressures from Washington and from local Federal judges to refrain from prosecuting "lots of street crime."

3. Drug-Focused Collaborations

Federal-local drug enforcement collaborations generally fall into two major categories: DEA State and Local Task Forces, and Byrne grant-funded Multijurisdictional Task Forces. Even within these two classifications, however, considerable variations in structure, operations, and Federal participation exist. The four collaborations encountered in San Diego, Memphis, and Detroit reflect this variety.

a. Drug-Focused Collaboration Frameworks: The DEA State and Local Task Force Program and Byrne Multijurisdictional Task Forces

DEA State and Local Task Forces represent the most significant type of Federal-local law enforcement collaborations focused on urban drug trafficking. Since their origins in the 1970s, these task forces have generally focused on mid- to upper-level cases, leaving the majority of street-level cases to be handled individually by local police departments. Some of the highest-level cases (often involving international trafficking) are handled by DEA primarily on its own, often through an OCDETF-funded investigation. San Diego, Memphis and Detroit all feature task forces or task force groups that participate in the DEA State and Local Task Force Program *(see* below). These kinds of task forces have evolved in many cities into well-established operational fixtures, with their own institutional histories and extensive alumni networks. The basic task force model has been kept quite simple, matching a handful of DEA group supervisors with a complement of state and local investigators who are deputized as Federal agents pursuant to Federal law (21 U.S.C. sec. 1878). In addition to affording access to police overtime monies and operating expenses, a major inducement to state and local participation in DEA task forces remains the equitable sharing of asset forfeitures. As DEA's mandate expanded in the 1990s to embrace violent drug organizations and gangs, additional missions, groups, and/or specialized personnel were added in particular localities. The Detroit DEA REDRUM task force group, described below, is an example of this more specialized type of DEA Federal-local collaboration.

Since the late 1980s, DEA has utilized a standard Memorandum of Understanding to structure the Federal-state-local relationships and delineate each member organization's responsibilities. The current standard MOU (*see* Appendix D) represents a relatively simple document that covers the essentials of the formal Federal-state-local relationships. The most salient provisions address the reciprocal obligations of state and local police in detailing to the task force "experienced" officers who will serve a minimum of two years, and of DEA in funding the overtime of such officers, subject to the availability of funds. The MOU also provides that DEA will furnish (subject to the availability of annually appropriated monies) funds and equipment for training, office space, office supplies, travel funds, funds for the purchase of evidence and information, and investigative equipment. The MOU does not prescribe any set governing structure, although it is understood that DEA group supervisors will be closely involved in day-to-day operations of task forces

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and that final authority will rest with a DEA SAC or ASAC. All paperwork must comply with DEA requirements.

Multijurisdictional Task Forces funded under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which represent locally-led drug task forces bringing together diverse law enforcement agencies, have assumed a wide variety of missions and organizational forms across the country. Most MJTFs continue to have a drug enforcement focus, although in recent years many task forces have also become involved in fighting violent crime. Geographically, the vast majority of MJTFs serve smaller urban areas or, more commonly, much larger suburban and rural jurisdictions whose boundaries complement those of larger core urban areas served by the Federal-local law enforcement collaborations that are the focus of this study. Organizationally, there is an extraordinary range of governing arrangements that defy ready generalizations. As noted in earlier discussions, MJTFs often have few, if any, formal Federal organizational members, and depending on the problems targeted, may have little or minimal ongoing contact with Federal law enforcement agencies. Recently, many states have developed procedures manuals and training courses to help MJTFs properly establish and maintain their organizations. Particular attention has been paid to fostering proper interagency communication (through coordinated activities and regular meetings) and implementing an effective interagency agreement. Interestingly, one MJTF encountered in the course of this study—the JUDGE Program in San Diego (the name stands for San Diego Jurisdictions United for Drug/Gang Enforcement)—is unique in several respects: (1) it represents one of the very few MJTFs in the country to target probationers involved in *low-level* drug-related offenses (offenses that yield very little, if anything, in the way of asset forfeitures); (2) it operates in the core urban districts of San Diego as well as in several suburban municipalities; and (3) it has very little collaboration or other interaction with Federal law enforcement agencies (largely due to its low-level focus).

b. Descriptions of the Federal-Local Drug Enforcement Collaborations Encountered in This Study

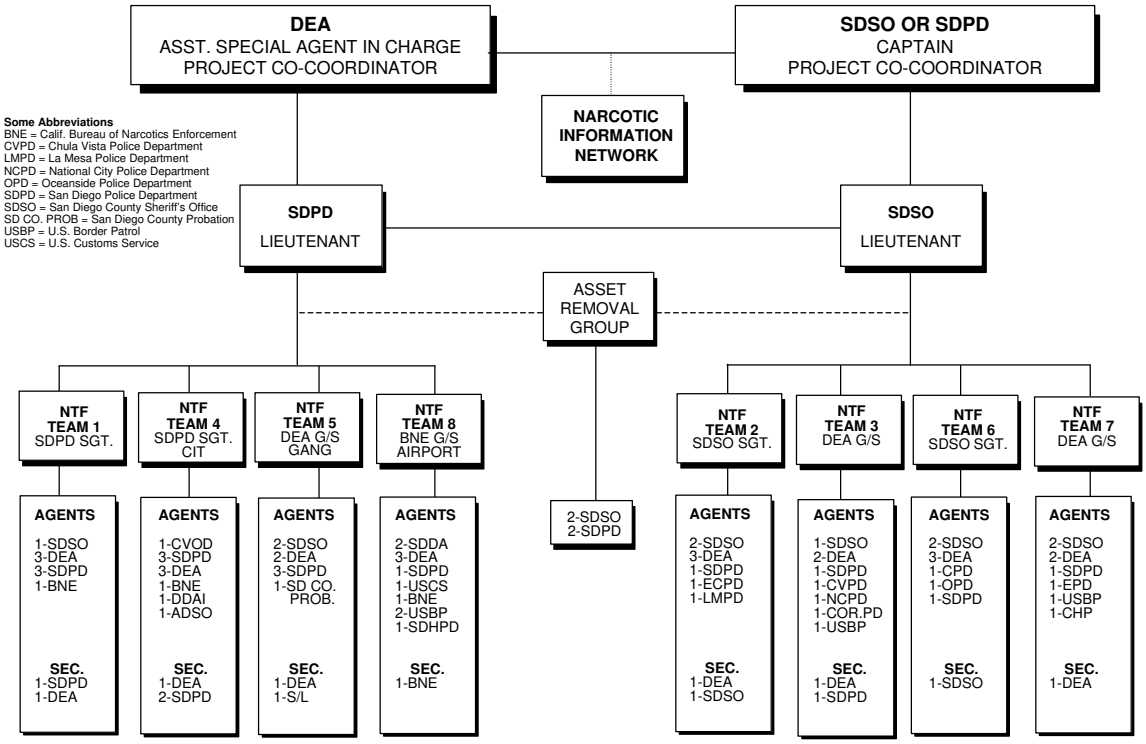
Narcotics Task Force (San Diego)

The mission of the Narcotics Task Force (NTF) is to target mid- to high-level drug traffickers trading in large quantities of drugs. Established in 1973, the NTF is the second oldest drug task force in the country (reportedly after the New York DEA Task Force, established in 1970).[212] The NTF brings together the DEA, San Diego Police Department (SDPD), the San Diego Sheriff's Office (SDSO), the California Bureau of Narcotics Enforcement (BNE), the San Diego DA's Office, the U.S. Border Patrol, the U.S. Customs Service, the U.S. Attorney's Office, the San Diego Harbor Police, and the Police Departments of the cities of Carlsbad, Oceanside, Escondido, National City, Chula Vista, and Coronado. Structurally, the NTF consists of eight 'teams' with special geographic or functional responsibilities: two teams focus on commercial package/Postal Service interdiction and the San Diego International Airport; one team (the Gang Enforcement Team) is a member of the FBI Violent Crimes Task Force and handles narcotics investigations involving gangs; and the other five teams target cities and districts throughout the county (*see* Figure 27). Each team undertakes highly-focused, longer-term investigations, and at any given time generally has between three and eight cases opened. For many years, the SDPD has sent some of its strongest officers to NTF, which took the step of cross-

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designating some of its police in the mid-1960s well before most other cities considered such a move. San Diego County district attorneys are assigned on a liaison basis to each of the various NTF teams. These attorneys can provide 24-hour help with search warrants to make sure they meet state guidelines. They can also help with guidance in putting together the proof for effective state court cases. At the same time, at least one Assistant U.S. Attorney works closely with the overall task force to provide guidance on evidence-gathering for potential Federal cases.

Figure 27. San Diego County Integrated Narcotic Task Force



DEA provides the Task Force with approximately $1.2 million annually. In addition to furnishing task force office space, such money is primarily used to help task force officers purchase evidence and information, and to supply the various task force teams. DEA-funded "buy money" enables the NTF to make much larger drug buys and to pursue higher-grade sources of drugs and larger conspiracies. DEA also provides special weapons and ammunition, while police forces contribute vehicles and tactical equipment. DEA also provides money for lab equipment, and has its own crime lab where it can do signature analysis on seized drugs. High quality intelligence also comes from DEA, largely through the Narcotics Intelligence Network (NIN) discussed earlier, which is run by DEA and significantly funded through the California Border Alliance Group (CBAG) HIDTA. There are at least three levels of intelligence, two of which allow full information-sharing with local officers. Finally, DEA provides surveillance equipment, including tracking devices, tape recorders, and wiretaps. Within the last two years, the NTF has used two Title III Federal intercepts.

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Over the past several years, the task force has carried nearly 200 open cases, although only about 45 get serious attention at any given time. Most NTF investigations are longer-term operations seeking to dismantle or disrupt significant drug trafficking organizations, most of them mid-level. The highest-level drug organizations are left to Federal OCDETF investigations, sometimes under exclusive DEA control, usually in order to tap into more significant funding sources. NTF investigations are slower-paced than most drug investigations, reflecting the careful evidentiary work insisted upon by Federal and state prosecutors alike. Operations are highly coordinated to afford maximum advantage to prosecutors in civil asset forfeiture hearings (often Federal) and criminal proceedings. State search warrants are telephonically available from experienced state DAs and judges within 20 minutes. In recent years, the NTF has registered a number of successes. Operation Fed Up in 1998 netted 3,000 lbs. of marijuana in nine days. 15,000 LSD units were also seized in recent operations. In 1998-1999, 34 methamphetamine labs were closed down. NTF funds are critical in this work, since lab clean-up expenses can be significant and often onerous for local communities acting alone. Meanwhile, a team coordinating with the FBI Violent Crime Task Force has been working on disrupting gangs associated with the Mexican drug cartel operated by the Arellano Felix Organization. Earlier, the team was involved in helping break up the Sherman Heights Gang and the Red Steps gang, both of which were involved in significant amounts of drug-related violence.

Memphis Drug Enforcement Task Force

After operating for several years informally, mostly on the basis of high-level OCDETF cases, the Memphis Drug Enforcement Task Force was formally established with DEA help in 1991. The end of a period of high-profile disagreements between the FBI and DEA in Memphis—ultimately requiring Washington intervention—proved instrumental in the task force's creation. All DEA agents in the Memphis DEA office serve on the task force, along with two full-time FBI agents, one full-time IRS agent, one Shelby County District Attorney General investigator, four Memphis police officers, and a handful of police officers from some of the Memphis suburbs. The task force targets all types of drug cases except street-level cases. While OCDETF cases—especially those involving crack cocaine—dominated DEA's docket in the 1980s, in the 1990s the agency began to support more mid-level drug cases and cases having a violent crime connection. DEA also worked out an arrangement whereby, with its blessing, the U.S. Attorney's Office could receive direct case referrals from local police in matters not requiring extensive DEA investigative involvement. To facilitate information-sharing, DEA started the Memphis Area Drug Information Network (MADIN), a database that includes all names involved in an investigation, so as to inform agents about cases being worked on by other individuals. In recent years, however, the DEA Memphis office has been chronically underfunded and understaffed, to the point where there has been no "buy money," and it has had to borrow surveillance equipment from the MPD.

The task force typically targets mid- to high-level drug crime, and prosecutes almost all of its cases Federally. There have been several conspiracy cases, and several cases involving significant money laundering. The U.S. Attorney's Office is integrally involved in operations and is critical to obtaining wiretaps. Three AUSAs work closely with the task force. Among the most notable operations undertaken by the task force was a major five-year cocaine investigation involving a large Colombian organization. Two of the major defendants, Alice Johnson and Curtis McDonald, were prosecuted and received life sentences. There have also

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been some tie-in cases with gangs, including a big case in 1995–1996 involving a branch of the Gangster Disciples Gang. Asset forfeiture plays a big role in task force work, although there reportedly has been some friction between Federal and local law enforcement around forfeitures in recent years, with police sometimes seeking to go their own way with forfeitures under improved state statutes rather than participating as an integral member of a joint forfeiture operation with Federal authorities.

DEA Divisional Enforcement Group 6 (Detroit)

The Detroit Divisional Enforcement Group 6 represents one of the largest operating teams under DEA's Detroit Division and is one of four units (one of the other being the REDRUM Initiative discussed below) funded from DEA's State and Local Task Force Program. In this respect, Detroit's DEA organizational arrangements differ from those in San Diego and Memphis—whereas in those two cities an entire integrated task force falls within the DEA State and Local Task Force Program, in Detroit only individual groups (with a functional emphasis) receive funding from the program.

The mission of Group 6 is to bring together local, state, and Federal law enforcement with significant undercover experience to target principally mid-level drug violators across the Detroit Metropolitan area. These mid-level violators are often the crucial link between suppliers and consumers, and in a 'user' city such as Detroit, are usually fairly widespread. The task force had its origins in an informal collaboration that began in 1973. In 1982, the task force was formalized; however, during the Coleman Young era, relationships with DPD were maintained cautiously and formal collaboration with the department lapsed. Federal drug prosecutions proliferated in the wake of the 1986 and 1988 Anti-Drug Abuse Acts. Since 1994, the group has enjoyed a rebirth of sorts, and DPD has seemed to respond enthusiastically to DEA's willingness to collaborate by sending some of its most veteran street detectives to the task force. The group is widely viewed as an elite organization and a 'plum' for local officers. Several other jurisdictions and agencies also participate in the task force. Currently, the task force consists of four DEA agents (one of whom is the group supervisor), four Detroit Police officers, three police officers from the municipalities of River Rouge, Dearborn, and Wyandotte, respectively, and two Michigan state police officers. All non-Federal agents are deputized with Federal Title 21 drug enforcement authority and routinely lead search warrant activities and surveillance teams within the Group. There is also a full-time INS agent assigned to the task force (handling border-related issues and information requests), and two part-time agents from the IRS and Customs Service.

DEA provides state and local members of Group 6 with desks and computers at its Divisional Headquarters in Detroit. State and local members also receive up to $8,600 in overtime, as well as all necessary equipment, protective gear, and operating expenses, including buy money. Essentially, all expenses can be covered except for vehicles and gasoline. Many Group 6 investigations are eligible to be funded under the OCDETF Program, but with OCDETF funding often scarce, virtually all investigations are run using the DEA State and Local Task Force Program budget. DEA also provides state and local officers with considerable in-service training, including lab training, conspiracy training, and intelligence training. Local police chiefs have recently spoken very highly of Group 6 local police alumni returning to their home agencies, and a large number of them have been rapidly promoted.

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Over time, the task force's scope of activity has broadened, both geographically and functionally. Once concerned almost exclusively with mid-level drug violators within Detroit city limits, the task force has become more willing to come to the assistance of municipalities in the metropolitan area, particularly on the recommendation of its formal task group members from Dearborn, Wyandotte, and River Rouge. At the lower end of the distribution chain, the task force carries out so-called 'blitzes' as often as four times a year at request in several municipalities in the area. Led by Group 6, the DEA mobilizes virtually its entire complement of 165 agents from the Detroit Divisional Office and deploys them in precinct sweeps that over a period of one or two days result in many dozens of search warrants and arrests. These sweeps, which usually net a range of lower-level traffickers, also result in state and local police being able to use informants to get at higher-level distributors in the area. At the higher end of the distribution chain, Group 6 has conducted a significant multi-year heroin manufacturing investigation known as Operation Magic Carpet that is still ongoing, albeit under another DEA group due to the rotation of the DEA supervisor. The operation has featured intensive undercover work by Detroit police. More recently, in the spring of 1999, based on a tip from an informant cultivated by one of the Michigan State Police Task Force members, the group arrested an ethnic Albanian trafficker from New York engaged in selling multiple kilos of heroin in the Detroit area, ostensibly for the purpose of raising funds for the Kosovo Liberation Army. The full task force participated in the raid on the trafficker's hotel room, resulting in the individual's conviction and a significant seizure of drugs.

DEA Divisional Enforcement Group 5—REDRUM (Detroit)

As befits the REDRUM moniker, this task force group has a focus on drug-related homicides rather than drug trafficking. In the wake of concern over Detroit's rising homicide rate, DEA-Detroit reorganized one of its units in 1999 to form a Group 5 REDRUM task force. Although a REDRUM initiative had formally existed since 1994 in Detroit (and had existed informally there since 1991),[213] most law enforcement officials in Detroit believed that DEA funding was inadequate, as was the staffing structure and conception of the group's mission. As a result of discussions facilitated by U.S. Attorney Saul Green through his monthly Federal Law Enforcement Committee meetings, and with support from the Detroit HIDTA ($85,000 for computers and vehicles), DEA was encouraged to re-think its approach. By August, 1999, a new strategy and organization had emerged: at DPD's request, DEA agreed to send five DEA agents and a DEA analyst to work with a DPD sergeant and seven DPD homicide investigators at DPD headquarters. Also to be co-located at the DPD were two Michigan State Police officers. An ATF agent was also to be assigned to the group on a part-time basis, as well as two liaison prosecutors from the U.S. Attorney's office and the Wayne County prosecutor's office, respectively. DEA sought to have drug investigators involved more quickly (and in greater numbers) in possible drug-related homicides by offering assistance to those on the front lines. DEA agents would be able to help homicide detectives think more historically by putting together longer-term investigations using the best drug intelligence from DEA databases. The new REDRUM group (becoming DEA Group 5) was officially made a separate component of the DEA State and Local Task Force Program under the supervision of a separate DEA Group Supervisor. There is an informal executive team made up of the major agencies represented in the group that sets overall policy.

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The work of the group has just gotten underway, yet Detroit law enforcement officials hope that the invigorated task force can significantly increase the closure rate on Detroit homicides by getting DPD and MSP officers to systematically look 'behind' homicides to locate possible drug trafficking links to people ordering the shootings. In an early success in September of 1999, an individual was implicated in a number of earlier shootings that the task force readily linked to drug trafficking. Through DEA intelligence and surveillance work, the task force pursued leads that led to information about a drug turf war; three individuals were targeted in one of the factions, and eventually, one shooter confessed and was convicted to life imprisonment. To further strengthen the building of longer-term cases, efforts are underway to also secure FBI participation on the team. Logically, it is fully expected that the majority cases will go to state court; and in an interesting policy departure, DEA has agreed to handle paperwork using DPD, not DEA, procedures. If, however, information leads to a drug organization and a larger or longer investigation, some cases may be prosecuted Federally. If the latter, the Continuing Criminal Enterprise statute may be used if appropriate, or the racketeering/murder for hire statute (18 U.S.C. sec. 1958). In general, DEA personnel reported the need to keep a strategic focus based on DEA's Title 21 mandate; they must patiently resist DPD requests to get involved in a variety of homicides having no ostensibly significant drug nexus.

c. Structuring and Managing Federal-Local Law Enforcement Collaboration on Drug Crime

As with Federal-local law enforcement collaborations generally, the operating structures governing the drug collaborations encountered in the three cities varied considerably. At one end of the spectrum, the NTF has a highly evolved organizational structure consistent with its size (90 local and Federal sworn officers) and special status within the DEA State and Local Task Force Program. As noted above, it features upper-level governance by an executive board that meets quarterly and sets overall direction for the task force. The board includes the DEA Special Agent in Charge (SAC), the SDPD Chief, the San Diego County Sheriff, the BNE Special Agent in Charge, and the Chula Vista Chief of Police. The task force itself is in turn headed by two project coordinators—a full-time DEA ASAC and a captain assigned on a regular rotating basis by the sheriff's office or the SDPD. Meanwhile, reflecting the purely local origins of the task force and its egalitarian ethos, each of two groups of four operational teams are managed by lieutenant commanders of the Sheriff's Office and SDPD, respectively (*see* Figure 27, above). However, the chain of command within the task forces is unrelated to home agencies; the officers in the teams under a particular supervisor are usually drawn from agencies other than the supervisor's. Likewise, the geographic areas assigned to teams are unrelated to the jurisdiction covered by the supervisor's home agency. Rotation of officers in and out of the NTF is relatively infrequent, but regular; this facilitates diffusion not only of special skills obtained on the NTF, but trust in the collaboration among police departments. SDPD officers interviewed were unanimously supportive of the organizational structure and the strong teamwork ethos established over many years of collaboration.

By contrast, a more conventional DEA management structure obtains with the DEA task forces in Detroit and Memphis, both of which operate on the basis of ultimate supervision by a DEA ASAC and group supervision by a DEA Group Supervisor. Still, the three other DEA task forces discussed in this study all give state and local police officers significant leadership on individual investigations. Virtually all police

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interviewees involved in these three task forces gave DEA high marks for its supervision of the three task forces, although Memphis police were frustrated by DEA's lack of resources there.

Although a few law enforcement officials and prosecutors pointed to organizational clarity as an important factor in task force operational success, virtually all interviewees involved in drug enforcement collaborations suggested that an open, egalitarian working environment figured as an essential prerequisite to useful teamwork, and that this atmosphere required nurturing from above. NTF police officers, for example, stated that day-to-day decisions on investigations are developed collaboratively, and police officers have as much say on daily operations as a DEA supervisor does. All NTF interviewees said that objectives were locally determined; as one police officer put it, "no one is simply fulfilling Federal obligations." NTF members also articulated the importance of a shared sense of mission, co-location of personnel, and having high-quality people with good interpersonal skills involved. All agreed that these attributes were reinforced by strong traditions of collaboration, nourished and sustained by the high-level political commitments of the participating law enforcement agencies. One state and one Federal prosecutor also acknowledged the role of the Department of Justice in emphasizing the importance of Federal-local law enforcement collaboration.

Detroit and Memphis interviewees echoed these views. Detroit interviewees lauded Federal law enforcement officials and the Detroit Police Chief for seeking to create a new framework for collaboration. Several Memphis police interviewees similarly acknowledged the importance of recent top-down efforts by the U.S. Attorney, the District Attorney General, the FBI SAC, and the DEA SAC to encourage better collaboration. These efforts conveyed to collaboration participants that joint activity was fundamentally in each organization's self-interest, whatever short-term difficulties it might pose. Enthusiasm for collaboration in Detroit was surprisingly strong, with many Federal law enforcement agents convinced about the value that veteran DPD detectives could bring to a task force in terms of street contacts, and most police expressing gratitude for Federal training, overtime pay, exposure to longer-term investigations, and financial support for developing evidence. Co-location of collaboration participants was seen as an important aid to nurturing teamwork and reciprocal relationships. One conspicuous sour note was asset forfeiture. While no police officer in any of the three cities mentioned asset forfeiture as a key element of collaboration, several Federal officials in Memphis and Detroit expressed concern about the potential distorting influence of forfeitures, which in their opinion had in fact skewed the priorities not necessarily of the big city police departments, but of at least some of the smaller suburban police departments with whom they cooperate in their respective metropolitan areas.

d. Managing Concurrent Jurisdiction in the Drug-Focused Collaborations

Concurrent jurisdiction did not figure as a significant issue with the four drug task forces interviewed, although it raised some concerns in San Diego's NTF. In connection with that collaboration, some local police and prosecutors suggested that the U.S. Attorney's reportedly high guideline thresholds resulted in a number of otherwise strong, but resource-intensive cases being declined and referred to the overburdened DA's Office. One prosecutor suggested that recent declination practices reflected the subtle pressures that had been brought to bear on Federal prosecutors by Federal judges determined to decrease the volume of 'street crime' in their courtrooms. Still, despite the Federal focus on longer-term investigations and upper-level targets—dictated in

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part by the decision of the U.S. Attorney to minimize the volume of border drug cases prosecuted Federally—only about 25–30 percent of the NTF cases in recent years have been filed in Federal court (although since time of the Federal-local prosecutorial border crime agreement, the number of Federal border drug cases has risen significantly, according to interviewees).

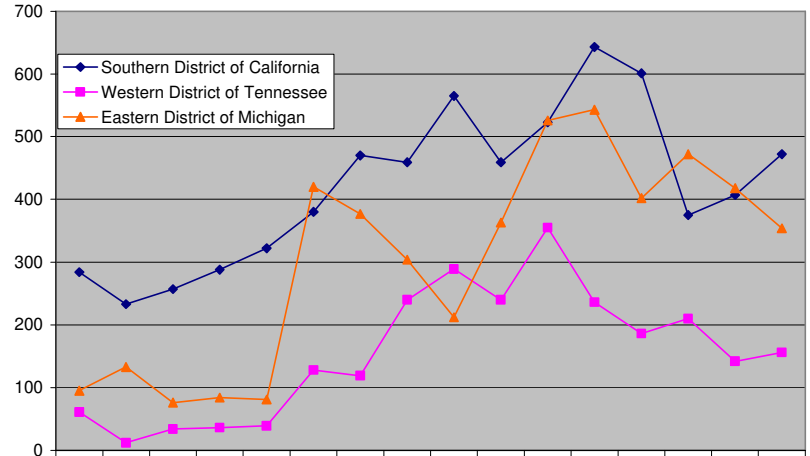
Police and local prosecutorial officials in Memphis and Detroit did not express concern about the under- or overutilization of Federal prosecution in the drug enforcement area. Specific guidelines were not discussed, but local prosecutors seemed to accept jurisdictional decisions made in the context of collaborative work in the drug area. In Detroit, this may have something to do with the clear advantages that Michigan and Federal law respectively provide in particular kinds of drug cases. For example, in Michigan, 650 grams of powder cocaine result in a mandatory life sentence, as contrasted with 1/2 kilo under Federal law producing a sentence of only five years. Crack cocaine, meanwhile, nets a harsher penalty in Federal court, where 5 grams results in a five year minimum mandatory sentence. Marijuana cases are also treated more severely in Federal court. Overall, only 50–60 percent of DEA Group 6's investigations have been prosecuted Federally. In Memphis, meanwhile, U.S. Attorney prosecutorial guidelines in drug cases are set quite high now, suggesting the use of Federal prosecution only where at least 50 grams of crack cocaine, 250 lbs. of marijuana, 100 grams of methamphetamine, or 1 kilo of powder cocaine are involved. Still, based on these clear thresholds, about 80 percent of DEA Drug Enforcement Task Force investigations are prosecuted Federally.

General drug trafficking prosecution patterns in the three Federal judicial districts can be seen in Figure 28, which shows such prosecutions increasing up to 1992–1993, then decreasing. The Southern District of California's more gradual trend line in the 1980s likely reflects the larger drug caseload historically carried by that border district, while the Eastern District of Michigan's precipitous rise in drug trafficking prosecutions in 1987 may be tied to Federal prosecutions applying the more stringent penalties stemming from the 1986 Anti-Drug Abuse Act.

Prosecutors in all three cities emphasized the importance of having designated prosecutorial liaisons involved in collaboration work for purposes of helping develop the strongest possible cases. Such prosecutorial involvement is not only important for case development, but also for coordination on jurisdictional decisions. In all three of the collaborations studied, local and Federal prosecutors described good personal relationships with one another and said coordination was strong, although there was some uncertainty in Detroit concerning the stability of these arrangements with Federal and local drug prosecutors at any given time. There was a strong sense that local prosecutors are generally deferential to any Federal prosecutors' decisions preliminarily to direct investigations toward Federal prosecution, or to determine that evidentiary or other considerations suggest declination in a particular case.

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Figure 28. Defendants in Cases Commenced in Three Federal Judicial Districts By Most Serious Charge, 1982-1997
Drug Trafficking



	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
Southern District of California	284	233	257	288	322	380	470	459	565	459	523	643	601	375	407	472
Western District of Tennessee	61	12	34	36	39	128	119	240	289	240	355	236	186	210	142	156
Eastern District of Michigan	95	133	76	84	81	420	377	304	212	363	526	543	402	472	418	354

Source: Federal Judicial Center
Note: "Drug Trafficking subsumes cocaine/heroin, marijuana, and controlled substance dist. as classified by the Admin. Office of the U.S. Courts, using 4-digit identification codes.

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VI. INSIGHTS INTO THE EFFECTIVE OPERATION AND IMPACT OF FEDERAL-LOCAL LAW ENFORCEMENT COLLABORATION AGAINST URBAN CRIME

The interviews with Federal, state, and local law enforcement officials and prosecutors in San Diego, Detroit, and Memphis painted a generally robust portrait of Federal-local law enforcement collaboration. Although highly impressionistic based on the limited venues and collaborations visited, the composite picture that emerged still revealed certain insights into the kinds of operational factors that appeared to promote or impede collaboration, as well as the degree to which collaboration had a meaningful impact in the urban communities it was serving. The insights that follow are necessarily preliminary in nature, and suggest the need for more rigorous analysis through in-depth studies of individual task forces or other collaborations as well as the use of surveys and focus groups to better gauge the views of task force participants and other knowledgeable law enforcement observers.

The following groups of preliminary insights gained from this thematic study are discussed in sequence:

- ***Insights into the structuring and management of urban crime task forces and other Federal-local law enforcement collaborations.***
- ***Insights into the management of decisions concerning concurrent jurisdiction.***
- ***Insights into the effective facilitation of local law enforcement coordination against urban crime.***
- ***Insights into the effect of urban crime collaboration on law enforcement organizations and operations.***
- ***Insights into the community impact of Federal-local law enforcement collaboration against urban crime.***

A. Insights Into Structuring and Operating Urban Crime Task Forces and Other Federal-Local Law Enforcement Collaborations

Given the variety of task forces and other Federal-local law enforcement collaborations (particularly in relation to their different missions and local environments), attempting to identify optimal organizational modes or 'best practices' carries certain dangers. Systematic comparisons prove inherently difficult across task forces aimed at gang violence or drug trafficking, and having different institutional membership, numbers of Federal agents and local police, and specialized structures (e.g., sub-teams focused on neighborhoods or particular problems). Indeed, the organizational structures of collaborations varied widely in the three cities visited in the study, particularly in their degree of formality and the extent to which actual operations were placed under shared Federal and local leadership. For example, in San Diego, the DEA-supported Narcotics

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Task Force is a fully integrated task force, all of whose subordinate teams have local police participation and are subject to the same DEA State and Local Task Force policies via an MOU and specialized guidelines on the handling of evidence and informants.

By contrast, only certain groups under the DEA Detroit Divisional Office (including Groups 5 and 6) represent State and Local Task Force units (however transitory this situation is). It is hazardous to surmise, however, that NTF's manifestly professional reputation and many operational successes depend critically on its structural arrangements rather than on various other factors. Indeed, comparisons of this sort are highly problematic, especially when a number of external influences—for example, the poor funding of the Detroit Police Department and its shorter history of active collaboration with Federal authorities—are factored into the equation. Similarly, the fact that the Memphis Gang Task Force is an informal collaboration that operates without an MOU, a dedicated Federal funding stream, or a fixed governance structure (the FBI nominally chairs the group, but its operational leaders are an Assistant U.S. Attorney and an assistant district attorney from Shelby County) says little, by itself, about its objective impact on operations or its ultimate community impact.[214]

Indeed, many of the outward attributes of task forces—with the exception of clear ultimate authority for collaboration operations and consistent paperwork guidelines—do not, in the opinion of the people interviewed for this study, have a critical bearing on the success of Federal-local collaboration. Instead, a number of more fundamental practices and attitudes seem to produce the best teamwork and organizational culture that are necessary for operational success. Some of these factors are obvious, while others are more subtle. All of them were mentioned by at least a dozen interviewees.

- ***High-level agency commitment to collaboration.*** Perhaps the most obvious and important underlying factor supporting Federal-local law enforcement collaboration is high-level agency commitment to the endeavor. A general institutional impetus—whether derived from national program directives issuing from Washington (e.g., from DEA, ATF, or FBI headquarters) and/or a local tradition (e.g., the long-standing collegial atmosphere in San Diego)—can create the right environment for collaboration. Police chiefs must be committed to the enterprise and believe that a general cost-benefit analysis favors participation. But collaboration more immediately depends on participating agency leaders enunciating their commitment to the process and then demonstrating that commitment by their actions (e.g., participating in regular high-level coordination meetings).

- ***Clear ultimate authority and paperwork protocols.*** Although considerable flexibility in day-to-day supervision of collaborative activity by task forces or teams was acknowledged as useful, virtually all interviewees insisted that ultimate responsibility for task force organization and operations must rest with a single lead agency. Thus, while many kinds of strategic planning and decisionmaking can be delegated, all task force members benefit from having the certainty of a clear final authority. At the same time, to ensure that collaboration members have a consistent form of written communication, reporting, and evidence development, task force members pointed to uniform paperwork requirements (such as those required by DEA and FBI in their task forces) were indispensable to the smooth functioning of such joint investigative and prosecutorial activity. This is despite the fact that many police officers participating in task forces bemoaned the time it

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took to comply with such paperwork. Several interviewees pointed out that such understandings about paperwork should be included in a formal MOU.

- ***Joint Federal-local operational leadership.*** Based on interviewee comments, the best task forces and collaborations appeared to operate with various kinds of joint Federal, state, and/or local leadership at all levels of the organization. At the top, even if final line authority over a task force rests with a Federal agency SAC, most task forces have an Executive Board on which all major task force organizations are represented, as well as a day-to-day operational structure in which there is joint responsibility for task force activities. For example, the Narcotics Task Force in San Diego has an Executive Board that includes a DEA ASAC, the San Diego County Sheriff, the San Diego Police Chief, the County's District Attorney, and the U.S. Attorney. Although ultimate responsibility for task force operations rests with the DEA ASAC, there is co-equal oversight of the task force by a rotating Sheriff's Office or San Diego Police Department Captain. Both the ASAC and the Captain share the title of Co-Coordinator. This co-equal leadership role extends downward through the organization; four individual teams each are under the responsibility of a San Diego Sheriff's Office and San Diego Police Department lieutenant, while individual teams are supervised by a variety of DEA, SDPD, or SDSO officers.

- ***Shared Federal-local decisionmaking***. Whether or not a task force or collaboration has a formal leadership role for state and/or local police members, most interviewees agreed that the collaboration will produce better teamwork internally and reach better decisions externally concerning strategies and tactics when decisionmaking is shared as much as possible between Federal and local members. At the highest levels, this generally means consensus-oriented decisionmaking among Federal, state, and/or local representatives (except as to matters of Federal agency policy required to be followed pursuant to a national task force program). At lower levels, such as on individual teams, such co-equal responsibility means frequent discussions among Federal, state, and/or local officers and an open style of communication. For example, the Detroit DEA REDRUM Task Force involves the DPD representatives at all levels of decisionmaking.

- ***Co-location of Federal and local law enforcement personnel.*** Interviewees were virtually unanimous that co-location of task force personnel was of enormous benefit in building a high performance, egalitarian team and good personal relationships. It is viewed as extremely important in facilitating quick communications with member agencies of a task force or with outside agencies with which individual task force participants have close contacts. While most co-located task force participants work out of Federally-provided space (e.g., in San Diego, the FBI Gang Task Force works out of FBI offices; in Memphis the Violent Crimes Task Force members have space in the U.S. Attorney's Office), occasionally, as in the case of the DEA Detroit REDRUM Task Force, participants are co-located in space provided by a local police department. This sends a potent symbolic message to those who might otherwise view Federal agents as elitist and reluctant to work side-by-side with their local counterparts.

- ***Federal and local task force supervisors with appropriate leadership skills.*** No matter what the particular structure of the task force—whether it is highly integrated with centralized leadership or decentralized into semi-autonomous teams; and whether at the team level there is Federal, local, or rotating supervision— key supervisors at all levels require appropriate leadership skills, something mentioned by virtually all interviewees. These include a basic ability to lead and decisiveness in

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action, as well as solid interpersonal skills. Perhaps most important, the Federal representative should have some experience working closely with state and/or local law enforcement on local crime matters, and the state or local representative should have extensive relevant experience and have earned the respect of his or her peers through many prior assignments. For example, San Diego's Narcotics Task Force leadership positions are highly competitive and only the very finest local police veterans are assigned to mid- and upper-level positions in the organization.

- ***Careful selection of all task force members.*** An important related practice mentioned by a large number of interviewees is ensuring that task force personnel at all levels are skilled, adaptable, team-oriented, and trustworthy. The fluid, more innovative environment of task forces and other collaborations and the need to engage in broader problem solving requires Federal and local participants who can think and act cooperatively in non-routinized ways with a wide range of colleagues. An officer who doesn't 'fit in' can present huge problems for an operational unit or a task force as a whole. References from existing task force members, other careful reference checks, and thorough interviewing, as well as inquiries into candidates' prior teamwork record and experience working on local collaborations can help appropriately winnow the candidate pool. Interviewees familiar with Detroit DEA's Group 6 Task Force, for example, said that the recruitment of local police for the task force was a very intensive process designed to cull the very best officers and minimize the potential for Detroit's intermittent police corruption problems to affect task force operations.

- ***Maximum information-sharing.*** All interviewees spoke of the importance of sharing as much information as possible about ongoing investigations and prosecutions, both as a matter of building better cases (and trust) and protecting the safety of informants and officers. While general Federal agency procedures and practices, as well as specialized concerns about particular cases and informants, may require limitations on access to certain information, most Federal and local task force participants understood that these situations were the exception rather than the rule. Maximum information-sharing within a task force or task force team helped strengthen morale and lessen the chance of unintended consequences. Several people interviewed recalled situations where information was unnecessarily restricted, resulting in potentially dangerous near-collisions between undercover agents working in two different agencies.

- ***Sharing of credit and rewards.*** A further aid to task force solidarity and teamwork is sharing credit and rewards for task force accomplishments. While Federal, state, and/or local task force members may require or favor the tallying of individual statistics for many types of investigations and cases, from the vantage point of public communications and media relations, most task forces make it a policy to ensure that the task force is given sole or top billing in any such communication. Secondarily, participating local police departments are frequently given special acknowledgment for their contributions to a particular investigation. These kinds of understandings may be incorporated into a formal MOU, as is the case with the FBI's Memorandum of Understanding in its Violent Crimes Task Forces (*see* Appendix B). With respect to asset forfeiture, monetary rewards reflecting the various contribution of the participating agencies are usually allocated based on both general written principles and agreements as well as extensive open discussions between agency representatives.

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- ***Assigned prosecutorial liaisons.*** Whether or not they are formally designated through an MOU or other written communication, assigned prosecutorial liaisons are vital to the smooth functioning of a task force or other Federal-local collaboration. Federal and state prosecutors play an important role in helping task forces draft search warrants and structure the longer-term investigations that account for a larger share of the overall workload of such collaborations. They are obviously also critical to the decision whether an investigation will be handled by the task force, a Federal agency or a local agency, and whether a case will be assigned to Federal or state prosecution. Having designated attorneys who have an established relationship and who are familiar with the task force work, procedures, and personnel, is particularly helpful in making these determinations as well in conducting the vertical prosecutions that accompany attend most task force cases. Formal assignment of these prosecutors to a task force, as is the case with the FBI's San Diego Gang Task Force, tends to create more stable, longer-term relationships among the prosecutors and the task force members.

Many of these factors have also been cited as consensus elements for success with Byrne-Funded Multijurisdictional Task Forces (*see* Appendix E). At the same time, many of these principles or practices are likely to have a better chance of realization on more established, formally-organized collaborations. While it may take time and/or a change in mission for a decision to be made about placing a provisionally-organized task force on a longer-term footing, it does appear that more institutionalized forms of cooperation—whether or not formalized by an MOU—have many advantages over *ad hoc* collaboration. Personal relationships and trust developed on a day-in, day-out basis, as well as co-located agents, can make a tangible difference in the ease and quickness with which intelligence is shared, crime trends are monitored, and investigations initiated. This is particularly useful in feeding street-level intelligence to sparsely-staffed Federal law enforcement agencies and facilitating access to documentation like probation records. Skills transfer and cross-fertilization of tactics can also occur much more easily. Assuming some appropriate level of external funding is available, as is often the case with formal collaboration programs, having overtime pay available to local police can greatly facilitate longer-term investigations that often feature around-the-clock surveillance. They can also help avoid duplication of effort and unintended collisions and conflicts between other investigations and their undercover agents and informants. Under these circumstances, coordination of strategies and investigations becomes a regular practice (and is viewed as a necessity) rather than simply as an optional innovation or courtesy to the other side.

In general, the more formally and clearly organized collaborations in the three cities, even if modest in size and resources, seemed to enjoy the greatest respect and enthusiasm from their members. Excessive informality and lack of clarity in mission and organization appeared not only to create uncertainty and traces of a lack of commitment on the part of some participants within a collaboration, but also seemed to render the organization unnecessarily slow and reactive in its actual crime-fighting work. At the same time, these traits appeared to reduce accountability and transparency. These general findings closely jibe with a recent case study conducted on a loosely-structured FBI Violent Crime Task Force in Texas.[215]

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B. Insights Into the Management of Concurrent Jurisdiction Decisions

All of the task forces and other Federal-local operational law enforcement collaborations discussed in this study, with the exception of the Memphis Strategic Initiative Against Sexual Assault (which had not yet begun its prosecutorial, or even much of its investigative work), directly or indirectly sent a significant number of their prosecuted cases to Federal court. This follows logically from the missions of these collaborative enterprises, which seek to bring to bear on a particular range of criminal activity not only Federal investigative tools but prosecutorial advantages as well (chiefly the procedural advantages discussed in Section II.B, together with stiffer Federal penalties). It also follows from the fact that Federal law enforcement agencies play a major role in investigating such activity; they are accustomed to working closely with Federal prosecutors on what are often the more sophisticated contours of task force investigations. As discussed previously, decisions about jurisdiction on most task forces often involve an effective presumption in favor of Federal prosecution; indeed, the great majority of investigations are initiated with the idea that cases will be developed for filing in Federal court. Only as investigations proceed and more information and evidentiary factors become known are certain cases declined by Federal prosecutors and referred to state counterparts.

Interviews associated with the visits to San Diego, Memphis, and Detroit confirmed certain basic facts about the management of concurrent jurisdiction within task forces and other Federal-local operational law enforcement collaborations. Generally, Federal prosecutorial guidelines for a particular judicial district are not made public, although some information, such as drug thresholds generally required to trigger Federal jurisdiction, are sometimes well known in the community. The principles and directions enunciated in the U.S. Attorney's Manual and local guidelines, however, tend to encapsulate a broader decisional matrix that tends to become second nature to most Federal prosecutors. While such factors may describe those that any thoughtful Federal prosecutor takes into account, there is reason to believe that prosecutors involved in urban Federal-local task forces and other close collaborations are more likely than counterparts in less populated judicial districts (and uninvolved in task forces) to address these factors explicitly. As noted earlier, standing Federal-local task forces necessarily involve prosecutors and investigative agents in potentially more sophisticated cases, larger caseloads, and a more structured organizational environment than would exist in other circumstances. They also must contend with an urban landscape whose interlocking crime and law enforcement patterns are dense and complex, and where greater scrutiny by other law enforcement professionals (and the media) exists. These factors may tend to produce a decisionmaking process that is likely less casual than elsewhere.[216]

Reflecting the complexity of this decisional matrix, Federal prosecutors interviewed in the three cities identified the following factors, many of them subsumed within their prosecutorial guidelines, as relevant to the initial decision to prosecute cases in Federal or state court. While many of these factors may be viewed as resting on considerations of expedience and tactics rather than principle (and still raise thorny issues of collaborations' accountability to local governments), to the extent that open lines of communication are maintained with local law enforcement authorities and prosecutors, many of these concerns can be partially surfaced within the context of collaboration itself (of course, on some level penalty differentials or disparities in investigative methods existing in our Federal system present inherent problems of arbitrariness in certain case referral contexts that are not easily addressed by legislative or policy solutions).

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- ***Task force structure and investigative agents' capabilities.*** Interviewees generally relied on the premise that a collaboration's investigative strengths, i.e., the center of gravity of its Federal, state, and/or local investigators' skills and experience relative to a particular case, was a major jurisdictional decisional factor. Based on which agents and/or police bring the most appropriate talents to an investigation and on a comparison of evidentiary and procedural law in the two jurisdictions, provisional decisions may be made to prepare an investigation that can result in a Federal or state prosecution. Obviously, longer-term investigations involving entire gangs or drug trafficking organizations may depend heavily on the evidentiary advantages and investigative agent skills that come with Federal prosecution.

- ***State and Federal prosecutorial resources.*** Prosecutors interviewed in three cities frequently decided that their respective state or Federal offices could not appropriately handle a case based on individual or section caseloads relative to other priorities. In these situations, cases might be referred to the local counterpart's office for prosecution. These decisions could be controversial. As related earlier, in the early- to mid-1990s, U.S. Attorneys' Offices in all three cities curtailed the number of Federal gun prosecutions they undertook ostensibly on the grounds that Federal prosecutors' firearm case workloads were too high and other priorities demanded their attention. Not only did many state prosecutors believe such cases should be retained by Federal authorities, but in recent years, there has been tremendous political pressure (via programs like Project Exile) to increase Federal prosecutions in this area.

- ***Special Federal or state prosecutorial priorities.*** Based on prosecutorial policies developed and/or refined in Washington or a particular judicial district, Federal and state prosecutors frequently determined that a particular case fit within a Federal priority area or initiative. In these instances, they referred the case to Federal prosecution. Under the Achilles program in Detroit, for example, certain firearms cases involving recidivists have been strongly considered for Federal prosecution despite being able to be brought in state court.

- ***Nature of the crime(s) and substantive penalties involved.*** Prosecutors were keenly aware of major differentials in the severity of Federal and state criminal penalties. This factor may play a more modest role when an investigation is commenced, but often assumes decisive importance when a case is ready to be filed. For example, in Detroit, differences in how Michigan and Federal law punish possession or distribution of crack and powder cocaine strongly influenced prosecutorial decisions to proceed in one or the other jurisdiction.

- ***Procedural and evidentiary advantages in the two systems.*** A wide range of procedural and evidentiary advantages and disadvantages in one or the other jurisdiction had a crucial bearing on where a case was filed. Due to the absence of a wiretap statute in Tennessee, for example, Federal jurisdiction was deemed appropriate for a number of gang and high-level drug cases. To take another example, a prosecutor in San Diego related that California evidence law is less liberal than Federal law in permitting investigative methods (including confidential informants) to be kept

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under seal. Particularly where a critical informant was needed for another investigation, prosecutors have often opted for Federal prosecution under these circumstances.

- ***The background(s) of the violator(s).*** A number of factors relating to the backgrounds of alleged violators also loomed as critical determinants of a jurisdictional decision. Many prosecutors stated that such factors ranged from an offender's probation violations (a stronger overall case may be made by combining prosecution of a new crime with a probation violation in the jurisdiction where the latter occurred) to a violator's recidivist behavior (Federal prosecution resulting in potentially higher penalties was viewed as going greater justice—and potentially having broader community impact—if such offenders were involved).

- ***Connections of the case to a larger crime context.*** Among the most critical factors in jurisdictional decisions cited by prosecutors were the linkages, potential or actual, that a particular case or investigation might bring to other cases or investigations being developed through law enforcement collaboration. Whether the targets are drugs, gangs, or drugs, many investigations are viewed as a 'first phase' in attacking a particular urban crime phenomenon; they are expected to, and often do, generate evidence helpful to an existing or future case. Prosecutors agreed that the information and experience obtained by a particular team in connection with a case in one jurisdiction may dictate that those familiar with that case proceed with a companion or successor case in that same jurisdiction. To take just one typical example, the U.S. Attorney's Office in Memphis has taken several successive gang cases to Federal Court to weaken the branch of the Gangster Disciples gang in that city.

Interestingly, despite the resources devoted to collaborative work by Federal law enforcement agencies and prosecutors, in San Diego and Detroit, interviewees estimated that only half or fewer cases developed by drug and gang task forces are prosecuted Federally, due in large measure to significant drug and violent crime penalties on the books in California and Michigan.[217]

All of the Federal prosecutors interviewed for the study attested to the nuanced nature of jurisdictional decisions and the difficulty of making generic determinations across multiple cases, even when aided by the U.S. Attorney's guidelines and their own district guidelines. There is no simple algorithm for determining whether to initially accept a case for Federal investigation based on the significant number of factors that come into play, including politics and local. While several Federal prosecutors said that their intake and other jurisdictional determinations were reviewed by senior prosecutors, they were unable to point to anything other than the Federal district guidelines and the above considerations in structuring that review. It is important to remember, however, that despite being Federal appointees, U.S. Attorneys are also nominated with local political support and have a keen understanding of local politics and tolerances when it comes to significant or controversial jurisdictional decisions. This understanding and discretion is reinforced by an honored tradition of decentralized Federal criminal law enforcement.[218] Interviewees noted that jurisdictional decisions were enhanced by having frequent and open communications with their state counterparts and keeping them—and local law enforcement authorities—informed about the Federal district prosecutorial guidelines and their reasons for taking jurisdictional decisions. Fidelity to such practices in particular investigations seemed to vary

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among collaborations in the three cities: often, it was based on whether stable personal or institutional relationships with local prosecutors existed and communications protocols were well-defined.

A few prosecutors in the three cities were dissatisfied with the quality of communications that existed with their Federal counterparts. Several were frustrated with Federal prosecutors' failure in some instances to provide sufficient reasons for why certain cases were declined for Federal prosecution and then referred to them. Interestingly, this complaint appeared to be much more significant issue than the oft-repeated (but closely-linked) allegation that local prosecutors are resentful of U.S. Attorneys for 'cherry-picking' the best cases with higher profiles and/or stronger evidence. Indeed, only a small handful of local prosecutors felt that some hard cases that were otherwise eligible for Federal prosecution were referred to them because the cases were "hard," and Federal prosecutors appeared unwilling to risk time and reputation where evidence in those cases may have been weak.[219] Most of the complaints on this subject were more mundane, and related to caseload problems stemming from aggregated numbers of declined cases. Given the selectivity afforded U.S. Attorneys (in contrast to local prosecutors who must take on all cases that come their way), however, this possibility for resentment on the part of local prosecutors is built into the Federal system.

In general, it appeared from the interviews that the best mechanisms for ensuring proper prosecutorial coordination and management of concurrent jurisdiction included institutionalized communication on classes of cases at both the highest levels (i.e., between the chief Federal and local prosecutors or their deputies) and at the lower levels (i.e., on an ongoing basis between line prosecutors with task force affiliations or similar subject matter areas of responsibility). Lower-level communication is obviously strengthened where dedicated local prosecutorial liaisons exist. It also appeared critical to have clear communication or notification protocols in place to ensure that Federal prosecutors promptly informed their local counterparts about imminent jurisdictional decisions. Regarding high-level communication, in San Diego, the agreement reached by the U.S. Attorney and the District Attorney in 1994 as to referral to local prosecutors of most narcotics cases arising on the U.S.-Mexico Border with a "San Diego nexus" has been viewed there and among some in Washington as a sign of good organizational communication. While many state officials and political observers have been upset about the prosecutorial and correctional system burdens imposed on them by the agreement, there has been open Federal-local dialogue on the subject and repeated fine-tuning of the arrangement at both higher and lower levels. Arguably, a satisfactory degree of institutional accountability has been achieved, regardless of the unpopularity of the agreement in some quarters of state and local government.

To summarize, it appears that there are a number of practices that are associated with better management of concurrent jurisdiction matters:

- Clear articulation of Federal district prosecutorial guidelines and their communication to local prosecutors.

- Close monitoring senior Federal prosecutors of U.S. Attorneys' offices' intake decisions for consistency and soundness.

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- High-level institutionalized communication between U.S. Attorneys' and local district attorneys' offices about the handing of classes of concurrent jurisdiction cases.

- Designation of prosecutorial liaisons in both Federal and local prosecutors' offices to communicate at a more operational level about the handling of classes of concurrent jurisdiction cases.

- Clear, open communications between Federal and local prosecutors and notification protocols for Federal decisions to accept or decline individual cases.

C. Insights Into the Effective Facilitation of Local Law Enforcement Coordination Against Urban Crime

In an era of Federal-local partnerships and collaboration, the unique power of U.S. Attorneys and HIDTA directors to stimulate and enforce coordination and problem solving among various Federal, state, and local law enforcement agencies has assumed greater prominence. This power derives from the high-level mandates given to these individuals by the Attorney General and the Office of National Drug Control Policy (ONDCP), respectively, as well as their ability to serve in relatively neutral, honest-broker roles amid disparate and often competing, agencies. Sometimes, the Justice Department has mandated certain strategic planning exercises under the aegis of U.S. Attorneys, such as the 1999 directive requesting each U.S. Attorney to consult with law enforcement colleagues to develop an integrated firearms violence reduction strategy in each judicial district. HIDTA Executive Boards have sought formally to promote certain agency coordination and deconfliction activities. U.S. Attorneys have also wielded their 'convening' power to encourage collective problem solving of local crime problems.[220]

While facilitation efforts can take a variety of forms based on local circumstances and personal styles, interviews with law enforcement officials in San Diego, Detroit, and Memphis suggested that regular, formal communication and strategy-setting among law enforcement representatives, principally through monthly meetings convened by U.S. Attorneys or HIDTA directors, provided the most effective high-level means of coordinating the multiple missions and activities of Federal, state, and local law enforcement officials. These high-level meetings in turn, can facilitate and encourage information-sharing and coordination at lower levels of law enforcement organizations. As noted above, the U.S. Attorneys in all three cities spearheaded various monthly strategic meetings, although in San Diego and Detroit such meetings included a wider range of Federal and local law enforcement organizations. In San Diego and Detroit, HIDTA meetings have proven essential in obtaining a clear picture of the often confusing jumble of law enforcement activities—both collaborative and non-collaborative—with a drug focus. In Detroit, several interviewees indicated that while they were frustrated by the time commitments prompted by HIDTA participation, they genuinely relied on the HIDTA forum to clarify priorities and prevent waste and duplication.

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While these facilitation efforts can take a variety of forms based on local circumstances and the personal styles of U.S. Attorneys and HIDTA Board members, interviews with law enforcement officials in San Diego, Detroit, and Memphis suggested that certain of these efforts had proven more successful than others based on the following factors:

- Commitment of U.S. Attorneys or HIDTA Directors to spend time getting personally acquainted with other local agency representatives.

- Cultivation by U.S. Attorneys or HIDTA Directors of an atmosphere of cooperation and openness among various agencies.

- Dedication of U.S. Attorneys or HIDTA Directors to making coordination meetings frequent and substantive gatherings where practical information (including resource issues) are exchanged by the participants.

- Encouragement of Federal and local law enforcement authorities by U.S. Attorneys or HIDTA Directors to capture and analyze various kinds of crime data, either through their own personnel or with the help of outside experts.

The high-level nature of these coordination mechanisms, and the personal involvement of key institutional representatives, seem essential. Although LECCs were designed to accomplish many of the same coordination objectives, their lack of political clout appears to have rendered them relatively ineffective in their intended role in the three cities—and reportedly, in most other Federal judicial districts around the country. A significant question arises, however, as to how decisions taken or queries posed at U.S. Attorney- or HIDTA-chaired meetings are prepared for, followed up, and generally institutionalized. This entails both internal outreach to staff and external outreach to other law enforcement organizations. Equally important, it involves some kind of analytical capability being developed in at least one or two participating agencies.

In many HIDTAs, judging from discussions with Federal participants and observers, there has been considerable philosophical and practical resistance to the idea of creating a new bureaucracy, even if only modestly larger than the existing infrastructure of the member organizations. In U.S. Attorneys' Offices and certain Federal and local law enforcement agencies, similar concerns have arisen as the organizational and financial realities of new or strengthened analytical units into existing managerial structures has begun to be appreciated. In some cases, management and coordination activities can be merged with ongoing professional duties and traditional career advancement patterns. In other cases, entirely new positions and job descriptions may need to be created. In a few U.S. Attorneys' Offices, certain of these innovations are underway, but not without deep reservations about the personal and organizational costs imposed by the increasing demands of coordination in a more 'networked' environment.[221] Although these organizational and management concerns remain extremely challenging, there is increasing interest in grappling with these issues in order to realize the strategic benefits that may accrue to prosecutors' offices that seek to strengthen their analytical capabilities.[222]

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D. Insights Into the Effect of Urban Crime Collaboration on Law Enforcement Organization and Operations

The effects that interjurisdictional collaboration have had on law enforcement organizations and their operations have sought to be demonstrated by various studies. Several inquiries into the work of MJTFs, for example, have suggested that cooperation and coordination among law enforcement agencies improved under task force arrangements when compared to drug enforcement efforts prior to the introduction of task force operations, or to 'control' jurisdictions without formal task forces in existence.[223] While no systematic studies have been conducted on these effects with respect to Federal task forces,[224] the majority of individuals interviewed for this study in the three cities attested to the following as the key benefits of collaboration:

- *Greater geographic mobility of law enforcement authorities* through diverse agency membership and cross-deputization of local officers.

- *Greater and quicker mutual access to diverse skills, methods, and sources of intelligence* (e.g., Federal agents' exposure to local undercover methods and local police exposure to building long-term conspiracy investigations and using various kinds of surveillance, including wiretaps), permitting better problem solving.

- *Increased opportunities for local police to get on-the-job training from Federal agents in particular investigative methods*, as well as specialized training through formal programs like those offered through the Federal Law Enforcement Training Center.

- *More effective law enforcement specialization* relative to particular targets, e.g., gangs, airport drug interdiction, drug-related homicides, etc.

- *Ability of police to make larger-scale payments for informants and evidence,* often leading to information about higher-level traffickers.

- *Increased local police access to high-quality equipment,* particularly surveillance equipment provided by Federal law enforcement agencies.

- *Local police access to overtime funds* allowing for more complex, longer-term investigations and round-the-clock surveillance.

- *Better coordination of law enforcement activities* (particularly in the drug area) between Federal, state, and local authorities and better mutual access to law enforcement chiefs.

- *Increased agent and officer safety* through sharing of information about ongoing and impending investigative activities that might otherwise result in unintended collisions between uniformed officials, undercover individuals, and/or informants.

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Most of these benefits match those that general assessments of the Byrne-funded Multijurisdictional Task Forces have adduced (*see* Appendix E).[225] In addition to these tangible advantages, the great majority of the Federal agents and police officers interviewed also agreed that task force work and other close collaborative work between Federal and local law enforcement authorities had a number of more subtle benefits:

- *Breaking down of stereotypes* about Federal and local law enforcement organizations, personnel, and operating methods.

- *Forging of stronger personal relationships and trust* that facilitate more extensive and rapid information-sharing across organizations.

- *Better, more sophisticated problem solving* facilitated by broader, more diverse sources of information and skill sets, as well more motivated and loyal collaboration participants.

- *Diffusion of skills and information* to home agencies that are members of a collaboration, and g*radual opening up of the organizational cultures of home agencies* through indirect influence of task force personnel, especially local police officers rotating back to their home departments.

It is worth noting that none of the Federal and local law enforcement officials or prosecutors interviewed for this study—even those few who expressed doubts about some aspects of Federal-local collaboration or the costs involved—questioned these benefits. Although a handful of Federal and local law enforcement officials and prosecutors expressed reservations about how much the concept of 'partnership' had been touted by the Justice Department in recent years, none thought that partnering was being promoted purely for its own sake, or that it negated any of the aforementioned mutual benefits.

Concerns about collaboration were, in fact, relatively few in number. The most frequently heard were the same: a small number of local law enforcement personnel complained about Federal law enforcement agents who were overly controlling or ill-prepared for their assignment to those task forces requiring an appreciation of the local crime scene and local undercover work. A number of police officers also voiced the oft-heard complaint that some Federal agents still failed to share sufficient information with them, particularly regarding informants. Certain others vented their frustration with Federal paperwork burdens and the slowness with which some Federal investigations moved forward. Three local officers believed Federal agents were unnecessarily slow in developing longer-term investigations. The one notable complaint from police was that fully one-quarter of those interviewed said they were often frustrated by the shifting political priorities of Federal officials and/or Federal agency rivalries that delayed progress on particular investigations.

On the Federal side, doubts about various aspects of Federal-local collaboration were few in number and fell into a handful of discrete categories. The most serious concern, expressed by a few senior Federal officials, was that asset forfeiture was playing too influential a role in attracting local police to task forces and other collaborative work, and that in some cases it was skewing priorities in drug cases away from what would be the highest priority drug targets toward targets offering the largest forfeitures. When pressed to give more details, these officials conceded that these problems were of greater concern with small suburban police departments involved with task forces than with the Memphis, San Diego, or Detroit police (due to the

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professionalism of the people involved and the greater overall resources available to the latter), but that the general problem was troubling. A number of Federal agents also expressed sympathetic frustration with the insularity of several police units from which they were drawing local task force personnel (and with which they needed frequently to cooperate), but acknowledged the long-term time investment required for successful collaboration. Certain other agents, particularly in Detroit, expressed frustration (albeit again sympathetically) with the under-equipped state of their police counterparts. Interestingly, although several Federal officials made cautionary statements about potential police corruption, none stated that it posed an impediment to collaborative work *per se* in their city. Similarly, no one alleged that local police forces were sending other than top-quality candidates to task forces. They hastened to add, however, that careful screening checks and interviews were necessary to winnow out this candidate pool.

E. Insights Into the Community Impact of Federal-Local Law Enforcement Collaboration Against Urban Crime

It is difficult to obtain empirical data that can demonstrate the impact that Federal-local law enforcement collaboration has had on crime and communities. It is inherently problematic to conceive of methodologies that can plausibly account for such impact when so many other influences impinge, including demographic, economic, and a host of other law enforcement factors. At the same time, task forces and other collaborations are dynamic in nature, altering their structure and/or goals in order to adapt to specific crime, financial, and even political developments. A fair amount of national output data exist—e.g., arrest and seizure statistics[226]—but these aggregate data say little about the impact of task force work on a particular crime problem nationally, much less locally. Even if local task force data were obtained, it would prove difficult to correlate task force activities with crime reduction without controlling for a significant number of other factors. Methodologically, as several researchers have pointed out, law enforcement efforts and crime have a simultaneous causal effect on one another.[227] Although few impact-oriented evaluations of Byrne MJTFs have been conducted—the vast majority of evaluations of MJTFs have been process evaluations—none has been able to say with any degree of certainty whether the advent of task forces or a particular shift in task force tactics has had an appreciable impact on drug trafficking or drug abuse in a particular area.[228] Even the effect of local drug task forces on outputs like arrests is inconclusive.[229] No impact study of Federally-led task forces has apparently been undertaken, although the DEA made an effort in this direction with regard to its MET Program.[230]

No systematic data on task force operations was available in the three cities for this study, nor crime data that would conclusively shed light on whether crime reduction had occurred as a result of collaboration activities. Anecdotally, however, most task force participants interviewed were enthusiastic about the impact that task force and other collaborative work had purportedly had on crime, particularly regarding gangs—several individual gangs had been significantly disrupted or dismantled through long-term investigations culminating in successful prosecutions. For example, in San Diego, the FBI-led Violent Crimes Task Force Gang Group effectively dismantled the Logan Heights Gang, which had terrorized a large district of the city, and broke up a number of gangs in the Lincoln Park neighborhood.

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Other interviewees pointed to apparent reductions in violent crime, possibly as a result of more aggressive firearms prosecutions by Federal-local task forces. In many such prosecutions, numerous violent recidivists and gang members were convicted of one or more gun crimes and given substantial sentences. For example, as noted earlier in Section V, in Detroit, as part of an 18-month gang sweep by the Achilles Task Force, over 135 people were convicted of state and Federal narcotics and firearms violations occurring in the 8th Precinct of Detroit and the city of Highland Park. Making significant use of the ATF Achilles Program and tough Federal firearms statutes, Detroit police estimated that roughly 400 out of a possible total of about 1,000 gang members in the city had been imprisoned in the past several years thanks in large measure to Federal-local task force collaboration. Meanwhile, although Project Exile and its progeny have proven controversial on Federalism grounds and are disfavored by some U.S. Attorneys, interviewees serving in violent crime, gang, and drug task forces in the three cities were very positive about the impact that their selective use of Federal firearms charges had had on prosecuting particularly dangerous individuals and gangs and causing the criminal community to keep guns off the street (only in Detroit, however, had the ATF begun to initiate anything resembling a higher-volume collaborative firearms prosecution program—Operation Countdown, an offshoot of the Achilles Program).

As noted above, the impact of drug-focused task forces on drug trafficking is enormously difficult to quantify, particularly against the backdrop of steadily falling drug prices as a general trend over the past decade.[231] Still, interviewees in each of the three cities suggested that many arrests of high-level traffickers and significant drug seizures, as well as costly drug lab cleanups, would not have been possible without the funding, equipment, and intelligence-gathering provided by Federal-local law enforcement collaborations. In the San Diego area, for example, the Narcotic Information Network (NIN) helped to collect, analyze, and disseminate a wealth of national and regional drug information. In addition, many drug task forces in the three cities have successfully helped to break up high-level drug-involved gangs. Thus, in San Diego, the Integrated Narcotics Task Force worked with the FBI Violent Crime Task Force Gang Group to dismantle the Red Steps Gang, while in Memphis, the Drug Enforcement Task Force broke up a branch of the Gangster Disciples Gang. While these reported accomplishments are hard to document quantitatively with any precision, residents of affected neighborhoods reportedly felt more secure in the aftermath of these actions.

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VII. THE FUTURE OF FEDERAL-LOCAL LAW ENFORCEMENT COLLABORATION AGAINST URBAN CRIME

After several decades of evolution, Federal-local law enforcement collaboration targeting core urban crime problems has become a fixture in most American cities. Task forces and more informal or case-specific collaboration to address drug, gang, and firearms problems have become institutionalized around the country. As the history of Federal-local organizational and personal interaction lengthens in American cities, so does practical experience with collaboration and the comfort level of its participants. Information-sharing and transparency have increased, together with more stable institutional arrangements, and the result, judging from the interviews conducted for this study, appears to be quicker, more responsive, and more targeted actions by law enforcement agencies and prosecutors.

At the start of a new century, this consolidation of collaboration in most large American cities begs the question of whether the phenomenon will prove transitory or will usher in even more seamless and permanent Federal-local law enforcement alliances in the fight against urban crime. All indications would seem to point to the latter as an emerging reality. Just as technology generally and electronic communications in particular have obliterated physical distances and rendered jurisdictional distinctions much less meaningful, so these tools, and their use by criminal elements, have made it harder for Federal and local law enforcement officials to operate in wholly discrete spheres of activity.[232] In a wide variety of situations, a planned, coordinated Federal-local response is required, both in terms of the mix of skills and knowledge needed and perhaps more important, the ease with which it can be deployed. This suggests the necessity of relatively institutionalized collaboration. The pressures for collaboration will likely persist in the future, as discussed below.

In general, however, there is a very significant need for further in-depth research on Federal-local law enforcement collaboration. Not only is empirical evidence on impact scarce, but there is inadequate information about urban variations in various practices and the reasons therefor. Why does the U.S. Attorneys Office in one city play a different role from that in another. When certain programs are coordinated by a U.S. Attorneys' Office, to what extent can the HIDTA serve as an effective substitute? To what extent, beyond the generalizations captured here through interviews, do different Federal agencies differ in the way they approach collaborative efforts with their local counterparts? This study represents a beginning in answering these questions, but an important research agenda addressing these and other topics looms in the future.

A. Federal-Local Law Enforcement Collaboration Will Intensify in the Future

Given the drop in violent crime and a variety of other types of crime in the late 1990s, it might seem possible, or even advisable, for Federal-local law enforcement collaboration to diminish. After all, rising crime rates in the mid-1980s and a tide of gang-driven violent crime in American cities played a major role in propelling such collaboration forward over the past 15 years. Under these new conditions, Federal and local law enforcement authorities might independently or mutually conclude that collaboration had served its primary purpose, and that each side could more profitably devote itself to strengthening its primary missions. While such decisions could occur in particular cities and in connection with specific urban crime problems—

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either as a result of poor experiences with collaboration or successful ones resulting in a decrease in crime—many factors point to the current general contours of Federal-local collaboration continuing and even intensifying in the years ahead (even if the overall numbers of collaborations or their budgets decrease). .

First, task forces and more informal collaborations have demonstrated the complexity and interconnectedness of many crime phenomena and the need to harness the complementary comparative advantages in information-gathering that Federal and local law enforcement and prosecutors bring to the table. Most Federally-led urban crime collaborations serve specialized needs and are frequently directed at longer-term investigations addressing higher-level criminal organizations. As these organizations become more sophisticated, diversified, and geographically dispersed, the need for more flexible, diverse, and mobile law enforcement law organizations increases. As one observer has noted analogously in the realm of international drug trafficking, many criminal organizations have moved from large, hierarchical, vertically integrated cartel organizations to more decentralized network structures that are increasingly resistant to disruption. Law enforcement authorities must respond in kind if they are to meet this challenge successfully. As one student of this emerging phenomenon has noted:

> Governments and law enforcement agencies have to think and act much more in network terms; they need to develop the same kind of flexibility to operate both nationally and transnationally through the creation of informal transnational law enforcement networks based on trust that is exhibited by drug-trafficking networks.[233]

Domestically, Federal-local law enforcement collaborations have begun to forge these formal and informal networks and relationships of trust necessary for a more flexible law enforcement response. While this flexibility is more important in cases of drug trafficking than many kinds of violent crime, its general utility is clear. As a result, even if overall funding for Federal-local law enforcement collaboration diminished and many kinds of joint operations were curtailed, there is good reason to believe that organized forms of Federal-local law enforcement collaboration would be sustained by their participants if for no other reason than the regular information-sharing and strategic planning and coordination that collaboration provides.

Second, and as a corollary, the need for frequent and sophisticated information-sharing has increased dramatically with the volume and detail of crime information and the rapid growth in information technologies (benefiting criminals and law enforcement alike). More voluminous and frequent information flows across Federal and local jurisdictions will tend to keep current collaborations closely engaged and to draw closer together those Federal and local authorities who are currently interacting on a provisional or episodic basis.

Third, while certain incentives to collaborate may diminish over time (e.g., many localities already utilize a number of sophisticated investigative methods and equipment, thanks to earlier Federal funding), other incentives—such as Federal authorities' scarce manpower and need for local intelligence—will remain more or less constant. Likewise, even if the advantages of Federal prosecution diminish based on state governments adopting more aggressive laws and procedures, local partners will still benefit from additional Federal resources and intelligence. At the same time, a new incentive—the advantages to be derived from

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more active information-sharing and problem solving, as well as examining crime problems more holistically and preventively—will strengthen the role of at least some existing collaborations.

Finally, task forces and coordinating mechanisms such as HIDTAs appear to be generally popular with Federal and local law enforcement representatives and prosecutors—a formidable constituency. The popularity of such collaborations has increased not only due to successful joint work but also because of the Federal dollars that flow into such collaborations. This constituency, moreover, grows larger each year with the wider circle of Federal and local officials who have participated in such collaborations. Most task forces and other collaborations have developed relatively strong organizational identities and represent a significant political and resource investment by Federal, state, and local governments alike; like all governmental programs, they are easier to establish than curtail or dismantle.

As noted above, these general factors do not preclude the possibility that Federal-local law enforcement collaboration might diminish *in degree* in particular localities depending on they type of crime problem involved. For example, the successful disruption or dismantling of many urban street gangs could result in fewer Federal-local gang task forces and/or resources therefor. Several FBI agents interviewed for this study suggested that there is a lively internal debate within the FBI as to whether parts of its Safe Streets Program should shrink relative to emerging threats in the areas of cybercrime, transnational organized crime, and international terrorism. A new administration could easily justify and carry out such a shift.

On the other hand, even with the downturn in violent crime and gun violence, popular pressure for Federal-local law enforcement collaboration and Federal prosecution of firearms offenses could result in the strengthening of collaboration among ATF agents, U.S. Attorneys, and local police on firearms-directed task forces carrying Exile-type programs. Most American cities have working collaborations of this nature and are well positioned to expand their operations if increased resources are available.[234] While such programs have sometimes been a spur to state and local officials to enact their own programs and stiffen state firearms penalties and procedural tools—thereby providing a basis for Federal assistance to recede[235]—their popularity has also in some localities been a reason for supporters to seek continued Federal involvement.[236] Rather than reflecting the original, predominantly Washington-directed impetus for Federal involvement in urban crime, expanded collaborative activities in the coming decade may demonstrate the influence and support of local politicians and law enforcement authorities who—at least in many areas of the country—have grown accustomed to relying on Federal collaboration as a way of demonstrating heightened commitment to the fight against crime and supplementing what are often scarce local resources in the that fight. There are indications that this kind of dynamic has already begun to take hold,[237] prompting efforts on the part of some U.S. Attorneys and segments of Congress to ensure sufficient flexibility for Federal officials in taking on new investigations and prosecutions.[238]

In the area of drug enforcement, where collaboration has traditionally been more entrenched, resources more plentiful, and multiple operational alliances more closely linked together to address all parts of the drug distribution chain, intensified Federal-local law enforcement collaboration in the future appears to be a virtual certainty. This seems likely even if Congress or a new Administration were to push for, and achieve, a reduction in drug enforcement funding. While one could envision DEA's MET program being curtailed based

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on its more crisis-driven mission and continued discernible drops in violent crime, most of the major programs supporting Federal-local collaboration—DEA's State and Local Task Force Program, OCDETF, the Byrne-Funded Multijurisdictional Task Forces—represent stable and fundamental building blocks in the creation of a more flexible and sophisticated American response to drug trafficking. Moreover, these programs remain deeply entrenched and highly popular with Federal and local law enforcement authorities. As the unsuccessful attempt to phase out the Byrne Program funding of Multijurisdictional Task Forces in 1994 demonstrated, reducing or eliminating Federal funding of task forces can prove difficult to accomplish when a large, well-organized law enforcement constituency favors its preservation. This political difficulty looms even larger when such funding supports enforcement work that in turn generates thousands or millions of dollars of additional income through Federal or state asset forfeiture programs.

Although the precise contours of Federal-local collaboration on urban crime will likely continue to be negotiated at the local level between Federal and local participants—barring the unlikely event that Congress itself imposes certain guidelines on collaboration—it is highly probable that those contours will become more formalized and institutionalized. Participants will likely seek greater certainty and predictability in their collaboration, seeing that these generally appear to be enhanced through the use of Memoranda of Understanding that address issues of leadership, paperwork, overtime, and many other critical issues. External players, including local politicians, the media, and the general public, may similarly demand greater documentation of collaborative arrangements—as well as evidence of outputs and impact—in the interest of promoting enhanced transparency and accountability. This increased formality and greater transparency will doubtless create short-term opposition in many quarters—and may in some areas conflict with the interest of Federal and local law enforcement authorities in maintaining a certain degree of secrecy about their activities—but it may be the price that will be paid to ensure the continued vitality of this kind of collaboration in the country's Federal system.

Even with improved institutional frameworks and accountability, the *objectives* of collaboration generally may change considerably in the future. In some cases, these changes will be prompted by particular crime trends the responses to which all key parties agree on. In other cases, however, as collaboration becomes more of a truly shared enterprise, urban task forces and other collaborations may become even more torn than they sometimes currently are between pursuit of high-level crime targets—about which local politicians, the public, and even some local law enforcement personnel may be unaware or unconcerned—and more immediate, visible, and politically urgent problems involving more ordinary kinds of street crime. Already this has become a major problem for Federal agents and prosecutors as they struggle to balance work on long-term undercover drug trafficking investigations with, for example, drug-involved homicides or Weed and Seed neighborhood sweeps. As discussed below, only high-level coordination and consensus-building can help produce a rational and politically acceptable division of labor among various law enforcement organizations and collaboration in particular urban areas.

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B. Toward More Seamless and Coordinated Federal-Local Law Enforcement Collaboration Against Urban Crime

With this success of task forces and Federal-local collaborative work have come new problems and opportunities, both of which appear to require increased, but 'smarter' communication and coordination. In the past, task forces and informal collaborations themselves represented a great leap forward in coordination: information was made more available and duplication reduced among a variety of Federal, state, and local law enforcement agencies. Today, with the proliferation of task forces and other collaborations, many of them featuring longer-term investigations and undercover work, new coordination challenges have arisen. Drug and gang task forces and subgroups regularly conduct overlapping investigations that may from time to time converge on the same individuals, groups, and locations in a particular city. There are now wider possibilities for information-sharing between these collaborations, as reflected by the Cease Fire Program coordination efforts undertaken by the U.S. Attorney's Office in Memphis across all four of the major Federal-local task forces in the district (*see* Section V.B.2.b, *supra*; Appendix C). The possibility of unintended collisions between undercover agents has significantly increased. Ever-fluctuating Federal funding streams from dozens of program and grant sources that contribute to task force and other collaborative work make it more difficult to keep track at any given time of the relative capabilities and comparative advantages of various task force groups attacking a particular problem or set of problems. "Mission creep," aided and abetted by Federal dollars, may dull the focus of certain law enforcement agencies and task forces alike, preventing them from further developing the very capabilities that made them a unique asset in the first place.

At the same time, the density of collaborative work and the richness of the information obtained from various collaborations has created significant opportunities for comprehensive problem solving, so long as solid communication and coordination exist. Federal-local task forces and other collaborations that have a strategic focus represent a very significant repository of information about particular crime problems, neighborhoods, and linkages between criminal organizations. These connections may be missed if adequate coordination is missing. For example, one task force may be targeting a particular gang in a neighborhood, while another collaboration may have a drug enforcement objective and have focused on a trafficking organization with peripheral ties to the gang through certain individuals. Even with the increased intelligence capabilities of Federal-local law enforcement collaborations, the drug enforcement group may consciously or unconsciously miss the indirect connections to the gang investigation. As Elizabeth Glazer has pointed out in an article encouraging greater collaboration and problem solving in the context of violent crime work, one law enforcement group preoccupied with individual cases and rapid suppression of a 'hot spot' may miss out on broader 'impact' connections to other geographic or network-based criminal activity.[239] Although increased Federal-local collaboration has improved local problem solving by providing police with greater long-term perspective and Federal agents with better street-level information—witness the efforts of the REDRUM collaboration in Detroit or the analytical capability housed within the San Diego Violent Crime Task Force Gang Group—linkages among various kinds of collaborative work may still be overlooked in the drive for rapid arrests and larger 'body counts.'

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To capture potential problem-solving opportunities *and* avoid unnecessary duplication and collisions between law enforcement collaborations, better coordination must occur at both higher and lower levels. Line task force officers and prosecutors must have a clear understanding of other law enforcement activities with a potential for overlap and/or synergy. Group supervisors and upper-level agency chiefs, as well as the DA and U.S. Attorney, must make informed decisions about strategic priorities and the deployment of human and material resources. Some of this coordination has already emerged as a result of strides made by local police departments using the New York Crime Control Model. At the same time, coordination can carry a heavy price. As noted earlier in connection with HIDTAs, 'coordination fatigue' can arise as all concerned actors try to keep abreast of case-specific and community-wide strategic developments impinging on ongoing agency or task force work. Not merely meetings and phone calls designed to maintain personal relationships, but continuous paper and electronic streams of information may consume a significant part of various individuals' work week. Yet like businesses compelled to study their markets carefully and maintain good relationships with suppliers and distributors, most law enforcement personnel cannot afford to ignore information and contacts that are required to build successful investigations and prosecutions. The challenge in these circumstances is to bundle and stratify critical data so that time is not wasted on the more routine information.

Although some of these mechanisms are just in the process of emerging, it appears that Federal and local authorities have sought to rely on a number of Federally-initiated and supported communication and coordination mechanisms to derive the maximum benefits of collaboration within a particular community or city. One tried and true mechanism, benefiting law enforcement officials at all levels, are information and intelligence systems such as the Narcotics Information Network (NIN) in San Diego and Imperial Counties. Law enforcement agencies increasingly rely on this kind of information network as a means of conducting research prior to taking particular actions and notifying other agencies about those actions. Databases utilized by such networks not only pool critical drug intelligence, but contain 'link analyses' that graphically depict linkages among people, locations, vehicles, and telephones.

These and similar databases under regional HIDTAs are also increasingly being used by law enforcement authorities for so-called 'deconfliction' purposes. Historically, agencies and departments have had informal processes for notifying one another of events affecting officer and agent safety. At the same time, two agencies might informally track investigative events by computer based on telephone inquiries of officers and/or agents with personal relationships. Today, the HIDTA Program has formalized this process by requiring all HIDTA-supported collaborations to have their agents provide electronic notice of critical events (e.g., serving of search warrants, arrests, etc.) that may implicate the activities of other law enforcement agencies. Once there is a computerized 'hit' or match encountered through the deconfliction process, the HIDTA system provides point of contact information so that the inquiring investigator can follow up with the agent/officer who has the related investigation or intelligence (*see* Figure 29).[240] The deconfliction process in Detroit has proven so attractive that the local HIDTA has encouraged many non-HIDTA supported law enforcement agencies and collaborations to participate.

Lower-level, decentralized communications channels may also be facilitated by informal linkages that task force participants maintain to their home agencies and to individuals working on other cases or initiatives.

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Figure 29. HIDTA 'Deconfliction' Services

Historically, agencies and departments have had informal processes for enhancing officer and agents safety in multiple investigations. In some cases, mostly in large cities, two individual agencies might track drug enforcement events with a computer system, but this was an informal system accomplished through telephone inquiries and highly dependent on personal relationships. While information obtained during a drug investigation can be sensitive and the product of hard work and dedicated expertise, increasingly law enforcement agencies see the value in coordinating their activities and sharing information in order to promote more successful drug investigations (including joint investigations), enhance agent/officer safety, and prevent duplication.

The HIDTA Program has formalized this tracking mechanism by requiring all HIDTA Investigative Support Centers (ISCs) to provide both *event* and *case/subject (pointer)* 'deconfliction' services to all HIDTA task forces.

- ***Event Deconfliction*** represents a computerized method of tracking events related to counterdrug investigative activities, drug seizures, and arrests. Providing a system for verifying potential problems and conflicts between investigations helps to reduce the risks inherent in multi-agency counterdrug activities that could endanger the lives of law enforcement authorities, informants, or ordinary citizens.

- ***Case/Subject (Pointer) Deconfliction*** is a computerized method of linking cases and subjects related to drug trafficking in order to determine if a drug suspect is under investigation by any other agency or department, or if another agency or department has intelligence that could prove valuable to an investigation. Linking information gathered from task forces and participating agencies improves resource allocation and yields improved case outcomes.

The deconfliction system provides point of contact information between agencies so that investigators can follow up with one another regarding particular information. Due to the considerable benefits of these services, they often extend to non-HIDTA participating agencies. In the future, if funding and resources permit, HIDTA ISCs will provide deconfliction services to all law enforcement agencies within their regions.

Source: Information Sheet Provided by ONDCP

These ties have become increasingly prominent among police officers as collaborations graduate larger numbers of task force participants to their original departments or to other law enforcement agencies operating in the same region. Federal agents often have more of these connections insofar as some of them may serve on multiple Federal-local collaborations. Federal law enforcement agency ASACs may have similar multiple channels of communication to other collaborations and investigations. In many cases, HIDTAs can serve to catalyze these communications and problem-solving channels,[241] using crime mapping techniques that have become ever more sophisticated based on innovations documented in part by the Department of Justice and the National Program for Reinventing Government through their project entitled "Mapping Out Crime."

Prosecutors, however, appear to be in the best position to facilitate these information linkages and then synthesize the resulting intelligence. As Elizabeth Glazer has pointed out, among Federal, state, and local law enforcement actors, only Federal prosecutors with knowledge of Federal and local evidentiary standards and a panoramic view of multiple cases have the vision and incentive to seek to identify broader trends and the resources necessary to have an impact on a larger problem.[242] In addition to probing for linkages and patterns informally, it is possible that in the future, one or more Federal prosecutors might oversee the development of an applied analytical capability that better targets crime reduction opportunities across various kinds of geographically- and functionally-oriented case clusters. This capability could rest on in-house and/or outside resources. In smaller offices, outside researchers can provide most of this capability. As this study has shown,

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the U.S. Attorney's Office in Memphis spearheading the sexual assault initiative relies almost exclusively on the research and analytical capabilities of criminologists and public health specialists at the Universities of Memphis and Tennessee, respectively. In larger offices, dedicated staff could be tasked with developing such capabilities. At least one Federal prosecutor's office is moving in this direction, as reflected by the U.S. Attorney's Office for the Southern District of New York, which created a special Crime Control Strategies Unit. In either case, a central front-office person or unit can encourage the dissemination and discussion of crime pattern information that can be used by line prosecutors, and especially by prosecutors attached to Federal-local task forces, to coordinate more effective law enforcement strategies.

Perhaps the simplest and most influential high-level coordination mechanism to emerge in the wake of intensified Federal-local law enforcement collaboration is the ability of the U.S. Attorney to function as the "ultimate convener" of Federal, state, and local law enforcement authorities in a particular Federal judicial district. As the "chief law enforcement officer" in their districts, U.S. Attorneys have increasingly served as fulcrum points for local problem solving on a variety of pressing crime issues. Some of these efforts have occurred with specific Justice Department encouragement, such as the coordinating role that U.S. Attorneys played in formulating district-wide violent crime priorities for the 1994 Anti-Violent Crime Initiative and again in 1999 for the so-called "District Initiative" that encapsulated district-wide priorities susceptible to coordinated Federal, state, and local approaches.[243] U.S. Attorneys themselves have generated other coordination efforts, such as the reinvigoration of the REDRUM collaboration in Detroit, the formation of the Strategic Initiative on Sexual Assault in Memphis, and the reorganization of the FBI Gang Task Force in Memphis.

As this study has shown, the U.S. Attorney's convening power can be used in different ways. In Detroit, the U.S. Attorney chairs a monthly Federal Law Enforcement Committee meeting that can serve a highly strategic function if top agency officials are briefed properly by their subordinates. The U.S. Attorney in San Diego holds a similar regular meeting of top law enforcement officials. In Memphis, the U.S. Attorney launched the sexual assault collaboration based almost exclusively on her office's vision of the coordinating and problem-solving role that Federal prosecutors could play in attempting to respond strategically to the issue of sexual assault in that city. While such a Federal role might not be necessary in cities like San Diego that have a strong tradition of cooperation and dialogue at all law enforcement levels—witness the robust activities of the educational Methamphetamine Task Force under the titular leadership of the San Diego Sheriff's Office—in other locations the U.S. Attorney will sometimes need to serve as a linchpin of city-wide problem solving by law enforcement agencies.

While this Federal prosecutorial coordination role at higher and lower levels is not without its skeptics or detractors,244 it represents the cutting edge of how multiple Federal-local law enforcement collaborations may need to be strategically deployed in the years ahead. Consequently, while the core function of most prosecutors and law enforcement agents addressing core urban crime problems will probably remain the same, certain Federal prosecutors and law enforcement agents may come to have responsibility for developing the 'big picture' analytical and problem-solving tools required by intersecting collaboration work. Such individuals, attached and/or reporting to the U.S. Attorney or a coordinating entity such as an HIDTA, will need to have appropriate mapping tools and databases, as well as links to various

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collaborations, community groups, and academic researchers. They will also need to have a much better understanding of the operational and community impact of task forces and other collaborations, which is presently in very short supply.[245] Acting as a super-coordination unit, these analysts will also need to have the ability to sift through large quantities of information from multiple law enforcement sources and collaborations and boil down such intelligence into more useful and easily absorbed formats. The ways in which these law enforcement officers and prosecutors conduct their activities, the wide range of agencies and organizations with which they will interact, and the kind of information they will analyze to help put cases together will change dramatically with expanded information-sharing and technological innovations in data analysis. It is indicative of how central Federal-local law enforcement collaboration in American cities has become that the institutional networks it has spawned are the likely platform on which such advances in analytical capabilities will be tested.

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Notes

1. For a list of persons interviewed, *see* Appendix A. For reasons of confidentiality raised by local officials, none of the individual state, and local law enforcement line officers interviewed for this study is identified by name. A glossary of acronyms is provided in Appendix F.

2. On funding of state and local law enforcement activities, *see, e.g.,* Dunworth, T., P. Haynes, and A. Saiger, 1996. *National Assessment of the Byrne Formula Grant Program: A Policy Maker's Perspective.* National Institute of Justice Research Report. Washington, D.C.: National Institute of Justice (Byrne Program financial assistance); Diegelman, R., 1982. "Federal Financial Assistance for Crime Control: Lessons of the LEAA Experience," *Journal of Criminal Law and Criminology,* vol. 73, p. 994 (LEAA financial assistance). Concerning Federal information-sharing with state and local law enforcement, *see, e.g.,* U.S. General Accounting Office, 1999. Report No. GAO/GGD-99-10, *Crime Technology: Federal Assistance to State and Local Law Enforcement* (Federal information-sharing and assistance). On Federal training of local law enforcement authorities, *see, e.g.,* Geller, W. and N, Morris, 1992. "Relations Between Federal and Local Police," *in* Michael Tonry and Norval Morris, eds. *Modern Policing,* vol. 15, pp. 291–92. Chicago: University of Chicago Press.

3. Only a few individuals have focused on the actual exercise of jurisdiction. *See, e.g.,* Gorelick, J. and H. Litman, 1995. "Prosecutorial Discretion and the Federalization Debate," *Hastings Law Journal,* vol. 46, pp. 967–978. More characteristic of most studies on the subject of Federal criminal jurisdiction are those that focus purely on the reach of substantive Federal criminal law. *See, e.g.,* American Bar Association Task Force on the Federalization of Criminal Law, 1998. *The Federalization of Criminal Law.* Washington, D.C.: American Bar Association.

4. This definition is adapted from Coldren, J., McGarrell, M. Sabath, K. Schlegel, and L. Stolzenberg, 1993. *Multijurisdictional Drug Task Force Operations: Results of a Nationwide Survey of Task Force Commanders.* Washington, D.C.: Justice Research and Statistics Association. Federal-local task forces and other collaborations are typically classified as 'vertical' collaborations, insofar as they seek to maximize relationships between agencies at various levels of government. Most MJTFs, by contrast, are 'horizontal' collaborations that principally link together similarly situated jurisdictions operating at the same governmental level (e.g., several municipal police forces and/or sheriff's departments).

5. The study adopts the following definition of 'task force': "[A] special law enforcement organization with multijurisdictional authority created by an agreement among several government bodies to more effectively combat a delineated crime problem and using the combined resources, both human and logistical, of several law enforcement agencies to more efficiently combat the stated problem for the term of the agreement." Phillips, P. and G. Orvis, 1999. "Intergovernmental Relations and the Crime Task Force: A Case Study of the East Texas Violent Crime Task Force and its Implications," *Police Quarterly,* vol. 2(4), pp. 438–440. By contrast, the consensus definition of 'task force' used within the Byrne Grant Program to refer to the Program's Multijurisdictional Task Forces is notably looser (and invariably sweeps in a wide range of potentially ad hoc or episodic forms of cooperation that may not require significant political or organizational commitment on the part of participants): "[C]ooperative law enforcement efforts involving two or more criminal justice agencies, with jurisdiction over two or more areas, sharing the common goal of impacting one or more aspects of drug control and violent crime problems." Bureau of Justice Assistance, 1996. *Briefing Paper for the Attorney General: Multijurisdictional Task Forces: Current Status and Future Directions* (Washington: U.S. Department of Justice), p. 3.

6. U.S. Const., Art. 1, sec. 8.

7. Friedman, L., 1993. *Crime and Punishment in American History.* New York: Harper & Row, p. 71.

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8. The Supreme Court case of *United States v. Hudson & Goodwin,* 11 U.S. (7 Cranch) 32 (1812) is viewed as having quashed the idea of a Federal common law jurisdiction over ordinary crimes. However, the case of *McCulloch v. Maryland,* 17 U.S. (4 Wheat.) 316 (1819) emboldened Congress to view as extremely broad its potential law-making power under the "necessary and proper" clause of the Constitution.

9. This shift was recognized many years ago by Louis Schwartz in his article, "Federal Criminal Jurisdiction and Prosecutors' Discretion." Schwartz. L., 1948. *Law & Contemporary Problems,* vol. 13, pp. 64, 65.

10. Brickey, E., 1995. "Criminal Mischief: The Federalization of American Criminal Law," *Hastings Law Journal,* vol. 46, pp. 1135, 1140–41.

11. The growth of interstate commerce and national mobility following the Civil War also led to a major expansion of Federal criminal jurisdiction. The Post Office Act of 1872, establishing the Federal crime of mail fraud, responded to a wide range of nationwide fraud and gambling offenses that were perceived to be beyond the reach of any one state. To prevent diseased livestock from traveling on the railroads, Congress enacted criminal penalties against the same in 1884. The Interstate Commerce Act (1887) and the Sherman Antitrust Act (1890) followed shortly thereafter. While courts tended for some time to uphold powers exercised under the mail fraud statutes while rejecting broader criminal jurisdiction based on the Constitution's commerce clause, the Supreme Court's 1903 decision in *Champion v. Ames* held that Congress could use its power to regulate interstate commerce to penalize the transport of lottery tickets across state lines. *See* Abrams, N. and S. Beale, 1993. *Federal Criminal Law and Its Enforcement.* St. Paul: West Publishing Co., (2d ed.), pp. 48–50.

12. Beale, S., 1996. "Federalizing Crime: Assessing the Impact on the Federal Courts," *Annals of the American Academy of Political and Social Sciences,* vol. 546, pp. 39, 42.

13. Brickey, *supra* note 10*,* p. 1143, n. 52.

14. Pub. L. No. 87-342 (1961). *See* Marion, N., 1994. *A History of Federal Crime Control Initiatives, 1960–1993.* Westport, CT: Praeger, p. 30.

15. Pub. L. No. 87-216 (1961). *See* Marion, *supra* note 14, p. 30.

16. Pub. L. No. 91-452 (1970). *See* Marion, *supra* note 14, p. 84.

17. 402 U.S. 146 (1971).

18. This earlier shift attracted some controversy, including one article that represents perhaps the first use of the term "Federalization." *See* Stern, R., 1973. "The Commerce Clause Revisited—The Federalization of Intrastate Crime," *Arizona Law Review,* vol. 15, p. 276.

19. This expansive view of the reach of the Commerce Clause and by extension, the reach of Federal criminal jurisdiction, has been challenged in recent years by the Supreme Court. *See, e.g., United States v. Morrison*, 529 U.S. 598 (2000) (striking down a portion of the Violence Against Women Act of 1994 on Commerce Clause grounds); *United States v. Lopez,* 514 U.S. 549 (1995) (striking down the Gun-Free School Zones Act of 1990 on the same grounds).

20. For a review of many of these prosecutorial advantages, *see* Abrams and Beale, *supra* note 11, pp. 187–89.

21. Douthit, N., 1975. "Police Professionalism and the War Against Crime in the United States, 1920's–30s," in George L. Mosse, ed., *Police Forces in History.* Beverly Hills: Sage Publishing, pp. 329–331.

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22. Even J. Edgar Hoover is reported to have been wary of an overly expansive role for the FBI. *See* Henry Reske, "Alphabet Soup: Gore Calls for Merger of FBI, DEA and BATF," *American Bar Association Journal,* Nov. 1993, p. 38 (discussing Hoover's efforts to keep the FBI out of drug enforcement).

23. Potter, C., 1998. *War on Crime: Bandits, G-Men, and the Politics of Mass Culture.* New Brunswick: Rutgers University Press, pp. 198–201.

24. *See generally* Kelling G. and J. Stewart, 1991. "The Evolution of Contemporary Policing," in William Geller, ed., *Local Government Police Management.* Washington, D.C: International City Management Association.

25. In fact, some local police sharing of fingerprint information with the FBI had been going on since 1926.

26. Walker, S., 1998. *Popular Justice: A History of American Criminal Justice.* New York: Oxford University Press (2d ed.), pp. 160–163.

27. For an overview of LEAA accomplishments and failures, *see* Hudzik, J.., 1984. *Federal Aid to Criminal Justice*. Washington, D.C.: The National Criminal Justice Association; Diegelman, *supra* note 2, pp. 1000–1007.

28. Hudzik, *supra* note 27, p. 243.

29. Geller and Morris, 1992, *supra* note 2, pp. 295–296. Some of the RISS networks also sponsor training seminars and share investigative equipment, and in some cases provide 'buy money' for the purchase of confidential information for police departments that cannot pay for these things themselves. *Id.,* p. 297.

30. Chaiken, J., M. Chaiken, and C. Karchmer, 1990. *Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand.* Washington, D.C. National Institute of Justice, p. 44.

31. *Id.,* pp. 45–46.

32. Another more limited type of collaboration appeared at the end of the decade in the form of a joint FBI/New York Police Department Bank Robbery Task Force. The task force was formed in August, 1979 to address an epidemic of bank robberies in the New York City area (48 in the month of July, 1979 alone). The task force represented a true formal operational merger of respective local and Federal resources that would end the historic practice of concurrent separate investigations being run by local police and the FBI. Pursuant to a Memorandum of Understanding (MOU) that specified that investigative procedures and paperwork should conform to FBI and Federal prosecution guidelines, the NYPD allocated 16 personnel, cars, and communication equipment, while the FBI furnished 14 Special Agents, command center space for co-location of agents, and a wide variety of operational expenses, including money for informants. While the FBI task force was, and remained, a relatively isolated foray into local collaboration for the FBI—large scale involvement of the FBI in urban crime task forces would not emerge until the early 1990s—it borrowed several operational elements from a significant DEA initiative begun earlier in the decade. Walton K. and P. Murphy, 1981. "Joint FBI/NYPD Task Forces: A Study in Cooperation," *FBI Law Enforcement Bulletin,* pp. 20–23.

33. For a comprehensive review of many of these incentives and disincentives to cooperation, *see* Geller and Morris, *supra* note 2, pp. 249–278.

34. In 1985, criminal victimization went down to the lowest level in the 13-year history of the National Crime Survey; however, violent victimization rates remained relatively level. Bureau of Justice Statistics, 1986. C*riminal Victimization in 1985.* Washington: U.S. Department of Justice.

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35. DEA State and Local Task Forces jumped in number from 13 at the end of the 1970s to 22 in 1983. In addition, as discussed below, the OCDETF program was launched with great fanfare in 1982. U.S. Department of Justice, 1983. *Annual Report of the Attorney General, 1982*. Washington: U.S. Department of Justice, pp. 55–56.

36. Attorney General's Task Force on Violent Crime, U.S. Department of Justice Final Report (1981), pp. 20–35; 80–83.

37. *Id*. at 74.

38. Geller and Morris, *supra* note 2, pp. 291–292.

39. As then-Assistant Attorney General Jo Ann Harris noted in a 1995 speech, in 1981 "the idea of the FBI getting involved in narcotics at all was still something simply whispered about in the halls of the Department of Justice ... there was a big, a BIG dispute over whether the FBI would get involved in narcotics." Speech to SE/FL OCDETF conference at 2 (provided to Abt Associates by the Executive Office for OCDETF).

40. In a press release issued by Attorney General Smith on January 20, 1983, one year after the decision to give the FBI concurrent drug jurisdiction, he gave the example of DEA and FBI discovering, under new cooperative guidelines, that separate gambling drug investigations were targeting the same people, and that until the two agencies began working jointly, there was almost no awareness about what the other agency was doing. DOJ Press Release, January 20, 1983, *cited in* Geller and Morris, *supra* note 2, pp. 294–295. However, in fact, relations between the two agencies were often uneasy, and anticipated coordination between the agencies fell far short of expectations. *See* U.S. General Accounting Office, 1990. *Justice Department: Coordination Between DEA and the FBI,* GAO Report No. GAO/GGD-90-59. Washington: General Printing Office, pp. 1–8.

41. Originally there were 12 "core city" regional offices, but a 13th was added in 1984 in the Florida/Caribbean region.

42. U.S. Department of Justice, 1991. *Annual Report on the Organized Crime Drug Enforcement Task Force Program, 1989–90*, p. 2. The Annual Report from 1988 noted a steady increase in the number of money laundering cases undertaken through the OCDETF Program during the period 1983–1988. U.S. Department of Justice, 1989. *Annual Report on the Organized Crime Drug Enforcement Task Force Program, 1988.*

43. The Regional Offices do not, however, provide direction on investigative operations.

44. At the end of the decade, the Justice Department estimated that over 60 percent of OCDETF investigations used grand juries to aid their cases, while nearly 40 percent used immunity offers. Furthermore, OCDETF prosecutors rely heavily on undercover techniques and sting operations provided by experienced FBI agents. *Annual Report on the Organized Crime Drug Enforcement Task Force Program, 1989–90 supra* note 42, pp. 3–4.

45. Meanwhile, between October 1982 and August, 1999, 11,210 OCDETF investigations were initiated; 31,871 indictments and criminal informations were filed against 99,603 defendants; 71,189 members of criminal organizations were convicted; and over $3.3 billion in cash and property assets were seized. U.S. Department of Justice, 2000. *OCDETF Overview.* Washington, D.C.: U.S. Department of Justice.

46. Chaiken *et al.*, *supra* note 30, p. 47. One important difference between the OCDETF and DEA State and Local Task Force Programs is the fact that the former, being case-driven, does not require a full-time, year- or more long commitment of a state or local police officer. This can make a big difference to police supervisors who may have trouble releasing talented and/or busy officers to Federal collaborations.

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47. Figures are derived from data provided by the Executive Office for OCDETF on "Agency Participation in OCDETF Investigations Leading to Indictments." (Data reported as of 12/29/99).

48. *See* 21 U.S.C. sec. 881(a)(6). Under the scheme provided for by the Comprehensive Forfeiture Act, seizure of assets is the conceptual equivalent of arrest. A law enforcement agency is required to have probable cause that the property is either the instrumentality or proceeds of criminal activity. Courts can preserve the availability of property by using a temporary restraining order, as in cases when the property cannot be seized in a physical sense. Once the government shows probable cause, the burden shifts to the property owner to prove by a "preponderance of the evidence" that the property was not involved in any illegal transaction and thus does not belong to the government. By contrast *criminal* forfeiture laws already on the books required that the owner of the property first be convicted "beyond a reasonable doubt." After an adjudication has been made that the seized property is either used in criminal activity, or the product of that activity, it is considered "forfeited," which is the equivalent of conviction.

49. 21 U.S.C. sec. 881(e)(2) (A). Heretofore, any forfeited assets would be deposited in the General Fund, rather than being available for use by Federal law enforcement agencies.

50. In 1987, the Supreme Court upheld the constitutionality of preventive detention, finding it a "carefully limited exception" to the general right to bail. *U.S. v. Salerno,* 482 U.S. 739 (1987). Federal judges were quick to use the law, as the number of defendants held *without* bail increased from 2,733 in the first six months of 1987 to 4,4470 in the last six months of 1988. Samuel Walker, *supra* note 22, p. 215.

51. 18 U.S.C. sec. 924(e).

52. *See* Hooper, J., 1991. "Bright Lines, Dark Deeds: Counting Convictions Under the Armed Career Criminal Act," *Michigan Law Review,* vol. 89, p. 1960. The statute was subsequently amended in 1988 to provide that any person who is convicted of illegally possessing a firearm and who has three previous convictions for a violent felony is subject to a 15-year mandatory minimum prison sentence and up to a $25,000 fine.

53. Kerr, P., 1986. "Anatomy of the Drug Issue: How, After Years, It Erupted," *New York Times*, Nov. 17, 1986.

54. Pub. L. No. 99-570 (1986).

55. Stolz, B.,1992. "Congress and the War on Drugs: An Exercise in Symbolic Politics," *Journal of Crime and Justice,* vol. 15(1), pp. 119, 124.

56. This criminal law distinction between cocaine base and other forms of cocaine established a 100-to-1 quantity ratio that vastly exaggerated the penalties for possessing small amounts of the former. The controversy over this legislative determination continues to the present, with many criminal justice specialists and the U.S. Sentencing Commission recommending that the effective penalty ratio be reduced. *See, e.g.,* U.S. Sentencing Commission, 1995. *Cocaine and Federal Sentencing Policy,* pp. 163–175. Washington, D.C.: Government Printing Office.

57. For individuals convicted of a first offense of engaging in a "continuing criminal enterprise," fines were increased from $100,000 to $2 million.

58. A continuing criminal enterprise is defined as a violation of Title 21 [Federal drug laws] undertaken in concert with at least five other persons and from which the organizer obtains substantial income. 21 U.S.C. sec. 848(c)(2).

59. Even penalties for simple unlawful possession were stiffened, with possession of a controlled substance triggering a $1,000 fine for a first offense and $2,500 for a second offense.

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60. Felons had been prohibited from possessing, receiving, or shipping firearms since the Roosevelt administration introduced the Federal Firearms Act of 1938. In 1968, Congress enacted The Gun Control Act, which added gun possession restrictions on drug addicts and the mentally ill. And, in 1986, Congress enacted the current Felon-in-Possession statute, which subjects felons who have shipped, transported, possessed, or received firearms that have traveled in interstate commerce to a maximum of 10 years in prison.

61. 18 U.S.C. sec. 924(e)(1).

62. Prosecution of Federal Gun Crimes: Hearing Before the Subcomm. on Crime and Criminal Justice, House Judiciary Comm., H. Hrg. 103–116, pp. 3–5 (1994), Statement of Charles Thomson, Associate Director, ATF.

63. *See, e.g., Cocaine and Federal Sentencing Policy, supra* note 56, pp. 163–175. The report found that 62 percent of Federal drug defendants generally had no prior record, a single minor offense, or very old convictions. In terms of defendants' function within a drug distribution organization, the Commission found in a 1993 study that an estimated 45 percent of Federal drug defendants could be characterized as high- or mid-level dealers, while 31 percent were street-level dealers or bodyguards, and 24 percent were couriers or "mules." *Id.,* pp. 171–72.

64. The Attorney General soon established *Guidelines on Seized and Forfeited Property*, which set out the general rules governing the sharing of forfeited assets. Eligibility of a state or local authority to participate in the equitable sharing process was to be determined by whether or not they were directly involved in the operation which led to the forfeiture. The share that the agency receives is calculated to bear a "reasonable relation" to the degree of their participation. In addition, a number of other factors are considered, including "whether the seizure resulted exclusively through the efforts of the state or local agency or was the result of a joint investigation; the degree of direct participation by the agency; whether the agency originated the information that led to the seizure; whether the agency provided 'unique or indispensable assistance;' whether the agency initially identified the asset for seizure; and whether the agency could have achieved forfeiture under state law 'with favorable consideration given to an agency which could have forfeited the assets on its own but joined forces with the federal government.'" Solomon, A., 1993. "Drugs and Money: How Successful is the Seizure and Forfeiture Program at Raising Revenue and Distributing Proceeds?" *Emory Law Journal,* vol. 42, p. 1176 (*quoting* U.S. Department of Justice, 1990. *The Attorney General's Guidelines on Seized and Forfeited Property.* Washington: U.S. Department of Justice, p. 9).

65. For example, under California forfeiture laws the state or local agency only receives 65 percent of the forfeited assets. By contrast, if that California agency were to be one party to an "adoption" with the Federal government in the proceedings, the agency would be eligible to receive 85 percent of the forfeited assets, with 15 percent going to Federal authorities. Most state forfeiture laws allow the seizing agency to retain less than the 65 percent permitted in California, as they are required to share the forfeited assets with other drug or law enforcement programs. For example, in Illinois, 10 percent goes to the state police, 25 percent to the state's attorney, and 65 percent to the police narcotics law enforcement fund. Only a few states are like Delaware and Tennessee, permitting state and local law enforcement agencies to retain the entire amount of forfeited asset.

66. The Department has specifically identified the goals of asset forfeiture as follows: (1) to punish and deter criminal activity by depriving criminals of property used or acquired through illegal activities; (2) *to enhance cooperation among foreign, federal, state and local law enforcement agencies through the equitable sharing of assets recovered through this program;* and . . . (3) to produce revenues to enhance forfeitures and strengthen law enforcement. *The Attorney General's Guidelines on Seized and Forfeited Property*, *supra* note 64, p. 1 (emphasis added). Revenue raising is officially emphasized from time to time, such as in 1989, when all U.S. Attorneys were entreated to push for bigger forfeiture efforts to meet their commitment "to increase forfeiture production," including diversion of personnel from other activities or other offices. U.S. Department of Justice, 1989. *DOJ Asset Forfeiture Manual,* Directive 89-1, p. B-584.

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67. Office of National Drug Control Policy, Executive Office of the President, 1994. *National Drug Control Strategy, Budget Summary.* Washington, D.C.: General Printing Office, p. 75.

68. Seng, M. and T. Frost, 1993. "Crime in the 1990s: A Federal Perspective," in Chris Eskridge, ed., *Criminal Justice: Concepts and Issues*. Los Angeles: Roxbury Publishing Co., p. 18 (symposium remarks by Anton Valukas, U.S. Attorney, Northern District of Illinois).

69. The ability of state and local law enforcement agencies to keep the lion's share of the assets they seize (even if only supplementing existing budgets) means that they are likely to pursue situations where they know a large asset forfeiture will result. This potential of obtaining funds and property redounding to the direct benefit of the agencies involved may be so great that it will invite police officers to stray from legitimate law enforcement goals in order to maximize funding for their operations. Such diversion may occur when agents target buyers of drugs with large assets (in, e.g., so-called "reverse sting" operations) rather than sellers of drugs whose arrest and accompany drug seizures might prove significantly more disruptive of the drug trade. Widespread reports of improprieties led to major efforts by the Department of Justice to tighten guidelines and increase ethics training programs in the 1990s. *See generally* Blumenson, E. and Nilsen, E., 1998. "Policing for Profit: The Drug War's Hidden Economic Agenda," *University of Chicago Law Review,* vol. 65, pp. 46–54.

70. A well-known case in 1998 publicized how seizures wholly made by state and local authorities could be subsequently adopted by Federal officials not only where there was no actual Federal participation in the seizure itself, but where the state was deemed never to have relinquished jurisdiction over the property at issue. *See Cole v. United States,* No. 97-2210 (8th Cir. 1998). In response to such situations, the Justice Department in the fall of 1999 formally inaugurated a new adoption policy whereby a state prosecutor must affirmatively decline to proceed with a seizure in order for a Federal adoption to occur. Indeed, while some "adopted" forfeiture cases may lead to cooperation in the Federal criminal prosecution of particular suspects—including ample sharing of intelligence and side-by-side work, in fact in many cases they simply result in a Federal civil forfeiture proceeding and the processing of forfeited funds for state and local police. This may tangentially build good relations between Federal and local authorities, but may do little to foster joint problem-solving investigations.

71. Chaiken *et al.*, *supra* note 30, p. 46.

72. Geller and Morris, *supra* note 2, p. 302, *citing* a 1991 Office of National Drug Control Policy report.

73. *Id*., citing a 1990 ONDCP report that stated that roughly one-quarter of all DEA Task Force investigations led to referrals to the OCDETF Program.

74. In the early 1990s, DEA rules mandated that the Federal personnel contribution to state and local task force not exceed "one agent for every four local agency officers." Bocklet, R., 1991. "DEA State and Local Task Forces: A Body for Law Enforcement." *Law and Order* (January, 1991), p. 271, 279.

75. U.S. Department of Justice, DEA Briefing Book, *http://www.usdoj.gov/dea/pubs/briefing*.

76. U.S. Department of Justice, Bureau of Justice Assistance, 1998. *Lessons Learned from the Organized Crime Narcotics (OCN) Trafficking Enforcement Program Model(*BJA Monograph). Washington: U.S. Department of Justice, p. vii.

77. Each Control Group was required to have a minimum of one Federal agency (originally, DEA), one state or local agency, and one Federal or local prosecutor. The senior agency administrators of the participating agencies were further

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required to join a formal MOU affirming such participation. The Control Group itself was to be composed of senior operations managers of those agencies expected to be most involved in cases. *Id.*

78. Overtime and operating expenses could be approved on a case-by-case basis.

79. A 1993 GAO study showed that ATF's New York Division Office collaborated with state and local law enforcement authorities on nearly half of its FY 1991 cases. U.S. General Accounting Office, 1993. *Firearms and Explosives: Information and Observations on ATF Law Enforcement Operations,* No. GAO/GGD-93-73BR, Appendix V, p. 73. Roughly twice as many cases were referred to Federal rather than to state prosecution. Id. at 72.

80. *Id.,* pp. 57–58.

81. Geller and Morris, *supra* note 2, p. 304.

82. U.S. Department of Justice, Bureau of Justice Statistics, 1994. *Drugs and Crime Facts.* Washington, D.C.: U.S. Department of Justice, p. 9.

83. *Id.,* p. at 3.

84. This proved highly controversial, in that possession of less than five grams of crack cocaine on the first conviction, remained a misdemeanor..

85. The Anti-Drug Abuse Act of 1988 resulted in a Federal drug control budget of $6,663,700 for FY 1989, an increase of 435 percent over the country's $1,531,800 budget in FY 1981.

86. The Byrne Discretionary Grant Program was designed to focus certain crime and violence prevention and control activities, including: Undertaking educational and training programs for criminal justice personnel; providing technical assistance to state and local units of government; promoting projects that are national or multi-jurisdictional in scope; and demonstrating programs that, in view of previous research or experience, are likely to be successful in more than one jurisdiction: Bureau of Justice Assistance, 1997. *Edward Byrne Memorial State and Local Law Enforcement Assistance Series: BJA Fact Sheet.*

87. The Formula Grant program was envisioned as a "partnership among Federal, State, and local governments to create safer communities and an improved criminal justice system." Some of the authorized uses of grant funds were provision of personnel, equipment, training and technical assistance, and information systems for more effective apprehension, prosecution, adjudication, detention, and rehabilitation of offenders. Id.

88. This was just one of the 26 permissible program areas/uses under the Byrne Program. *See generally* Dunworth, Haynes, and Saiger, *supra* note 2.

89. Coldren *et al., supra* note 4, p. 6.

90. Bureau of Justice Assistance, *Briefing Paper for the Attorney General, supra* note 5, p. 4.

91. *Id*., p. 6.

92. U.S. Department of Justice, Bureau of Justice Assistance, 1997. *Multijurisdictional Task Forces: Ten Years of Research and Evaluation* Washington: U.S. Department of Justice, pp. 12–13.

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93. U.S. General Accounting Office, 1993. *War on Drugs: Federal Assistance to State and Local Drug Enforcement* Washington, D.C: Government Printing Office, pp. 7–9.

94. "[L]ittle is known about the range of tactics being employed by task forces, how frequently they are used, or how often task forces change their tactical approaches to enforcement." Coldren, *supra* note 89, p. 16. While arrests and seizures were generally not thought to necessarily reveal much about ultimate impact on the drug trade, other beneficial process effects of the MJTFs appeared to include enhanced interagency communication and information exchange, an infusion of additional undercover agents unfamiliar to local dealers in a particular area, improved access to better equipment, overall enlargement of personnel and caseloads, and empowerment of smaller departments to engage in expanded undercover operations. Two of the most salient improvements in collaborative work have been the establishment of multijurisdictional intelligence systems and greater coordination of task force work by prosecutors. *See Briefing Paper for the Attorney General, supra* note 5, p. 3.

95. *Briefing Paper for the Attorney General, supra* note 5, p. 4.

96. Coldren, *supra* note 89, p. 23.

97. *Id.,* p. 7.

98. *Id.,* p. 10.

99. Blumenson and Nilsen, *supra* note 69, pp. 46–54. Ultimately, local law enforcement was rewarded for its efforts by getting both the police jobs bill (COPS Program) and preservation of the Byrne program. This result also allowed the continued funding of task forces beyond the original 48-month time limit that Congress imposed on the MJTF program.

100. Interviews with several Federal law enforcement officials and prosecutors for this study surfaced this concern, which related to both MJTFs and local law enforcement agency members of Federally-led task forces. It is far from clear that asset forfeiture necessarily serves as a continuing inducement to collaboration. First, many states have by now enacted more generous state forfeiture statutes that afford local law enforcement authorities more lucrative opportunities than do the Federal equitable sharing mechanisms. Moreover, as one study reported, "one 'big bust' can provide a task force with the resources to become financially independent. Once financially independent, a task force can choose to operate without Federal or state assistance." Coldren *et al., supra* note 89, p. 9.

101. Co-location of personnel was viewed, together with intelligence-sharing, as the primary benefit of the program by HIDTA officials. U.S. General Accounting Office, 1998. *Drug Control: Information on High Intensity Drug Trafficking Areas Program*. Report No. GAO/GGD-98-188, pp. 23–24.

102. In most cases, HIDTAs existing utilize joint drug task forces to target regional drug trafficking organizations and dismantle the hierarchies of significant violent street gangs with major drug trafficking organization connections. HIDTA-supported drug task forces are authorized to conduct intensive surveillance of drug organizations and infiltrate street gangs. Evidence gathered through these means are invaluable to prosecutors in developing cases that may be prosecuted under statutes such as RICO or its state counterparts.

103. By 1999, the following additional HIDTAs were in existence: Washington, D.C./Baltimore; Puerto Rico/Virgin Islands (1994); Atlanta, Chicago, Philadelphia/Camden (1995); Rocky Mountain (Colorado, Utah, Wyoming), Gulf Coast (Alabama, Louisiana, and Mississippi), Lake County (Indiana), Midwest (Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota), Northwest (Washington State)(1996); Southeastern Michigan, Northern California (1997); Appalachia (Kentucky, Tennessee, West Virginia), Central Florida, Milwaukee, and North Texas (1998); and Central Valley California, Hawaii, New England, Ohio, and Oregon (1999).

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104. Office of National Drug ONDCP, *The National Drug Control Strategy, 1998: Budget Summary* (Washington, D.C: Government Printing Office, p. 154.

105. Section 5K1.1 of the Guidelines allows a court, upon motion by the government, to "depart" from the applicable guideline range if the defendant has provided "substantial assistance" to the prosecution.

106. If the Federal prosecutor is not satisfied with the informant's testimony, s/he will recommend a smaller reduction in the informant's sentence. However, prosecutors have wide leeway to neglect their promises. In fact, the government has unreviewable discretion in determining whether to enter into a cooperation agreement. Moreover, the Supreme Court has held that a defendant has no remedy for a prosecutor's refusal to move for a downward departure, except in the case of a refusal based on unconstitutional class-based discrimination or irrationality. *U.S. v. Wade,* 504 U.S. 181 (1992). Even when an agreement is in place, the prosecutor still must decide whether the defendant has complied with the agreement: the "Government [has] a power, not a duty, to file a motion when a defendant has substantially assisted." Id. at 184. Moreover, the judge has the final say and may refuse to depart downward from the Sentencing Guidelines even after the prosecutor has filed a 5K1.1 motion. Given the relatively limited options under the Sentencing Guidelines, however, defendants often accept the above risks and choose to mitigate their situation anyway.

107. One problem that prosecutors frequently encounter in putting cooperating witnesses on the stand is exposing these witnesses to credibility questions. Inherently, a jury who knows a witness is testifying pursuant to an agreement for a lenient sentence rendered by an interested party (e.g., the government) will question the witness's veracity. To eliminate this problem, prosecutors often convince the cooperating witness to plead guilty to his most serious crime, regardless of its sentencing consequences. In return for this guilty plea, the defendant gets a substantial assistance motion as well as a report to the court detailing his cooperation. Then, the prosecutor simply tells the jury the leniency of the sentence will depend on the judge's discretion, and therefore the witness has an impetus to testify truthfully—especially given a judge's general concern with a witness's truthfulness, rather than his effectiveness in assisting the prosecution. Giving federal prosecutors the power to make a witness eligible for leniency, while letting judges determine the precise terms of that sentence, has strengthened the prosecutor's plea bargaining power under the Federal Sentencing Guidelines.

108. Once a prosecutor's investigation reaches an impasse, the prosecutor need only turn to one of the targets and offer a cooperation agreement to induce him or her to provide evidence on fellow targets in exchange for a 5K1.1 substantial assistance motion. A prosecutor who is lucky enough to persuade the informant early on in the process can potentially get him or her to wear a wiretap around the other targets, thus advancing the investigation by using the Sentencing Guidelines as bargaining power.

109. This 190 percent growth exceeded the 53 percent growth in U.S. district court convictions for all Federal offenses during the same years. Drug trafficking offenses accounted for 33 percent of all defendants convicted in 1991. State courts were similarly affected. The number of drug trafficking convictions in State courts more than doubled between 1986 and 1990. Drug offenders comprised a third of all persons convicted of a felony in state courts in 1990, with drug traffickers accounting for 20 percent of all convicted felons. U.S. Department of Justice, Bureau of Justice Statistics, 1995. *Drugs and Crime Facts, 1994.* Washington, D.C.: U.S. Department of Justice, p. 18.

110. Distinctions between these two kinds of groups is discussed in some depth in Klein, M.,1993. "Street Gang Cycles," *in* Wilson, J. and Petersilia, J., eds., *Crime,* San Francisco: Institute for Contemporary Studies, pp. 217–219.

111. *Id.,* p. 226.

112. Public concern about violence was also peaking based on the assault rifle killing and wounding of children in a Stockton, California playground in 1989. This led to the Gun Free School Zones Act of 1990—part of the Crime Control Act of 1990—that prohibited anyone from carrying a loaded weapon within 1,000 feet of an elementary or secondary

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school. 18 U.S.C. sec. 922(q). The Act also enhanced drug penalties for drug distribution using minors or directed at minors and made it a Federal crime to distribute, or possess with intent to distribute, controlled substances within 1,000 feet of any school or playground.

113. U.S. General Accounting Office, 1999. *DEA Operations in the 1990s,* GAO Report No. GAO/GGD-99-108 Washington, D.C.: General Accounting Office, pp. 35–36.

114. *DOJ Alert,* vol. 1(1), p. 17 (July, 1991), p. 17 (*reproducing* Memorandum of Robert Mueller III, Chief, Department of Justice Criminal Division, May 29, 1991).

115. U.S. Sentencing Commission, 1992. *Federal Sentencing Reporter,* vol. 4 (May/June 1992), p. 351 (*reproducing* memorandum from Attorney General William P. Barr to Federal prosecutors, Jan. 31, 1992.

116. Richmond Times-Dispatch, July 31, 1992, *citing* a first-year report on the program by the U.S. Department of Justice.

117. *The Pentagraph* (Bloomington, Illinois), April 25, 1992, *quoting* James Taylor, police chief of Normal, Illinois and the president of the Illinois Association of Chiefs of Police, as saying that his members were "happy as hell" with Project Triggerlock.

118. One source called Triggerlock "a series of press releases" and claimed that "[i]t did goose up figures because federal agents were going into the state jails and re-indicting the inmates on federal charges to get the Triggerlock figures up." *DOJ Alert,* vol. 4(11), p. 2 (June 20, 1994)

119. Executive Office for Weed and Seed, 1996. *Operation Weed and Seed Implementation Manual,* Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Executive Office for Weed and Seed, pp. 1–3, 1–4.

120. See Dunworth, T. and G. Mills, 1999. *National Evaluation of Weed and Seed*. (NIJ Research in Brief, No. NCJ 175685). Washington, D.C.: National Institute of Justice.

121. The steering committee was, in turn, broken down into a weeding committee responsible for planning and monitoring law enforcement efforts, and a seeding committee charged with neighborhood restoration projects. *Id.,* p. 4.

122. *Id,* pp. 4, 19.

123. A study of eight sites found that few Federal or state prosecutors were tracking Weed and Seed cases and that political and jurisdictional factors made it difficult for all relevant law enforcement agencies and prosecutors to agree on particular objectives. One district attorney voiced the often-heard concern that his office could not afford to show any favoritism to one geographic area over another. *Id.,* pp. 20–21.

124. The focus of the Fugitives Task Forces was to be the location, apprehension and incarceration of Federal and state fugitives who have been labeled the 'most violent.' The Major Offenders Task Forces, meanwhile, were responsible for focusing on some of the more complex criminal enterprises involving offenses such as armed truck hijacking, interstate theft, jewelry theft, and organized carjackings.

125. Federal Bureau of Investigation, Violent Crimes & Major Offenders Division, 1998. *FBI Violent Crimes and Major Offenders Program (VCMOP) Results Fact Sheet.*

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126. For a colorful description of the Gangster Disciples Nation prosecution, *see* McGee, J. and Duffy, B., 1997. *Main Justice.* New York: Simon & Schuster, pp. 126–131.

127. To take one documented example, local police rated quite favorably the FBI's leadership of the Los Angeles Metropolitan Task Force on Violent Crime, expressing specific satisfaction with access to wiretap assistance, funds for informants, and 'buy money' for drug and gun purchases. U.S. General Accounting Office, 1996. *Federal Law Enforcement Assistance in Fighting Los Angeles Gang Violence,* GAO Report No. GAO/GGD-96-150, pp. 3, 6–10. Going very much against the stereotype, the FBI even included in its program such community outreach initiatives as Adopt-a-School programs, meetings with civic leaders and associations, and contact with residents in target areas. Id.

128. The interest in having Federal agencies work more smoothly with one another was pledged to by FBI Chief Louis Freeh (the first occupant of the rotating board executive director position), DEA Director Thomas Constantine, and Treasury Department Undersecretary for Enforcement Ronald Noble. Practical evidence of cooperation was harder to come by, according to many interviewees in this study.

129. Created by Attorney General Meese, the Executive Working Group (EWG) consists of representatives of the National Association of Attorneys General, the National District Attorneys Association, the Department of Justice, and several Federal law enforcement agencies. The group normally meets at least biannually. The EWG's Task Force on Federal/State/Local Law Enforcement Cooperation, explicitly formed for the purpose of changing the 'culture of non-cooperation' among Federal, state, and local prosecutors, was established in 1992 but only became fully operational under Attorney General Reno. It served as a high-level sounding board for issues relating to Federal-local law enforcement collaboration.

130. *DOJ Alert,* vol. 4(11), p. 2, June 20, 1994 ("DOJ Crafts New Violent Crime Initiative," *quoting* U.S. DOJ memorandum).

131. Memorandum from OCDETF Executive Office to Mary Jo White, Chair, Attorney General's Advisory Committee, Feb. 2, 1994.

132. A second major planning and coordination initiative—the District Strategic Planning Initiative—was underway in 1999, building on the foundation set by AVCI and updating it to the realities of a new decade and the full range of crime problems facing the nation's 94 judicial districts.

133. *Congressional Quarterly*, August 27, 1994, pp. 2490–2493.

134. *DEA Operations in the 1990s, supra* note 113, p. 40.

135. The follow-up teams would focus on community mobilization, neighborhood watch programs, and a variety of public education and community outreach programs. Notably, DEA would not involve itself at all with the press as to deployment or follow-up work, deferring to local authorities in that regard.

136. *DEA Operations in the 1990s, supra* note 113, pp. 41–45.

137. The GAO report revealed that 73 percent of the MET Program's overall deployments between 1995 and 1998 resulted in 'local' and 'regional' cases where suspected drug violators operated solely or predominantly in the geographic areas covered by the DEA offices conducting the investigations. Id., pp. 43–44.

138. *Id.,* pp. 33, 43–44.

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139. *See* Hon. Janet Reno, Memorandum: Implementation of the District Initiative, Dec. 1, 1999.

140. Janofsky, M., 1999. "Attacking Crime by Making Federal Cases of Gun Offenses," *New York Times,* February 10, 1999.

141. A recently passed Virginia law mirrors the Federal Felon-in-Possession statute. Yet the Richmond district attorney stated about the same time that "[t]he biggest thing we get out of Exile is the deterrent effect of sending people to Federal prisons far away. The question is how much we'll see similar results from only the no-bail and tougher sentencing factors" [of the Virginia law]. "Virginia Exile bills headed for Bull's Eye," *Richmond Times-Dispatch,* February 20, 1999.

142. Billboards and signs on buses relentlessly tout the program, with slogans like "An illegal gun gets you five years in Federal prison." Such is the street knowledge of the program that, according to one officer, "We've had instances where criminals [being chased by police] will keep the crack but throw the gun down on the street—carrying a gun is such a liability." "Oakland Program Draws Bead on Felons Carrying Guns," *San Francisco Chronicle,* March 20, 1999. Even without the larger infusion of money from the NRA, it is possible that the ad campaign has created a deterrent life of its own that other cities may seek to emulate.

143. *See generally* Conner, R. and Griffin, P., 1998. *Community Safety Law: An Emerging Legal Specialty* Washington, D.C.: National Institute of Justice.

144. Glazer, E., 1999, "Thinking Strategically: How Federal Prosecutors Can Reduce Violent Crime," *Fordham Urban Law Journal,* vol. 26, pp. 901, 914–15.

145. Data collected by local researchers suggested that approximately 1,300 young people in Boston were responsible for upwards of 60 percent of the violent gang crime. For a useful review of the Boston Gun Project, *see* Kennedy, D., 1997. "Pulling Levers: Chronic Offenders, High-Crime Settings, and A Theory of Prevention," *Valparaiso Law Review,* vol. 31, p. 449. *See also* Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, 1999. *Promising Strategies to Reduce Gun Violence,* pp. 29–33. Washington: U.S. Department of Justice.

146. Many observers believe that "Federalization" has assumed significant dimensions because Federal legislators reap significant political rewards therefrom while failing to internalize the costs of criminal lawmaking. *See generally, e.g.,* Beckett, K., 1997. *Making Crime Pay: Law and Order in Contemporary American Politics.* New York: Oxford University Press. Others view this spate of legislation and policymaking as evidence of direct democracy effectively giving expression to popular desire for more action against violent crime. *See, e.g.,* Stacy, T. and Dayton, K., 1997. "The Underfederalization of Crime," *Cornell Journal of Law and Public Policy,* v. 6(2), pp. 247–324.

147. *Multijurisdictional Task Forces, supra* note 92, pp. 12–13.

148. *See* Phillips and Orvis, *supra* note 5, p. 442.

149. Chaiken *et al.*, *supra* note 30, p. 45–46.

150. *DEA Operations in the 1990s, supra* note 113, p. 35.

151. *Id.*

152. *Id.*

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153. Figures provided by DEA Budget Office staff to Abt Associates.

154. Federal Bureau of Investigation, Violent Crimes and Major Offenders Section, Criminal Investigative Division, *Safe Streets FBI Violent Crime Initiatives 1999.* Washington, D.C.: Federal Bureau of Investigation, p. 1.

155. Figures provided by ATF staff to Abt Associates.

156. Figures provided by DEA MET officials to Abt Associates.

157. Figures obtained from OCDETF Executive Office.

158. U.S. General Accounting Office, *Drug Control: Information on High Intensity Drug Trafficking Areas Program, supra* note 101, pp. 32–33.

159. Dunworth, Haynes, and Saiger, *supra* note 2, pp. 47–48.

160. U.S. Department of Justice, Bureau of Justice Statistics, 1996. Census of State and Local Law Enforcement Agencies, 1996, and Federal Law Enforcement Agency Census (summary findings displayed at *http://www.ojp.usdoj.gov/bjs/lawenf.htm*).

161. U.S. Department of Justice, Bureau of Justice Statistics, 1996. *Criminal Justice Expenditure and Employment Extracts FY 1982–1995,* Washington, D.C.: U.S. Department of Justice.

162. For example, a number of observers have noted with alarm the more than 3,000 Federal criminal statutes in existence. *See, e.g.,* Brickey, B.,1996. "The Commerce Clause and Federalized Crime: A Tale of Two Thieves," *Annals of the American Academy of Political and Social Science,* vol. 543, p. 28; Ashdown, G., 1996. "Federalism, Federalization, and the Politics of Crime," *West Virginia Law Review,* vol. 98, p. 802. A report on the Federalization of crime issued by an ABA panel chaired by former Attorney General Edwin Meese also noted with concern that "*more than 40 percent of the Federal criminal provisions enacted since the Civil War have been enacted since 1970." The Federalization of Criminal Law, supra* note 3, p. 7 (emphasis in original).

163. For example, the Federal Courts Study Committee stated in a 1990 report that Federal criminal case filings increased by more than 50 percent between 1980 and 1989. Judicial Conference of the United States, 1990. *Report of the Federal Courts Study Committee,* p. 36. Chief Justice William Rehnquist criticized the trend toward increased Federal criminal court filings in his 1999 New Year's Address on the Federal Judiciary.

164. This point draws particular strength from the fact that most of the recently-enacted Federal statutes that have drawn the wrath of Federalization critics concern crimes that are very rarely prosecuted by U.S. Attorneys' Offices, e.g., the Violence Against Women Act of 1994, 18 U.S.C. sec. 2262, The Church Arson Prevention Act of 1996, Pub. L. No. 104–155, The Child Support Recovery Act of 1992, 18 U.S.C. sec. 228. 299.

165. Viewed in historical perspective, Federal criminal case filings did not keep pace with U.S. population increases; in gross terms, while the country's population increased by nearly 350 percent between 1900 and 1995, the total number of Federal criminal prosecutions (both felonies and misdemeanors) increased from about 17,000 to slightly less than 46,000—a rise of less than 275 percent. Stacy and Dayton, *supra* note 146, pp. 255–56.

166. Langan, P. and J. Brown, 1997. *Felony Sentences in the United States, 1994,* p. 2. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, Report No. NCJ-165149.

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167. Figures reported in Stacy and Dayton, *supra* note 146, pp. 254–55, *citing* state statistics from the National Center for State Courts, 1996, *Caseload Highlights: Examining the Work of State Courts, National State Court Caseload Trends, 1984–1994,* Williamsburg, VA: National Center for State Courts; and Federal statistics from the Administrative Office of the United States Courts, 1995, *Annual Report of the Director, 1994.* Washington, D.C.: Administrative Office of the U.S. Courts. The proportion is actually likely to be somewhat smaller, since the National Center for State Courts data exclude statistics from eight states.

168. *Id.*

169. Langan, P. and J. Brown, 1999. *Felony Sentences in the United States, 1996,* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, Report No. NCJ-175045.

170. *Id.*

171. *See, e.g.,* Heymann, P. and M. Moore, 1996. "The Federal Role in Dealing with Violent Street Crime: Principles, Questions, and Cautions," *Annals of the American Academy of Political and Social Science,* vol. 543, pp. 103–115. One study for the Administrative Office of the U.S. Courts noted that "[i]n comparison to 1989, a firearms case filed in 1998 was more likely to involve multiple defendants, more likely to take longer between filing and disposition of the case, more likely than other types of crimes to result in a jury trial, and more likely to result in a longer prison sentence for the defendant(s)." Walker, P. and P. Patrick, 2000. *Trends in Firearms Cases From Fiscal Year 1989 Through 1998, and the Workload Implications for the U.S. District Courts (April 4, 2000).* Washington: Administrative Office of the U.S. Courts, *http://www.uscourts.gov/firearms/firearms00.html*.

172. Zimring, F. and G. Hawkins, 1996. "Toward a Principled Basis for Federal Criminal Legislation," *Annals of the American Academy of Political and Social Science,* vol. 54, p. 16.

173. *Id.,* pp. 16–17.

174. Committee on Long Range Planning of the Judicial Conference of the United States, 1995. *Long Range Plan for the Federal Courts,* pp. 24–25.

175. Several observers have, however, viewed the Federal judiciary's analysis of the situation as unnecessarily restrictive and animated by little more than 'open forum' concerns (e.g., judges' simple distaste for 'street crime' as beneath the 'dignity' of the Federal courts; general workload complaints; philosophical opposition to 'Federalization,' etc.). *See, e.g.,* Little, R., 1995. "Myths and Principles of Federalization," *Hastings Law Journal,* vol. 46, pp. 1034–1077. Little notes that increasing workload complaints are unwarranted based on historical trends; since 1932, the average Federal criminal caseload per judge has fallen from 534 to 73, a roughly sevenfold decrease. *Id.,* p. 1040. It should also be noted that even the Federal judiciary itself has acknowledged that the Federal criminal caseload "has not grown much, while civil filings have increased more than 300 percent" since the 1950s. Administrative Office of the U.S. Courts, 1995. *The Criminal Caseload: The Nature of Change,* p. 2. The same report notes that "defendants per case ratio for drug cases" has actually declined in recent years, as has the average length of criminal jury trials. *Id.,* pp. 8, 14.

176. For example, one student of the subject, advocating a "demonstrated state failure" model, would sanction the exercise of Federal jurisdiction in cases where states demonstrate a systemic inability to address effectively particular kinds of crime. *See* Little, *supra* note 175, pp. 1077–1081.

177. For an elaboration of this view, *see* Heymann and Moore, *supra* note 171, pp. 103–115. *See also* Little, *supra* note 175, pp. 1067–1070.

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178. Gorelick and Litman, *supra* note 3, p. 972.

179. U.S. Department of Justice, 1991. *United States Attorney's Manual,* sec. 9-27.230(A) (listing a number of conventional factors establishing a substantial Federal interest). Washington, D.C.: U.S. Department of Justice.

180. Id., sec. 9-27.240(A) (listing a number of factors to be considered in determining whether an offender is subject to 'effective prosecution in another jurisdiction').

181. *See, e.g.,* id., secs. 9-27.240(B)(2)(instructing Federal prosecutors to consider whether there are "legal or evidentiary problems that might attend prosecution in the other jurisdiction"); 9-27.240(A)(3)(requiring consideration of the "probable sentence" available in the other jurisdiction).

182. Id., sec. 9-2.142(I)(E) (stating that "[i]n order to ensure the most efficient use of law enforcement resources, whenever a matter involves overlapping federal and state jurisdiction, federal prosecutors should at the earliest possible time coordinate with their state counterparts to determine the most appropriate single forum in which to proceed to satisfy the substantial federal and state interests involved, and to resolve all criminal liability for the acts in question if possible").

183. *Id.,* sec. 9-101.200.

184. *Id.,* secs. 9-101.200(F),(H).

185. Litman, H. and M. Greenberg, 1995. "Reporters' Draft for the Working Group on Federal-State Cooperation," *Hastings Law Journal,* vol. 46, p. 1336.

186. Gorelick and Litman, *supra* note 3, p. 977.

187. *Id.,* pp. 970, 977.

188. Although there are no hard data on the subject, the proliferation of Federal-local task forces in American cities has meant that in those Federal judicial districts, the proportion of drug, weapons, and gang cases referred to Federal prosecutors by unaffiliated Federal agents or local police or prosecutors is likely to be very small.

189. For a classic description of how Federal program implementation at the state and local level leads to a variety of significant coordination and management costs and detours, *see* Pressman, J. and A. Wildavsky, 1973. *Implementation.* Berkeley: University of California Press.

190. All three judicial districts covering the three cities at issue feature Federal judicial caseloads that are in the upper half of all Federal judicial districts based on numbers of cases, as confirmed by Federal Judicial Center case processing data from the three judicial districts in 1992–1999, provided to Abt Associates by FJC staff.

191. U.S. Department of Justice, 1998, *Crime in the U.S.* Washington, D.C.: U.S. Department of Justice.

192. San Diego Association of Governments (SANDAG), FBI data provided by SANDAG to Abt Associates, June 11, 1999.

193. SANDAG, *Crime in the San Diego Region, Annual 1998* (San Diego, 1999), p. 22.

194. *Id.,* p. 125.

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195. Remarkably, SANDAG in 1977 created a criminal justice research analysis unit with LEAA funding, which has grown into a clearinghouse for information and an independent generator of information about community perceptions, police morale, and crime clearance rates.

196. Miller's predecessor also served in office for a long time—23 years between 1948 and 1971—which afforded a high degree of continuity vis-a-vis other law enforcement officials.

197. Using $200,000 in BJA grant money, Operation Blue Rag was the 1989 prototype for 20 to 25 gang 'buy programs' that were carried out by the DA's Office over the past decade. Blue Rag refers to the blue handkerchiefs that members of the Crips gang wore in their back pockets. Operation Red Rag, begun in 1990, focused on hard core members of the Bloods street gang who sold rock cocaine and were involved in violent street crime.

198. Funding is also received from the California State Bureau of Narcotics Enforcement.

199. *Crime in the U.S.*, *supra* note 191.

200. Memphis Police Department Central Records Bureau statistics provided to Abt Associates by the Memphis Police Department.

201. *Crime in the U.S., supra* note 191.

202. Mission statement of the Alliance, provided to Abt Associates.

203. The Alliance's first four anti-crime initiatives included efforts "to reduce the number of crack houses and dangerous properties in city neighborhoods, create drug-free, gun-free zones around city schools, remove the most dangerous felons and fugitives from Detroit streets, and reduce the rate of vehicle theft in southeastern Michigan." Wayne County Department of the Prosecuting Attorney, 1996, *1995 Annual Report,* Detroit: Wayne County Government), p. 6. Other Alliance projects have included an anti-carjacking initiative, the Silent Observer Program (a witness reward program), and a fire and arson prevention initiative. The U.S. Department of Justice has recognized the accomplishments of the Alliance, and the Bureau of Justice Assistance awarded funding to the Alliance in 1995 to host the first summit of Urban Coalitions for Public Safety and Violence Reduction.

204. FBI Memorandum of Understanding (Revised March 5, 1999) provided to Abt Associates. According to one report, the mandatory nature of several of the MOU provisions led one local police chief in Tyler, Texas to refuse to sign the MOU. While that police chief was apparently concerned about the potential for non-consensual strategic decisions attending overall FBI direction of a collaboration aimed at local crime phenomena, the FBI emphasized that the mandatory features of the MOU only focused on liability issues, uniform paperwork and informant policies, and ultimate supervisory authority residing with the FBI. See Phillips, P., P. Nelligan, and W. Young, "The Federalization of Criminal Law and its Impact on Local Law Enforcement," paper delivered to the Annual Meeting of the Academy of Criminal Justice Sciences, New Orleans, March, 2000, pp. 20-28.

205. In San Diego County, the title of Deputy District Attorney corresponds to what elsewhere would usually be called an Assistant District Attorney.

206. These problems were temporarily worsened when a new records system was installed around the time Triggerlock began. This meant that computerized record checks frequently failed to reveal a suspect's prior offenses. One police officer cited an example of a suspect arrested on gun charges who had 14 previous sex offense convictions from 1978–84 for which he was sentenced to 137 years but had only served a total of 8 years. These offenses were not properly computerized and were initially missed by investigators. Fortuitously, however, another investigator pulled the hard copy

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conviction records, and Federal prosecutors were able to obtain a conviction with an 18 year sentence and no chance of parole.

207. The other cities are: Indianapolis, Hartford, Winston-Salem, and Portland, Oregon.

208. NIJ grant funds pay for the special Assistant U.S. Attorney coordinator and a team from the University of Illinois who are evaluating all five SACSI demonstration sites. Beyond that, funds are essentially provided locally by the various participating agencies and by the research team. This limited funding imposes some burdens on the Memphis Police and the District Attorney General's Office, who will bear most of the enforcement work. Nevertheless, the District Attorney General's Office has put a dedicated prosecutor on the team and has pledged that the prosecutor will prosecute vertically those charged with sex crimes. The biggest challenge is likely to be police overtime, since rape calls typically come in after work hours. At present, police are primarily on duty from 8 a.m. to 4 p.m.

209. The work is guided by a so-called 'TIPS' methodology, which stands for Topology-Driven Intervention and Prevention Strategies.

210. Federal prosecutors in Detroit have emphasized that Felon-in-Possession cases must continue to be based on the offender having committed a violent felony or drug felony within the past five years. However, they also acknowledge that they are making a much more dedicated effort than in the past to educate Detroit Police and Assistant DAs about the availability of Federal jurisdiction for these sorts of gun prosecutions.

211. In addition to the core group, there are also three issue-specific committees addressing particular problems identified by the overall working group, and a research group at the University of Memphis Criminal Justice Department and the University of Tennessee is helping to develop the research questions and theory that will govern both data collection and data analysis.

212. It did not, however, begin as a DEA Task Force, having been created entirely with local initiative; DEA joined the collaboration shortly after its founding.

213. To help try to clear up a number of unsolved homicides suspected of being drug-related, DEA launched a REDRUM program in Detroit in late 1991 on an unofficial basis, with limited case-by-case assistance from DPD. One of the first cases investigated by a REDRUM collaboration (with 1 or 2 Detroit police providing homicide intelligence) involved the so-called Best Friends organization. Using DEA funding, technical equipment and witness security, several murders were solved and two men indicted on capital murder charges as part of a continuing criminal enterprise. On the basis of this success, and with the enthusiastic backing of then-mayoral candidate Dennis Archer, a formal REDRUM initiative was created in 1994. The team featured two DPD homicide detectives and two DPD narcotics officers assigned to an existing DEA group. The group experienced modest success in linking up the two areas of intelligence and breaking down the tunnel vision that often surrounds work in the two spheres. Operationally, the group has had a modest number of successes, where the combined talents of the group had a demonstrable impact. One such case involved the Cass Corridor area of Detroit, a neighborhood frequented by prostitutes and junkies and riven by violence. Through the work of the group, a number of unsolved murders were closed and drug dealers convicted.

214. By the same token, the fact that the FBI's Violent Crime Task Force in Detroit and its Gang Task Force in Memphis are informally spearheaded by members of the local U.S. Attorney's Office says little about their efficacy relative to the FBI-sponsored Gang Task Force in San Diego, which has a lower profile role for the liaison prosecutor from the U.S. Attorney's Office.

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215. Phillips and Orvis, *supra* note 5, pp. 446–456 (emphasizing importance of joint decisionmaking, 'bonding' of personnel, and clear leadership structure).

216. Discussions that the principal investigator of this study has had on other occasions with Federal and state prosecutors dealing with concurrent jurisdiction questions in smaller cities or predominantly rural judicial districts reflected a much more casual and unprincipled approach to referring cases to another jurisdiction. Smaller caseloads and less constrained resource levels appeared to account for much of this more relaxed approach to jurisdiction.

217. Due to the harshness of California's Three Strikes law, many key gang members are prosecuted in state court instead of Federal Court. Similarly, in California and Michigan, certain state drug laws are sufficiently stringent that many drug cases can result in equal or better outcomes for prosecutors taking such cases to state rather than Federal court.

218. *See, e.g.,* Richman, D., 1999. "Federal Criminal Law, Congressional Delegation, and Enforcement Discretion," *UCLA Law Review,* vol. 46, pp. 805–810.

219. Interestingly, this belief was also reported over a decade ago by researchers interviewing state prosecutors associated with the Narcotics Task Force in San Diego. *See* Chaiken *et al.*, *supra* note 30, p. 41.

220. Depending on the Federal judicial district and one's perspective, some aspects of this 'convening' or honest broker role are not entirely novel. *See* Conner, R., M. Dettmer, and R. Pitt, 2000. "The Office of U.S. Attorney and Public Safety: A Brief History," *Capital University Law Review,* vol. 28, p. 762 (describing an early such role played by Judge Wendell Miles, former U.S. Attorney for the Western District of Michigan, in the 1950s).

221. Many of these topics were discussed at a 1999 workshop. See Heymann, P. and C. Petrie, eds., 2001. What's Changing in Prosecution? Report of a Workshop. Washington, D.C.: National Academy Press.

222. One vision of what this analytical capability might look like under the supervision of a U.S. Attorney's Office is presented in Glazer, E., 2000. "Harnessing Information in a Prosecutor's Office," *NIJ Journal (forthcoming).*

223. *See, e.g.,* Mande, M. and S. Pullen, 1990. *Colorado Multijurisdictional Task Forces: A Multi-theoretical Approach to Evaluation.* Denver: Department of Public Safety, Division of Criminal Justice (task forces found to have helped improve agency relationships and resource availability); McGarrell, E. and K. Schlegel, 1993. "The Implementation of Federally-Funded Multijurisdictional Drug Task Forces: Organizational Structure and Interagency Relationships," *Journal of Criminal Justice,* vol. 21, pp. 231–234 (some evidence that task forces promote more effective communication and information sharing).

224. A very limited effort of this kind, consisting of structured interviews with local police officer participants in a FBI-led gang task force in Los Angeles, was conducted several years ago. *See Federal Law Enforcement Assistance in Fighting Los Angeles Gang Violence, supra* note 127, pp. 8–11. Local task force participants from the LA Police Department and other local police departments found Federal assistance very useful, particularly wiretap assistance, money to pay informants, and funding for drug or gun purchases in undercover operations. Some line officers expressed concern about the personnel assistance and equipment they received, as well as about Federal prosecution of targeted gang members, although more than half believed such assistance was very useful. Six of 13 law enforcement officials interviewed in the study said that joint Federal and local task forces led to better relations and increased cooperation and coordination. Eight of 13 police interviewed generally believed that LA Task Force efforts had reduced gang violence, while five believed it was too early to measure the impact. Twenty-one line officers who expressed an opinion stated that their agencies could not obtain similar results without using Federal task forces, and 22 officers mentioned long-term investigation as an element differentiating the Federal task force approach from the local law enforcement approach. Id.

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225. *See, e.g.,* the summary of major benefits experienced with MJTFs included in the 1996 Briefing Paper for the Attorney General, *supra* note 5 (*also see* Appendix E). *See also* McGarrell and Schlegel, *supra* note 223, pp. 241–244 (finding that effective implementation of such task forces requires attention to the structure of the task force and the interagency relationships necessary for implementation, including open communications and mutually beneficial exchange relationships).

226. For example, cumulative information on the FBI's Safe Streets Program showed arrests rising from 14,019 in FY 1992 to 25,078 in FY 1997, while convictions grew from 5,473 to 8,713 during the same period. Federal Bureau of Investigation, Violent Crimes and Major Offenders Division, 1998. *FBI Violent Crimes and Major Offenders Program Results Fact Sheet, supra* note 125. The DEA shows a similar increase in numbers, with arrests rising from 5,548 in FY 1991 to 11,569 in FY 1998, and convictions growing from 4,524 to 4,705 during that time span. DEA, *DEA Operations in the 1990s, supra* note 113, p. 36. As for seizures, the DEA reported that heroin seizures increased from 73 kilograms in FY 1991 to 111 in FY 1998, while methamphetamine seizures increased from 214 kilograms to 464 kilograms during that time period. Id.

227. Although policing and crime rates may be positively correlated, it is very difficult to know whether the correlation is due "to the effect of policing on crime, crime on policing, the influence of a third variable on both policing and crime, or the simultaneous effect of each one on the other." Eck, J., "Policing and Violent Crime: What Have Been the Contributions of Policing to Recent Delinces in Crime?" *Journal of Criminal Law and Criminology (forthcoming, 2000),* p. 8. *See also* Nagin, D., 1998. "Criminal Deterrence Research at the Outset of the Twentieth Century," *in* Tonry, M., ed., *Crime and Justice: A Review of Research,* vol. 23, pp. 1–42.

228. One example of an effort to explore *possible* causal effects of MJTFs on crime is Cowles, E., M. Small, W. Deniston, and J. Dewey, 1997. *Process and Impact Evaluation of Illinois Metropolitan Enforcement Groups and Drug Task Forces: A Final Report.* Chicago: Illinois Criminal Justice Information Authority.

229. *See, e.g.,* Schlegel, K. and E. McGarrell, 1991. "An Examination of Arrest Practices in Regions Served by Multijurisdictional Drug Task Forces," *Crime and Delinquency,* vol. 37(3), pp. 408–426; Jefferis, E., J. Frank, B. Smith, K. Novak, and L. Travis III, 1998. "An Examination of the Productivity and Perceived Effectiveness of Drug Task Forces," *Police Quarterly,* vol. 1(3), pp. 85–107.

230. A 1999 DEA assessment of 133 MET deployments pointed to possible cumulative declines in murders, robberies, and aggravated assaults in geographic deployment areas in the six-month period following such deployments, but the assessment failed to control for a wide range of other factors and was unable to draw any attributional conclusions. DEA also noted it was unclear whether crime could be kept at lower levels following a MET team's withdrawal from an area. DEA itself noted that in many communities, drug dealers returned to many areas again after DEA agents ceased to operate in such areas. GAO, *DEA Operations in the 1990s, supra* note 113, pp. 35–36. *See also* U.S. Drug Enforcement Administration, 1998. *Mobile Enforcement Teams: Response of the U.S. Drug Enforcement Administration to Violent Crime in America (DEA Submission for the Webber Seavey Award),* p. 5. Washington: General Printing Office.

231. *See generally* Rhodes, W. and M. Layne, P. Johnston, and L. Hozik, 2000. *What America's Users Spend on Illegal Drugs, 1988–1998* (draft report submitted to the U.S. Office of National Drug Control Policy). Cambridge: Abt Associates.

232. This impact has been felt at all levels of government, so that increasingly, local police are playing a role in criminal matters that have an international dimension. *See, e.g.,* McDonald, W., 1999. "State and Local Law Enforcement, Transnational Criminality, and Illegal Immigration: The Changing Boundaries of Law Enforcement" (unpublished manuscript).

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233. Williams, P., 1998. "The Nature of Drug Trafficking Networks," *Current History* (April, 1998), p. 159.

234. In some ways, this is also part of a broader phenomenon whereby, with the decline in violent crime, law enforcement authorities in many jurisdictions now have the time and extra resources to "go the extra mile" in attacking persistent crime problems—including lower-level crimes—that went unaddressed during crisis years. *See, e.g.,* "Police Shifting Focus as Crime Drops in Orange County," *Los Angeles Times,* August 24, 1998.

235. In July 1999, Virginia passed its own Exile program ("Virginia Exile") which featured sentencing and bail statutes similar to the Federal provisions. Testimony by Hon. James S. Gilmore III, to the Crime Subcommittee of the House Judiciary Committee, April 6, 2000, *http//www.house.gov/judiciary/gilm0406.htm* (visited 5/16/00). South Carolina officials also promoted such a program in their state. *See* Willis, P., "Official Touts Benefits of Gun Program; Attorney General Says Palmetto Exile Would be Effective in Locking Up Criminals Who Carry Firearms," *Augusta (Ga.) Chronicle,* May 12, 2000.

236. In some areas of the country, moreover, such support cannot be separated over political maneuvering by the parties over gun control, with many Republicans seeking to have the ATF focus on street-level firearms crimes enforcement rather than on more controversial regulatory efforts to cut down on illegal firearms trafficking and gun shows. *See, e.g.,* Butterfield, F., 2000. "Firearms Agency Intensifies Scrutiny of Suspect Dealers," *New York Times,* February 5, 2000.

237. *See, e.g.,* Beebe, M., 1999. "Going After Guns: Project Exile Aims to Take Criminals Off the Street," *Buffalo News,* December 16, 1999.

238. Review of Department of Justice Firearm Prosecutions, Hearing Before the Subcomm. on Criminal Justice Oversight and the Subcomm. on Youth Violence, Senate Judiciary Comm., S. Hrg. 106–201, p. 36 (March 22, 1999), Statement of Donald Stern, U.S. Attorney, District of Massachusetts). At the same time, to preserve greater flexibility for U.S. Attorneys to set their own priorities, some in Congress sought to push for a greater state role in gun enforcement. In May, 2000, some House Democrats introduced the "Community Gun Prosecutor Act of 2000," which would designate $150 million for state and local prosecutors to bring state gun cases. H.R. 4456 106th Cong., 2d Sess. (introduced May 15, 2000).

239. Elizabeth Glazer, *supra* note 144, pp. 901–920.

240. In Detroit, for example, the HIDTA funds data analysts who, if they spot a potential conflict, collision, or overlap, contact the relevant agencies warranting notification.

241. In some larger cities, like San Diego and Detroit, the HIDTA Executive Committees have begun actively to serve this coordinating function. Through participation of key agency representatives having a broad perspective on counter-drug and other law enforcement efforts in a city, HIDTA forums can play a particularly valuable role in sorting out issues of overlap and duplication, as well as setting priorities and channeling resources to new and urgent crime control efforts. In Detroit, the HIDTA has helped refine the role to be played by the new DEA REDRUM task force, while in San Diego, the CBAG HIDTA has served as a key forum for overall strategies linking border drug issues to indigenous San Diego county drug problems.

242. *See* Elizabeth Glazer, *supra* note 144, pp. 912–920.

243. A 1995 GAO Report also noted that in eight fairly large, but diverse Federal judicial districts, all U.S. Attorneys made an effort to coordinate with Federal investigative agencies on top priorities, and that the vast majority of agency representatives believed that such coordination was largely achieved. U.S. General Accounting Office, Report No.

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GAO/GGD-95-150, *U.S. Attorneys: More Accountability for Implementing Priority Programs is Desirable,* pp. 13–14. Washington: General Printing Office.

244. Some outside observers and many Federal prosecutors worry about a loss of time and focus as well as erosion of their core mission of prosecuting individual cases. Others express concern that prosecutors are not trained to serve in the potential *multiple* roles of prosecutor, group facilitator, criminologist, and community relations representative. Still others worry that excessive problem-solving collaboration—with law enforcement agents as well as with crime prevention and community group representatives—can present difficult conflicts later on if corruption problems emerge with any of their collaborators. *See* "What's Changing in Prosecution?" Conference, *supra.* note 221.

245. At present, very little in the way of rigorous evaluation of Federal-local law enforcement collaboration has taken place, and there have been no systematic efforts to analyze the functioning of law enforcement partnerships against the backdrop of the larger literature, much of it NIJ-funded, on justice system partnerships generally. Relative to Byrne-funded MJTFs, which despite their sizable funding have generated only a modest number of rigorous research studies or evaluations, even basic information about Federally-led task forces or other law enforcement evaluations is hard to come by. In 1999, however, to encourage more frequent and meaningful evaluation of Byrne-funded MJTFs, the Bureau of Justice Assistance and the National Institute of Justice awarded a contract in 1999 to Abt Associates Inc. to help develop a 'toolkit' of task force evaluation methodologies that could better illuminate interorganizational outcomes and community impact of locally-led task force activities.

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APPENDICES

A. List of Persons Interviewed or Consulted

B. FBI Safe Streets Violent Crime Initiative Standard Memorandum of Understanding

C. Materials Relating to the U.S. Attorney's Violent Crimes Task Force Cease Fire Program, Western District of Tennessee

D. DEA State and Local Task Force Program Standard Memorandum of Understanding

E. Consensus on Critical Elements for Success for Multijurisdictional Task Forces

F. Glossary of Acronyms

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Appendix A

List of Persons Interviewed or Consulted

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Federal Officials in Washington, D.C.

Katherine Armentrout, Director, Executive Office for OCDETF, Criminal Division, U.S. Department of Justice

Jill Aronica, Assistant Director, Management Information, Executive Office for OCDETF, Criminal Division, U.S. Department of Justice

Malcolm Brady, Deputy Assistant Director, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury

Alice Dery, Assistant Chief, State and Local Liaison, Asset Forfeiture and Money Laundering Section, Criminal Division, U.S. Department of Justice

Ann Dooley, Executive Office for United States Attorneys, U.S. Department of Justice

Louis DeFalaise, Senior Counsel to the Director, Executive Office for United States Attorneys, U.S. Department of Justice

James Eaglin, Director of Research, Federal Judicial Center

Linda Ellinger, Deputy Director, Executive Office for OCDETF, Criminal Division, U.S. Department of Justice

Patrick Garten, Drug Enforcement Administration, U.S. Department of Justice

John Gnorski, Assistant Director for Finance, Executive Office for OCDETF, Criminal Division, U.S. Department of Justice

Mark Greenberg, Deputy Assistant Attorney General, Office of Policy Development, U.S. Department of Justice

Eugene Hausler, Assistant Director for Program Development, Executive Office for OCDETF, Criminal Division, U.S. Department of Justice

Gray Hildreth, Staff Coordinator, State and Local Programs Section, Drug Enforcement Administration, U.S. Department of Justice

Nancy Incontro, Assistant U.S. Attorney and Chief, Superior Court Division, District of Columbia

Patrick Langan, Bureau of Justice Statistics, U.S. Department of Justice

Paul Levin, Bureau of Justice Statistics, U.S. Department of Justice

Harry Litman, Deputy Assistant Attorney General, Office of Policy Development, U.S. Department of Justice

Grace Mastalli, Deputy Assistant Attorney General, Office of Policy Development, U.S. Department of Justice

Barbara Meierhoefer, Administrative Office of the U.S. Courts

Harlin McEwen, Deputy Assistant Director, Federal Bureau of Investigation

Mary Murguia, Director, Executive Office for U.S. Attorneys, U.S. Department of Justice

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Kenneth Neu, Assistant Chief, Violent Crimes and Major Offenders Section, Federal Bureau of Investigation

Joseph Peters, Assistant Deputy Director for State and Local Affairs, White House Drug Policy Office, Executive Office of the President

Lou Reidt, U.S. Sentencing Commission

Steven Rickman, Director, Executive Office for Weed and Seed

E. Thomas Roberts, Counsel to the Assistant Attorney General, Criminal Division

James Robinson, Assistant Attorney General, Criminal Division, U.S. Department of Justice

Laurie O. Robinson, Assistant Attorney General, Office of Justice Programs, Bureau of Justice Assistance, U.S. Department of Justice

Julie Samuels, Director for Policy, Office of Policy and Legislation, Criminal Division, U.S. Department of Justice

John Scalia, Statistician, Bureau of Justice Statistics, U.S. Department of Justice

Kurt Schmid, Director, HIDTA Program, Office of National Drug Control Policy

Steven Smith, Bureau of Justice Statistics, U.S. Department of Justice

John Steer, General Counsel, U.S. Sentencing Commission

Jeffrey Sweetin, Staff Coordinator, Mobile Enforcement Team Program, Drug Enforcement Administration, U.S. Department of Justice

Catherine Whitaker, Statistics Division, Administrative Conference of the U.S. Courts

Edwin Zedlewski, Assistant Director for Planning and Management, National Institute of Justice, U.S. Department of Justice

Other Experts

Sarah Sun Beale, Professor Law, Duke University Law School
David Barber, District Attorney, Birmingham, Alabama
Janice McKenzie Cole, U.S. Attorney, Eastern District of North Carolina
Roger Conner, Visiting Fellow, National Institute of Justice
Russ Dedrick, First Assistant U.S. Attorney, Eastern District of Tennessee
Joy Fallon, Executive Assistant U.S. Attorney, District of Massachusetts
Elizabeth Glazer, Chief, Crime Control Strategies, U.S. Attorney's Office, Southern District of New York
Rory Little, Professor of Law, Hastings University Law Center
Kent Markus, Associate Professor of Law, Capital University Law Center
Brian Ostrom, National Center for State Courts
James Strazzella, Professor of Law, Temple University Law School

Law Enforcement Officials and Prosecutors in the Three Cities

Memphis

Federal officials

Tony Arvin, Assistant U.S. Attorney, U.S. Attorney's Office
Brian Chambers, Special Agent, Drug Enforcement Administration
Mark Chisolm, Special Agent, Drug Enforcement Administration

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Veronica Coleman, U.S. Attorney
Tim DiScenza, Chief, OCDETF, U.S. Attorney's Office
John Fowlkes, Assistant U.S. Attorney, U.S. Attorney's Office
Chris Jones, OJP Detailee Attorney (Attorney-Adviser), U.S. Attorney's Office
Eugenio Marquez, Acting Special Agent in Charge, Bureau of Alcohol, Tobacco, and Firearms
Dave McGriff, Special Agent, Drug Enforcement Administration
Dan Newsom, Senior Litigation Counsel, U.S. Attorney's Office
Joseph Regan, Supervisory Special Agent, Drug Enforcement Administration
Chris Simcik, Special Agent, Bureau of Alcohol, Tobacco, and Firearms
Donald Sorrano, Special Agent, Bureau of Alcohol, Tobacco, and Firearms
Phillip Thomas, Special Agent in Charge, Memphis Division, Federal Bureau of Investigation
Willie Walker, Jr., Supervisory Special Agent, Memphis Division, Federal Bureau of Investigation
Audis Wells, Resident Agent in Charge, Drug Enforcement Administration
Jennifer Webber, Assistant U.S. Attorney, U.S. Attorney's Office
Michael Wiederspahn, Special Agent, Memphis Division, Federal Bureau of Investigation

Local officials

Robert Bryden, President, Memphis-Shelby Crime Commission
James Challen III, Deputy District Attorney General, Shelby County
Ronald Collins, Research and Development Unit, Memphis Police Department
Mike Dodd, Deputy Chief, Memphis Police Department
William Gibbons, District Attorney General for Shelby County
Mark Glankler, Director, Western Tennessee Judicial Violent Crime and Drug Task Force
Terry Harris, Assistant District Attorney General, Chief Prosecutor, General Sessions Criminal Court Section
Tom Henderson, Assistant District Attorney General, Director of Violent Crimes Prosecution Unit
David Henry, Assistant District Attorney General, Director, Anti-Gang Team
Jerry Kitchen, Assistant District Attorney General
W.P. Oldham, Chief, Memphis Police Department
Three police officers affiliated with the Gang Task Force
Two police officers affiliated with the Strategic Initiative on Sexual Assault
Four police officers affiliated with the DEA Drug Enforcement Task Force
Three police officers affiliated with the U.S. Attorney's Violent Crimes Task Force

San Diego

Federal officials

Alberto Arevalo, Assistant U.S. Attorney, U.S. Attorney's Office
Laura Birkmeyer, Chief, Narcotics and Dangerous Drugs Section, U.S. Attorney's Office
Virginia Black, Assistant U.S. Attorney, U.S. Attorney's Office
Errol Chavez, Special Agent in Charge, Drug Enforcement Administration
Gonzalo Curiel, Assistant Chief, Narcotics and Dangerous Drugs Section, U.S. Attorney's Office
William Gore, Special Agent in Charge, Federal Bureau of Investigation
Shane Harrigan, Assistant U.S. Attorney, Violent Crimes Coordinator, U.S. Attorney's Office
Randy K. Jones, Assistant U.S. Attorney, U.S. Attorney's Office
John Kraemer, Executive Assistant U.S. Attorney, U.S. Attorney's Office
Michael Lasater, Assistant U.S. Attorney, U.S. Attorney's Office
Mark Llloyd, Assistant Special Agent in Charge, Drug Enforcement Administration
Larry Mefford, Assistant Special Agent in Charge, Federal Bureau of Investigation
Ron Papania, California Border Alliance Group (HIDTA)
Gregory Vega, U.S. Attorney for the Southern District of California
Edward Walker, Supervisory Special Agent, Federal Bureau of Investigation
Michael G. Wheat, Assistant U.S. Attorney, U.S. Attorney's Office

Local officials

Robert Amador, Chief, J.U.D.G.E. Unit (Multijurisdictional Drug Task Force)
Jack Drown, Undersheriff, San Diego County Sheriff's Department

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Susan Mazza, Special Assistant District Attorney, San Diego County
Garland Peed, Assistant Chief, Gang Prosecution Unit, Office of the District Attorney, San Diego County
Paul Pfingst, District Attorney, San Diego County
Michael Running, Deputy District Attorney, Chief, Complaints and Extraditions Division, San Diego County
Ugene Stephens, Director, San Diego/Imperial County Regional Narcotic Information Network
Gregory Thompson, Assistant District Attorney, San Diego County
John Welter, Assistant Chief of Police, San Diego Police Department
David Williams, Deputy District Attorney, Assistant Chief, Special Operations Division, San Diego County
Four police officers affiliated with the Narcotics Task Force
Four police officers affiliated with the FBI Violent Crimes Task Force Gang Group

Detroit

Federal officials

Joseph Allen, Assistant U.S. Attorney, U.S. Attorney's Office
Kevin R. Brock, Assistant Special Agent in Charge, Federal Bureau of Investigation
Robert Cares, Assistant U.S. Attorney, U.S. Attorney's Office
Alan Gershel, Executive Assistant U.S. Attorney, U.S. Attorney's Office
Lawrence Gallina, Special Agent in Charge, Drug Enforcement Administration
Saul Green, U.S. Attorney for the Eastern District of Michigan
Lynn Helland, Assistant U.S. Attorney, Special Prosecutions Unit, U.S. Attorney's Office
Michael Leibson, Assistant U.S. Attorney, U.S. Attorney's Office
Sheldon Light, Assistant U.S. Attorney, General Crimes Unit, U.S. Attorney's Office
Michael Morrissey, Special Agent in Charge, Bureau of Alcohol, Tobacco, and Firearms
Timothy Munson, Assistant Special Agent in Charge, Federal Bureau of Investigation
Joseph Secrety, Special Agent, Bureau of Alcohol, Firearms, and Tobacco
Patrick Valentine, Assistant Special Agent in Charge, Drug Enforcement Administration
Nicholas Walsh, Special Agent in Charge, Federal Bureau of Investigation

Local officials

Douglas Baker, Deputy Chief, Major Drug Unit and Special Prosecutions Unit, Wayne County Prosecutor's Office
Benny Napoleon, Chief, Detroit Police Department
John D. O'Hair, Wayne County Prosecutor
Richard Padzieski, Chief of Operations, Wayne County Prosecutor's Office
John Smiley, Assistant Division Commander, Michigan State Police
Andrea Solak, Chief of Special Operations, Wayne County Prosecutor's Office
Nathaniel Topp, Deputy Chief, Narcotics Bureau, Detroit Police Department
George Ward, Chief Assistant Prosecuting Attorney, Wayne County
Nancy Westveld, Assistant Prosecuting Attorney, Prosecutor's Repeat Offender Bureau, Wayne County Prosecutor's Office
Three police officers affiliated with the DEA Group 6 Task Force
Two police officers affiliated with the DEA Group 5 Task Force (REDRUM)
Four police officers affiliated with the Detroit Achilles Task Force
Three police officers affiliated with the Violent Crimes Task Force

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Appendix B

FBI Safe Streets Violent Crime Initiative
Standard Memorandum of Understanding

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MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MOU) is being executed by the below listed agencies:

Federal Bureau of Investigation (FBI)

(list participating agencies)

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between the participating agencies listed above.

I. PURPOSE

This MOU establishes and delineates the mission of the ***(task force name)***, herein after referred to as the ***(task force acronym)***, as a joint cooperative effort. Additionally, the MOU formalizes relationships between and among the participating agencies in order to foster an efficient and cohesive unit capable of addressing ***(identified crime problem)*** within the ***(geographic territory)***. It is the desire of the participating agencies to achieve maximum inter-agency cooperation in a combined law enforcement effort aimed at reducing the most violent criminal activity within the communities served.

II. MISSION

The mission of the ***(task force acronym)*** is to identify and target for prosecution ***(characterization of the identified crime problem)***. The ***(task force acronym)*** will enhance the effectiveness of federal/state/local law enforcement resources through a well coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

III. ORGANIZATIONAL STRUCTURE

A. Composition

The ***(task force acronym)*** will consist of a combined enforcement body of agencies participating in this MOU. These participating agencies will provide full-time assigned personnel, as set forth below:

(set forth resource commitments)

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B. Direction

All participants acknowledge that the ***(task force acronym)*** is a joint operation in which all agencies act as partners in the operation of the task force. An Executive Board, made up of the heads of the participating entities, will be responsible for the policy and direction of the ***(task force acronym)***. The Executive Board will meet quarterly in order to collectively provide policy oversight. Membership on the Executive Board can be delegated by the law enforcement agency head to a subordinate.

C. Supervision

The day to day operation and administrative control of the ***(task force acronym)*** will be the responsibility of a Supervisory Special Agent (SSA) of the FBI. The daily management of the ***(task force acronym)*** will be closely coordinated with the Executive Board. Responsibility for the conduct of ***(task force acronym)*** members, both personally and professionally, shall remain with the respective agency heads.

IV. PROCEDURES

A. Personnel

Continued assignment of personnel to the ***(task force acronym)*** will be based upon performance and will be the discretion of the respective agency heads/supervisors. Each participating agency, upon request, will be provided with an update as to the program, direction and accomplishments of the ***(task force acronym)***.

B. Deputization

All local and state law enforcement personnel designated to the ***(task force acronym)***, subject to a limited background inquiry, will be federally deputized, with the FBI securing the required deputization authorization. These deputizations will remain in effect throughout the tenure of each investigator's assignment to the ***(task force acronym)*** or until termination of the task force, whichever occurs first.

(NOTE: Full background investigations and Top Secret security clearances are required in those instances where the SSTF will be housed in FBI space and all members will have unescorted access.)

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Personnel from participating agencies will receive a comprehensive briefing on FBI field office security policy and procedures. During the briefing, each individual will execute non-disclosure agreements (SF-312 and FD-868). Upon departure from the ***(task force acronym)***, personnel from participating agencies will execute non-disclosure agreements (SF-312 and FD-868) and will be given a security debriefing.

C. Investigations

All ***(task force acronym)*** investigations will be initiated in accordance with United States Attorney General Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations (AG Guidelines). The investigative methods employed will be consistent with the policies and procedures of the FBI and the AG Guidelines. However, in situations where the statutory or common law of ***(State)*** is more restrictive than comparable Federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

D. Prosecution

The criteria for determining whether to prosecute a particular violation in state or federal court will focus upon achieving the greatest overall benefit to law enforcement and the public. Any question which arises pertaining to prosecutive jurisdiction will be resolved through discussion among all investigative agencies and prosecutive entities having an interest in the matter.

V. ADMINISTRATIVE

A. Case Assignments

The FBI SSA assigned to the ***(task force acronym)*** will oversee the prioritization and assignment of targeted cases and related investigative activity in accordance with the stated objectives and direction of the ***(task force acronym)***. Cases will be assigned to investigative teams based on experience, training, performance, expertise, and existing case load.

B. Records and Reports

All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created

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by each member of the task force will be made available for inclusion in the respective investigative agencies' files as appropriate.

(Statement re preparing on FBI forms.)

(Statement re where investigative files will be maintained.)

C. Evidence and Undercover Operations

All evidence and original tape recordings (audio and video) acquired during the course of ***(task force acronym)*** investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval and chain of custody will be adhered to by the ***(task force acronym)*** personnel.

All ***(task force acronym)*** undercover operations will be conducted and reviewed in accordance with FBI guidelines and the Attorney General's Guidelines on Undercover Operations.

D. Investigative Exclusivity

Matters designated to be handled by the ***(task force acronym)*** will not knowingly be subject to non-Task Force law enforcement efforts. It is incumbent upon each agency to make proper internal notification regarding ***(task force acronym)*** existence, including its areas of concern.

There shall be no unilateral action taken on the part of any participating agency relating to ***(task force acronym)*** investigations. All law enforcement action will be coordinated and conducted in a cooperative matter. ***(task force acronym)*** investigative leads outside the ***(name of FBI Field Office)*** FBI territory will be communicated to other FBI offices for appropriate investigation.

E. Informants and Cooperating Witnesses

The United States Attorney General Guidelines and the FBI's guidelines regarding the operation of informants and cooperating witnesses will apply to all informants and cooperating witnesses directed by members of the ***(task force acronym)***. The FBI agrees, subject to funding availability, to pay informants/cooperating witnesses' expenses in accordance with FBI policies and procedures and which are determined by the FBI

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to be reasonable and necessary. An appropriate FBI informant/cooperating witness file will be opened wherein all information furnished by the informant/cooperating witness will be maintained. In addition, any recommendations for payments to this informant/cooperating witness will also be documented therein.

F. Staff Briefings

Periodic briefings on ***(task force acronym)*** investigations will be provided to the heads of the participating agencies or their designees.

VI. MEDIA

All media releases pertaining to ***(task force acronym)*** investigations and/or arrests will be coordinated and made jointly by all participants of this MOU. No unilateral press releases will be made by any participating agency without the prior approval of the other participants. No information pertaining to the ***(task force acronym)*** itself will be released to the media without mutual approval of all participants.

VII. EQUIPMENT

(A,B,C....separate entries for each item such as:A. Vehicles, B. Communications, C. Cellular Telephones, etc. EACH SECTION MUST INCLUDE THE "subject to funding availability" language.)

VIII. FUNDING

Each participating agency agrees to provide the full time services of its respective personnel for the duration of this operation. Participating agencies agree to assume all personnel costs for their task force representatives, including salaries, overtime payments and fringe benefits consistent with their respective agency. Subject to funding availability and legislative authorization, the FBI will reimburse to participating local and state agencies the cost of overtime worked by ***(task force acronym)*** members assigned full time to the task force, providing overtime expenses were incurred as a result of ***(task force acronym)*** related duties. Separate Contract Reimbursable Agreements (CRAs) will be executed by the FBI and each participating agency consistent with regulations and policy.

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IX. LIABILITY

Unless specifically addressed by the terms of this MOU, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Legal representation by the United States is determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation to any Federal, state or local law enforcement officer.

Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of an employee of the United States government, acting within the scope of his employment, shall be an action against the United States under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346(b), §§ 2671-2680.

For the limited purpose of defending claims arising out of TASK FORCE activity, state or local law enforcement officers who have been specially deputized and who are acting within the course and scope of their official duties and assignments pursuant to this MOU, may be considered an "employee" of the United States government as defined in 28 U.S.C. § 2671. See 5 U.S.C. § 3374(c)(2).

Under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (commonly known as the Westfall Act), 28 U.S.C. § 2679(b)(1), the Attorney General or her designee may certify that an individual defendant acted within the scope of his employment at the time of the incident giving rise to the suit. Id., 28 U.S.C. § 2679(d)(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims. 28 U.S.C. § 2679(d)(2). If the United States is substituted as defendant, the individual employee is thereby protected from suits in his official capacity.

If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S.C. § 2679(d)(3).

Liability for any negligent or willful acts of TASK FORCE employees, undertaken outside the terms of this MOU will be the sole responsibility of the respective employee and agency involved.

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Liability for violations of federal constitutional law rests with the individual federal agent or officer pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971) or pursuant to 42 U.S.C. § 1983 for state and local officers or cross-deputized federal officers.

Both state and federal officers enjoy qualified immunity from suit for constitutional torts "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Harlow v. Fitzgerald, 457 U.S. 800 (1982).

TASK FORCE officers may request representation by the U.S. Department of Justice for civil suits against them in their individual capacities for actions taken within the scope of employment. 28 C.F.R. §§ 50.15, 50.16.

An employee may be provided representation "when the actions for which representation is requested reasonably appear to have been performed within the scope of the employee's employment and the Attorney General or [her] designee determines that providing representation would otherwise be in the interest of the United States." 28 C.F.R. § 50.15(a).

A TASK FORCE officer's written request for representation should be directed to the Attorney General and provided to the Chief Division Counsel (CDC) of the FBI division coordinating the TASK FORCE. The CDC will then forward the representation request to the FBI's Office of the General Counsel (OGC) together with a Letterhead memorandum concerning the factual basis for the lawsuit. FBI/OGC will then forward the request to the Civil Division of DOJ together with an agency recommendation concerning scope of employment and Department representation. 28 C.F.R. § 50.15(a)(3).

If a TASK FORCE officer is found to be liable for a constitutional tort, he/she may request indemnification from DOJ to satisfy an adverse judgment rendered against the employee in his/her individual capacity. 28 C.F.R. § 50.15(c)(4). The criteria for payment are substantially similar to those used to determine whether a federal employee is entitled to DOJ representation under 28 C.F.R. § 50.15(a).

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X. DURATION

This MOU shall remain in effect until terminated as specified below. Continuation of this MOU shall be subject to the availability of necessary funding. This agreement may be modified at any time by written consent of all involved agencies. This agreement may be terminated at any time by any of the participating agencies, including the FBI. The participating agencies may withdraw from this agreement at any time by providing a 30 day written notice of its intent to withdraw to all other participating agencies. Upon the termination of the ***(task force acronym)*** and the MOU, all equipment will be returned to the supplying agencies.

XI. MODIFICATIONS

This agreement may be modified at any time by written consent of all involved agencies.

Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

_____ _____

(SAC's name) Date
Special Agent in Charge
Federal Bureau of Investigation

_____ _____

(name of Agency head) Date
(Title)
(Agency)

(additional entries for other participating Agency heads)

All MOUs should be approved by :

_____ _____

[FBI Contracting Officer] Date

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SUBMISSION/ROUTING: ***The MOU should be submitted to the Safe Streets and Gang Unit (SSGU) for initial review. Thereafter the SSGU will obtain the necessary approvals from OGC entities and return an approved final copy to the submitting Field Office for execution by the participating agencies.***

NOTE: The wording as set forth in sections, IV, V - C & E, VI, VIII, X and XI is mandatory! A liability section IX is required. The wording as set forth in the example section IX is preferred but may be modified with the approval of appropriate OGC reviewing entities.

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Appendix C

Materials Relating to the U.S. Attorney's Violent Crimes Task Force Cease Fire Program, Western District of Tennessee

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U.S. ATTORNEY'S VIOLENT CRIMES TASK FORCE
WESTERN DISTRICT OF TENNESSEE

PARTICIPANTS:

U.S. Attorney
U.S. Attorney's Violent Crime Coordinator
Bureau of Alcohol, Tobacco and Firearms - Memphis
Memphis Police Department
Federal Bureau of Investigation
Shelby County Sheriff's Office
District Attorney General's Office (30th J.D.)
Shelby County Juvenile Court
Memphis City Schools

TASK FORCE STAFF:

The task force is assigned 8 officers/agents and 1 support person. The members are: 1 agent, Bureau of ATF; 1 agent, Federal Bureau of Investigation; 3 officers and 1 support, Memphis Police Department; and 3 officers, Shelby County Sheriff's Office.

MISSION:

To vigorously attack violent crime and the causes of violent crime committed by either adult and/or juvenile offenders through a coordinated effort among federal, state and local authorities.

METHOD OF OPERATION AND FOCUS:

ADULTS

The task force screens and investigates armed, violent and recidivist criminals -- for possible federal prosecution with special emphasis on reviewing cases for possible sentencing under the "three-strikes" law.

JUVENILES

The task force attempts to interview all juveniles who are arrested for possession of a firearm to determine and maintain statistics on how juveniles are getting weapons and to identify cases for federal prosecution under the Youth Handgun Safety Act. Weapons, when recovered and accepted, are submitted to ATF for tracing.

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RESULTS:

ADULTS

The task force began screening and investigation adult cases in February 1995. During its first year, task force members reviewed 1337 adult cases with 27 accepted for federal prosecution.

Two of the most significant cases during the past year have involved the indictment of two defendants who could receive life imprisonment under the "three-strikes" law. One defendant was indicted for allegedly robbing 5 businesses during a one-week spree in Memphis. This defendant has numerous prior convictions for manslaughter and robbery. The other defendant was indicted for allegedly kidnapping two young women from Memphis and taking them to Arkansas and robbing them before they escaped. This defendant has 4 prior and separate armed robbery convictions.

JUVENILES

The task force's work with juveniles began in June 1995. From June 1995 through December 1995, the task force members interviewed 308 of the 465 juveniles arrested on weapons possession charges. During this same period, 209 weapons were submitted for tracing.

Through their work, task force members have assisted Juvenile Court in maintaining correct statistics on juveniles arrested on weapons charges. The task force members are also maintaining an internal database that holds such information as the juvenile's age, the type of weapon, how the juvenile got the weapon, the age the juvenile first experimented with a weapon, gang information, and the charges.

The most significant case thus far has been an indictment under 18 U.S.C. 922(x). The defendant is alleged to have transferred a handgun to his juvenile son and encouraged his son to use it to shoot a certain individual, which the son did.

In February 1996, U.S. Attorney Veronica F. Coleman gave testimony about the work of the task force before the Senate Judiciary Committee's Subcommittee on Youth Violence hearing held in Memphis.

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U.S. ATTORNEY'S VIOLENT CRIMES TASK FORCE
WESTERN DISTRICT OF TENNESSEE

DETAILED METHOD OF OPERATION

GENERAL: There are four officers assigned to the Juvenile Division of the U.S. Attorney's Violent Crimes Task Force. These officers work in teams of two and spend one month conducting interviews at juvenile court and the next month doing investigative and follow-up work.

STEP 1. A juvenile is arrested. A copy of every of arrest ticket is placed in Violent Crimes Task Force (VCTF) box a juvenile court.

STEP 2. VCTF officers review all arrest tickets for juveniles arrested on firearms related charges.

STEP 3. Identified juveniles are brought to an interview room. A VCTF officer explains the type of information being requested and conducts the interview.

STEP 4. After conducting interviews, VCTF officers check property room to inspect any recovered weapons. Information obtained from the weapons is used to complete both the interview and ATF-Tracing forms.

STEP 5. VCTF officers give completed interview forms to the data entry clerk for processing. Intelligence information is forward to the ATF agent assigned to the task force.

STEP 6. If tracing is possible, VCTF officers complete tracing report and submit it to the ATF National Tracing Center in Falling Waters, WV.

STEP 7. At end of month, data entry clerk prints report detailing the month's activities.

STEP 8. If ATF Trace report comes back with good information, VCTF officers attempt to conduct interviews with gun owner.

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VIOLENT CRIMES TASK FORCE
JUVENILE INTERVIEW FORM

Arrest Date _____ Released _____

Date _____ Interviewer: _____ Location _____ Time _____

Name _____ Alias _____
Last First MI

DOB _____ Place _____ Age _____ Sex _____ Race _____

Height _____ Weight _____ Eyes _____ Hair _____ Scars _____

Current Address: _____ Zip_____ Phone _____

Social Security Number _____-_____-_____ School Status _____

School _____ Grade _____

Gang Member _____ Gang Name _____ Colors _____

Tattoos _____

Where did you get the gun?_____
_____
_____

Amount Paid: $ _____

What did you need the gun for? _____
_____
_____

Have you ever had a firearm in your possession _____
_____
_____

Weapon:
Make_____ Model _____ Caliber _____ Serial # _____

Type _____ Recovered _____ Not Recovered: _____

Charge _____ T.C.A. _____
Charge _____ T.C.A. _____
Charge _____ T.C.A. _____
Charge _____ T.C.A. _____

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JUVENILE INTERVIEW FORM (CONTINUE)

Notes:

Interviewers

Signatures

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Youth Crime Gun Interdiction Initiative

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

National Tracing Center Trace Request Form

Phone: 1-800-788-7133 Falling Waters, West Virginia 25419 FAX: 1-800-578-7223

For NTC Data Entry Only !

NOTE: * = ***Required Entry Field*** (Must be completed for trace processing)
** = ***Required Entry Field w/Listed Data Response*** (See back for Codes and Options)

PART 1–TRACE INITIATION INFORMATION

1a. Date of Request:	1b. Priority**: ☐ Routine ☐ Urgent *(Support request for Urgent Trace under "Justification")* Justification:
1c. Remarks: ☐ Do not trace beyond Retail Dealer ☐ This is a Trace Study ☐ Info. only/Results not needed. ☐ Other *(Included Instructions)* Special Instructions:	

2–ATF AGENT REQUESTING TRACE

2a. ATF Special Agent's Name: *(Last, First, Middle)*		2b. Field Office:
2c. ATF Case No:	2d. BOC Code*:	2e. Phone: FAX:

3–OTHER AGENCY REQUESTING TRACE

3a. Other Agency Officer's Name: *(Last, First, Middle)*	3b. Badge No.:	3c. Dept./ Unit:
3d. Mailing Address:		3e Phone: FAX:
3f. ORI Number*:	3g. Other Agency Case Number:	

4–FIREARMS INFORMATION

4a. Firearm Manufacturer*:		4b. Type**:	4c. Model*:
4d. Caliber*:	4e. Serial No.*:		☐ Obliterated Attempt to Raise ? ☐ Yes ☐ No
4f. Country of Manufacture*: *(Importer required if other than U.S.)*		4g. Importer*:	

5–CRIME CODE INFORMATION

5a. Juvenile Involved? ☐ Yes ☐ No Gang Involved? ☐ Yes ☐ No Gang Name:	5b. Project Code**:	5c. NCIC Crime Code**:

6–POSSESSOR INFORMATION

6a. Name of Person in Possession of Firearm: *(Last, First, Middle)*			AKA:	
6b. Address — Street No.:	6c. Direction:	6d. Street Name:		6e. Apt. No.:
6f. City:		6g. State.:	6h. Zip Code:	–
6i. Sex:	6j. Race:	6k. Height:	6l. Weight:	6m. Date of Birth:
6n. Place of Birth:		6o. Possessor's ID. No.:		6p. ID. Type/State:

7–ASSOCIATE INFORMATION

7a. Name of Associate: *(Last, First, Middle)*			AKA:	
7b. Address — Street No.:	7c. Direction:	7d. Street Name:		7e. Apt. No.:
7f. City:		7g. State.:	7h. Zip Code:	–
7i. Sex:	7j. Race:	7k. Height:	7l. Weight:	7m. Date of Birth:
7n. Place of Birth:		7o. Associate's ID. No.:		7p. ID. Type/State:

8–RECOVERY INFORMATION

8a. Firearm Recovery Location — Street No.:	8b. Direction:	8c. Street Name:		8d. Apt. No.:
8e. City:		8f. State.:	8g. Zip Code:	–
8h. Additional Information:				8i. Firearm Recovery Date:

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INSTRUCTIONS FOR COMPLETING FORM ATF 3312.1 — REQUEST FOR A FIREARMS TRACE

General Instructions — *Required Data Entry Fields & **Available Options /Codes Listed For Reference

The information requested on this form is needed to initiate a trace request. All Fields marked with an asterisk (*) indicate required entry data fields. All areas so marked must be completed in order to effectively and expeditiously execute the trace request. Fields marked with a Double asterisk (**) indicate areas of required data entry with available options and codes listed for reference (Refer to lists below to determine the appropriate entry and correct nomenclature).

Required Entry Fields include:

Question 1b** *(Justify Urgent Trace) See Priorities Listed below*

Question 2d* *(Organizational BOC Code confirmed by ISA)*

Question 3f* *(Other Agency ORI Number)*

Questions 4a, 4b**, 4c, 4d, 4e, 4f & 4g *(Confirm data to be submitted)*

Question 5b** *(Include Project Code if applicable)*

Question 5c** *(List appropriate NCIC Code)*

Question 1b — Priority (Qualifying Urgent Trace Request)

NOTE: ***Only The Following Violent Crimes & Case Circumstances Justify Urgent Trace Requests***

Assault	**Murder/Suicide**	**Terrorist Threat**	**To Initiate Search Warrant**
Bank Robbery	**Rape/Sex**	**For Undercover Case**	
Kidnapping	**Terrorist Act**	**To Hold Suspect In Custody**	

Question 4b — Type of Firearm

C = Combination — A weapon designed to be fired from the shoulder which is fitted with both a rifled barrel 16" or greater in length and a smooth-bor barrel 18" or greater in length with an overall length of 26" or more.

M = Machine Gun — A weapon of handgun, rifle or shotgun configuration designed to automatically fire more than one shot, without manuali reloading, by a single function of the trigger.

P = Pistol — A weapon which includes single shot and both single or double-action semiautomatic handguns fitted with a barrel(s) with an integr chamber design or having a chamber(s) permanently aligned with the barrel.

PR = Pistol/Revolver — A weapon which includes both single and double action handguns having a breechloading chambered cylinder designed wit a repetitive function based on rotation.

PD = Pistol/Derringer — A weapon which includes single barrel, superposed (over/under) and multi-barrel configuration handguns based on a hinge or pivoting barrel small frame pistol design.

R = Rifle — A weapon designed to be fired from the shoulder which discharges a single projectile through one or more rifled barrels 16" or greater i length with an overall length of 26" or more.

S = Shotgun — A weapon designed to be fired from the shoulder which discharges a single or multiple projectiles through one or more smooth-bor barrels 18" or greater in length with an overall length of 26" or more.

Question 5b — PROJECT CODES (Enter one code only)

IEB International Enforcement	**OBL** Obliterated Serial Number	**MUN** Murder and Narcotics
ITR ITAR Project	**ORG** Organized Crime	**MIL** Militia Related Project
JSS Juvenile and School	**SEN** Media or Political Case	**GNG** Gang Related
JVV Juvenile and Violence	**TRS** Trace Study	**YCG** Youth Crime Gun

Question 5c — NCIC CRIME CODES (Enter one code only)

0199 Sovereignty	**1311** Aggravated Assault (Police)	**2999** Damage Property	**5399** Public Peace
0299 Military	**1399** Assault	**3599** Dangerous Drugs	**5499** Traffic Offense
0399 Immigration	**1499** Abortion	**3699** Sex Offense	**5599** Health-Safekeeping
0907 Homicide (Police Officer)	**1602** Threat (Terroristic)	**3799** Obscenity	**5699** Civil Rights
0911 Homicide (Suicide)	**1702** Material Witness (Federal)	**3802** Cruelty Toward Child	**5799** Invade Privacy
0999 Homicide (Street)	**2099** Arson	**3803** Cruelty Toward Spouse	**5899** Smuggling (Customs)
1099 Kidnapping	**2199** Extortion	**3999** Gambling	**5999** Election Laws
1101 Rape	**2299** Burglary	**4099** Commercial Sex	**6099** Antitrust
1199 Sexual Assault	**2399** Larceny	**4199** Liquor	**6199** Tax Revenue
1201 Robbery (Business)	**2411** Unauthorized Use of Auto	**4899** Obstruction Police	**6299** Conservation
1204 Robbery (Street)	**2499** Stolen Vehicle	**4999** Flight-Escape	**7099** Crimes Against Person
1211 Bank Robbery	**2599** Counterfeiting	**5099** Obstruct	**7199** Property Crimes
1212 Car Jacking	**2699** Fraud	**5199** Bribery	**7299** Morals
1299 Robbery	**2799** Embezzle	**5211** Explosives	**7399** Public Order Crimes
1301 Aggravated Assault (Family)	**2899** Stolen Property	**5212** Possession of Weapon	**8100** Escape (Juvenile)

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U.S. ATTORNEY'S VIOLENT CRIMES TASK FORCE
WESTERN DISTRICT OF TENNESSEE

JUVENILE DATABASE INFORMATION

DATABASE STRUCTURE AND INFORMATION

INFORMATION CONCERNING ARREST & INTERVIEW

Date the juvenile was arrested
Date the juvenile was interviewed by task force
Date the juvenile was released
Who conducted the interview
Where and time interview conducted

JUVENILE INFORMATION

Juvenile last name
Juvenile first name
Juvenile age & date-of-birth
Juvenile sex & race
Juvenile alias/street names
Juvenile height, weight, eyes, hair
Juvenile address
Juvenile social-security-number
Juvenile school
Juvenile grade
Juvenile involved in a gang?
Juvenile gang name
Juvenile gang colors
Tattoos located on juvenile & description
What charges brought against juvenile (info stored as TCA code)
Information about codefendants

GUN INFORMATION

Where does juvenile say they got the gun (gun source)
Why did juvenile say they had a gun (gun purpose)
If purchased, street location of purchase
If purchased, amount paid for gun
Any prior gun experience, what age and what experience
Gun make, model, caliber, type, color and serial number
Was the gun recovered
If recovered, was gun submitted to ATF for tracing
If recovered and not traced, why not:
No Serial Number
Returned to Owner

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Ceasefire 1999 . . .

(Prevention achieved through education & cooperation)

A. Lower Juvenile Demand for Firearms

1. Members of the US Atty's Violent Crime Task Force / AUSAs will continue to visit Memphis area schools for the purpose of facilitating discussions following the Gun Safety Video.

2. Members of the US Atty's Violent Crime Task Force will educate and train City/County/Private School Security Officers in the following areas:

   a. Use of Gun Safety Video / Facilitation of Dialog with Students.

   b. Identification / communication of information relevant to 922(q) and/or 922(x) investigations

3. US Atty's Office will coordinate distribution of the following information to maximize the deterrent effect:

   a. Mandatory and/or maximum penalties for firearms possession offenses

   b. Zero Tolerance Policies

   c. Successful prosecutions and resulting sentences of 922(q) and (x) cases

   d. Relevant State Court / Juvenile Court Penalties / Programs

4. Dissemination of relevant information will be made through the following outlets:

   a. Traditional Media Outlets

   b. Juvenile probation and supervised release programs

   c. School System PTA groups

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d. Community / Neighborhood Associations

e. HUD

f. Private Advertising / Postings / Mailings in Target Neighborhoods identified through Data Analysis

B. Decrease Supply of Firearms Available to Juveniles

1. VCTF officers will continue to back up Juvenile Court Intake Officers in the interview of Juvenile offenders with Firearms.

2. VCTF Officers will conduct traces on all Firearms seized from juvenile offenders / convicted felons.

3. US Atty's Office and VCTF members will focus investigative and prosecutive resources toward the detection and conviction of individuals profiting from the illegal sale and/or purchase of Firearms for the purpose of supplying felons and/or minors.

4. Investigations be coordinated based on a review of the following:

   a. UofM analysis of Juvenile Court interviews

   b. LEADS Program

   c. On-Line LEADS Program

   d. "Time to Crime" Analysis

   e. Intelligence gleaned from current Confidential Informants / Cooperating Defendants

5. US Atty's Office will coordinate distribution of the following information:

   a. Mandatory and/or maximum penalties for firearms possession and trafficking offenses

   b. Zero Tolerance Policies

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c. Successful prosecutions and resulting sentences of 922(x)/(q) and firearms traffikiting cases

3. Dissemination of relevant information will be made through the following outlets:

   a. Traditional Media Outlets

   b. Federal & State adult probation and supervised release programs

   c. School System PTA groups

   d. Community / Neighborhood Associations

   e. HUD

   f. Private Advertising / Postings / Mailings in Neighborhoods targeted through Data Analysis

c. Coordinate Communication Between Ceasefire Taskforce Members to Maximize Efficient Use of Intellectual and Financial Resources

1. Quarterly Meetings to assess effectiveness of current approaches / facilitate exchange of ideas and information

2. Interim forty-five day reports to update taskforce members regarding successes and/or difficulties encountered between meetings as well as information gleaned from various programs in other areas of the country.

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Appendix D

DEA State and Local Task Force Program
Standard Memorandum of Understanding

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(FOR USE WITH PROGRAM-FUNDED TASK FORCES)

STANDARD
STATE AND LOCAL TASK FORCE AGREEMENT

This agreement is made this _____ day of _____, 19__, between the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA"), and _____ _____ (hereinafter "_____").

WHEREAS there is evidence that trafficking in narcotics and dangerous drugs exists in the _____ area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of _____, the parties hereto agree to the following:

1. The _____ Task Force will perform the activities and duties described below:

a. disrupt the illicit drug traffic in the _____ area by immobilizing targeted violators and trafficking organizations;

b. gather and report intelligence data relating to trafficking in narcotics and dangerous drugs; and

c. conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of _____.

2. To accomplish the objectives of the _____ Task Force, the _____ agrees to detail _____ ( ) experienced officers to the _____ Task Force for a period of not less than two years. During this period of assignment, the _____ officers will be under the direct supervision and control of DEA supervisory personnel assigned to the Task Force.

3. The _____ officers assigned to the Task Force shall adhere to DEA policies and procedures. Failure to adhere to DEA policies and procedures shall be grounds for dismissal from the Task Force.

4. The _____ officers assigned to the Task Force shall be deputized as Task Force Officers of DEA pursuant to 21 U.S.C. ï878.

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5. To accomplish the objectives of the _____ Task Force, DEA will assign _____ ( ) Special Agents to the Task Force. DEA will also, subject to the availability of annually appropriated funds or any continuing resolution thereof, provide necessary funds and equipment to support the activities of the DEA Special Agents and _____ officers assigned to the Task Force. This support will include: office space, office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training, and other support items.

6. During the period of assignment to the _____ Task Force, the _____ will remain responsible for establishing the salary and benefits, including overtime, of the _____ officers assigned to the Task Force, and for making all payments due them. DEA will, subject to availability of funds, reimburse the _____ for overtime payments made by it to _____ officers assigned to the _____ Task Force for overtime, up to a sum equivalent to 25 percent of the salary of a GS-10, step 1, Federal employee (currently $_,___.00), per officer.

7. In no event will the _____ charge any indirect cost rate to DEA for the administration or implementation of this agreement.

8. The _____ shall maintain on a current basis complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

9. The _____ shall permit and have readily available for examination and auditing by DEA, the United States Department of Justice, the Comptroller General of the United States, and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts or expenditures relating to this agreement. The _____ shall maintain all such reports and records until all audits and examinations are completed and resolved, or for a period of three (3) years after termination of this agreement, whichever is sooner.

10. The _____shall comply with Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all requirements imposed by or pursuant to the regulations of the United States Department of Justice implementing that law, 28 C.F.R. Part 42, Subparts C, D, and F.

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11. The _____ agrees that an authorized officer or employee will execute and return to DEA the attached OJP Form 4061/6, Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements. The _____ acknowledges that this agreement will not take effect and no Federal funds will be awarded to the _____ by DEA until the completed certification is received.

12. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, the _____ shall clearly state: (1) the percentage of the total cost of the program or project which will be financed with Federal money and (2) the dollar amount of Federal funds for the project or program.

13. The term of this agreement shall be from the date of signature by representatives of both parties to September 30, 19__. This agreement may be terminated by either party on thirty days' advance written notice. Billings for all outstanding obligations must be received by DEA within 90 days of the date of termination of this agreement. DEA will be responsible only for obligations incurred by _____ during the term of this agreement.

For the Drug Enforcement Administration:

_____ Date: _____
Name

_____
Title

For the _____:

_____ Date: _____
Name

_____
Title

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Appendix E

Consensus on Critical Elements for Success for Multijurisdictional Task Forces

from Bureau of Justice Assistance,
Multijurisdictional Task Forces: Ten Years of Research and Evaluation
(Sept. 1997 Report to the Attorney General)

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Consensus on Critical Elements for Success for Multijurisdictional Task Forces

The Bureau of Justice Assistance (BJA) compiled and reviewed all existing assessment and evaluation reports from BJA's Discretionary and Formula Programs. The result of this a systematic search was the identification of critical elements that lead to successful accomplishment of both programmatic and organizational objectives of MJTFs. Findings included attention to both the establishment and implementation of multijurisdictional task forces. BJA's review identified an emerging consensus about what program elements and activities are essential to maintain successful (1) management and performance and (2) institutionalization and future sustainability. The "critical elements" presented in this appendix detail 12 characteristics of MJTFs that have been confirmed across a number of task forces to explain what works.

Critical Element 1: **Written inter-agency agreements** agreed to by all participating agencies establish broad objectives and funding methods for the task force. Well thought out written agreements can minimize future questions over activities and responsibilities and serve as a strong statement of the task forces' intention to set aside turf issues and work as a unit for the benefit of all agencies. A supportive feature of many successful task forces is the establishment of an **advisory board or group** to guide the decisionmaking and oversight processes. This "board of directors" can play a number of critical roles, including policy development, support for long term funding and coordination with external responsible officials and other agencies.

Critical Element 2: **Prosecutor involvement**, either as the "lead agency" or as a direct member and participant on task forces is common and has improved (1) task force ability to process cases and evidence, (2) enhance planning and tactics used in pursuing cases, and (3) linking law enforcement to other components of the criminal justice system.

Critical Element 3: **Computerized information/ intelligence databases and systems** have gained increasing sophistication in the agencies involved in task forces. The development and maintenance of intelligence networks has become a key component in the task force maturation process, which also results in establishing capabilities in the individual participating agencies that few could have managed on their own. Enhanced investigative capabilities has led to expansion of task force objectives and activities to include financial investigations and RICO activities. Importantly, these networks often result in agencies avoiding duplication of investigative efforts.

Critical Element 4: **Target decision, case planning and selection, and enhanced investigation tactics** are now based on clear, specific criteria that focus the procedures used among task forces members. Initially task force participants agree upon and describe offenses and offenders targeted for priority apprehension. Participants all work together as team when deciding on tactics to be used, both investigative and prosecutorial. This also leads to enhanced ability to explain and coordinate task force agencies with other agencies.

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Critical Element 5: **Communication** among task forces participants, with their sponsoring agencies, other responsible officials, and other components of the criminal justice system is critical to the sustenance of the task force. Task forces should never become isolated or outside the reach and direction of their home agencies. Constant, open channels for communication are critical to their acceptance and support externally, and meeting their objectives internally. Many states are using the framework of statewide cluster meetings for all task forces to share information on improvements and modifications that produce more effective results. **Frequent, regular meetings** help keep task force officers focused on overall direction and programs goals and objectives. By building relationships between agencies, the meetings minimize organizational problems. These meetings promote improvements through individual feedback to the group and reinforce roles of various participants. These are typically weekly or more frequent meetings to review current cases, planned arrests or surveillance projects, or other developments. An unanticipated result of communication concerning task forces activities has resulted in better overall communication between agencies.

Critical Element 6: **Coordination** of task force activities often determines the long term acceptance, and hence viability of the task force itself. Many studies have produced innovative means to promote coordination given the objectives and activities involved. Larger, urban task forces are more complex and must put in place multiple forms of coordination. Specialized task forces (gangs, border crimes, rural) often rely on coordination to gain resources on an as needed basis that are critical to the success of their operations. Many task forces now hold meetings, at least on a monthly basis, with all local, state, and federal entities operating withing its jurisdiction.

Critical Element 7: Establishing the basis for a task force's **budget** is the central feature of interagency agreement, as well as building a consensus to support the cost of operations across the jurisdictions involved, including any federal funding that may be included. Reliable, long term funding sources are crucial to task force permanence, and if found often indicate that a task force has institutionalized itself. **Funding** must be considered to match the needs and complexity that most task force operations require to meet their objectives. The availability of high technology equipment and computerized systems has created ever increasing pressures to find funding that goes beyond the salaries and benefits of task force participants. Training costs, the need for external expertise, and use of overtime during periods of surveillance all make it difficult for task forces to stabilize resources. **Long term funding allocations** would alleviate many of the funding issues, but too often task forces exist on a year to year basis.

Critical Element 8: Clearly formulated **goals, objectives and performance measures** are often a challenge to develop in the creation of a task force, but it is the most critical step to achieve for the future. When achieved, task forces gain specificity as to what is to be accomplished, with objectives that are both measurable and observable. Numerous examples of task forces objectives and performance measures exist today, making this exercise much less difficult. This also creates opportunities to compare results across task forces. For task forces, at the time they apply for continuing funding from outside or within their jurisdictions, the results of assessments and evaluations become critical and often determine if they will receive support.

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Critical Element 9: **Monitoring and evaluation** should be constant throughout the implementation of task forces. This is a key to revising task force goals, targets, procedures and related activities. Strong management practices, including evaluation, lead to the long term institutionalization of task forces within their environment. This, in turn, often leads to changes in their objectives and adaption of tactics, but still underlies their acceptability and ability to serve unique and essential functions.

Critical Element 10: **Staffing and recruitment** begins with the recognized need for experienced leadership and supervision. Recruitment by supervisors seeks seasoned officers to work for them, but usually includes younger, less experiences officers or even prosecutors that need to be trained. Most task forces set limits on the length of time individuals, including supervisors, can participate in a specific task force. Individual agencies often profit greatly when task force members return to use their skills in their home agencies. Numerous task forces depend on part time members, working when needed for special duties or on overtime from their regular positions. The flexibility required when faced with limited, experienced resources explains the both the success and fragile nature of some task force configurations.

Critical Element 11: **Effective asset seizure and forfeiture activities** are not critical for all task forces because of the differences in constraints and applicability in different jurisdictions. In general, however, offenders' forfeiture of assets seized in drug arrests have benefits for task forces both as a practical enforcement tactic and as a means of ensuring financial viability of the task force.

Critical Element 12: The development and implementation of **technical assistance and training** programs that draw on the experiences of current and former task force participants is critical to the maintenance and continuity of task force operations. Federal funds often make the training of personnel possible. Such training may be replaced in the future because of the existing guidance and manuals, as well as the success of train-the-trainer programs providing cost effective opportunities for training at local levels. The success of many task forces relies on the supervisory experience and sufficient expertise to accomplish objectives. Effective training programs are critical to ensure personnel at all levels are properly trained as the foundation upon which task force successes are built.

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Appendix F

Glossary of Acronyms

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Appendix F
Glossary of Acronyms

ASAC	Assistant Special Agent in Charge
ATF	Bureau of Alcohol, Tobacco and Firearms (U.S. Treasury Department)
AUSA	Assistant U.S. Attorney
AVCI	Anti-Violent Crime Inititiative (U.S. Attorney General)
BJA	Bureau of Justice Assistance (U.S. Department of Justice)
BNE	California Bureau of Narcotics Enforcement
CBAG	California Border Alliance Group
DEA	Drug Enforcement Administration
DA	District Attorney
D.A.R.E.	Drug Abuse Resistance Education
DOJ	U.S. Department of Justice
DPD	Detroit Police Department
FY	Fiscal Year
GAO	U.S. General Accounting Office
HIDTA	High Intensity Drug Trafficking Area
INS	Immigration and Naturalization Service
IRS	Internal Revenue Service
LEAA	Law Enforcement Assistance Administration
LECC	Law Enforcement Coordinating Committee
MET	Mobile Enforcement Team (DEA program)
MJTF	Multijurisdictional Task Force
MOU	Memorandum of Understanding
NIJ	National Institute of Justice (U.S. Department of Justice)
MPD	Memphis Police Department
NTF	Narcotics Task Force (San Diego)
OCDETF	Organized Crime Drug Enforcement Task Force
OCN	Organized Crime Narcotics Trafficking Enforcement (BJA program)
ONDCP	Office of National Drug Control Policy (White House agency)
REDRUM	Murder spelled backwards; DEA program
RICO	Racketeer Influenced and Corrupt Organizations (Act)
SAC	Special Agent in Charge
SACSI	Strategic Approaches to Community Safety Inititiative (DOJ program)
SDPD	San Diego Police Department
SDSO	San Diego Sheriff's Office
SSVCI	Safe Streets Violent Crime Initiative (FBI program)

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