

MAJOR CASE MANAGEMENT

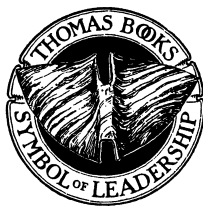
MAJOR CASE MANAGEMENT

A Guide for Law Enforcement Managers

By

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PREFACE

Having spent the majority of my 35-year law enforcement career supervising or managing various types of investigative units, I had the opportunity to manage a number of what could arguably be considered “major cases.” The definition of a major case will be discussed in Chapter 1, but most people could figure out on their own what it means. Where I come from, we call these “heater cases,” and the name is very accurate. The reason we call them heaters is because whoever is tasked with managing these major cases is due to catch a great deal of heat (criticism, second-guessing, controversy, etc.) from a variety of sources—the media, the public, elected officials, and at times even other law enforcement personnel.

There are two very important things to remember when thinking about major cases: the first is that “Yes, it can happen here” and the second is “It’s usually not a matter of **if**, it’s usually a matter of **when** you’ll catch a major case.” The fact is that major case investigations have occurred in some very unlikely places, and there are many chiefs and many more former chiefs that found out the hard way that sometimes very bad things happen in very nice places. Unfortunately for them, this often resulted in situations in which law enforcement agencies were not prepared for major cases that have occurred in their communities. In many of these cases, the lack of preparedness has cost them dearly.

There are numerous examples of major cases that have occurred in communities that historically had very little serious crime, and the law enforcement agencies in those communities were sometimes lulled into thinking that major cases always happen in “the other community or on the other side of the proverbial tracks,” and not in their community. These agencies lulled themselves into thinking that the types of “routine cases” that they are used to investigating are the only type

they are likely to see.

Another sad fact relating to many of these major cases is the person managing them just can't win, no matter how well the case is investigated. This just seems to be the nature of the beast, and there seems to be very little that can be done to avoid it. There will always be someone who will criticize the type of response, the manner in which the investigative leads were followed, the way the police dealt with the media, and the list goes on and on.

Perhaps the best example that comes to mind involves what is arguably one of the most high-profile major cases in United States history, the "Beltway Sniper" investigation. In 2002, two individuals placed the states of Virginia, Maryland, and the Washington, D.C. area in the grip of real terror. There were ten murders and three people were critically wounded, and the crimes seemed extremely indiscriminate. The fact that the cases occurred within a year of September 11th, 2001 (the worst terrorist attack in American history), added an additional element to the scenario. Was this the work of a terrorist organization? Was this the beginning of widespread killings throughout the country by a radical group? People were afraid to leave their homes or send their children to school. Gas stations covered their driveway areas with opaque plastic so that their customers wouldn't become targets, and the terror continued.

The manner in which the investigation was addressed included the formation of a multiagency task force, which included several Federal, state, county, and local law enforcement agencies. The fact that agencies from several levels were included made the investigation more difficult, as did the media frenzy. In my opinion, the spokesperson for the task force, Chief Charles Moose of the Montgomery County, Maryland Police Department, did a superb job handling the media, in keeping the public informed of the progress of the investigation, and in assuring the public that the matter was being professionally handled. And yet, throughout the investigation Chief Moose was criticized for a variety of reasons. At one point Chief Moose became somewhat irritated with the media and was criticized. At another point when discussing a child who had been shot he became very emotional and in fact had tears in his eyes, and again he was criticized. Who could blame him for either? In fact, he was being criticized for being a caring human being and a conscientious cop. I have had personal conversations with members of the Beltway Sniper Task Force, which pro-

vided some material for this book, and I also recommend the publication *Managing a Multijurisdictional Case* by Gerard R. Murphy and Chuck Wexler, published by the Police Executive Research Forum (PERF), which outlines in detail many aspects of the investigation. Some of those details are also included in this text. Having been in the position myself of managing a number of major cases, case studies of many which are contained in this book, I was sometimes subjected to a great deal of criticism. As far as I'm concerned, this criticism seems to come with the territory, and it cannot seem to be avoided.

During a past assignment as Commander of a Child Sexual Exploitation Unit, our unit arrested one of the very first priests in a large Midwestern Roman Catholic Archdiocese for child molestation. His offenses were horrendous, as they involved victimization of young boys by someone who was in a position of spiritual trust and leadership. These offenses had taken place in two states, and this individual's activities were compounded by the fact that he had a fellow priest in the adjoining state, who was also molesting these same young boys. The case was very difficult, as some of the parents refused to cooperate with the investigation, which often happens in these types of cases. In addition, many members of the unit, myself included, were Roman Catholic. Many of us had attended Catholic schools ourselves, and some of us had our own children enrolled in Catholic schools and were active in our respective parishes.

While walking out of Mass one Sunday, I was confronted by a fellow parishioner, an older woman. She loudly asked how I could claim to be a "good Catholic" and still have participated in the arrest of this "fine priest." She continued to berate me, in front of a group of people, until I excused myself and walked away. It didn't seem to matter to her that the evidence against this individual was enough to convince both the prosecutor's office and a Judge that he had in fact committed the crimes in question, nor did it matter that the lives of these victims would be forever changed. The fact was, in her opinion, I was wrong for having done my job and managed this major case. Like I said, no matter how well you manage these investigations, sometimes you can't win.

Managing a major case is among the most challenging managerial functions that anyone in law enforcement can perform, and there are many pitfalls to avoid. It is the goal of this book to provide the law enforcement manager with some tools and strategies that they can use

in managing their next major case. Most of these tools and strategies have been used by myself and my associates with some level of success, and many of the pitfalls that will be examined were learned the hard way, by actually making the mistakes that I will now attempt to caution the reader to avoid.

There are many operational and administrative elements of managing a major case, and if these are not addressed properly chaos can occur. The amount of chaos will be correlated directly to the gravity of the offense(s) being investigated. This too, can be avoided by insuring well-planned and organized efforts right from the start. This book will attempt to examine all the various elements that go into an appropriate response to a variety of types of major cases.

Managing a major case can be overwhelming to many law enforcement managers, but if the manager carefully considers all of the necessary functions and resources that go into a major case, it need not be overpowering. By conscientiously preparing as much as possible before the major case hits, these cases will be investigated from the onset in a much more organized manner.

This book contains a number of case studies, which will highlight both the good and the bad decisions and actions taken on a variety of major cases in a variety of settings. The names of the victims or any photographs will not be used, out of respect for them and their families. The victimology, geographics, and actions taken on each of these cases will be examined, and most importantly the “lessons learned,” both good and bad, will be discussed.

Hopefully, this book will address many of these skills and strategies to better prepare fellow law enforcement professionals to successfully address the challenges of managing major case investigations.

D.S.M.

ACKNOWLEDGMENTS

About the time this book is being published, I'll be ending my 35-year law enforcement career. While I am very much looking forward to the next chapter of my life, the past 35 years have truly been a remarkable journey. A journey filled with some outstanding memories of some unbelievable situations. Being a cop for these many years affords one the opportunity and privilege to see and do things that other people just read about or see on movies or TV.

More important, however, than the situations one encounters, are the outstanding people that you work with and who also provide some wonderful memories. These outstanding people not only included my fellow law enforcement professionals at the Federal, state, county, and municipal levels, but also the dedicated prosecutors, judges, and their support staffs with whom I had the privilege to work.

I began my career right out of graduate school as a Special Agent with the Naval Criminal Investigative Service (NCIS), where I learned a great deal and worked with some true professionals, men like Special Agent Tim Dixon and Special Agent Stanley Pukelis.

I then worked 24 years with the Illinois State Police, where I was fortunate to experience a variety of great assignments, all of which afforded me the opportunity to learn from and interact with some of the finest people I've ever known in my life, way too many to mention here, but I would like to mention one, the late Sergeant Thomas W. Pritchett, Illinois State Police (Retired), an outstanding investigator and dear friend. Rest in peace, Tommy. Following my retirement as a Captain from the Illinois State Police, I became Chief of the Homewood, Illinois Police Department, and was able to work with some truly outstanding people.

I culminated the last eight years of my career by becoming Chief of the Lansing, Illinois Police Department, and this position provided me

with the opportunity, for the first time in my career, to actually police the town in which I lived. I worked with some truly gifted individuals, and being their chief was a distinct honor, and a tremendous way to end my career.

Besides my fellow law enforcement professionals, however, some of the people who had the greatest personal impact on me also included the hundreds of victims and their families with whom I have interacted. I've been able to see people at their very best and at their very worst. I've seen the pain and agony of people losing a loved one in a variety of situations, some of which were very violent, and in many cases it fell to me to make the notification that their loved one would never be coming home again. I've sat in court countless times and watched as family members listened to testimony and viewed evidence, which unfortunately often caused them to relive the agony that their loved ones must have experienced. I've seen situations that I knew would result in many lives being inexorably changed, and in many cases there wasn't anything I could do for the victims or their families to make the pain subside. Nobody could witness and live through all of that and not be moved, and I can assure you that not only was I most certainly moved, in many ways I was permanently affected by much of it as well.

This is not an easy task, but then so much of what we do every day in the law enforcement profession isn't easy. If it were easy, anybody could do this. It takes a special breed of person to be admitted into this profession, and for those who make a career of it, the rewards that one receives from being able to actually help someone when they have nowhere else to turn are truly gratifying.

To the truly outstanding women and men with whom I've worked, thank you all from the bottom of my heart. Thank you for allowing me to be one of you, thank you for keeping me safe throughout my career, and thank you for the work you do every day. You are truly doing God's work, and never forget it. Please, my brothers and sisters in law enforcement, be careful out there and stay safe.

To my family who has been my support group throughout my career, I couldn't have done any of this without your love and support. I come from a very large family, too large to mention all of them without making this a "dedication book," but to my brothers and sisters, aunts and uncles, cousins and in-laws, thanks for always being there for me. To my little Italian mother, Mille grazie para tutti (she's Italian

and she'll know what it means). She and my late father provided me with the two best role models that anyone could ever have.

To my children, our daughter Erika and her husband Jason, thanks for always being there and for giving us three beautiful grandkids, Kylie, Olivia, and Tanner Daniel.

To my son Christopher, thanks for always being a great son and a source of pride for your mother and me, and to your wife Kelly—we're very fortunate to have you in our family.

To my wife, well, you've been there with me since before the law enforcement chapter of my life began, and had it not been for you there's no way I could have accomplished anything that I've been fortunate to do in this career. I look forward with anticipation to the next chapter with you by my side. You will never know how much I appreciate having you in my life.

To the readers of this book, I wish you the best in your own careers, and I sincerely hope that you find this book both informative and useful when the next major case comes to your town.

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MAJOR CASE MANAGEMENT

Chapter 1

MAJOR CASES: GENERAL OVERVIEW

I've had the privilege of teaching all over the world, and utilizing the Power Point presentations a great deal in my classes. Whenever I click on the overhead slide for the definition of "major case," I have the theme music playing from the 1985 Steven Spielberg thriller *Jaws*, based on the book by Peter Benchley. For those of you that saw the movie (which should be required viewing for everyone in the civilized world) you know that whenever you hear that familiar "ba-bump, ba-bump" sound, starting slowly but increasing in frequency, something very bad is going to happen, and somebody is going to get chomped by a great white shark. Besides the great special effects in this film, however, is the underlying story of Police Chief Martin Brody, excellently played by the late great actor Roy Scheider, who retired from NYPD to the quiet locale of fictitious "Amity Island." All this poor guy wanted to do was to forget the hustle and bustle of NYPD and end his career in this quaint tourist town on the ocean. But that was not meant to be. . . . Whenever the movie viewer hears that familiar theme, you know immediately that Chief Brody's whole life is going to turn upside down. He's going to start getting bothered by the tourists, the townspeople, the Mayor, the business owners, and everybody else. His quaint little town is going to go completely berserk, and it's up to him to take care of business.

The reason that I use this theme music in conjunction with the slide on the definition of a major case is because it is exactly what I want the students to think about when they get their next major case investigation. I want them to know what can happen to them is exactly what happened to Chief Brody on beautiful Amity Island. Their entire world can easily get thrown into turmoil, and both the immediate and

the long-term impacts on them can be very substantial, and in some cases disastrous.

Where I come from, we call cases which could fit into the definition of major cases “heaters.” We call them heaters because of all the heat that the person in charge of the investigation is going to feel coming down on them. They’ll get heat from politicians, the community, business owners, and everybody else. Sometimes the heat is short-lived, usually it’s not, and the heat can ruin careers. There are many (former) Chiefs and investigative managers out there whose careers ended with a major case going awry. There are some common obstacles for people who manage major cases, and those obstacles and methods to avoid them will be discussed in a later chapter. For now, let’s define what a major case really is.

One definition that I’ve been using for years is *a real or suspected crime of such severity that it creates an intense public demand for identification, apprehension, and prosecution of the offender*. Major cases are serious crimes, and the degree of seriousness is a relative thing. In some communities which experience a great deal of violent crime, the crime would have to be very substantial to be considered serious. In other communities it might not have to be nearly as serious. There are some other definitions, however, and these should be considered as well.

Major cases also include *those crimes which necessitate a substantial commitment of resources for a prolonged period of time or which require the application of complex or unusual investigative techniques*. The mere fact that there will be the commitment of a huge amount of resources for a prolonged period of time could make almost any investigation a major case. Another element of a complete definition would be *any crime that induces significant public fear and evokes considerable media attention*. It is worth noting in this definition that the terms *significant and considerable* are based on your own definition, and these definitions will vary from community to community.

It must be made very clear that the definitions of major cases reflect absolutely a “relative concept.” A murder in New York City or Los Angeles, in and of itself, might not constitute a major case, depending of course on who was killed and/or the circumstances of the murder. A similar crime in a community with little or no serious crime might just be the most significant crime that has ever taken place. In fact, in a community with little or no serious crime, an armed robbery or single sexual assault might fit into the definition of a major case—again,

it's a relative concept.

The concept of "relativity," as it relates to major cases, is very similar to the relativity of drug enforcement efforts. A person selling ounces or even kilos of cocaine in some major cities in America might not be what could be considered a "big-time drug dealer," while someone selling dime bags (\$10) of marijuana across the street from a Junior High in a smaller community might very well be an extremely important target for drug enforcement efforts.

COMMON ATTRIBUTES OF MAJOR CASES

Regardless of the type of crime involved, major cases seem to have some similar attributes which warrant exploration. These attributes might not all apply to the same cases, but usually one or more of them is present in virtually any major case. These attributes include the following:

- **A great deal of attention at the outset.** Many of these major cases immediately capture the attention of the public, and in some cases of the entire country. As printed media, TV, and radio transfers to the Internet, the speed with which news travels is phenomenal, and huge numbers of people can learn about any major crime in an instant.
- **Demand for additional resources.** The amount and type of resources that a law enforcement agency or agencies have to devote to the investigation of major cases can be very substantial. In fact, there have been many examples of major cases that have very quickly "broken" the budget of law enforcement agencies. There are ways to avoid this danger, however, which will be discussed in a later chapter.
- **Possibility of multiple agency involvement.** Many major case investigations involve multiple jurisdictions, and can also involve law enforcement agencies at the Federal, state, county, and municipal level simultaneously. Having a number of agencies involved in a joint investigation can result in some problems, most of which can be avoided, but the potential for problems is there nonetheless.
- **Stakeholder involvement outside of law enforcement.**

Similar to the example of “Chief Brody of Amity Island,” the involvement of stakeholders outside the sphere of law enforcement, such as elected officials, business owners, the tourist industry, and other community organizations or individuals can also occur. If this is not addressed in an appropriate manner, it can be paralyzing for the law enforcement manager charged with investigating the major case. For the law enforcement command officer assigned to direct the major case investigation, this can be among the most significant areas of challenge.

- **Need for a modified organizational structure.** The investigation of major cases can necessitate the modification of an existing agency structure. If not handled properly, this can cause intra-agency and/or inter-agency friction that can negatively impact the investigation.

The investigation of major cases calls for complicated, demanding investigations that challenge the agencies tasked with solving them in unprecedented ways. They draw intense media and political attention, and are deemed to be “high profile cases,” which causes significant internal and external pressures on the individual managing the investigative effort and on the agency itself. To effectively manage these major cases, the law enforcement profession must utilize expertise in two main areas:

Case Management. The utilization of effective case management skills in the major case investigation is critical. Of course, effective case management skills are necessary in the management of any type of investigation, but the problems inherent in not practicing effective case management are greatly exacerbated in the major case.

Incident Management. Since 9/11, police departments all over the country have become very familiar with the Incident Command System (ICS) for very good reason. The fire service has been managing incidents utilizing this system for many years, and it’s about time that the law enforcement profession catches up. The Incident Command System allows for consistent responses to a variety of incidents, whether they be weather-related, criminal acts, or even terrorist incidents. The principles of ICS apply directly to many major cases, particularly those that started out as a very serious incident, such as a very high profile murder or other serious crime.

The law enforcement manager charged with the investigation of a