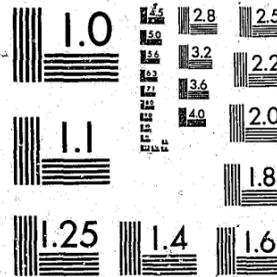


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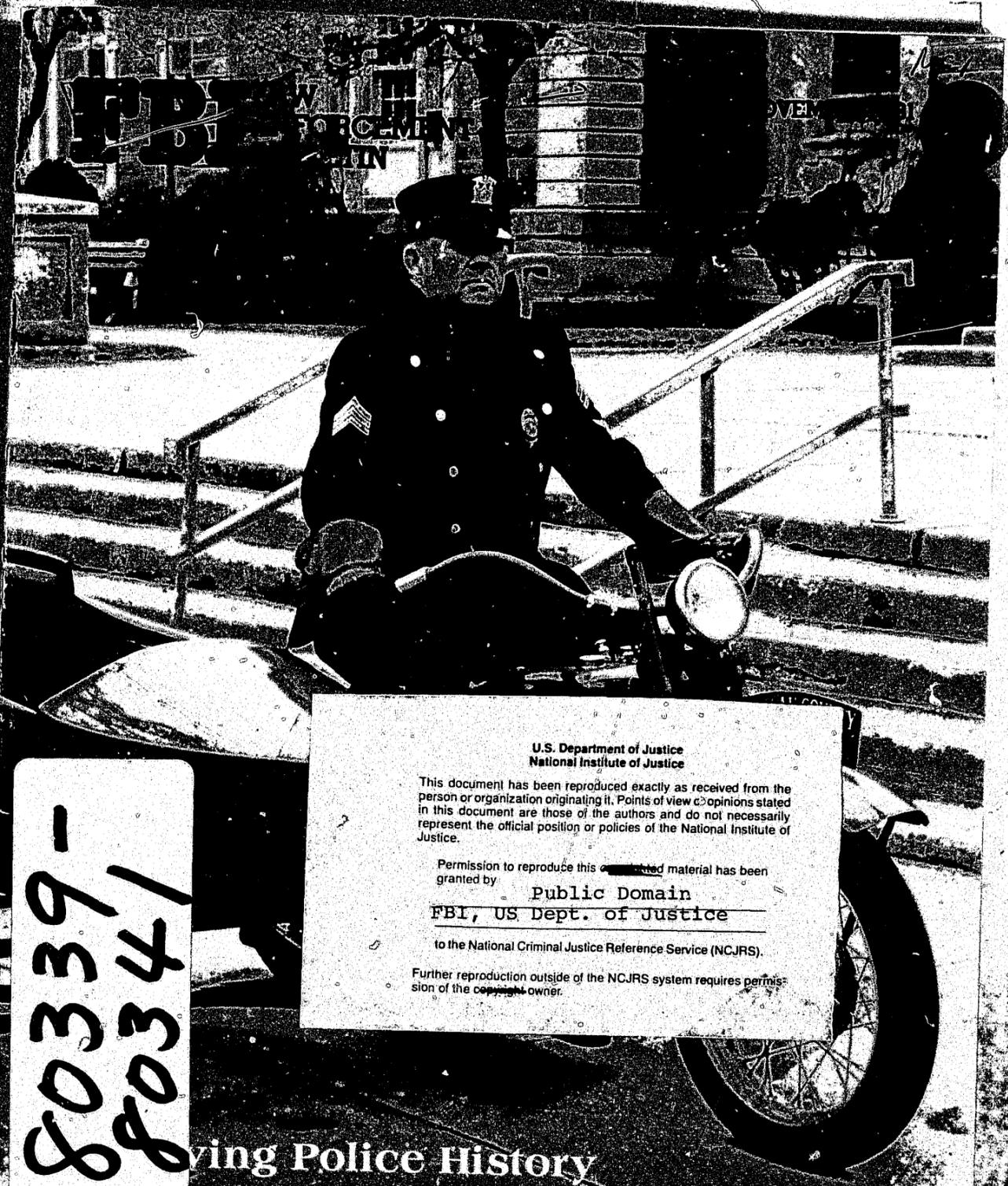
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Living Police History

FBI LAW ENFORCEMENT BULLETIN

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ACQUISITIONS

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THE COVER:

A restored 1925 Harley Davidson is driven by an officer dressed in a uniform of that era. See article on preserving the history of a police department beginning on p. 1.

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Washington, D.C. 20535

William H. Webster, Director

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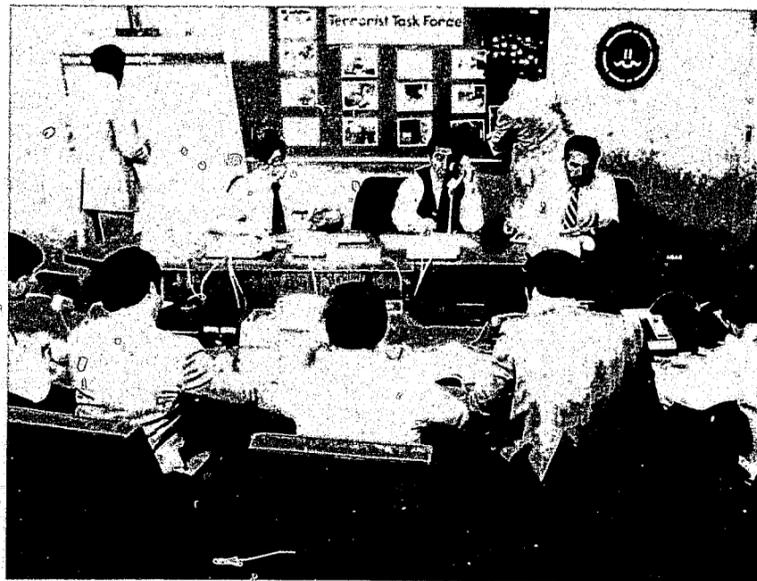
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Cooperation

Joint FBI/NYPD Task Forces: A Study in Cooperation

By
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FACT SITUATION: An NYPD informant has information concerning a bank robbery gang operating in the South Bronx. Two police officers have been shot. Nearly \$250,000 in loot has been obtained in four separate robberies. When a joint task force is in operation, who gets the information? How is it handled? If necessary, who pays for it?

Competition is a natural human and social phenomenon. It is the basis upon which our system of free enterprise has grown and developed. However, when competition erupts between individual law enforcement officers and agencies, the ultimate goal of law enforcement is lost in the labyrinth of real or imagined slights. The fact that an investigation is being conducted to lead to a successful prosecution all too often becomes secondary.

Over 40 years ago, the late J. Edgar Hoover, then Director of the Federal Bureau of Investigation, placed the entire issue in the open when he said, "Cooperation is the backbone of effective law enforcement."

Forming a Joint Task Force

Specific problems require specific solutions. When armed bank robberies in New York City reached epidemic proportions in mid-1979, both the FBI and the New York City Police Department recognized that the historic practice of concurrent separate investigations by the NYPD's Major Case Squad and the FBI's Bank Robbery Squad could no longer quell the problem. The commissioner of police and the chief of operations, in concert with FBI officials, realized that armed bank robberies had emerged as a plague that transcended traditional remedies. Representative of this epidemic, in the last week of July 1979, 48 bank robberies occurred in the New York City area.

A New York FBI/NYPD Task Force in operation at the command post.



Deputy Assistant Director Walton



Chief Murphy

"Cooperation is the backbone of effective law enforcement."

In an effort to curb this upswing in urban violence, a joint FBI/NYPD task force was formally announced on August 6, 1979. It represented the culmination of considerable precursory work. Meetings with the U.S. Attorneys for the Southern and Eastern Federal Judicial Districts resulted in agreements delineating each agency's responsibilities. The NYPD Major Case Squad would investigate all unarmed/note demand violations; the remaining incidents would be referred to the joint task force. All task force undertakings would proceed in accordance with the Federal Rules of Criminal Procedure.

The task force is headquartered in the Criminal/Organized Crime Division of the FBI in New York. Identification badges were supplied to the police members of the task force, as were office equipment and supplies. Vehicles and communication equipment were furnished by the respective agencies to enable the group to become operational as soon as possible. The end result was that the task force members began working side-by-side.

However, all this was not accomplished by a mere stroke of the pen. Everyone knows that cerebral agreements between heads of two agencies have a way of disintegrating when they are subjected to the stress of day-to-day operations. The top men met infrequently in comfortable surroundings.

However, coffee in the commissioner's office is a world apart from the adrenalin-pumping action of a street corner in Harlem, where decisions must be made on the spur of the moment without the benefit of amenities and when the integrity of an agency swings in the balance.

Memorandum of Understanding

A formalized Memorandum of Understanding was executed between the two agencies, addressing the purpose of the task force and identifying its mission, namely, the investigation of armed bank robbery violations in New York City and the subsequent apprehension of those individuals who committed these violations. The memorandum states the task force would operate within the confines of the four boroughs of Manhattan, Bronx, Brooklyn, and Queens. Violations in Staten Island would continue to be handled by the local police divisions and the FBI office covering that borough. However, as specified in the memorandum, the task force would render any assistance to Staten Island, as needed.

The agreement went on to state the NYPD would allocate 16 personnel, to include 2 supervisory personnel, while the FBI would provide 14 Special Agents, including a Supervisory Special Agent and sufficient support employees to meet the needs of the task force. The assigned supervisors would be responsible for addressing and resolving operational problems. To insure that the task force concept worked, every effort was made to cultivate an aura of camaraderie and cooperative spirit between the individuals and agencies involved.

The drafters of the Memorandum of Understanding recognized the problems inherent in the joint task force concept and confronted them directly. The information possessed by an informant would be accepted by a member of the task force, whether it be an FBI Agent or a police officer. The FBI agreed to pay any reasonable and necessary expense regarding informants, providing there was compliance with the FBI's guidelines on informants.

NYPD informants used by the task force are assigned a numerical identifier (NYCPD 1 TF) and an appropriate informant file is opened and maintained by the police department. All information, including the identity of the informant and recommendations for payment and receipt for information, is entered into this file. For accounting and control purposes, an identical file, minus the identity of the informant, is maintained by the task force. Receipts of payment to the informant, signed in his code name, are also maintained in both informant files. FBI informants would be treated in accordance with the provisions of the Attorney General's informant guidelines and the rules of the FBI regarding handling and payment of informants.

Also included in the memorandum is the stipulation that all investigative records would be maintained in the FBI office and would use FBI reporting procedures. The NYPD record system would receive the Detective Bureau's Unusual Occurrence Report in all assigned cases.

Another issue, perhaps the next most sensitive issue, second only to informants, was also addressed in the Memorandum of Understanding—media relations. No information pertaining to either the task force or task force investigations is to be released formally or informally without *mutual* approval of the respective agencies. All releases, press inquiries, or interviews, as with information matters, are consistent with the existing Department of Justice guidelines and regulations.

Task Force Operations

All cases are jointly investigated; each task force team consists of a police detective and an FBI Agent. More importantly, however, is the understanding between the members that unilateral action on the part of either agency is not in the best interest of the task force. As the reporting rules conform to FBI procedure, the task force investigative procedures conform to the requirements for Federal prosecution. Use of informants also adhere to FBI guidelines.

"A formalized Memorandum of Understanding was executed between the two agencies, addressing the purpose of the task force and identifying its mission. . . ."

In mid-1980, the Bank Robbery Task Force was called into a case in which a retired New York City policeman attempted to thwart a robbery and was shot and seriously wounded in the process. He was able to wound one of the robbers, who was subsequently apprehended at the bank. Not surprisingly, the wounded bank robber refused to cooperate with authorities.

Investigation by the joint task force soon developed information that the wounded gunman and his escaped accomplice had been responsible for nine bank robberies in New York within a short period of time and had escaped with nearly \$75,000.

One of the getaway cars used by this bank robbery team proved to be registered fictitiously to a taxi service. A large-scale effort by members of the joint task force was mounted in an attempt to locate the getaway vehicle, and in the process, a suspect—Christopher White (not his true name)—was identified. Subsequently, a garage was located where White allegedly stored the getaway vehicle. Police officers and FBI Agents acting together had insufficient evidence to arrest the suspect, but did have sufficient probable cause at the time to obtain a search warrant. It was important that White

not know he had been identified. Therefore, the search warrant had to be executed without his knowledge and the results sealed. An early morning search by members of the task force resulted in the acquisition of additional evidence that produced sufficient probable cause to obtain an arrest warrant. His whereabouts was unknown and extended surveillance of his commonlaw wife by members of the task force indicated that the suspect occasionally came to his commonlaw wife's apartment late in the evening and left prior to sunrise. It was also determined that two German Shepherds were maintained in the apartment for security purposes. Acting in concert, FBI Agents and police officers of the task force obtained an arrest warrant which was to be executed at 3:00 a.m. on August 7, 1980. Using uniformed personnel from the New York City Police Department to set up a perimeter to seal off vehicular traffic and other modes of escape in the area, the task force members entered the apartment and arrested White before he had an opportunity to flee. Found in the apartment at the time of his arrest were a sawed-off shotgun, various revolvers, and automatic handguns, including the firearm used to shoot the retired police officer. This type of coordinated effort can only be accomplished when law enforcement places professional competition behind them in the interest of the greater good.

During 1979, there were 319 armed bank robberies in New York City, of which 52 percent were cleared. During 1980, the first full year of the joint task force's operation, armed bank robberies had fallen to 252. The task force clearance rate for 1980 was 85 percent. By mid-1981, the task force complement consisted of 15 Special Agents and 17 NYPD detectives. Less than 2 years after its formation, the number of armed bank robberies which occurred during the first 3 weeks of June 1981, averaged only 4.3 per week.

In the spring of 1980, the commissioner of police awarded the Bank Robbery Task Force a unit citation for its work in 1980. This is the highest recognition that a command can receive from the New York City Police Department. The award was accepted by a Supervisory Special Agent and a police lieutenant, the task force commanders.

Terrorist Task Force

In late 1979 and early 1980, New York City was racked by a series of terrorist bombings, bomb threats, and the assassination of a diplomat. Recognizing once again that a specific solution must address a specific problem, and because of the success of the earlier joint Bank Robbery Task Force, a joint FBI/NYPD Terrorist Task Force was formed.

Both agencies readily acknowledged that there was a lack of cooperation between the NYPD Arson and Explosion Unit, responsible for bombing investigations, and the Terrorist Squad of the New York City FBI Office. There were instances where evidence acquired by one agency was not promptly and appropriately shared with the other. There was open animosity between the Agents and police officers. Only members of the terrorist groups operating in New York profited from this dissension.

As was the case with the joint Bank Robbery Task Force, a formalized Memorandum of Understanding, using much of the same procedural data, was executed between heads of the two agencies. Members of the NYPD Arson and Explosion Unit, who were designated to be members of the task force, were provided the same services by the FBI as was the Bank Robbery Task Force.

Not surprisingly, when the task force was announced in a major press conference, terrorist incidents dropped substantially. Slowly, the Terrorist Task Force grew into a cohesive, highly professional unit. As the initial competitive antagonism gave way to a mutual cooperative spirit, results began to accrue.

" . . . when competition erupts between individual law enforcement officers and agencies, the ultimate goal of law enforcement is lost. . . ."

The Croatian terrorists are some of the most violent in existence today. Their efforts certainly represent the most violent terrorist acts encountered in the United States. They were responsible for at least 50 deaths throughout the world since 1972. As rightwing, anti-Tito fanatics, they used bombings, assassinations, extortion, and skyjackings as their tools. In 1975, the Croatian terrorists began appearing in New York. On May 3, 1975, the Yugoslav Consul-General and his wife were assaulted. Slightly over a month later, the Yugoslav Mission to the United Nations in New York was bombed. Five Croatian nationalists hijacked a TWA aircraft enroute from Newark to Paris, and a New York City policeman died in a bombing related to that hijacking. During the period May 1975, through mid-1980, 13 terrorist acts were attributed to the Croatians.

At the same time, FBI field offices in Los Angeles, San Francisco, Chicago, and Cleveland were continuing their investigation of terrorist acts carried out by the Croatians. The New York City Office of the FBI became the focal point in this nationwide probe as intelligence data were collected by the joint Terrorist Task Force, which led them to believe an assassination attempt was about to occur. In November and December 1980, around-the-clock surveillance of known Croatian

terrorists in the New York City area resulted in sufficient probable cause to obtain indictments of five of the nationalists who were participating in their proposed terrorist acts. Ultimately, five were convicted in Federal court and received sentences ranging from 25 to 35 years.

Capitalizing on the results, the joint Terrorist Task Force continued its probe of terrorist acts by members of this group. In June 1981, a racketeering indictment named the hierarchy of a Croatian organization as a racketeering enterprise. In nationwide arrests from Los Angeles to New York, including one arrest in Canada, leaders and former leaders of this Croatian group were charged with murder, extortion, interstate transportation of incendiary devices, and conspiracy in an overall blanket Racketeer Influenced and Corrupt Organization (RICO) indictment.

The cooperation which exists between members of the NYPD and Agents of the FBI as a result of the formation of this task force was primarily responsible for this major investigative accomplishment.

Problems which are indigenous to New York are frequently viewed as being solved by their mere recognition. In other words, historically, the FBI and the NYPD were viewed as friendly adversaries competing in many of the same general areas. Many people thought it would always remain the same because it has always been that way. The formation of these two task forces indicates unequivocally that on occasion, problems not only can be identified but also addressed and corrected. **FBI**

END