



Research in Brief





Fighting Urban Crime: The Evolution of Federal-Local Collaboration

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#### **DEC. 03**

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#### Acknowledgments

The author thanks colleagues David Hayeslip, Terry Dunworth, Douglas McDonald, Amy Seeherman, and Shawn Ward for their assistance on this project. Thanks are also extended to John Scalia of the Bureau of Justice Statistics and Julie Samuels of the U.S. Department of Justice.

Findings and conclusions of the research reported here are those of the author and do not reflect the official position or policies of the U.S. Department of Justice.

This study was conducted by Abt Associates, Inc., and sponsored by the National Institute of Justice under contract number OJP–99–C–008.

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NCJ 197040



### **ABOUT THIS REPORT**

Since the mid-1980s, Federal-local collaboration has become a standard feature of law enforcement in most larger U.S. cities. A recent study examined this trend in depth to ascertain how Federal jurisdiction has expanded and how collaboration works.

## What did the researchers find?

Most of those involved agree that collaboration is a success. Many high-level, large-scale drug and gang investigations were made possible only through Federal collaboration with local prosecutors and police.

Collaboration offers many advantages for local police and prosecutors, as well as Federal authorities. These include improved law enforcement coordination. intelligence sharing, and problem solving. Although some believe that the Federal role in local law enforcement has become too great, over the past decade that role has increasingly been defined through consensus-based coordination with local authorities.

Collaboration is likely to expand in the future. Most task forces and other collaborations are quite popular with Federal and local law enforcement representatives and prosecutors and enjoy highlevel community support.

### What were the study's limitations?

This primarily historical study was constrained by the relatively small number of cities visited and interviews conducted. 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.

# Who should read this study?

Federal, State, and local law enforcement officials; Federal and State policymakers; prosecutors and other attorneys; criminal justice educators, students, and researchers.



Malcolm L. Russell-Einhorn

# Fighting Urban Crime: The Evolution of Federal-Local Collaboration

This report is based on "Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982–1999: Drugs, Weapons, and Gangs," final report by the author to the National Institute of Justice, May 2000, NCJ 201782, available online at http://www.ncjrs.org/pdffiles1/nij/grants/201782.pdf.

Until the 1980s, long-term operational collaboration¹ between local law enforcement and Federal authorities was quite rare. Federal law enforcement was seldom brought in to tackle urban crime. Today, the situation is very different. Hundreds of Federal-local collaborations are addressing drug-, gang-, and violence-related crime in LLS cities

The Federal Government's involvement in urban crimefighting has created concerns about the "federalization of crime."2 Critics are worried about accountability,3 overlapping missions, jurisdictional conflicts, overcrowding of Federal court dockets, and the siphoning of resources from other Federal priorities, such as cybercrime, white-collar crime, and terrorism. In practice, a working equilibrium has emerged that addresses at least some of these concerns. Federal and local authorities generally operate under formal agreements or negotiated procedures, share some operational leadership, consult frequently on

jurisdiction, and coordinate on objectives.

To better understand these developments, the National Institute of Justice sponsored a study that examined how collaboration has evolved during two decades of joint crimefighting against drugs, illegal weapons, and gangs. The study also examined particular collaborations in three cities: San Diego, Detroit, and Memphis. However. more research is needed on collaboration generally and Federal-local task forces in particular—to determine organizational impact and community outcomes.

### Incentives to collaborate

Collaboration takes many forms. Some task forces are federally led and tackle upper level crime; often, local police work closely with Federal colleagues on a full-time, even multiyear basis. In many cities, these task forces are part of a broader approach to fighting urban crime in

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#### **OPERATIONAL INCENTIVES FOR COLLABORATION**

#### Federal authorities need—

- Additional manpower/geographic coverage to investigate certain crimes.
- Local intelligence, including access to informants.

#### Local police need—

- Greater access to nationwide criminal information.
- Additional undercover agents unfamiliar to local criminals and criminal organizations.
- Access to cross-jurisdictional law enforcement powers and to more sophisticated investigative methods.
- Tougher Federal penalties for certain crimes.

Both Federal and local authorities benefit from pooling scarce material resources, and both need greater investigative coordination to avoid duplicating activities and endangering officers.

particular neighborhoods, such as the U.S. Department of Justice's Weed and Seed Program. Many suburban and rural areas have also established federally funded but locally led Multijurisdictional Drug Task Forces. Local authorities may refer certain cases, such as firearms violations, to Federal prosecution.

Strong practical incentives and evolving legal justifications have driven the growth of Federal-local collaboration in fighting urban crime (see "Operational Incentives for Collaboration" and exhibit 1). This collaboration is likely to endure and expand, for several reasons. First, Federal prosecution is often tactically more attractive than State prosecution (see "Advantages of Federal Prosecution"). Other reasons are greater mobility of criminals and advances in technology (benefiting criminals and law enforcement alike) that render jurisdictional boundaries insignificant to many investigations.

Although some incentives to collaborate may diminish (such as a local need for sophisticated equipment), others will remain. For example, the trend toward examining crime problems multidimensionally and preventively—a feature of community-oriented policina relies heavily on collaboration to access local intelligence. At the same time, the existence of longer sentences for many Federal crimes will continue to make collaboration attractive for many local jurisdictions.

Most federally led collaborations involve long-term investigations of criminal organizations. These organizations are less hierarchical and more diversified and technologically savvy than in the past, which can blur easy distinctions between high-level



criminal activity and street crime. Federal-local collaboration against such criminal networks is more advantageous than ever.

# Tackling new problems

However, even as Federallocal law enforcement collaboration becomes more institutionalized through formal agreements, objectives and missions may need to adapt to new challenges, such as terrorism. State and local investigators and prosecutors may be torn between pursuing locally significant crime targets or high-level crime problems of national significance. Already this has been a problem for Federal agents and prosecutors struggling to balance longterm undercover investigations with such activities as Weed and Seed neighborhood sweeps.

These challenges demand sophisticated planning and analysis supported by advanced technology. Technical capabilities have been enhanced, and communication across different jurisdictions—once

### **ADVANTAGES OF FEDERAL PROSECUTION**

Prosecution under Federal criminal statutes offers several powerful advantages:

Federal grand jury. This body can be called at any time, can be kept in action for as long as 3 years, can hear hearsay evidence, and is armed with national subpoena power. State grand juries have a shorter duration, "no hearsay" rules, and limited subpoena power.

Immunity. Limited immunity for a grand jury witness conferred by Federal prosecutors does not impede later prosecution of the witness for perjury, obstruction of justice, or contempt. Most States only have blanket transactional immunity, which provides less flexibility and leverage against potential witnesses.

Search warrants. Federal standards for obtaining a search warrant are generally lower than those of most States.

**Preventive detention.** The Federal bail statute provides for preventive detention in a range of circumstances. State laws do not have such provisions.

**Electronic surveillance.** Most States require a higher burden of proof for wiretaps than the Federal Government.

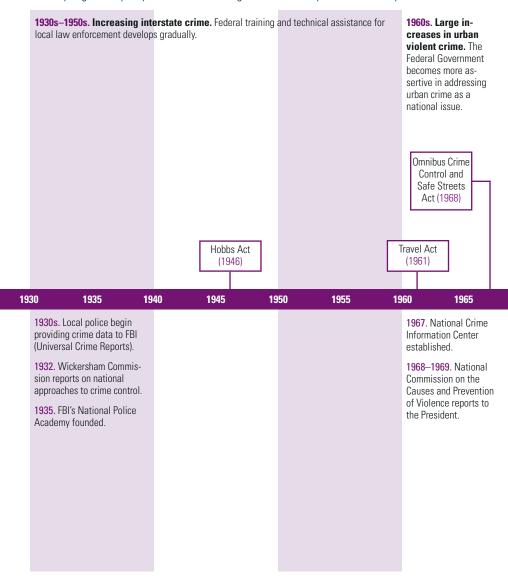
Witness protection. In contrast to the well-developed Federal Witness Protection Program, most States do not have such a program.

Accomplice testimony. Federal rules permit conviction on the basis of an accomplice's uncorroborated testimony. State rules generally do not.

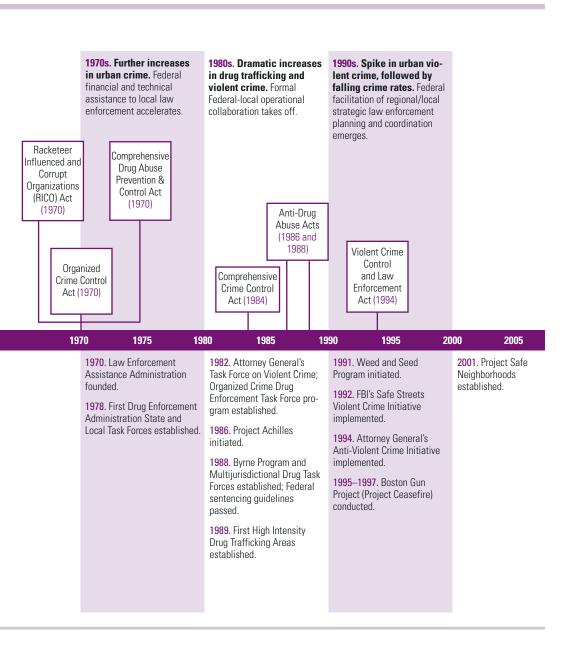
**Discovery.** Federal rules provide that a statement by a government witness need not be made available to the defense until the witness has testified at trial. Also, the defense has no entitlement to a witness list before trial or to interview government witnesses prior to trial. Most State rules provide otherwise.



**Exhibit 1. Milestones in Federal-local law enforcement collaboration** The growth of collaboration has been marked by large-scale policy actions and trends against the backdrop of critical crime problems nationwide.









### PROJECT SAFE NEIGHBORHOODS: COLLABORATION AGAINST GUN CRIME

A potent example of Federal, State, and local collaboration tackling a major crime problem is Project Safe Neighborhoods. Founded in 2001 by the U.S. Department of Justice, this national initiative is forging strategic partnerships among Federal, State, and local law enforcement agencies in a coordinated offensive against gun violence. Federal funds have been appropriated to hire new Federal and State prosecutors, support criminal investigations, provide training, and develop community outreach programs. Each U.S. Attorney, in partnership with other Federal agencies and State and local authorities, is developing a comprehensive gun violence reduction plan tailored to the needs of that district.

The program's effectiveness depends on collaboration among Federal, State, and local agencies in—

- Illegal gun interdiction.
- Apprehension and prosecution of armed offenders.
- Public campaigns to raise gun safety awareness and encourage the use of child safety locks.

President Bush has referred to Project Safe Neighborhoods as "an unprecedented partnership among all levels of government."

More information is available at http://www.psn.gov.

nonexistent—has vastly improved. For example, some task forces are using sophisticated databases and crime mapping to address neighborhood or citywide problem solving. Antional initiatives such as Project Safe Neighborhoods are expanding collaborative approaches to address chronic urban crime (see

"Project Safe Neighborhoods: Collaboration Against Gun Crime").

A united front against urban crime. As a sustained policy, closer collaboration between Federal and local law enforcement in fighting urban crime first emerged after the Attorney General's Task Force Report on Violent Crime in 1982. Throughout the 1980s and 1990s. Federal authorities devoted increasing resources to helping State and local authorities address surging drug, gang, and firearms crime, emphasizing the use of Federal prosecution. (Exhibit 1 shows the expansion of both Federal jurisdiction and operational assistance.)

Although locally based, most collaborations have been organized by Federal authorities (see exhibit 2). Increasingly, U.S. Attorneys have found themselves in a new role directing Federal and local law enforcement agents in strategic investigations.5 Because of their political stature and influence and their position at the intersection of many different law enforcement organizations, U.S. Attorneys and High Intensity Drug Trafficking Area (HIDTA) executive boards<sup>6</sup>



Exhibit 2. High-profile Federal-local collaboration 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, Firearms and Explosives (ATF)	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 (HIDTAs)	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 en- forcement participation to transfer FBI expe- rience 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.)	
Project Safe Neighborhoods	2001	DOJ	Supports Federal-local collaboration in gun violence prevention and prosecution through U.S. Attorneys.	

have been instrumental in facilitating strategic planning for collaborations.

Many types of collaboration. Federal-local law enforcement collaborations have proliferated in varying forms during the past two decades, whether federally or locally led (see exhibit 3).<sup>7</sup> Their missions and organization are based on local circumstances and specific



Exhibit 3. Types of Federal-local law enforcement collaboration						
	National Task Force programs	Grant-funded programs/ demonstration projects	Special initiatives/ informal collaborations	Umbrella coordination mechanisms		
collaborations	FBI Safe Streets Violent Crime Initiative.	Special programs or task forces funded by the Bureau of Justice Assistance (BJA) through discretionary grants [e.g., Washington (D.C.) Metropolitan Task Force].	Project Safe Neighborhoods (local initiatives implemented by U.S. Attorneys' Offices with some centralized funding).	HIDTAs (regional executive boards).		
	DEA State and Local Task Force program.			OCDETF (District Coordination Groups).		
	ATF Project Achilles (includes some formal task forces).		Some U.S. Attorney Anti- Violent Crime Task Forces (continuing with local dis-	Law Enforcement Coordinating Committees (LECCs).		
			cretionary funding).	Regular Federal judicial		
			Also, episodic, case- specific collaborations of shorter duration between Federal, State, and/or local agencies (e.g., Project Exile).	district law enforcement coordination meetings facilitated by U.S. Attorneys.		
			DEA Mobile Enforcement Team program.			
			Some Project Achilles collaborations.			
State- or locally led collaborations		Byrne Program-funded Multijurisdictional Task Forces (MJTFs) (only 25% have formal Federal agency participation).	MJTFs with episodic Federal participation on investigations.	Special local initiatives or coordinating groups (e.g., Methamphetamine Task Force in San Diego).		
		Also, demonstration projects funded by BJA (e.g., Organized Crime Narcotics Trafficking Enforcement				

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.

Program).

Some FBI task forces may overlap administratively with Anti-Violent Crime Task Forces, which may now be partly self-funded by individual U.S. Attorneys' offices.



program arrangements. Some are highly formal Drug Enforcement Administration (DEA)- or FBI-led task forces operating under a legal arrangement such as a memorandum of understanding (MOU); others represent coordinated case selection and/or funding mechanisms that are maintained through standing collaborative relationships, such as the Organized Crime Drug Enforcement Task Force (OCDETF) program. Still others are loosely structured case targeting or referral initiatives such as Federal prosecution of certain gun crimes (e.g., Project Exile, Project Safe Neighborhoods).

#### Collaboration in three cities.

Recognizing this broad spectrum of collaboration in urban areas around the Nation, researchers examined three cities that differed in their approaches to collaboration.

San Diego. Influenced by the large Federal presence there, a strong collaborative environment developed in San Diego in the 1970s with the establishment of one of the earliest drug task forces in the country (developed by local authorities and later incorporated into the DEA State and Local Task Force program). Also, under

the auspices of the U.S. Attorney and the district attorney, a monthly meeting of various San Diego County police chiefs grew to help coordinate several collaborations in the 1980s and 1990s. Today, San Diego has several Federal-local task forces and subunits that focus on specific neighborhoods and problems.

Detroit. This city, which has suffered some of the highest crime rates in the country in recent decades, did not have meaningful Federal-local collaboration until the mid-1990s, when a new mayor, police chief, and U.S. Attorney forged new ties. Today, several federally led collaborations are coordinated through a monthly law enforcement forum convened by the U.S. Attorney. Coordination of drug enforcement task forces and allied collaborations is also facilitated by the Southeastern Michigan HIDTA.

Memphis. Federal-local law enforcement collaboration developed gradually in Memphis. In the mid-1990s, the U.S. Attorney, the district attorney, the FBI, and the DEA developed partnerships with local authorities, some of which continue today. In 1997, the U.S. Attorney began



monthly meetings with the district attorney general to encourage greater cooperation between their offices. As an example of local variation, the Memphis Gang Task Force is an informal collaboration, while its counterpart in San Diego is a formal FBI task force.

#### Prosecutorial implications.

Although collaboration has probably increased the number of Federal drug, firearms, and gang prosecutions, the magnitude of this increase is difficult to determine because aggregate statistics on Federal prosecutions do not track whether a case was developed through collaborative work. Concerns about the possible overuse of Federal prosecution should be viewed in a broader context. however. In recent years, only about 4 percent of felony convictions in the United States have been Federal.8 Federal felony drug convictions represented only 4.9 percent of total felony drug convictions in 1996.9 A higher proportion of felony firearms convictions (approximately 9 percent) came from Federal courts that year compared to previous years. However, 9 out of 10 felony firearms convictions were still handed down by State courts. This

proportion remained fairly constant into the late 1990s despite the increase in Federal firearms cases.<sup>10</sup>

Although Federal criminal prosecutions have increased rather modestly, the higher volume of Federal firearms prosecutions has burdened some individual U.S. Attornevs' Offices. These offices sometimes have had difficulty exercising discretion relative to certain case-targeting initiatives. 11 However, the consistently small Federal share of the overall urban crime caseload shows that Federal prosecutors generally are exercising restraint.12

Achieving consensus. Because many potential Federal cases are now generated by Federal-local collaborations, decisions to prosecute federally are rarely ad hoc unilateral decisions by U.S. Attorneys, but rather reflect consensus among representatives of different jurisdictions. U.S. Department of Justice prosecutorial guidelines recommend that Federal, State, and local law enforcement agencies strive for routine communications and the most effective use of Federal prosecution.13 Moreover, each U.S. Attorney develops prosecutorial



guidelines for local Federal districts, which further disciplines jurisdictional determinations and ensures that all parties are "on the same page." Other proven practices for managing jurisdictional issues include—

- Close monitoring by senior Federal prosecutors of U.S. Attorney's Offices' intake decisions to ensure consistency.
- High-level, institutionalized lines of communication between U.S. Attorney's Offices and district attorney's offices about the handling of cases susceptible to both Federal and State jurisdiction.
- Designation of rank-andfile Federal and local prosecutors as liaisons to task forces and other partnerships.

### **Collaboration works**

The impact of collaboration on urban communities is hard to ascertain because of how difficult it is to link changes in crime to specific law enforcement activities. <sup>14</sup> Anecdotally, however, researchers found that collaborations have had considerable success, particularly against gangs.

Collaborative work led to the disruption or breakup of several long-entrenched gangs in the three cities studied. Reductions in violent crime have been attributed partly to aggressive firearms prosecutions by task forces. In many prosecutions, violent recidivists and gang members were convicted of one or more gun crimes and given substantial sentences.

Study interviewees also noted how the use of Federal firearms charges in prosecuting particularly dangerous individuals and gangs encouraged the criminal community to keep guns off the street.<sup>15</sup>

Operationally, interjurisdictional collaboration appears to have promoted better problem solving and intelligence sharing, as well as improved officer safety. It has also permitted specialization against particular targets (such as gangs, airport drug interdiction, or drug-related homicides) and increased funding to pay for informants, evidence, and overtime, which facilitates long-term investigations and around-theclock surveillance.16

More formally organized collaborations seem to work best. Too much informality



and insufficient clarity of mission can create uncertainty, weaken commitment, and impair operations.<sup>17</sup> Evidence also suggests that successful Federal-local law enforcement collaborations usually have—

- High-level agency commitment and sustained funding.
- Clear ultimate legal authority in one agency and use of interagency MOUs and written paperwork protocols to promote clarity of roles and responsibilities.
- Joint Federal-local leadership on executive or control boards and at the operating level.
- Where possible, co-location of Federal and local law enforcement personnel to promote loyalty and teamwork

A better understanding of the effectiveness of collaboration is needed; very little rigorous evaluation has taken place. Increasing demands on law enforcement call for more research into how Federal-local collaboration has affected law enforcement agencies, their operations, the criminal justice system, and crime.

### **Notes**

- 1. The term "collaboration" is used throughout this study to denote sustained operational work, as opposed to the episodic or case-by-case cooperation and information sharing that predated the 1980s.
- 2. For example, see Heymann, P, and M.H. Moore, "The Federal Role in Dealing with Violent Street Crime: Principles, Questions, and Cautions," *Annals of the American Academy of Political and Social Science* 543 (1996): 103–115
- 3. Some observers fear that locally negotiated Federal-local collaboration sometimes encourages the sidestepping of tactically disadvantageous State policies. See Richman, D., "The Changing Boundaries Between Federal and Local Law Enforcement," Washington, DC: U.S. Department of Justice, National Institute of Justice, Criminal Justice 2 (2000): 96–99.
- 4. One vision of this analytical capability under the supervision of a U.S. Attorney's Office is presented in Glazer, E., "Harnessing Information in a Prosecutor's Office," *NIJ Journal* (October 2000): 2–7. See also Glazer, E., "Thinking Strategically: How Federal Prosecutors Can Reduce Violent Crime," *Fordham Urban Law Journal* 26 (1999): 901–924.
- 5. The changing role of prosecutors was discussed in a 1999 National Research Council workshop—see What's Changing in Prosecution? Report of a Workshop, P. Heymann and C. Petrie, eds., Washington, DC: National Academy Press, 2001. See also Conner, R., M. Dettmer, and R. Pitt, "The Office of U.S. Attorney and Public Safety: A Brief History,"



Capital University Law Review 28 (2000): 762.

- 6. High Intensity Drug Trafficking Area boards are a national network that coordinates drug enforcement efforts in "gateway" regions at all levels: Federal, State, and local.
- 7. To illustrate the growth of collaboration during the past 20 years, there were 12 DEA State and local task forces in 1978; there are about 179 today. In 1994, the FBI's Safe Streets Violent Crime Initiative had 19 task forces; these increased to 164 by 1999. From 1984 to 1999, OCDETF investigations increased from 213 to 1.484.
- 8. Langan, P.A., and Brown, J.M., Felony Sentences in the United States, 1994, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1997, NCJ 165149. For more detail, see Russell-Einhorn, M., "Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982–1999: Drugs, Weapons, and Gangs," final report to the National Institute of Justice, May 2000, NCJ 201782, available online at http://www.ncjrs.org/pdffiles1/nij/grants/201782.pdf.
- 9. Brown, J.M., and P.A. Langan, Felony Sentences in the United States, 1996, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1999, NCJ 175045.
- 10. Federal Judicial Center criminal case processing data (filings and terminations), 1982–1997.
- 11. The proportion of Federal defendants charged with illegal firearm possession or transfer offenses nearly quadrupled between 1982 and 1999.

- 12. For a defense of prosecutorial restraint, see Gorelick, J., and H. Litman, "Prosecutorial Discretion and the Federalization Debate," Hastings Law Journal 46 (1995): 967–978. Other studies have warned about overuse of Federal prosecution based purely on the potential reach of Federal criminal law. See, e.g., The Federalization of Criminal Law, American Bar Association Task Force on the Federalization of Criminal Law, 1998.
- 13. DOJ prosecutorial guidelines are in the *United States Attorneys Manual*. To some observers, however, even though police and State prosecutors have a voice in decisions, this may not ensure political accountability or fair treatment of defendants. See, e.g., Baker, J.S., "State Police Powers and the Federalization of Local Crime," *Temple Law Review* 72 (1999): 684–687.
- 14. See, e.g., Cowles, E., M. Small, W. Deniston, and J. Dewey, Process and Impact Evaluation of Illinois Metropolitan Enforcement Groups and Drug Task Forces: A Final Report, Chicago: Illinois Criminal Justice Information Authority, 1997. To date, the only attempt at an impact study of federally led task forces is an inconclusive study by DEA of its Mobile Enforcement Teams (MET) program. The assessment of 133 MET deployments found possible declines in crime following the deployments, but did not control for other factors. See U.S. General Accounting Office. DEA Operations in the 1990s, Washington, DC: GAO/GGD-99-108 (1999): 45.
- 15. For a description of this type of collaborative initiative, see Kennedy, D.M., A.A. Braga, A.M. Piehl, and



E.J. Waring, *Reducing Gun Violence*, *The Boston Gun Project's Operation Ceasefire*, Research Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, 2001, NCJ 188741.

16. Several studies of analogous MJTFs tend to support the idea that cooperation among law enforcement agencies improves under task force arrangements. See, e.g., McGarrell, E., and K. Schlegel, "The Implementation of Federally Funded Multijurisdictional Drug Task Forces: Organizational Structure and Interagency Relationships," Journal of

Criminal Justice 21 (1993): 231–234; also see Jefferis, E., J. Frank, B.W. Smith, K.J. Novak, and L.F. Travis, "An Examination of the Productivity and Perceived Effectiveness of Drug Task Forces," *Police Quarterly* 1(3) (1998): 85–107.

17. These conclusions echo a case study of an FBI violent crime task force. See Phillips, P., and G. Orvis, "Intergovernmental Relations and the Crime Task Force: A Case Study of the East Texas Violent Crime Task Force and Its Implications," *Police Quarterly* 2(4) (2000): 446–456.

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