MANAGING THE INVESTIGATIVE UNIT

ABOUT THE AUTHOR

Daniel S. McDevitt, completed a thirty-six-year law enforcement career, which began with his appointment as a Special Agent with the Naval Criminal Investigative Service (NCIS). He then served for 24 years with the Illinois State Police (ISP), retiring as a Captain, and subsequently served for ten years as Chief of Police in two Chicago suburbs.

McDevitt has a Master of Science degree in Criminology, is a graduate of the FBI National Academy and the FBI Executive Development Program, and has taught at colleges, universities, and police academies in the United States, Europe, Africa, Asia, and the Middle East for both civilian and military law enforcement personnel. He has authored three books: *Police Chief-Attaining and Succeeding in this Critical Position, Major Case Management-A Guide for the Law Enforcement Manager,* and *Managing the Investigative Unit*, and several law enforcement and management articles, and has served as a consultant for both governmental agencies and private corporations.

He is also retired as an Intelligence Officer with the U.S. Navy, where he held the rank of Lieutenant Commander after completing a twenty-year career which included both enlisted and commissioned service, As a Medical Corpsman he cared for Vietnam wounded personnel, and later as an Intelligence Officer, he specialized in foreign counterintelligence and analysis of terrorist operations. He was recalled to active duty for the Gulf War, where he conducted countersurveillance operations and protective services.

McDevitt has served as a consultant for the U.S. Department of State on several occasions, and has developed and presented courses internationally for the State Department's Anti-Terrorism Assistance Program and for the Department of Defense Executive Institute throughout Africa, Asia, the Middle East, and Europe. He has also planned and conducted dignitary protection details for high-profile individuals

He is the co-owner of REM Management Services, Inc., a management consulting firm. The firm provides a variety of public safety, security, and management services and training programs for corporate, business, and government clients worldwide.

McDevitt and his wife Marilyn have been married since 1972 and have two children and four grandchildren.

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PREFACE

The purpose of this book is to provide you, the investigative manager, with some of the tools and techniques necessary to successfully manage the investigative unit. Hopefully this is more than merely an exercise in the theoretical, as you will also be provided with several procedures and forms that can be adapted for your own agency. Before we get to those, however, you must understand the mindset of the police investigator. Investigators are very different from patrol officers, and this must be remembered when managing them or the process will not go smoothly.

Investigators, regardless of the size of the agency, seem to have some common traits:

1. They decide who gets to be one of them, regardless of who gets assigned to the unit by the department. Investigators have very strict mechanisms for entering their little corner of the world. Only the chosen few are allowed into their ranks, and acceptance by fellow investigators is not automatically granted.
2. Investigators have an esoteric knowledge (a sixth sense?) that goes beyond technical expertise and usually beyond that of patrol officers. Although all experienced cops have this esoteric knowledge to some degree, this knowledge and ability is honed to its sharpest form in the investigator.
3. Whereas all police officers have internal sanctions to govern their own, both of the formal and the informal variety, investigators have raised this concept to an art form. To watch a group of investigators apply their own sanctions to a fellow investigator who isn't carrying his or her own weight or who commits some other transgression is truly an interesting phenomenon.

In order to be an effective manager of investigators, you must recognize these traits and be prepared to address investigators who sometimes have a

tendency to go overboard on any of them. This is particularly true for the newly assigned supervisor who has either no experience in an investigative assignment or a very limited investigative background. Many law enforcement agencies seem to believe that good managers can effectively manage anybody and try to prove their theory by cross-assigning patrol and investigative supervisory and management personnel, sometimes for no apparent reason. Too often, this can lead to heartache, headache, and ultimate failure for the cross-assigned supervisor or manager. There are many common threads to successful management, but assigning someone to manage an investigative unit with little or no investigative background often ends in disaster, poor morale, and poorly conducted investigations.

The role of the investigator is without question the most glamorous in the PD. Movies and television programs about police demonstrate that the majority are about investigators instead of patrol officers. The reason is that the job of the investigator just *seems* to be more interesting and somehow sexier than the role of the patrol officer.

The investigator is portrayed in movies, books, and TV as a meticulous and tireless gatherer of evidence that always leads to the arrest and conviction of the criminal. Another one of my favorite definitions of an investigator is "a super cop, who is a bit unorthodox, normally at odds with his superiors, and willing to bend the rules, he is embedded in a web of unsavory informants, still always able to keep his integrity in his unrelenting pursuit of crime and the master criminal." Whenever I hear this one, I imagine the theme from the 1950s series *Superman* playing in the background with an investigator standing in front of an American flag wearing a cape (of course) blowing in the breeze. Unfortunately, a lot of the public, and even some patrol officers, believe this nonsense.

In order to effectively manage investigators, you must first consider what it is that investigators *actually do every day*–that is to say, the role of the investigator. The true role of the investigator is basically found in what I call the "shoe leather" approach to solving crimes. In reality, the role of the investigator is not glamorous at all. What investigators actually do is to complete (and sometimes repeat) a series of methodical, plodding, and often very boring tasks. Hours and hours of (often seemingly pointless) surveillances and countless interviews are the routine, not the exception. The investigator spends a great deal of time making endless (and sometimes frustrating) attempts to control uncontrollable witnesses, some of whom need constant placating or even babysitting. The investigator spends long periods of time preparing very detailed reports that the defense counsel will use every trick at their disposal to decimate in court. Unlike most patrol personnel, the investigator's schedule is not confined to an 8-hour-a-day shift. To the contrary, call-outs, extra hours, and missed holidays, family gatherings, and other social events are the rule rather than the exception.

Some would say the real difference between patrol officers and investigators is that patrol officers merely *think* that they know everything whereas investigators, on the other hand, are *absolutely certain* that they know everything and equally as certain that patrol officers know nothing. Although that's meant to be humorous, most investigative unit managers with whom I am familiar would agree that there is a little ring of truth hiding in that sarcasm.

Managing the investigative unit can be an extremely rewarding part of any law enforcement professional's career, or it can be an absolute nightmare. The strategies and techniques you will read about in this book will help make the experience rewarding. It is worth noting that many of these techniques and strategies were learned through the "school of hard knocks," and many are the direct result of ideas that failed miserably. Rather than force you to learn some of these lessons the hard way as I did, this book is designed to help you develop the skills you need to hit the ground running and successfully manage your agency's investigative unit.

D.S.M.

ACKNOWLEDGMENTS

Since this book was first published in 2005, a number of changes have occurred in my life. I ended my 36-year law enforcement career in 2009, and took the management consulting firm that a police partner of mine and I had started years earlier and worked it into a full-time undertaking. I had a great law enforcement career, and miss a lot since it has ended. Most of all, I miss the great men and women with whom I worked.

I've expanded my teaching to the international level, developing and presenting courses for the State Department's Anti-Terrorism Assistance Program and the Defense Department Counter-Trafficking Executive Institute. These programs have taken me to Kenya, Jordan, Mali, Algeria, Kazakhstan, and Afghanistan. All this travel has resulted in my having the privilege to meet, instruct, and work with cops from all over the world. Those experiences have confirmed in my mind what I've always believed to be true–we cops are all the same. We came into our profession for the same reasons, have the same goals of safety, security, and justice for our communities, and want to "do the right thing." We take our profession very seriously, and care sincerely for those we serve.

I've had changes in my personal life as well, I've had two additional books published *Major Case Management* and *Police Chief-How to Attain and Succeed at this Critical Position*, and several articles. My wife Marilyn and I now have four grandchildren, Kylie, Olivia, Tanner Daniel, and Liam Daniel. Life is good.

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Chapter 1

HOW DID YOU GET HERE?

Perhaps the biggest factor that will impact the ease with which the new investigative manager fits into their new role is how they got to the position in the first place.

There are basically two ways in which people are assigned as managers of investigative units. I call these *Home Grown* and *Out of Left Field*. In the Home Grown situation, the person assigned as the new investigative manager is either currently an investigator who has been promoted into the manager's position, or has been an investigator at some point in their career.

The "Out of Left Field" situation involves someone being assigned as an investigative manager who has no background whatsoever in an investigative position.

Many agencies, particularly in times of economic uncertainty, (which seems to be the rule rather than the exception) sometimes takes the "one size fits all" approach to the assignment of management personnel. While this would appear in theory to be a very "fiscally responsible" method of assigning personnel, it oftentimes doesn't work in actual practice. This approach to management is based on the premise that a good manager can manage any unit or element to which they are assigned in the organization. While it is true that some of the elements of good management are constant, there are subtle (and sometimes not so subtle) nuances to various units or elements of organizations that should not be overlooked. Simply putting someone into a management position and hoping that they will learn whatever they need to know about the position, the personnel, and the tasks being accomplished is really an overly optimistic view of management.

We've all heard of the "Peter Principle," where someone rises to their own level of competence and then gets promoted one step above that. In many instances, that is exactly what some police departments do when they take someone who is totally competent at one assignment and arbitrarily assign them to something completely different, and something for which they have no preparation. This often makes the newly assigned manager appear to be a living, breathing example of the Peter Principle, which is usually not the case.

The investigative manager who has a "Home Grown" background has several advantages when taking over an investigative unit, which include:

- **Familiarization with how investigations are conducted**- there is no substitute for having actually conducted investigations from start to finish. Someone in an investigative management position who has never done this is at a distinct disadvantage, and should spend some time familiarizing themselves with the manner in which different types of investigations are conducted. This can be accomplished by taking classes on criminal investigations, studying agency case reports, and discussing cases with their predecessor in the investigative unit as well as with the investigators themselves.
- **Familiarity with investigator's methods**- It would seem obvious that in a criminal investigation that the investigator would go from "Step A" to "Step B" and so on, but with criminal investigations that isn't always the case. As a matter of fact, criminal investigations that go strictly according to an investigative plan and in perfect order are definitely the exception rather than the rule. When working narcotics enforcement units we had a saying that "if one out of five drug deals go according to plan, we're doing great."

In most investigations, the investigators conducting them must be flexible enough to see that there are situations in which they will have to vary the sequence of events, eliminate some steps, or go in a completely different direction. Personnel who have conducted investigations deal with this on a daily basis and fully realize that it is something that can't be avoided, but people who've never conducted an investigation might find this somewhat strange.

- **Ability to prioritize assignments**- some investigations or investigative steps must be completed as soon as possible, some others when you get a chance, and some can be ignored until much later in the case, perhaps even delayed until case closing. Investigators know this, almost instinctively, and they usually make the correct priority decisions. Someone with no real investigative background might have a difficult time trying to prioritize these decisions, which could be detrimental to the investigation being conducted.
- **Most importantly, credibility with subordinates**- the "Home Grown" investigative manager has "been there and done that," and the personnel that he or she is supervising will usually recognize that fact. The level of credibility that a subordinate attributes to a supervisor is critical, and can have a tremendous impact, not only on the relationship between them, but on the method in which they will accept supervisory input, in the amount of effort that the subordinate is willing to expend, and in the overall morale of the unit.

Credibility is a critical part of any manager's position, and investigative managers who begin a new assignment without the benefit of credibility with their subordinates have a very difficult way to go.

When personnel perceive their manager to have credibility, they're much more likely:

- **Be proud to be a part of an organization or unit** - this feeling of "inclusion" and unit cohesiveness can be critical in the investigative assignment. The long hours and sometimes very frustrating nature of investigative work is made much more difficult in units in which personnel assigned have no personal pride in their unit or organization.
- **Feel a strong sense of "team spirit"** - which is very important. Perhaps the most cohesive unit to which I was ever assigned included a very "eclectic" group of individuals. Some of the personnel assigned had extensive investigative background, some had extremely limited backgrounds. Some of the personnel had an outstanding work ethic, while others could legitimately be considered "marginal performers" (which will be discussed in Chapter 12). Through it all, and even considering our many differences, the personnel in the unit meshed extremely well and the unit was

very successful. I attribute a great deal of that to the credibility possessed by the group's leader. He was an outstanding leader who possessed a wealth of experience, but who wasn't averse to allowing us to "spread our wings" and manage our own cases.

- **See their personal goals as consistent with those of the unit or organization** - in the event that the personal goals of the investigative unit members are either contrary or "out of kilter" with the overall goals of the unit, chaos can ensue. Investigative efforts will not be properly focused, and the attention to detail will suffer. The goals of investigative personnel must be consistent with those of the unit or organization as it relates to prioritization of investigative assignments and the method in which cases are managed, or investigative continuity will surely suffer.
- **Feel attached and committed to the unit or organization**- when thinking about the cohesive unit I mentioned earlier, I can remember several times when we would work all day, chasing down leads, going to court, and writing reports. We would then change gears for the evening hours during which we would conduct our undercover operations, such as purchase of stolen property, surveillances, or whatever we happened to be doing at the time. Particularly on nights when we'd make a good arrest, we'd all go out for pizza and beer after the operations. Ending up our day, sometimes in the "wee hours", we'd have to decide who was going to transport our prisoners to their "bond hearings" the next morning. Even though everyone had worked all day and most of the evening, we never had to be ordered to get up early the next morning to transport prisoners. It didn't matter whose case it was, or who would be filing the charges, the fact was that *our squad* had made the arrest, so we all jumped in to help. As a manager of many units in the years since then, I always remember the days in that assignment fondly and have always strived to duplicate that level of commitment among my own subordinates.

The investigative manager who has an "Out of Left Field" background is placed into one of the most difficult situations for any manager. The person in this position begins the assignment with several disadvantages, which include:

- **No real knowledge of how investigations are conducted**- while most police supervisors, or anyone with a TV set, have at