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Preparing the National Capital Region to conduct a multijurisdictional and interdisciplinary law enforcement investigation

Raum, Philip C.

Monterey California. Naval Postgraduate School

NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

PREPARING THE NATIONAL CAPITAL REGION TO CONDUCT A MULTIJURISDICTIONAL AND INTERDISCIPLINARY LAW ENFORCEMENT INVESTIGATION

by

Philip C. Raum

September 2013

Thesis Advisor: Pat Miller
Second Reader: Nadav Morag

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When the DC Sniper shootings occurred in 2002, local law enforcement (LE) agencies in the National Capital Region (NCR) did not have a framework in place to investigate a large-scale multijurisdictional investigation involving dozens of federal, state, and local LE agencies. As of 2013, the NCR still does not have a framework. This thesis used multiple sources of information and analysis to develop a list of recommendations directed to the NCR Police Chiefs Committee about how such a framework could be developed and what some of the features should be. The sources of information included lesson learned from the after-action analysis of the DC Sniper case by the Police Executive Research Forum, academic research on collaboration, the National Incident Management System, and input from 19 multijurisdictional and intergovernmental subject matter experts (SME) in the NCR, including SMEs from the LE, fire, fusion center, and public information disciplines. In February 2013, the NCR Police Chiefs Committee endorsed the recommendations and started the process to create a framework for managing a multijurisdictional investigation in the NCR.

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PREPARING THE NATIONAL CAPITAL REGION TO CONDUCT A MULTIJURISDICTIONAL AND INTERDISCIPLINARY LAW ENFORCEMENT INVESTIGATION

Philip C. Raum
Lieutenant, Montgomery County Police (Maryland)
B.A., University of Maryland, 1976

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September 2013**

Author: Philip C. Raum

Approved by: Pat Miller
Thesis Advisor

Nadav Morag
Second Reader

Mohammed Hafez
Chair, Department of National Security Affairs

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When the DC Sniper shootings occurred in 2002, local law enforcement (LE) agencies in the National Capital Region (NCR) did not have a framework in place to investigate a large-scale multijurisdictional investigation involving dozens of federal, state, and local LE agencies. As of 2013, the NCR still does not have a framework. This thesis used multiple sources of information and analysis to develop a list of recommendations directed to the NCR Police Chiefs Committee about how such a framework could be developed and what some of the features should be. The sources of information included lesson learned from the after-action analysis of the DC Sniper case by the Police Executive Research Forum, academic research on collaboration, the National Incident Management System, and input from 19 multijurisdictional and intergovernmental subject matter experts (SME) in the NCR, including SMEs from the LE, fire, fusion center, and public information disciplines. In February 2013, the NCR Police Chiefs Committee endorsed the recommendations and started the process to create a framework for managing a multijurisdictional investigation in the NCR.

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LIST OF ACRONYMS AND ABBREVIATIONS

ATF	Bureau of Alcohol, Tobacco, and Firearms
BFO	Baltimore Field Office (FBI or ATF)
CAO	Chief Administrative Officers
CEO	Chief Executive Officer
CHDS	Center for Homeland Defense and Security
COG	Metropolitan Washington Council of Governments (aka MWCOG)
CP	Command Post
DC	Washington, District of Columbia
DHS	United States Department of Homeland Security
DOJ	Department of Justice
E&T	Exercise and Training
EMS	Emergency Medical Services
ERT	Emergency Response Team
ESF	Emergency Support Function
ETOP	Exercise and Training Operations Panel
EU	European Union
FBI	Federal Bureau of Investigation
FD	Fire Department
FEMA	Federal Emergency Management System
FOUO	For Official Use Only
GM	General Motors
HM Government	His/Her Majesty's Government
HSEC	Homeland Security Executive Council
HSEEP	Homeland Security Exercises and Evaluation Program
HSPD-5	Homeland Security Presidential Directive 5
IAP	Incident Action Plan
ICS	Incident Command System
IMT	Incident Management Team
JESCC	Joint Emergency Services Control Center
JIC	Joint Information Center

JIS	Joint Information System
JIT	Joint Investigation Teams (Europe)
JOC	Joint Operations Center
JPME	Joint Professional Military Education
LE	Law Enforcement
LEO	Law Enforcement Online
LES	Law Enforcement Sensitive
MAA	Mutual Aid Assistance
MACS	Multiagency Coordination Systems
MAC Group	Multiagency Coordination Group
MCAC	Maryland Coordination and Analysis Center (fusion center)
MCP	Montgomery County Police
MOU	Memorandum of Understanding
MWCOG	Metropolitan Washington Council of Governments (aka COG)
NCC	News Coordination Cell
NCR	National Capital Region
NIMS	National Incident Management System
NRF	National Response Framework
NRP	National Response Plan
PD	Police Department
PERF	Police Executive Research Forum
PGPD	Prince George's County Police Department
PIO	Public Information Officer
PPD-8	Presidential Policy Directive 8
RECP	Regional Emergency Coordination Plan
RegCG	Regional Coordinating Group
R-ESF	Regional Emergency Support Function
R-ESF #1	Regional Emergency Support Function—Transportation
R-ESF #2	Regional Emergency Support Function—Chief Information Officers
R-ESF #4	Regional Emergency Support Function - Fire

R-ESF #13	Regional Emergency Support Function—Public Safety and Security
R-ESF #15	Regional Emergency Support Function—Public Information
RIC	Northern Virginia Regional Intelligence Center (fusion center)
RICCS	Regional Incident Communications and Coordination System
RPWG	Regional Programmatic Working Group
SCG	Strategic Coordinating Group
SME	Subject Matter Expert
TCL	Target Capabilities List
UC	Unified Command
UK	United Kingdom
U.S.	United States
VTC	Video-Teleconferencing
WFO	Washington Field Office (FBI or ATF)
WRTAC	Washington Regional Threat Analysis Center (DC fusion center)

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EXECUTIVE SUMMARY

The Problem

When the D.C. Snipers conducted their rampage of shootings in the National Capital Region (NCR) in October of 2002, local law enforcement agencies did not have a framework in place in which to conduct a regional investigation for the murders and shootings that spanned seven jurisdictions in D.C. area. One of the ways in which the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, and Firearms (ATF) assisted local law enforcement in the investigation was by establishing a Joint Operations Center that functioned as the hub and the template for conducting an investigation involving dozens of law enforcement agencies. This paper discusses how the NCR local law enforcement agencies can prepare to conduct regional investigations by developing a framework for that mission, and makes recommendations to the NCR Police Chiefs Committee for how that process should proceed. This is a capabilities-based approach to preparing NCR local law enforcement agencies to manage multijurisdictional investigations of any scale.

The National Capital Region (NCR)

The NCR consists of 18 jurisdictions in and around Washington, D.C., There are eight primary jurisdictions and another 10 municipalities within their parent counties in Northern Virginia and Maryland. Law enforcement is fragmented in the NCR because of jurisdictional boundaries with each of the major jurisdictions and most of the municipalities having full-service police departments. Additionally, the FBI and ATF divide responsibility for the NCR between two regional offices with the Baltimore Field Offices having jurisdiction over the Maryland counties and the Washington Field Offices having jurisdiction over Washington, D.C., and Northern Virginia. The state police agencies of Maryland and Virginia do not have primary investigative responsibilities for serious crimes occurring in the NCR outside of the interstate highways. Despite this jurisdictional fragmentation in law enforcement, the NCR does maintain a Police Chiefs Committee that has representation from federal, state, and local law enforcement

agencies. This committee provides a mechanism and focal point for collaboration between the various agencies and levels of government.

Research to Help Develop a Framework

To develop the framework for regional investigations, this paper examines information gleaned from:

- Federal and regional documents and plans that promote collaboration in a capabilities-based preparedness environment;
- Lessons-learned from the D.C. Sniper case outlined in the after action report titled Managing a Multijurisdictional Case which was published by the Police Executive Research Forum (PERF);
- The National Incident Management System (NIMS);
- Academic research on collaboration; and
- A Delphi-survey conducted with 19 senior subject matter experts from several disciplines in the NCR.

Some of the documents that provide bedrock of support for this paper focus on a regional approach to capabilities-based planning to fulfill the five homeland security missions of prevention, protection, response, mitigation, and recovery. They include:

- The Homeland Security Presidential Directive – 5 that mandates the use of the National Incident Management System across all jurisdictions, levels of government, and private agencies for managing incident response.
- Presidential Policy Directive 8 and the National Preparedness Goal that mandates a whole-community based approach to planning; and
- The NCR Homeland Security Strategic Plan 2010.

PERF was contracted by the United States Department of Justice to conduct an after action analysis of the D.C. Sniper investigation of 2002. PERF performed an extensive analysis of the investigation by interviewing many of those involved in the investigation, examining documents, and visiting facilities and locations of the crimes. It published its findings in the 2004 report Managing a Multijurisdictional Case. Key recommendations in the report focus on leadership, collaboration, the Joint Operations Center, managing information, employing an incident management system, and maintaining good communication.

To determine how the National Incident Management System could be used in the investigative framework, the writer compared and contrasted NIMS with the incident management model of the United Kingdom – the Gold-Silver-Bronze model. Both systems provide a perspective that can very useful to managing a regional investigation, especially these three elements of the Command and Management Component of NIMS: The Incident Command System (ICS), the Multiagency Coordination Group (MAC Group), and Public Information (Media).

Since managing a regional investigation will require a great deal of collaboration on the part of many people and agencies, the writer examined academic research on collaboration to determine what factors tended to foster or inhibit collaboration. These factors can be divided into three basic categories: 1) leadership; 2) structural foundations; and 3) technology. A successful collaborative endeavor must have leadership that does the things that foster collaboration and avoids doing those things that hinder collaboration. But leaders also need to function in an environment that promotes collaboration through policies, facilities, organizations, training, education, exercises, and other structural underpinnings. And finally, there must be the technology to facilitate effective communication and data management.

To solicit support for developing an NCR framework for managing regional investigations, the writer conducted a Delphi survey of 19 senior subject matter experts (SMEs) from the NCR. Thirteen SMEs were from law enforcement and represented the two FBI offices servicing the NCR, the eight primary NCR jurisdictions, two municipalities, and incident command from the D.C. Sniper task force. The other six SMEs represented the disciplines of fire/EMS, public information officers, and the three fusion centers servicing the NCR. These SMEs furnished their professional opinions on how various law enforcement agencies and the other disciplines could work together to sustain a regional law enforcement investigation. There was considerable agreement between the academic research on collaboration and the SMEs' insights on collaboration, as well as the value of using a standard incident management system such as NIMS to manage an investigation. Additionally, all of the SMEs embraced the concept of creating

a framework for conducting regional investigations and also using non-law enforcement disciplines to help support an investigation.

Recommendations

Based upon the support from federal and NCR preparedness planning documents, academic research, lessons learned from the D.C. Sniper investigation, and the NCR subject matter experts, this paper concludes with 10 recommendations to the NCR Police Chiefs Committee. The recommendations focus on creating an investigative subcommittee of the Police Chiefs Committee that will oversee the development of the investigative framework. The subcommittee should strongly consider input provided by the PERF report, the NCR SMEs, and the National Incident Management System. Furthermore, the subcommittee should identify technology requirements to support secure communication and data management, and make recommendations to the Police Chiefs Committee for grant investments. And finally, the subcommittee should create an education, training, and exercise plan to develop and validate the capabilities necessary for conducting an effective and efficient multijurisdictional investigation.

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And finally, I am appreciative to the Montgomery County Police for supporting me in this master's degree program and to the National Capital Region Council of Government's Police Chiefs Committee for supporting this research and endorsing the recommendations in this thesis.

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I. INTRODUCTION

What if there was another round of murderous attacks in the National Capital Region (NCR) similar to the DC Sniper attacks in 2002; or if a serial rapist were terrorizing citizens, making them fearful of being either out in public or home alone; or if elderly residents in wealthy neighborhoods were living in anxiety because they were targeted for home invasion robberies by criminals who stalk the weak and defenseless? What if a Mumbai-style terrorist attack were to occur? Is the NCR law enforcement (LE) community prepared to coordinate an efficient and effective investigative response to shut down these serial criminals and bring them to justice? This paper will examine how the NCR can prepare to mount an intergovernmental, interagency, and multidisciplinary investigation of a series of crimes spanning multiple jurisdictions.

A. PROBLEM STATEMENT

When the DC Snipers commenced their shooting rampage in and around the National Capital Region (NCR) in October of 2002, the NCR local LE agencies were not prepared to conduct the type of intergovernmental and interagency investigation necessary for such a dynamic series of crimes spanning multiple jurisdictions. In a span of 19 days, 10 people were murdered and three others were wounded in five NCR jurisdictions and two other Virginia jurisdictions (Murphy & Wexler, 2004, pp. 7–12).

Since Montgomery County, Maryland experienced the first five of the sniper murders in less than a 16-hour period, the Montgomery County Police (MCP) assumed the role of lead investigative agency (Murphy & Wexler, 2004, p. 20). As the shootings continued in other jurisdictions in and around the NCR, more than a thousand federal, state, and local law enforcement investigators joined in what may have been the largest multijurisdictional investigation in U.S. history (Murphy & Wexler, p. v). This influx of resources overwhelmed the ability of the MCP to manage such a large-scale investigation (Murphy & Wexler, pp. 42–43). The Bureau of Alcohol, Tobacco, and Firearms (ATF) and the Federal Bureau of Investigation (FBI) had experience recently during the investigations of the 9/11 terrorist attacks (2001) and the Oklahoma City terrorist

bombing (1995) of working within a federal Joint Operations Center (JOC), which provided a facility and a structure for managing large-scale investigations (Murphy & Wexler, p. 42).

As a region of both national and international importance, the NCR is a target-rich environment for not only terrorist attacks but other high-profile non-terrorist pattern crimes such as murders, sexual assaults, and violent armed robberies. Currently, there are no regional models or guidelines for how the NCR will launch an integrated intergovernmental, interagency, and multidisciplinary investigative response to a series of crimes spanning multiple jurisdictions. While many NCR local LE agencies work together in task forces for street level crimes (e.g., gangs, drugs, firearms), they rarely work together on investigations that would require dozens, or even hundreds, of investigators as occurred during the DC Sniper case. There were many lessons-learned during that investigation; however, the NCR has not developed an investigative model that incorporates those lessons-learned.

The consequences of not having an investigative model in place could be detrimental to a multijurisdictional investigation and to any subsequent prosecution. There would likely be problems relating to investigative command, coordination, communication, and data-sharing between the different jurisdictions. This could lead to a host of investigative troubles, including inconsistent or duplicative effort, incomplete situational awareness, and confusing or erroneous public messaging.

This issue merits further research to ensure that the full range of NCR resources from LE and other disciplines could be marshaled effectively and efficiently to mount a successful investigative response to a series of pattern crimes spanning multiple NCR jurisdictions. Creating an intergovernmental, interagency, and multidisciplinary investigative framework would enhance command, coordination, communication, and data-sharing between agencies. It would also facilitate a timely, efficient, and successful multijurisdictional investigative response.

B. RESEARCH QUESTION

How can the National Capital Region (NCR) prepare for an integrated intergovernmental, interagency, and multidisciplinary investigative response to a critical series of crimes spanning multiple NCR jurisdictions?

1. Sub-Questions

1. How would the investigative response differ between crimes having a terrorism nexus and those that do not?
2. How can "lessons-learned" from the DC Sniper investigation of 2002 be integrated into the investigative plan?
3. How can the National Incident Management System (NIMS) be utilized to facilitate management of the investigation?
4. How can fire/EMS, fusion centers, and the public information disciplines be incorporated into the investigative plan?
5. What are the challenges of integrating managerial, investigative, and multidisciplinary protocols involving 18 NCR local jurisdictions and the FBI?

2. Context for Answering These Questions

To lay a foundation for answering these questions, this chapter:

- offers background information about the NCR to provide a context in which to understand the multijurisdictional landscape;
- proposes central arguments that claim that the NCR law enforcement community (LE) can, and should, develop a local LE investigative framework for regional investigations;
- examines the after action analysis of the DC Sniper investigation that provides valuable lessons-learned to incorporate into the plan;
- suggests that the incident management models from the United States and the United Kingdom provide insight into formulating a management structure for an investigation;
- contends that LE should leverage the resources of other disciplines to assist in an investigation; and that LE will need to develop protocols for how diverse agencies and disciplines will work together.

This chapter also presents a literature review that discusses some of the research that will lay a solid groundwork for developing a successful plan. Additionally, to engender buy-in and support for a regional plan, the writer solicited opinions from key

NCR leaders / subject matter experts who would be operating within the parameters of this plan. The method used to glean these insights was the Delphi research method, which will be discussed later in this chapter.

This research could lead to profitable outcomes not only for the NCR, but also for other areas in the United States seeking a model that incorporates LE operations and other available resources to ensure a successful conclusion to an investigation. The process of collaborative planning to integrate a wide array of response resources dovetails well with national preparedness goals outlined in documents such as the *National Response Framework* (U.S. Department of Homeland Security [DHS], 2008b), *Presidential Policy Directive 8* (White House, 2011), the *National Preparedness Goal* (DHS, 2011), and *Homeland Security Presidential Directives 5* (White House, 2003), among others.

C. A NATIONAL CAPITAL REGION PRIMER

The NCR is a federally recognized region comprised of 18 jurisdictions that include Washington, D.C., and the surrounding counties and incorporated cities from Maryland and Virginia (United State Code, Title 40). There are eight major jurisdictions, while the remaining ten jurisdictions are incorporated cities within parent counties (MWCOG HLS Strategic Plan, 2010) (see Figure 1). The Washington, D.C., and the Maryland counties are geographically separated from the northern Virginia jurisdictions by the Potomac River. With 2,500 square miles and a population of over five million, the NCR is the fourth largest metropolitan area in the country (Federal Emergency Management Agency [FEMA], 2011).

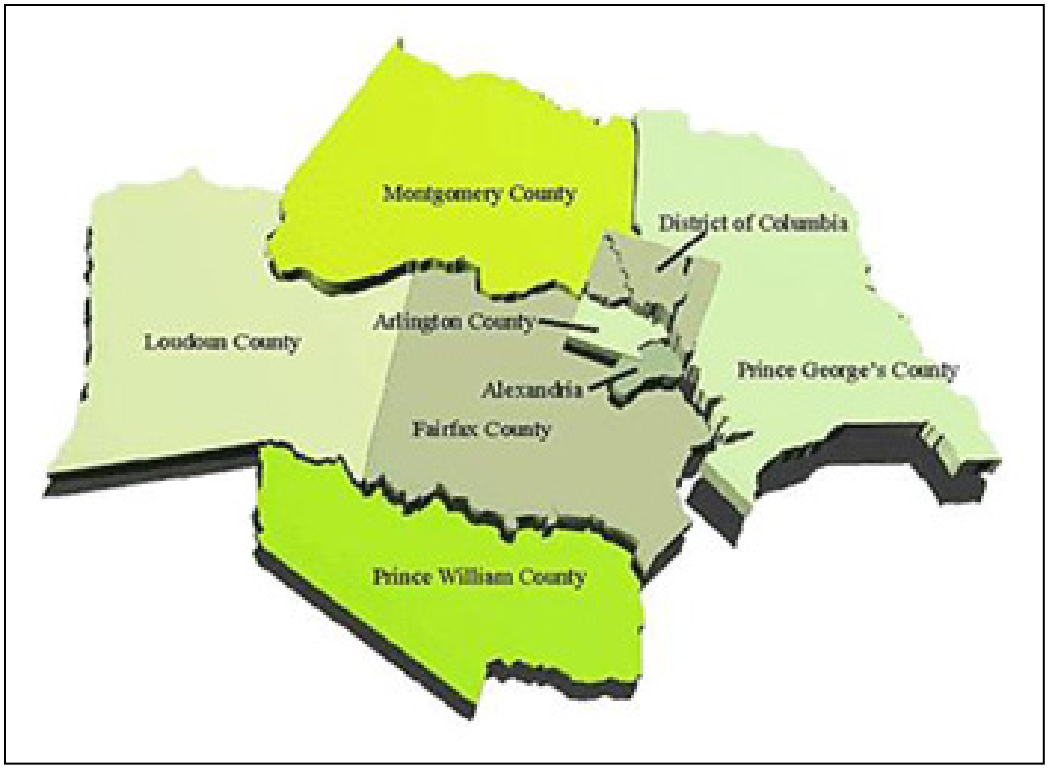

Figure 1. The National Capital Region (From FEMA, 2012)

There is no central government in the region, but rather each jurisdiction maintains its own independence; however, in many respects, the region is fairly well-organized because of the role played by the Washington Metropolitan Council of Governments (COG or MWCOG) which facilitates the coordination of many governmental functions in the region (MWCOG, 2010, p. B2–10). COG supports 15 regional emergency support functions (R-ESFs) that pursue preparedness activities for public safety planning and response actions, including the Police Chiefs Committee, the Fire Chiefs Committee, and the External Affairs Committee (MWCOG, 2010, p. B5–7). The NCR has generated many regional planning documents including the *Regional Emergency Coordination Plan* (MWCOG, 2002) and a *Homeland Security Strategic Plan*, (MWCOG, 2010).

LE is fragmented in the region as each of the 18 NCR jurisdictions and other non-incorporated towns maintains its own LE agency, while two FBI field offices divide responsibilities in the region (Federal Bureau of Investigation [FBI, n.d.]).

D. ARGUMENTS

1. Local LE Multijurisdictional Investigative Model

Rather than depending on federal law enforcement agencies to provide the structure and resources to manage a series of pattern crimes spanning multiple NCR jurisdictions, the NCR local LE agencies should develop a plan and the capabilities necessary for managing such investigations.

One of the crucial issues is to identify the differences in an investigation that has a terrorism nexus and one that does not. The *National Response Framework* (NRF) (DHS, 2008b) has identified the Department of Justice (DOJ) as the lead investigative entity for terrorism incidents, and the DOJ has assigned that responsibility to the FBI (U.S. DHS, 2008) p. TER-2). Because the FBI has its own protocols for managing terrorism investigations, if local LE were to support an FBI terrorism investigations, local LE would have to follow the FBI investigative model. If a multijurisdictional series of crimes did not have a nexus to terrorism, then the local LE agencies would most likely be the lead investigative agencies and would need a model or guidelines to help them integrate the investigation. Although local LE may be the investigative lead, federal LE in the NCR has a history of providing generous support to augment local investigative capabilities without assuming the management of the investigation. For the investigation of pattern crimes spanning multiple NCR jurisdictions, it is imperative to determine whether a federal LE agency is the lead agency or a support agency; a determination that is sometimes hard to make because the line between terrorism and other crimes is sometimes blurred. The expectations that federal and local LE agencies will have of each other will be different depending on who is the lead investigative agency.

2. Learning from History

The DOJ contracted with the Police Executive Research Forum (PERF) to conduct an after-action analysis of the DC Sniper investigation. The report *Managing a Multijurisdictional Case* (Murphy & Wexler, 2004) proffered dozens of conclusions and lessons-learned from the investigation. The report addressed the issues of leadership, federal LE resources, managing investigations, information management, local LE

operations, the media, and the community. Although the report made recommendations for how the NCR could conduct a similar investigation in the future (Murphy & Wexler, 2004), NCR local LE agencies have not adopted the recommendations. One of the possible reasons for this could be that there has not been a champion to shepherd these recommendations through the process of becoming a regional investigative model. This research project is intended as a step towards making that happen; however, it will require the time, effort, input, and buy-in of key LE managers, supervisors, and investigators from many agencies.

3. Incident Management

Homeland Security Presidential Directive-5 (HSPD-5) mandates that the National Incident Management System (NIMS) be used as the comprehensive approach to incident management (White House, 2003, p. 1). The objective is "to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management" (White House, 2003, p. 1). One of the goals of NIMS is to provide a vehicle for different agencies to seamlessly integrate their response operations (White House, 2003, pp. 1–2). While LE officers may have been trained to the requisite levels of NIMS, there is oftentimes a disconnection between the training and the use of NIMS. The consequences of this disconnection is that when LE needs NIMS to manage a large-scale incident or investigation, LE personnel may not have the necessary comfort level with NIMS to use it effectively. Because LE leaders know beforehand that certain things will have to be done in a multijurisdictional investigation, an investigative NIMS-compliant framework could be developed beforehand, just as an agency would do for any preplanned event. The structure should promote the NIMS concepts of the Incident Command System (ICS), Multiagency Coordination System, and the Joint Information System. Preplanning will help formulate an investigative model or guidelines in a time of calm rather than in the middle of a dynamic or deadly series of crimes.

The DC Sniper investigation concluded prior to the issuance of HSPD-5 and did not directly follow the precepts of NIMS; however, when superimposing the joint

operations center (JOC) model over the NIMS model, one can see many commonalities between the two management systems. The NIMS model provides a significant level of functionality for managing an incident or investigation; however, many people find the system too complicated to understand or retain without regular use. The United Kingdom's (UK) Gold-Silver-Bronze incident management model is a simpler model to understand but lacks the robust functionality of the NIMS model. Incorporating some of the simple verbiage of the UK's model into the NIMS incident management model would help provide a more meaningful concept of operations to those who do not require a full understanding of NIMS/ICS to perform their response duties within the system.

4. Joint versus Networked Investigations

The traditional LE model of conducting a joint investigation or task force is to manage the investigation out of a single command post or joint operations center (JOC). JOCs are typically ad hoc locations established to manage intergovernmental and/or interagency investigations. They bring all the relevant stakeholders together to work side-by-side, but they can be expensive to stand-up and maintain. In addition, they can reduce the efficiency of personnel who have to travel long distances to work in them. For some investigations, a JOC may continue to be the best option to manage the cases. For other regional investigations, a network of command posts may be a better option. The network of command posts means that managers, supervisors, and investigators from different agencies would manage and investigate the cases from their usual work locations; however, they would communicate, coordinate, and share data with each other using technology. This technology would include data-sharing mechanisms in which investigators would share a common case file and audio/video communications, such as conference calls or video teleconferencing (VTC). There are advantages and disadvantages with both the JOC and network of command posts models, but each may have a role depending on the nature of the regional investigation.

The NCR is an organized and resource-rich region as will be demonstrated in the next chapter. For a multijurisdictional investigation, LE should recruit other disciplines to help accomplish its goals. The NCR is served by three fusion centers (D.C., Maryland,

and northern Virginia), many fire departments, and public information officers in all jurisdictions. A challenge for LE is to recognize the utility of the capabilities of other disciplines and then incorporate those disciplines into the regional investigative plan.

5. Regional Investigative Protocols

Each LE agency has protocols for how to conduct investigations. If the FBI were the lead investigative agency, would there be just one set of investigative protocols for all involved agencies? If NCR local LE were the lead agencies, should there be one set of common protocols? The answer to these questions mirrors the answer to a previous question that recognizes the need to determine whether the lead agency is federal or local LE. Since the FBI is a national organization whose cases are prosecuted in the U.S. federal courts by federal prosecutors, its investigative protocols are mostly standard from one field office to another. The FBI would require local LE to follow the FBI's protocols when assisting an FBI investigation.

If NCR local LE agencies are the lead agencies, it is unlikely that there would be common investigative protocols since there are too many local agencies that would have to synchronize their procedures. State, county, and municipal laws may differ from jurisdiction to jurisdiction, which might prevent the coordination of policies and procedures. If local LE agencies are successfully prosecuting cases using their own protocols, is there a need to change them to fit a common NCR protocol?

It seems unnecessary and impracticable to modify an agency's investigative protocols to fit a regional model; however, there should be common protocols for how agencies will work together during a joint investigation (e.g., command structure, problem resolution, data-sharing, communication, and coordination activities). These tasks are not accomplished in isolation but rather jointly by multiple agencies; therefore, regional protocols defining working relationships are necessary for effectiveness and efficiency.

E. LITERATURE REVIEW

1. National Capital Region

There are quite a number of references in the literature concerning the National Capital Region. These references describe the jurisdictional components of the region and report on the region's population, economic, and governmental data. Within the NCR, there is another regional entity called the Metropolitan Washington Council of Governments (MWCOG, aka COG), which is a regional non-governmental independent non-profit organization formed in 1957 to facilitate regional planning in the D.C. area. Since then, COG has evolved into a much larger structure that forms the latticework for how the NCR conducts preparedness activities within the scope of the *National Response Framework* (DHS, 2008b). The NCR and COG jurisdictions overlap, except that COG has two additional Maryland counties and two additional municipalities. There is ample data online and in the literature describing both the NCR and COG.

2. NCR Documents

The NCR released its latest *Homeland Security Strategic Plan* in 2010 (MWCOG, 2010), which outlines its plan for achieving priority capabilities over the next three to five years. Priorities include regional collaboration for planning and decision making for activities relating to all-hazards preparedness for the four homeland security missions in effect at the time of publishing: to prevent, protect against, respond to, and recover from all hazard incidents (MWGOG, 2010). Fundamental goals include (MWCOG, 2010a):

- enhancing regional capabilities for fashioning interoperable communications for voice, data, and video (p.7);
- identifying essential elements of data within each discipline that should be shared, and then developing business practices and communications technical standards to maintain situational awareness (p.8); and
- ensuring that NCR fusions centers share data in both secure and non-secure systems (p.9).

In addition, the plan recognizes that the Regional Emergency Support Functions (R-ESFs) are responsible for identifying preparedness gaps and notifying appropriate NCR leadership committees of the need for grant funds and other resources to close those

gaps (MWGOG, 2010b, p. B5). This document provides the underlying support for this paper that seeks to craft guidelines for command, communication, coordination, and information-sharing in a regional LE investigation.

Another plan used is the NCR *Regional Emergency Coordination Plan* (RECP) is a plan to enhance regional communications and coordination during a disaster or emergency (MWCOG Task Force on Homeland Security and Emergency Preparedness for the National Capital Region, 2002, p. 1). The Regional Incident Communications and Coordination System (RICCS) as one of the linchpins of the plan, and is a system of text messages, conference calls, and Web-communication that facilitates situational awareness and coordination within and between R-ESFs after major incidents or emergencies (MWCOG Task Force on Homeland Security and Emergency Preparedness for the National Capital Region, 2002, p. 2). RICCS may be a good way to initiate a coordinated investigation; however, RICCS is not designed for the long-term communication needs of an extended regional investigation. No such long-term regional communication, coordination, and information-sharing system exits in the NCR for managing a complex investigation. This paper will address this issue.

3. Fusion Centers

Three fusion centers serve the NCR:

1. Maryland Coordination and Analysis Center (MCAC);
2. the Washington Regional Threat Analysis Center (WRTAC); and
3. the Northern Virginia Regional Intelligence Center (RIC).

There is some information about MCAC on its website; however, the various intelligence products produced by these centers form the body of literature about those centers.

The National Incident Management System recognizes the importance of the intelligence/investigation function and places it within the ICS model in a variety of ways. However, there is virtually no literature on how fusion centers can assist in a multijurisdictional investigation beyond their usual attempt at “connecting the dots” from multiple sources of information. Fusion centers have resources that can assist

investigators in conducting routine investigative functions normally performed by detectives (e.g., performing background checks on a multitude of suspects, gathering and analyzing information from a variety of R-ESF functions involved in the investigation, and disseminating for official use only-law enforcement sensitive (FOUO-LES) information to a wide LE audience). This paper may help to break new ground in the utility of fusion centers in support of regional investigations.

4. Successful Collaboration

There have been numerous theses written by students in the Center for Homeland Defense and Security (CHDS) master's program addressing the issue of interagency and inter-discipline collaboration, drawing upon the body of literature in business, academia, and government. Some original research has also been conducted by staff researchers at the Naval Postgraduate School in Monterey, California. This and other academic research tends to be consistent in describing those factors that foster or hinder collaboration.

In 2004, the Police Executive Research Forum published its after-action analysis of the 2002 DC Sniper investigation. The report was created after extensive interviews with key personnel and focus groups (of which the writer was a member) involved in the investigation. The report noted conclusions and recommendations in a number of areas, including collaboration, communication, command, task forces, command posts, technology, roles and responsibilities, leadership, and the use of federal resources.

Much of the literature on collaboration provides a consistent perspective on what factors help or hinder collaboration. These factors can be grouped into three basic areas:

1. leadership skills;
2. technology; and
3. structural or institutional support.

a. Leadership Skills

Not surprisingly, the personal skills, traits, and attitudes that were identified as fostering collaboration were those dealing with power-sharing, trust, motivation, flexibility, communication, consensus decision making, information-sharing,

building social capital, having team pride, taking ownership of outcomes, and the perceived need to collaborate.

b. Technology

The right technology used in the right manner also facilitates collaboration. Technology that promotes information-sharing and is interoperable, scalable, flexible, adaptable, secure, and affordable is the kind of technology that will foster a more collaborative working environment. However, technology by itself, without the requisite leadership skills and structural support, is not sufficient to maintain a collaborative environment.

c. Structural Support

The kind of structural support that promotes successful collaboration is centered in planning, training, funding, and working in collaborative events. Planning includes those activities that support NIMS, the *National Response Framework*, strategic planning, regional communications planning, a clear purpose and mission, and the establishment of formal and mandated systems for roles and responsibilities. Training activities are those that provide instruction on leadership, technology, and structural support processes. Collaborative events include real-world incidents, social meetings, training, and multidisciplinary exercises. Funding, especially from federal grants, is necessary to support all of the above activities.

There was nothing controversial in the literature about collaboration; however, the literature did provide information about factors that promote and hinder collaboration, which will be used to lay a foundation in this paper for fostering successful collaborative processes.

5. Incident Command

a. National Incident Management System (NIMS)

According to HSPD-5 and NIMS, NIMS is the prescribed system for managing emergency incidents and preplanned events in the United States (White House,

2003, p. 1) (DHS, 2008a, p. 3). The Department of Homeland Security's *2008 National Incident Management System* (NIMS) outlines the tenets of NIMS, and there are a number of FEMA-sponsored online and classroom NIMS training programs (e.g., IS-100, IS-700, ICS-200, ICS-300, ICS-400). There are articles supporting the usefulness of NIMS, but there was no apparent documentation for how NIMS has been used specifically to coordinate regional LE investigations. The FBI investigative management model does not follow the NIMS model; however, that is not a concern in this paper.

b. Gold-Silver-Bronze

The incident management system used in the United Kingdom (UK) is called the "Gold-Silver-Bronze." This model is outlined in various documents issued by the UK central government and incorporated into inter-disciplinary emergency response plans for disaster response agencies in London Examples include: (1) *Emergency Response and Recovery* (HM Government of the United Kingdom, 2010); (2) *Responding to Emergencies: The UK Central Government Response Concept of Operations* (Cabinet Office, 2010); and (3) *Major Incident Procedure Manual* (London Emergency Services Liaison Panel, 2007).

Both the NIMS and Gold-Silver-Bronze incident management models have strengths and weaknesses. An analysis of the literature shows that the weaknesses contained in each model can be bolstered by substituting its key counterpart from the other model. Analyzing the strengths of each model can be very useful in formulating a regional investigative incident management model.

F. METHOD

1. Delphi Survey

The Delphi method of research uses subject matter experts (SMEs) to provide expert opinions on issues that lend themselves to subjective expert judgment when available information is limited. Among other purposes, the Delphi method is used to explore planning options relating to interagency collaboration, which is the central theme of this paper. The characteristics of the Delphi method are:

1. it uses an iterative process of multi-round surveys to facilitate communication among an anonymous group of subject matter experts (SMEs) around a complex problem;
2. it elicits opinions from SMEs; and
3. the anonymity afforded to the SMEs allows them to voice their opinions more fully and openly (Rowe & Wright, 1999, p. 354).

The input provided by the SMEs can foster buy-in from the involved agencies and disciplines for the recommendations emanating from the research.

The first round of interviews often uses a structured set of questions. After obtaining input from the SMEs, the researcher identifies similar themes espoused by the SMEs. The researcher then develops a questionnaire for a second round of interviews that should build upon the responses from the first round. This process continues until a consensus is reached by the Delphi panel. Three rounds of interviews are typical for a Delphi study but more can be conducted, if necessary.

The Delphi method was used to conduct the research for this paper since it would allow for solicitation of input from key SME stakeholders in multiple NCR jurisdictions and disciplines, and it would thereby engender a higher level of buy-in from those agencies. The writer used the input provided by these SMEs, along with information from other sources and his own analysis, to craft recommendations for conducting regional LE investigations that would likely have a broad range of support in the NCR.

The writer chose 13 of the 19 Delphi Panel members from local and federal LE agencies because of the law-enforcement-centric nature of this research. He chose not to include SMEs from state police agencies because they do not have primary investigative responsibilities within the Maryland and Virginia NCR jurisdictions; however, the state police agencies do have significant representation in the northern Virginia and Maryland fusion centers. Since three state and local fusion centers serve the NCR, the writer allotted one representative from each center to serve on the Delphi panel. The writer allotted two representatives from fire/EMS and one representative from the public information functions.

To identify appropriate members of the Delphi panel who could speak for their agencies and/or discipline, the writer solicited SME recommendations from the chairpersons of the primary NCR committees representing LE (R-ESF #13 Police Chiefs Committee), fire/EMS (R-ESF #4 Fire Chiefs Committee), and public information (R-ESF #15 External Affairs Committee). To represent the three fusion centers, the writer solicited similar recommendations from the director or deputy director of each center.

The chair of the Fire Chiefs Committee recommended two senior fire/EMS chief officers from two major NCR fire departments. The chair of the External Affairs Committee recommended a public information officer (PIO) serving as the senior PIO in a major NCR jurisdiction. In addition, the directors of the three fusion centers each recommended senior officials from their agencies to represent their discipline. Finally, the Police Chiefs Committee decided that each NCR LE agency would make its own recommendations for who should represent the individual departments.

Since there are many federal and local LE agencies in the NCR, for practical reasons, the writer limited the number of SMEs that would represent the LE discipline on the Delphi panel. Since the FBI is the lead federal agency for terrorism investigations and routinely provides support to NCR local LE, the writer solicited recommendations from senior FBI personnel from each of the two FBI field offices that serve the NCR: the Baltimore Field Office (BFO) and Washington Field Office (WFO). The writer followed the same procedure for the primary LE agencies representing the eight major NCR jurisdictions. To obtain the perspective and input from smaller local LE agencies, the writer chose two police departments from a municipality and a town located within a primary NCR jurisdiction. And finally, the writer solicited the participation of one of the incident commanders who led the investigative response in the DC Sniper case.

All of the recommended SMEs agreed to participate in the Delphi panel. Their identities have been kept confidential, even to each other. The Delphi panel consisted of 19 SMEs representing the following agencies and disciplines:

Eight representatives from the primary LE agencies of the eight major NCR jurisdictions:

- Metropolitan Police Department (DC)
- Alexandria Police Department (VA)
- Arlington County Police Department (VA)
- Fairfax County Police Department (VA)
- Loudoun County Sheriff's Office (VA)
- Prince William County Police Department (VA)
- Montgomery County Police Department (MD)
- Prince George's County Police Department (MD)

Two representatives from a municipal and a township police department:

- Takoma Park Police Department (MD, located within Montgomery County)
- Leesburg Police Department (VA, located within Loudoun County)

Two Federal Bureau of Investigation (2 offices):

- Baltimore Field Office (Covers Montgomery and Prince George's Counties)
- Washington Field Office (Covers D.C. and northern Virginia jurisdictions)

Three representatives from the three fusion centers serving the NCR:

- Maryland Coordination and Analysis Center (MD)
- Washington Regional Threat Analysis Center (DC)
- Northern Virginia Regional Intelligence Center (VA)

Two fire/EMS representatives from two jurisdictions:

- Montgomery County Fire and Rescue Services
- District of Columbia Fire Department

One public information officer (The name of the specific jurisdiction is being withheld to maintain the confidentiality of this SME.)

One Retired LE executive officer who served as an investigative incident commander during the DC Sniper case investigation.

For the first round, the writer interviewed each of the Delphi panel members at his/her place of employment or home using a standard questionnaire that had been emailed to them several days prior to the interview. (See the appendix for a list of the Delphi panel questions.) The writer audio recorded the interviews and transcribed the

audio into typewritten notes. After the first round was completed, the writer identified themes common to most of the SMEs. These themes centered on things the SMEs thought promote or hinder collaboration and trust, incident management, joint operations centers (JOC) and networks, information-sharing technology, and the integration of other disciplines into the investigative model. Because the SMEs were in such close agreement on the primary themes of the research after the first interview, it became apparent that a second and much shorter interview would complete the Delphi research process.

The writer compiled a list of the common themes and all other comments made by the SMEs in a Word document table. There were 189 separate comments listed that ranged from a comment made by just one SME to comments made by all the SMEs. Adjacent to each comment, the writer listed the number of SMEs who had made a similar comment (e.g., "one," "some," "many," "most," and "all"). The writer emailed these tables to the SMEs and asked them to review each of the comments and determine if they "agree," "disagree," or are "undecided," about the comment. Some of the SMEs emailed the tables back to the writer with their responses while others gave the writer their input in a telephone interview. A third round of interviews was not necessary because consensus on the fundamental issues had been achieved by the end of the first round of interviews, while the second round provided some additional insight into the central themes.

The subject matter experts of the Delphi panel provided valuable input relating to the central issues involved in planning for a regional investigation. There was a high level of agreement between federal and local LE agencies and between the four disciplines represented in the panel. The LE SMEs were in agreement about the need to create a plan for regional investigations, as well as some general recommendations for an investigative framework. The non-LE SMEs provided insight into how their disciplines could support an investigation.

G. SIGNIFICANCE OF RESEARCH

This research examines some of the foremost issues relating to multiple agencies and disciplines working collaboratively on an investigation. These issues are:

1. identifying those things that foster and hinder collaboration;
2. identifying how the investigation will be managed;
3. identifying when the investigation will be managed from a JOC vs. a network of command posts;
4. identifying the type of technology that will support a network investigation; and
5. identifying how other disciplines can assist in a LE investigation.

There are existing templates to assist in constructing this investigative model. The Police Executive Research Forum PERF report contains many reasonable lessons-learned and recommendations that can be incorporated into the NCR investigative framework (Murphy & Wexler, 2004). Furthermore, NIMS and the UK's incident management models are systems for managing all-hazards responses. The challenge will be to demonstrate how these can be integrated to establish a preplanned investigative organizational framework to manage a regional investigation.

1. To the Literature

Pattern crimes spanning multiple jurisdictions are common problems for LE (e.g., commercial burglaries and armed robberies, sexual offenses, auto thefts, burglaries of wealthy residential neighborhoods, and occasionally murders). Incidents such as the DC Sniper case are an infrequent occurrence, but they have a high impact regionally. This paper will help to fill in the gaps in the literature for coordination of regional investigations by applying the lessons-learned from the DC Sniper investigation, using the NIMS/ICS model as applied to the management of regional investigations, and incorporating other non-LE emergency support functions into a regional LE investigation.

2. To Future Research Efforts

This paper could spawn additional research into shaping specific command, communication, coordination, and data-sharing protocols for a multijurisdictional LE investigation in the NCR. Conducting an investigation in a network of command posts model rather than in a single joint operations center poses significant communication and

coordination technology challenges. The merits of each model could be analyzed in an after-action review of regional investigations using the different models.

3. To the National Capital Region

By creating a framework for regional investigations and using the model to conduct the investigation of less-serious crimes, local LE will be better prepared to mount an effective investigative response to critical regional crimes like the DC Sniper case. It is helpful if regional partners understand the capabilities of all the partners and the expectations between agencies and different levels of government. Mutual aid agreements (MAAs) and/or memoranda of understanding (MOUs) are sometimes used to communicate these capabilities and expectations.

This paper will provide the R-ESF #13 Police Chiefs Committee with specific planning recommendations for developing a framework for conducting regional investigations. These recommendations are in alignment with NCR priority goals as outlined in the NCR *Homeland Security Strategic Plan 2010*, and with a variety of federal and regional documents that emphasize the need to work in collaboration to address common problems.

4. Homeland Security Practitioners and Leaders Nationally

This paper may serve as a guiding light for how other jurisdictions can plan for collaborative regional LE investigations. It may prompt LE leaders to consider leveraging the capabilities of other disciplines to assist in the investigation and using NIMS to manage a large number of investigative resources from multiple agencies.

5. Preparedness Concepts from the Department of Homeland Security (DHS)

Since this paper addresses intergovernmental and interagency investigative response preparedness activities, it is important that these actions take place within the context of the preparedness guidelines and framework established by *Presidential Policy Directive 8* (White House, 2011) and the *National Response Framework* (DHS, 2008b).

a. Presidential Policy Directive 8 (PPD-8)

In 2011, President Barack Obama issued PPD-8 to strengthen preparedness activities in the United States to address risks associated with the most serious threats to the country (White House, 2011, p. 1). The document defines national preparedness as, "The actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation (White House, 2011, p. 5)." There are three main components associated with the implementation of PPD-8: 1): the national preparedness goal; 2) core capabilities; and 3) a national preparedness system (White House, 2011, p. 1).

The *National Preparedness Goal* defines the goal as, "A secure and resilient nation with capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk" (DHS, 2011, p. 1). As with *Homeland Security Presidential Directive 8*, issued in 2003, PPD-8 emphasizes a capabilities-based planning approach (White House, 2011, p. 1–2). There are 35 core capabilities that support the five homeland security missions of prevention, protection, mitigation, response, and recovery (DHS, 2011, p. 2). The core capabilities build upon and replace the 37 capabilities listed in the target capabilities list, which was established during the George W. Bush administration (DHS, 2011, p. 3), and will evolve with time as new challenges arise (DHS, 2011, p. 1). The NCR must develop the following core capabilities to support successful regional investigations:

- Operational Coordination: "Establishes and maintains a unified and coordinated operational structure and process that appropriately integrates all critical stakeholders and supports the execution of Core Capabilities." (DHS, 2011, p. 5)
- Public Information and Warning: "Deliver coordinated, prompt, reliable, and actionable information to the whole community through the use of clear, consistent, accessible, and culturally and linguistically appropriate methods to effectively relay information regarding any threat or hazard, as well as the actions being taken and the assistance being made available, as appropriate." (DHS, 2011, p. 5)

- Intelligence and Information-sharing: "Provide timely, accurate, and actionable information resulting from the planning, direction, collection, exploitation, processing, analysis, production, dissemination, evaluation, and feedback of available information concerning threats to the United States, its people, property, or interests; the development, proliferation, or use of WMDs; or any other matter bearing on the U.S. national or homeland security by Federal, state, local, and other stakeholders. Information-sharing is the ability to exchange intelligence, information, data, or knowledge among Federal, state, local, or private sector entities, as appropriate." (DHS, 2011, p. 6)
- Planning: "Conduct a systematic process engaging the whole community as appropriate in the development of executable strategic, operational, and/or community-based approaches to meet defined objectives." (DHS, 2011, p. 5)
- Operational Communications: "Ensure the capacity for timely communications in support of security, situational awareness, and operations by any and all means available, among and between affected communities in the impact area and all response forces." (DHS, 2011, p. 14)
- Situational Assessment: "Provide all decision makers with decision-relevant information regarding the nature and extent of the hazard, any cascading effects, and the status of the response." (DHS, 2011, p. 15)

According to the Department of Homeland Security, "The *National Response Framework (NRF)* is a guide for how the nation will conduct all-hazards response" (DHS, 2008b, p. i). The NRF is organized into five main sections: 1) Core document; 2) Emergency Support Function Annex; 3) Support Annexes; 4) Incident Annexes; and 5) Partner Guides (DHS, 2008b, p. 3–4). The *National Incident Management System* (NIMS) is a companion document that presents standardized management tools as a national template for response actions (DHS, 2008b, p. 4).

The NRF core document strongly supports the development of a regional investigative plan by stressing that senior leaders should build the basis for an effective response and should organize and integrate their capabilities with regional partners (DHS, 2008b, p. 5). Five essential principles of the response doctrine outlined in the NRF core plan are:

1. engaged partnerships;
2. tiered response;

3. scalable, flexible, and adaptable operational capabilities;

4. unity of effort through unified command; and

5. a readiness to act (DHS, 2008b, p. 8).

Planning for constructing a regional investigative model should incorporate these five fundamental NRF principles. Since engaged partnerships are vital to preparedness, preparedness activities should be coordinated both within jurisdictions and regionally (DHS, 2008b, p. 9). Incidents must be managed at the lowest jurisdictional level possible; however, when additional assistance is required, it should be a tiered response that may include neighboring jurisdictions, the state, and the federal government (DHS, 2008b, p. 10). The scope of an incident will determine the appropriate response level (DHS, 2008b, p. 10). Plans must be flexible and scalable to meet the response requirements that will be partially determined by the type and number of incidents, the gravity of the incidents, and the geographical magnitude of the incidents (DHS, 2008b, p. 10). Unity of effort through unified command is crucial to response activities; therefore, leaders should employ the Incident Command System (ICS) to manage a multijurisdictional or multiagency incident (DHS, 2008b, p. 10). A readiness to act depends on the ability to communicate and the processes, procedures, and systems to support it (DHS, 2008b, pp. 10–11).

Figure 2. The Preparedness Cycle (From DHS, 2008b, p. 27)

The NRF recognizes that a strong commitment to preparedness is essential for an effective response. The NRF promotes a preparedness cycle that includes (DHS, 2008b):

- Developing detailed and robust plans that define decision making procedures and leadership roles and responsibilities, among other things (p. 28);
- Organizational structures and a management system to manage the response (p. 29);
- Training to support operations (p. 31);
- Securing the proper equipment and technology necessary for an effective response (p. 29);
- Planning, conducting, and evaluating multijurisdictional and multidisciplinary exercises to validate the planning, systems, training, and equipment (p. 31); and
- Establishing an evaluation and improvement planning process that incorporates lessons-learned back into the planning process (p. 32).

The *Emergency Support Function (ESF) Annex* describes the role of ESFs as providing:

> … the structure for coordinating Federal interagency support for a Federal response to an incident. They are mechanisms for grouping functions most frequently used to provide Federal support to States and Federal-to-Federal support, both for declared disasters and emergencies under the Stafford Act and for non-Stafford Act incidents (DHS, 2008c, p. i). The Regional Emergency Support Function (R-ESF) structure of the NCR as described in the NCR *Homeland Security Strategic Plan Appendices* closely reflects the federal ESF structure (Metropolitan Washington Council of Governments. [MWCOG], 2010b, pp. B5–7)

One of the NRF incident annexes is the *Terrorism Incident Law Enforcement and Investigation Annex* (DHS, 2008c). This annex identifies the FBI as being the lead agency for criminal investigation of terrorism incidents, and it describes the concept of the federal joint operations center as the structure to manage the incident (DHS, 2008c, p. TER3–14).

The recommendations for generating a regional investigative model listed in Chapter VIII dovetail closely with national readiness priorities by focusing on

enhancing capabilities consistent with DHS's core capabilities, operating within the guidelines of the NRF, and supporting both regional and national priorities.

This chapter has identified the problem of not having a framework for regional local law enforcement investigations in the National Capital Region and some of the principal questions that need to be answered to create a useful model. The FBI already has a model for such investigations at the federal level; however, local LE agencies need to design their own model to ensure that a regional investigation conducted by local LE is done in an efficient and effective manner. There is a plethora of information in the literature relating to collaboration, leadership, national management models, and lessons-learned from other multijurisdictional and intergovernmental investigations, especially the DC Sniper case of 2002.

Since it is important that NCR personnel working within a multijurisdictional investigation understand the issues involved in crafting a suitable investigative model and have a stake in designing such a model, the primary research in this paper utilizes a Delphi survey of key NCR SMEs from several disciplines that would ultimately function within the model. The creation of a regional investigative framework dovetails nicely with the U.S. Department of Homeland Security's emphasis on preparedness, enhancing capabilities, and using NIMS. The significance of this research could be pivotal not only the NCR but also for other regions in the country that may need regional investigative solutions. This chapter has provided some insight into the structure and ongoing collaborative efforts of the National Capital Region; however, the next chapter will more thoroughly examine how the NCR is both a fragmented, yet unified region.

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II. THE NATIONAL CAPITAL REGION

The National Capital Region is a unique region for both national and international reasons. Politically, it not only houses the three branches of the national government, but it also wields influence worldwide. Natural or manmade catastrophes (e.g., the DC Sniper case) could not only have a significant and cascading impact on the region but also on the national and international fronts. The region is comprised of many jurisdictions from two states and the District of Columbia. There are forces that unify the region, but there are also forces that divide the region. This chapter will examine some of these forces and demonstrate that while there are structural divisions within the NCR, there are also unifying configurations that make collaboration on crafting a regional investigative framework not only possible but desirable.

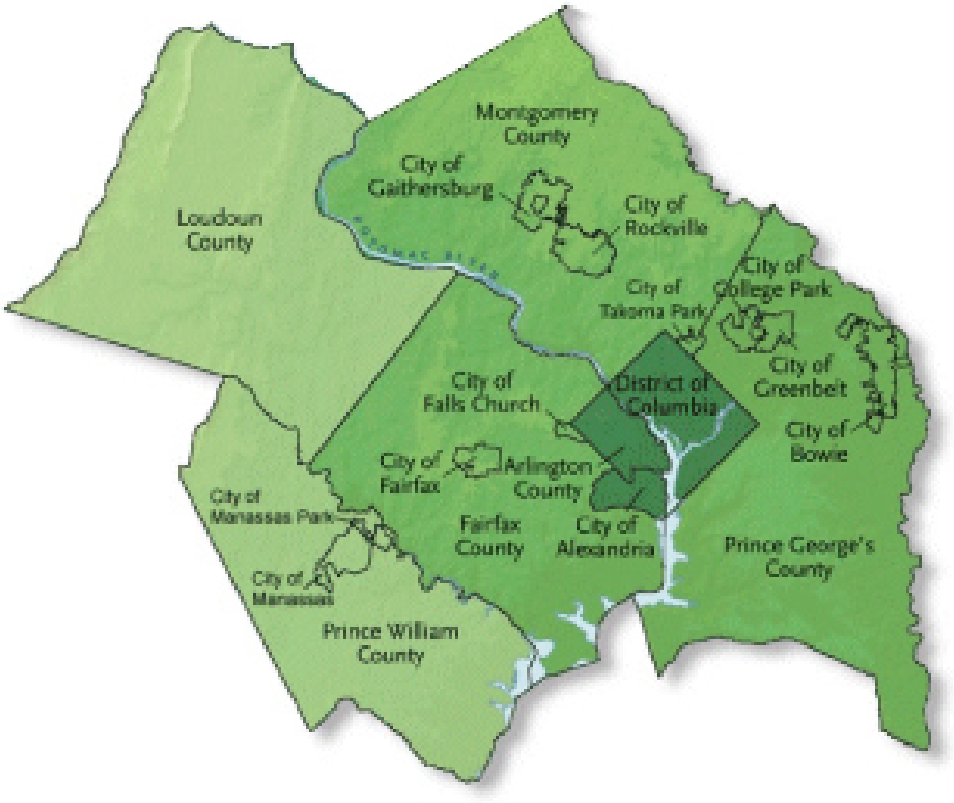

Figure 3. The National Capital Region (From FEMA, 2012)

The National Capital Region (NCR) was created by the *National Capital Planning Act* of 1952, 40 USC 71 and is a federally recognized region comprised of 18 jurisdictions that include Washington, D.C., and the surrounding counties and incorporated cities from Maryland and Virginia (FEMA, 2012). There are eight major jurisdictions, while the remaining 10 jurisdictions are incorporated cities within parent counties (MWCOG, 2010a). The NCR jurisdictions are:

- Washington, D.C.
- Maryland: Montgomery County and the incorporated cities of Gaithersburg, Rockville, and Takoma Park; and Prince Georges County and the incorporated cities of Bowie, College Park, and Greenbelt.
- Virginia: Alexandria (city); Arlington County; Loudon County; Fairfax County with its incorporated cities of Falls Church and Fairfax City; and Prince William County with its incorporated cities of Manassas and Manassas Park. (MWCOG, 2010a)

With 2,500 square miles and a population of over five million, the NCR is the fourth largest metropolitan area in the country (MWCOG, 2010a, p. 4). It has a gross regional product of $288.3 billion, fourth largest in the nation (MWCOG, 2010a, p. 4). It is home to 271 federal departments and agencies; 340,000 federal employees; the Pentagon; all three branches of the federal government; more than 40 colleges and universities; and more than 2,000 political, social, and humanitarian non-profit organizations (MWCOG, 2010a, pp. 4–5). In addition, 20 million tourists visit the region annually, and the number of visitors and foreign nationals residing in the NCR at any one time is more than any other metropolitan area in the country (MWCOG, 2010a, pp. 4–5). Many employees commute to work in the NCR from the surrounding states of West Virginia and Pennsylvania, as well as from mid to southern regions of Virginia (MWCOG, 2010a, p. 4).

In addition to large numbers of visitors and employees, the NCR contains major transportation infrastructure such as interstate highways, heavy rail systems, two international airports, many roadways and bridges, the second largest commuter rail system, and the fifth largest bus system in the United States (MWCOG, 2010a, p. 5). From the international perspective, the NCR is host to more than 170 embassies, the International Monetary Fund, the World Bank, the Organization of American States, and

other international entities (MWCOG, 2010a, p. 5). Furthermore, the public schools of just one NCR jurisdiction teach students from 157 countries speaking 138 different languages (Montgomery County Public Schools, 2012, p. 1).

As far law enforcement goes, all of the eight major NCR counties and cities have police or sheriff's departments that provide the full range of police services, including the investigation of serious felonies such as murders, sexual offenses, and armed robberies. Some of the smaller townships and incorporated municipalities also have full-service police departments that share law enforcement (LE) duties with the county's primary LE agency. Other townships and municipalities provide some LE services but do not have primary investigative responsibility for serious felonies. The state police departments in both Virginia and Maryland conduct traffic operations on interstate highways and designated state roads in the NCR, but they do not normally have criminal investigative responsibilities within the NCR jurisdictions. If requested, state police investigators will respond to assist local LE for a serious crime spree; however, neither state police agency would be the primary investigative agency in NCR jurisdictions.

For federal LE, the NCR is divided between the Baltimore and Washington Field Offices of the FBI. The Baltimore Field Office has investigative responsibility for the Maryland counties of Montgomery and Prince Georges (FBI, n.d.). The Washington Field Office has investigative responsibility for Washington, D.C., and the northern Virginia jurisdictions of Alexandria, Arlington County, Fairfax County, Loudoun County, and Prince William County (FBI, n.d.).

Additionally, three fusion centers serve the NCR: 1) the Maryland Coordination and Analysis Center (MCAC); 2) the Washington Regional Threat Analysis Center (WRTAC) in Washington, D.C.; and (3) the Northern Virginia Regional Intelligence Center (RIC) in Virginia (DHS, n.d.).

The NCR is supported by the Metropolitan Washington Council of Governments (COG or MWCOG), a regional, non-governmental, independent, and non-profit organization formed in 1957 to facilitate regional planning in the Washington, D.C., area (MWCOG, n.d.). COG is supported by contributions from its member jurisdictions,

grants, and donations (MWCOG, n.d.). The NCR and COG jurisdictions overlap, except that COG encompasses the two additional counties of Frederick and Charles in Maryland, the incorporated city of Frederick in Frederick County, and the town of Bladensburg in Prince George's County (MWCOG, n.d.). Other COG membership includes members of the Maryland and Virginia legislatures, the U.S. Senate, and the U.S. House of Representatives (MWCOG, n.d.). COG's mission is to:

> Enhance the quality of life and competitive advantages of the Washington metropolitan region in the global economy by providing a forum for consensus-building and policy-making; implementing intergovernmental policies, plans, and programs; and supporting the region as an expert information resource. (MWCOG, n.d.)

Since 1957, COG has evolved into a structure that forms the latticework for how the NCR conducts preparedness activities within the scope of the *National Response Framework* (MWCOG, 2010b, pp. B2–7). COG supports the NCR's regional emergency support functions (R-ESFs), which mirror FEMA's *National Response Framework* that groups resources by functions (MWCOG, 2010b, pp. B5–7). The R-ESFs are comprised of practitioners and subject matter experts (SMEs) that coordinate preparedness activities to build the capabilities necessary to respond to and recover from disasters (MWCOG, 2010b, p. B5). The following are examples of the R-ESF lead committees, which can be found on the MWCOG Committee Business website (n.d.): the Fire Chiefs Committee (R-ESF #4, 9 and 10), the Police Chiefs Committee (R-ESF #13), and the External Affairs Committee (R-ESF #15). The R-ESF committees report to the Chief Administrative Officers' Homeland Security Executive Council (CAO-HSEC), which is comprised of the Chief Administrative Officers of the eight primary NCR jurisdictions (MWCOG, 2010b, p. B3). Additional information about the governance structures of COG can be found in Appendix B of the NCR *2010 Homeland Security Strategic Plan*.

A. NCR HOMELAND SECURITY STRATEGIC PLAN 2010–2013 (STRATEGIC PLAN)

The NCR released its latest *Homeland Security Strategic Plan* (*Strategic Plan*) in October of 2010; it outlines the NCR's plan for achieving its priority capabilities over the next three to five years (MWCOG, 2010a, p. 1). The *Strategic Plan*:

> … affirmed the National Capital Region's commitment to a common vision of working together towards a safe and secure National Capital Region to achieve its mission of building and sustaining an integrated effort to prepare for, prevent, protect against, respond to, and recover from 'all hazards' threats or events. (MWCOG, 2010a, p. 1)

The NCR leaders took a capabilities-based approach to planning in which they identified the risks faced by the NCR and the capabilities needed to reduce those risks, using the Department of Homeland Security's target capabilities list (TCL) as a guiding light (MWCOG, 2010b, p. A2). NCR leaders will link project decisions and funding allocations to support building those capabilities (MWCOG, 2010b, p. A2) that not only support regional preparedness, but also foster the growth of inter-jurisdictional relationships (MWCOG, 2010b, p. C2).

The central themes of the *Strategic Plan* include community engagement and regional collaboration for planning and decision making (MWCOG, 2010a, p. 1). Principal goals include enhancing regional capabilities for developing interoperable communications for voice, data, and video (MWCOG, 2010a, p. 7). They also include enhancing information-sharing and situational awareness, especially with the public, law enforcement agencies, and fusion centers (MWCOG, 2010a, pp. 8–9), and regional planning, training, and exercising to develop, test, and validate capabilities (MWCOG, 2010a, p. 14). The *Strategic Plan* recognizes that regional emergency support functions (R-ESFs) are responsible for identifying preparedness gaps and notifying appropriate NCR leadership committees of the need for grant funds and other resources to close those gaps (MWCOG, 2010b, pp. B3, B5). Federal grants have been a significant source of funding to achieve the goals set out in the *Strategic Plan* (MWCOG, 2010a, p. 15).

According to the *Strategic Plan*, R-ESF #13 "…focuses on facility and resource security; security planning; technical resource assistance; public safety and security support; and support for traffic and crowd control" (MWCOG, 2010b, p. B7). The COG Police Chiefs Committee is the lead for R-ESF #13 and is comprised of senior executive officers from federal, state, and local LE agencies in the NCR (MWCOG, n.d.). There are seven subcommittees of the Police Chiefs Committee: Training, Intelligence, Planners,

Chaplains, Technology, Communications, and SWAT (MWCOG, n.d.). There is no existing subcommittee for investigations.

The NCR *Regional Emergency Coordination Plan* (RECP) is a plan to enhance regional communications and coordination during a disaster, emergency, or incident (MWCOG Task Force on Homeland Security, 2002, p. 2). According to the RECP R-ESF #13 Annex (law enforcement), the RECP contains scalable plans for each of the R-ESFs, including R-ESF #13, law enforcement (MWCOG Task Force on Homeland Security, 2002, p. 2). This annex commits LE to using the Incident Command System to coordinate police resources and responses when working in a mutual aid capacity (MWCOG Task Force on Homeland Security, 2002, p. 13–3). The 2012 *Greater Metropolitan Washington Area Police Mutual Aid Operational Plan* also strongly supports the use of the Incident Command System when working in a mutual aid capacity (MWCOG Police Chiefs Committee, 2012, pp. 3, 4, 8, 9, 14).

The Regional Incident Communications and Coordination System (RICCS) is a primary component of the RECP (MWCOG, 2010, p. 2). The RICCS is a system for intra and inter-R-ESF communication and coordination for incidents or emergencies that provides text messages and conference call capabilities to pre-identified groups to facilitate situational awareness and coordination of resources (MWCOG, 2009, p. 2). RICCS may be a good way to initiate communication and coordination during a multijurisdictional LE investigation; however, the RECP is not designed for the complex communication needs of a prolonged regional investigation (MWCOG Task Force on Homeland Security, 2010, pp. 12–14). No such long-term LE regional communication, coordination, and information-sharing system exits in the NCR. This paper will address this issue.

The NCR is home to the NCR Incident Management Team (IMT), a FEMA Type 3 IMT consisting of over 100 members from various NCR jurisdictions and disciplines to include fire, EMS, LE, emergency management, and public health (NCR Incident Management Team, n.d., p. 1). The team can provide a full range of ICS functions and can support local jurisdictions in the management of large-scale preplanned events and incidents arising from terrorism, crime, and natural disasters (NCR Incident Management

Team, n.d., p. 2). Its personnel have received extensive training in ICS command and general staff positions, as well as subunits under the general staff positions (NCR Incident Management Team, n.d., p. 2). The IMT's Logistics Section is fully prepared to stand up a command post to support a large operation. It has the trained personnel, computers, copiers, printers, smart boards, projectors, and other equipment necessary for a command post (NCR Incident Management Team, n.d., p. 2). The Planning Section has the capability for planning for multiple operational periods and has over a dozen people trained to be a Planning Section Chief (NCR Incident Management Team, n.d., p. 2). The Finance/Administration Section can document all the costs associated with the incident, and the LE/intelligence element can assist local LE agencies in the management of an investigation (NCR Incident Management Team, n.d., p. 2). The NCR IMT has experience in managing parts of response and recovery operations in four hurricanes in states bordering the Gulf of Mexico (NCR Incident Management Team, n.d., p. 1).

Within the NCR there are several regional programmatic working groups (RPWGs) consisting of practitioners, policymakers, and representatives from government, civic, and private sectors (MWCOG, 2010b, p. B7). The responsibilities of the RPWGs include filling gaps and coordinating activities across emergency support functions, and focusing attention on priority concerns (MWCOG, 2010b, p. B7). One of these RPWGs is the Exercise and Training Operations Panel (ETOP), whose mission and scope is to establish and monitor a collaborative and regional approach to training and exercises (MWCOG, 2010b, p. B8). Two of the tasks associated with ETOP's mission are: 1) to develop and implement initiatives that focus on enhancing regional training and exercises across the spectrum of federal, state, and local NCR partners; and to 2) manage an exercise and training budget to support regional and interdisciplinary training and exercise initiatives (MWCOG, 2010b, p. B8). There is an ETOP subcommittee of 14 exercise and training professionals assigned to the major NCR jurisdictions, the states of Virginia and Maryland, and other smaller NCR jurisdictions to support training and exercise activities (MWCOG, 2010c, p. 7).

The NCR is a prominent region for national and international reasons. A major disruption of life in the NCR can have cascading effects regionally, nationally, and

internationally. The NCR is politically fragmented in many ways—consisting of layers of federal, state, and local governments encompassing 18 jurisdictions from Maryland, Virginia, and the District of Columbia. Consequently, emergency support functions such as LE/intelligence, fire/EMS, and public information are also fragmented. There are, however, regional structures, planning documents, and grants that support collaboration (e.g., MWCOG, the NCR, R-ESFs, RPWGs, the NCR *Homeland Security Strategic Plan*, federal grants, and others).

To understand the issues and challenges in managing regional investigations, the NCR does not need to start from scratch. *Managing a Multijurisdictional Case*, the after-action analysis of the DC Sniper case investigation published by the Police Executive Research Forum, identifies a number of lessons-learned from that investigation (Murphy & Wexler, 2004). The following chapter will discuss this report and attempt to glean wisdom from the experiences of those who participated in that investigation.

III. LESSONS LEARNED FROM THE DC SNIPER CASE

From October 2–21, 2002, 10 people were murdered and three more wounded by rifle fire in a series of attacks that came to be known as the DC Sniper case. The shootings occurred in five NCR jurisdictions and two Virginia jurisdictions south of the NCR (Murphy & Wexler, 2004, pp. 7–12). The suspects' method of operation was to shoot innocent victims in very public places using a high powered rifle, and ATF ballistics tests confirmed the linkage between most of the shootings (p. 70). More than 30 federal, state, and local LE agencies participated in this intergovernmental, interagency, and multijurisdictional investigation (Murphy & Wexler, 2004, p. 1). Local LE agencies in the jurisdictions that experienced shootings were the lead agencies, while state and federal LE agencies provided massive support (Murphy & Wexler, 2004, pp. 36, 38, 39).

After the conclusion of the investigation, the Department of Justice contracted with the Police Executive Research Forum (PERF) to conduct an after action analysis of the investigation (Murphy & Wexler, 2004, p. 3). Gerard Murphy and Chuck Wexler wrote the report titled *Managing a Multijurisdictional Case: Identifying Lessons-learned from the Sniper Investigation*, hereafter referred to as the PERF report. They collected data for this report by:

1. conducting more than 100 interviews with key LE personnel involved in the investigation, including decision-makers, chief executives, and other leaders;
2. conducting focus groups of others involved in the investigation;
3. reviewing documents; and
4. visiting facilities and locations. (Murphy & Wexler, 2004, p. 4)

A. TIMELINE OF DC SNIPER SHOOTINGS

This chapter will chart the timeline of the shootings to portray the dynamic nature and scope of the crimes, and it will present some of the predominant lessons-learned and recommendations delineated in the report. The following is a summary timeline of the shootings and the arrest of the responsible subjects (Murphy & Wexler, 2004).

- Day 1: Wednesday, October 2, 2002. Shooting 1: At approximately 5:20 PM, a rifle bullet was fired through the front windows of the Michaels

Craft Store in Aspen Hill, Montgomery County, Maryland, just missing a cashier working inside (p. 7).

- Day 1: (continued). Shooting 2: At 6:04 PM, 55-year old James Martin was shot in the torso and killed in the parking lot of the Shoppers Food Warehouse in Wheaton, Montgomery County, Maryland as he walked from his vehicle towards the store (p. 7).
- Day 2: Thursday, October 3, 2002. Shooting 3: At approximately 7: 41 AM, 39-year old James Buchannan was shot in the torso and killed while mowing grass at an automobile dealership in Rockville, Montgomery County, Maryland (p. 7).
- Day 2: (continued). Shooting 4: At approximately 8:12 AM, 54-year old Premkumar Walekar was shot in the torso and killed as he pumped gas into his taxi in Aspen Hill, Montgomery County, Maryland (p. 7).
- Day 2: (continued). Shooting 5: At approximately 8:37 AM, 34-year old Sarah Ramos was shot in the head and killed as she read a book while sitting on a bench outside a store in a small strip mall in Silver Spring, Montgomery County, Maryland (p. 7).
- Day 2: (continued). Shooting 6: At approximately 9:58 AM, 25-year old Lori Ann Lewis-Rivera was shot in the torso and killed while vacuuming her van at a gas station in Kensington, Montgomery County, Maryland (p. 8).
- Day 2: (continued). Shooting 7: At approximately 9:20 PM, 72-year old Pascal Charlot was shot in the torso and killed while walking along Georgia Avenue in Washington, D.C., just inside the border with Maryland (p. 8).
- Day 3: October 3, 2002. Shooting 8: At approximately 2:30 PM, 43-year old Caroline Seawell was shot in the back and wounded as she loaded bags into her minivan in Fredericksburg, Spotsylvania County, Virginia (p. 8). This location is along Interstate-95 in a county just south of the NCR jurisdiction Prince William County, Virginia.
- Day 6: October 7, 2002. Shooting 9: At approximately 8:08 AM, 13-year old Iran Brown was shot in the torso and wounded in front of his middle school in Bowie, Prince Georges County, Maryland (p. 9).
- Day 8: October 9, 2002. Shooting 10: At approximately 8:18 AM, 53-year old Dean Myers was shot in the head and killed after he pumped gas into his car in Manassas, Prince William County, Virginia (p. 9).
- Day 10: October 9, 2002. Shooting 11: At approximately 9:30 AM, 53-year old Kenneth Bridges was shot in the torso and killed at a gas station in Fredericksburg, Spotsylvania County, Virginia (p. 9).

- Day 13: October 14, 2002. Shooting 12: At approximately 9:15 PM, 47-year old FBI Analyst Linda Franklin was shot in the head and killed as she and her husband were loading supplies in their car in the parking lot of a Home Depot store in Falls Church, Fairfax County, Virginia (p. 10).
- Day 18: October 19, 2002. Shooting 13: At approximately 7:59 PM, 37-year old Jeffrey Hopper was shot in the torso and wounded as he walked with his family from a restaurant to his car in Ashland, Hanover County, Virginia (p. 10). This jurisdiction is south of the NCR and just north of Richmond, Virginia.
- Day 21: October 22, 2002. Shooting 14: At approximately 5:56 AM, 35-year old Conrad Johnson, a bus driver for the Montgomery County government, was shot in the torso and killed as he stood in the doorway of his bus in Silver Spring, Montgomery County, Maryland (p. 11).
- Day 23: October 24, 2002. At approximately 12:54 AM, a citizen spotted John Muhammad and Lee Boyd Malvo sleeping in their vehicle at a rest stop off of Interstate 70 in Myersville, Maryland, approximately 45 miles north of Washington, D.C., (p. 12). Warrants had been issued for their arrest the previous day and a lookout was released to the media shortly thereafter (p. 12). At approximately 3:30 AM, tactical teams from the FBI, the Maryland State Police, and the Montgomery County Police arrested the suspects in their vehicle at the rest stop (p. 12).

B. COMPLEXITY MARKS THE INVESTIGATION

The first five murders occurred in Montgomery County, Maryland in less than 16 hours. Within hours, the Maryland State Police, the Baltimore office of the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) offered assistance to the Montgomery County Police (Murphy & Wexler, 2004, p. 8). On October 7, the Montgomery County Chief of Police made a formal request to the Department of Justice for assistance, and within days a joint operations center (JOC) was set up in an office building adjacent to the Montgomery County Police headquarters (Murphy & Wexler, 2004, p. 10). A JOC is a federal command post established by the ATF and FBI and used to manage an investigation using predetermined procedures (Murphy & Wexler, 2004, p. 21). Hundreds of investigators from dozens of LE agencies worked in the JOC until the investigation concluded (Murphy & Wexler, 2004, p. 44).

While LE has engaged in many task forces investigating high-profile crimes or serial crimes, the PERF report identifies distinctive elements of the DC Sniper

investigation that heightened the challenges faced by law enforcement agencies (Murphy & Wexler, 2004):

- Sniper: Sniper shootings are very rare events; however, in this series of attacks there were six shootings of apparently random victims that occurred within the first 24 hours of the spree (p. 13).
- Multiagency and intergovernmental: Dozens of federal, state, and local law enforcement agencies participated in the investigation (p. 13).
- Ongoing: Following the initial six shootings, there were seven more attacks in multiple jurisdictions over the next 19 days (p. 13). Law enforcement agencies had to simultaneously investigate the attacks, prevent further attacks, respond to new attacks, and provide the other law enforcement services they normally provide (pp. 13–14).
- Media event: More than 1,300 media personnel from local, national, and international media organizations were onsite (p. 14). They influenced law enforcement strategies and operations by revealing information they had discovered about the investigation (p. 14).
- Community fear: The sensational media coverage and the random nature of the shootings contributed to a high level of fear felt by citizens (p. 14).
- External pressures: The media and community fear brought strong pressure on law enforcement to end the shooting spree (p. 14). Many national government officials lived in the suspects' target area, and there were suggestions by governmental leaders that the investigation be transferred from local law enforcement to federal law enforcement (p. 14).
- Terrorism: The 9/11 attack occurred the previous year and there was concern that this shooting rampage was terrorism-related (p. 14).

C. LESSONS LEARNED?

The PERF report lists dozens of "lessons-learned" and recommendations to guide law enforcement in preparing for similar investigations in the future; however, four themes emerged as the cornerstones for conducting successful investigations: 1) Careful planning and preparation; 2) defining roles and responsibilities; 3) managing information efficiently; and 4) maintaining effective communication (Murphy & Wexler, 2004, p. 15). The remainder of this chapter will discuss some of the PERF recommendations related to planning for operations in an intergovernmental, interagency, and multijurisdictional task force.

1. Leadership

The PERF report examines the role of leadership and the task force structure, and makes recommendations for an investigative model (Murphy & Wexler, 2004). The law enforcement executive officers from the involved agencies should decide who is in command of the investigation and the scope of their authority and decision-making power (Murphy & Wexler, 2004, p. 31). In addition law enforcement agencies should identify and develop training programs to teach managers the skills they need to manage a task force (Murphy & Wexler, 2004, p. 32), including those of managing a command post or joint operations center (pp. 46–47). Task force leaders should always speak with one voice (Murphy & Wexler, 2004, p. 31) as was done by federal, state, and local law enforcement agencies which established a joint information center that functioned as the public information conduit for the investigation (Murphy & Wexler, 2004, p. 91).

2. Task Force Structure

One task force structure does not necessarily fit all investigations since different levels of governmental involvement and different phases of the investigation may have different operational requirements (Murphy & Wexler, 2004, p. 31). Additionally, command of the task force should be a unified command structure (e.g., the incident command system) that will facilitate consensus decision-making; and there should be definitive criteria for agency participation and leadership within unified command (Murphy & Wexler, 2004, p. 32). The issue of incident command participation and structure is a particularly important question to resolve since some agencies may want to become part of incident command even though they have not had one of the pattern crimes occur in their jurisdiction, or have they contributed many resources to the investigation.

While the main task force was located in Montgomery County, there were four other task forces in the northern Virginia and central Virginia (Murphy & Wexler, 2004, pp. 21, 114). When there are multiple task forces, all task forces need to communicate and cooperate; therefore, a task force coordinator should be appointed who will facilitate communications, information-sharing, and investigative management (Murphy &

Wexler, 2004, p. 32). Furthermore, task forces should exchange representatives and have regular interaction with each other (Murphy & Wexler, 2004, p. 32). Finally, one method of providing task force governance is to establish a panel of law enforcement chief executives from jurisdictions with investigative responsibility (Murphy & Wexler, 2004, p. 32). This is a particularly good recommendation because its helps to provide unified command with support and parameters for the investigation. Additionally, NIMS provides for this governance feature in its Multiagency Coordination Group (MAC Group) element of the Command and Management component (U.S. DHS, 2008a, p. 67).

3. JOCs

Local law enforcement agencies should explore planning options for pre-identifying JOC locations, staffing and equipping them, and training personnel to manage them (Murphy & Wexler, 2004, pp. 43, 43, 46, 47). In addition to the JOC, local and state LE agencies should become familiar with federal resources that can support a local investigation, (Murphy & Wexler, 2004, p. 46).

4. Working with Other Law Enforcement Executives

Law enforcement executives should promote regional collaboration for establishing a model or guidelines for multijurisdictional investigations (Murphy & Wexler, 2004, p. 33). Memoranda of understanding (MOU) and mutual aid agreements (MAAs) should be created prior to incidents to identify what needs to be done and how agencies will work together during a crisis (Murphy & Wexler, 2004, p. 33). Moreover, managers and others should establish intergovernmental, interagency, and inter-jurisdictional relationships prior to an incident to facilitate communication, coordination, and the sharing of resources (pp. 33, 460). This will help establish a basis of personal trust and respect in which egos have to be set aside (Murphy & Wexler, 2004, p. 116). In addition, preexisting relationships can help leaders understand the capabilities of each agencies and how to access them when needed (Murphy & Wexler, 2004, p. 46), and these proved to be critical to the successful outcome of the case (p. 51).

When using resource assistance from other agencies, there should be a clear mission for those resources and a structure for managing them (Murphy & Wexler, 2004,

p. 33). In addition, leaders should have a regular schedule for briefings stakeholders both inside and outside the investigation (Murphy & Wexler, 2004, p. 33). Using secure phones, leaders should have an established routine for conference calls, while specific staff should be assigned to manage this function since it requires a great deal of preparation, facilitation, and follow up responsibilities (Murphy & Wexler, 2004, p. 33).

5. Defining Roles and Responsibilities

The role of investigators will be a little different in a large-scale investigation because they will not have the investigative autonomy they normally have (Murphy & Wexler, 2004, p. 59), and they may be paired with investigators from other agencies to facilitate cross-agency communication and coordination (Murphy & Wexler, 2004, p. 60). Furthermore, managers may need to take a more active role in the oversight of the investigation while letting the investigators be investigators (Murphy & Wexler, 2004, p. 117). These modified roles need to be clearly communicated to the affected personnel (Murphy & Wexler, 2004, p. 31).

6. Case Management

There should be accountability to a single command structure throughout the investigation (Murphy & Wexler, 2004, p. 74), such as unified command. A case management system should:

> … be an electronic repository for all tips, leads, and information; be compatible with systems in other agencies; be web-based and accessible to authorized agencies; feed multiple info systems with one-time entry; perform sophisticated data analysis such as cross checking and soundexing; and provide action tasks for investigators. (Murphy & Wexler, 2004, p. 74)

Investigators need to be familiar with the technology and should use the same case management system they use every day, if possible (Murphy & Wexler, 2004, p. 7).

7. Managing Leads

This type of investigation requires a robust lead-management system along with the protocols for reviewing investigative work, decision making, conducting interviews

and interrogations, and maintaining quality control (Murphy & Wexler, 2004, p. 60). In addition, agencies should plan to set-up and staff a tip line with technology capable of answering multiple lines (Murphy & Wexler, 2004, p. 74). The Sniper case tip line received over 100,000 calls and generated 16,000 leads for follow up investigation (Murphy & Wexler, 2004, p. 62).

8. Intelligence

The Maryland State Police set-up and staffed the intelligence component at the MCP training academy; however, because of communication problems arising from the separation of the investigators in the JOC from the intelligence officers at the academy, the intelligence function was transferred to the JOC (Murphy & Wexler, 2004, pp. 67–68). The intelligence officers felt as though they were out of the loop when stationed away from the JOC (Murphy & Wexler, 2004, p. 69); therefore, the intelligence function should be collocated with the operational and command components and have the necessary technology support staff to sustain this function (p. 75). Moreover, secure communications for the sharing of law enforcement data should be used (Murphy & Wexler, 2004, p. 72).

9. Media

Prior to an incident, craft a media plan that identifies duties and responsibilities, ways to manage the media at crime scenes and press conferences, and agencies' points of contact for the media (Murphy & Wexler, 2004, p. 100). As with the law enforcement executives, the public information officers should attend training to prepare them to work in those environments and to cultivate relationships with their counterparts in other jurisdictions (Murphy & Wexler, 2004, p. 101). A joint information center (JIC) should be established by the agencies participating in the investigation (Murphy & Wexler, 2004, p. 101).

10. Prosecutors

Because coordination and communication between investigators and prosecutors is imperative, prosecutors should be integrated into the investigation early in the process

(Murphy & Wexler, 2004, p. 58). Similar to what a joint information center (JIC) does for public information officers, the JOC designated a room where federal and local prosecutors could coordinate their discussion with each other and the investigators (Murphy & Wexler, 2004, p. 58). Furthermore, protocols should be identified for how the prosecution function can integrate with the investigative function to ensure that investigative processes are used that will facilitate the eventual prosecution of the cases (Murphy & Wexler, 2004, p. 60).

Preparation for this type of case will have a large impact on NCR's ability to respond to similar cases in the future (Murphy & Wexler, 2004, p. 116). Law enforcement executives should meet to address the issues outlined in the PERF report and to draft a blueprint for working together during an incident similar to the Sniper case (Murphy & Wexler, 2004, p. 116). Law enforcement leaders need to ask themselves the following questions during that preparation phase (Murphy & Wexler, 2004):

- "How would we determine who should take the lead?" (p. 116)
- "Where would the task force be headquartered?" (p. 117)
- "What is the media plan?" (p. 117)
- "How can we keep our patrol forces well-briefed?" (p. 117)
- "How would we communicate with the public, victims, and suspects?" (p. 117)
- "Do we have MOUs with other agencies?" (p. 117)
- "What kind of information management system do we have? Others have?" (p. 117)
- "What are everyone's roles and responsibilities?" (p. 117)
- "How do we effectively communicate within our own agency? Other agencies? The Public?" (p. 117)
- "How do we evaluate our effectiveness?" (p. 117)

The PERF report is based upon the experiences of an intergovernmental and interagency law enforcement investigation of a dynamic and serious multijurisdictional crime spree (Murphy & Wexler, 2004). This chapter has highlighted some of the principal planning and operational recommendations made in the report based upon the lessons-learned from the DC Sniper case. In short, the report states, "Law enforcement

needs to explore how to better manage investigations and task forces involving multiple agencies and levels of government…" (Murphy & Wexler, 2004, p. 31).

The PERF report (Murphy & Wexler, 2004) recommends the use of a standard incident management system such as the National Incident Management System's (NIMS) Incident Command System (ICS) that was mandated by *Homeland Security Presidential Directive 5* (HSPD-5) for most jurisdictions in the U.S. (White House, 2003). Multijurisdictional investigations should use NIMS, but there are useful components from another incident management model that may be helpful to incorporate. The next chapter will focus on the use of principles from the U.S.'s NIMS and the United Kingdom's "Gold-Silver-Bronze" incident management models in fashioning an NCR multijurisdictional investigative framework.

IV. MANAGEMENT OF THE INVESTIGATION

Managing tasks and resources from various disciplines and levels of government during a regional investigation can be a daunting job complicated by a lack of command, control, coordination, and communication, especially in the early stages of the investigation (DHS, 2008a, pp. 3, 5–6). A model for incident management can help to manage tasks and integrate the various resources to provide a coordinated and effective investigative response (DHS, 2008a, pp. 3, 5, 6). This chapter will explore how the NCR can improve its strategic and tactical investigative responses by utilizing a blend of the best characteristics of the incident management models of the United States (U.S.) and the United Kingdom (UK). In the U.S., that management model is known as the National Incident Management System (NIMS) and in the UK that management model is known as the Gold-Silver-Bronze.

A. NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

On February 28, 2003, President George W. Bush issued *Homeland Security Presidential Directive 5* (HSPD-5) "To enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system" (White House, 2003, p. 1). The first paragraph of HSPD-5 outlines the policy of the United States (White House, 2003, p. 1):

> To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management. The objective of the United States Government is to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management.

HSPD-5 mandates the adoption of the NIMS by all federal departments and agencies as well as entities that receive federal preparedness assistance, grants, and contracts (DHS, 2008a, p. 4); consequently, all states and most local jurisdictions are required to adopt the NIMS model for incident management.

According to the U.S. Department of Homeland Security's (DHS) *National Incident Management System*, one of the five main components of NIMS is command and management (DHS, 2008a, p. 45). The three primary elements of the command and management component are: 1) the incident command system; 2) multiagency coordination systems (MACS); and 3) public information (DHS, 2008a, p. 45).

1. Incident Command System

According to the National Incident Management System (DHS, 2008a):

> ICS is a widely applicable management system designed to enable effective, efficient incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. ICS is a fundamental form of management established in a standard format, with the purpose of enabling incident managers to identify the key concerns associated with the incident—often under urgent conditions—without sacrificing attention to any component of the command system (p. 45).
>
> ICS is used to organize on-scene operations for a broad spectrum of emergencies from small to complex incidents, both natural and manmade. The field response level is where emergency management/response personnel, under the command of an appropriate authority, carry out tactical decisions and activities in direct response to an incident or threat. Resources from the Federal, State, tribal, or local levels, when appropriately deployed, become part of the field ICS as prescribed by the local authority. (p. 46)
>
> As a system, ICS is extremely useful; not only does it provide an organizational structure for incident management, but it also guides the process for planning, building, and adapting that structure. Using ICS for every incident or planned event helps hone and maintain skills needed for the large-scale incidents. (p. 46)
>
> ICS is used by all levels of government—Federal, State, tribal, and local—as well as by many NGOs and the private sector. ICS is also applicable across disciplines. It is normally structured to facilitate activities in five major functional areas: Command, Operations, Planning, Logistics, and Finance/Administration. Intelligence/Investigations is an optional sixth functional area that is activated on a case-by-case basis. (p. 46)

ICS was created in the 1970s by the Firescope Program, which was designed by federal, state, and local firefighting agencies in California to facilitate integrated

operations while fighting large-scale forest fires (Buck, Trainor, & Aguirre, 2006, p. 1). ICS is a management tool for organizing work and the resources to accomplish that work, utilizing principles based upon traditional management theory: (1) standardized job descriptions; (2) common terminology; (3) chain of command; (4) unity of command; (5) span of control; (6) scalable & modular structure; (7) authority commensurate with responsibility; and (8) management by objectives (Buck et al., 2006, p. 1).

During the 1980s and 1990s, the federal government incorporated ICS elements into the Federal Response Plan (FRP) and the Emergency Response Team (ERT) (Buck et al., 2006, p. 2). The 9/11 attacks on the World Trade Center and the Pentagon demonstrated the need to have a national response plan for the management of disasters. ICS was used at the Pentagon to organize the collaboration and response of multiple disciplines (Titan, 2003, pp. 11, A21, A28, A48, C13–16). The Pentagon response after action report concluded that the Pentagon response was well-organized and that ICS was a substantial contributor to that success (Titan, 2003, p. 11). The *911 Commission Report* agreed with this assessment when it acknowledged that:

> The emergency response at the Pentagon represented a mix of local, state, and federal jurisdictions and was generally effective. It overcame the inherent complications of a response across jurisdictions because the Incident Command System, a formalized management structure for emergency response, was in place in the National Capital Region on 9/11. (National Commission for the Terrorist Attacks upon the United States. [9/11 Commission], 2004, p. 314)

Conversely, the response to the WTC attack was not well-organized for days afterward (Buck et al., 2006, p. 10; 9/11 Commission, 2004, pp. 319–321). One of the reasons cited for the unorganized and uncoordinated response was the lack of an accepted management response model (9/11 Commission, 2004, pp. 319–321).

Within ICS, command authority for response actions resides with the Incident Commander or Unified Command (DHS, 2008a, pp. 49–50). NIMS recommends that a single incident commander be in charge in those incidents that involve single agencies within a single jurisdiction (DHS, 2008a, pp. 49–50); however, for incidents that span multiple jurisdictions or involve multiple response agencies, representatives from those

agencies and jurisdictions manage the incident using unified command (DHS, 2008a, pp. 49–50). Unified command affords the opportunity for multiple agencies and jurisdictions to provide input into an integrated management organization that is working towards the goal of achieving common objectives within the oral or written incident action plan (DHS, 2008a, p. 49–50). The advantages of unified command for a multijurisdictional investigation are:

- All agencies are working on a single set of objectives;
- A single set of objectives is developed for the entire incident;
- A collective approach is used to develop strategies to achieve incident objectives;
- Information flow and coordination are improved between all jurisdictions and agencies involved in the incident;
- All agencies with responsibility for the incident have an understanding of joint priorities and restrictions;
- No agency's legal authorities will be compromised or neglected;
- The combined efforts of all agencies are optimized as they perform their respective assignments under a single IAP [Incident Action Plan] (DHS, 2008a, p. 50).

The ICS model provides a useful structure for supporting incident command during regional investigations (pp. 49–51). The other four primary functional divisions of labor in ICS are the Operations Section, Planning Section, the Logistics Section, and the Administration/Finance Section (pp. 54–59).

a. Operations Section

The Operations Section manages the tactical response to an incident or an investigation (DHS, 2008a, p. 54). When many resources and/or functions are involved in the tactical response, ICS provides additional sub groupings such as branches, groups, divisions, task forces, and strike teams (DHS, 2008a, pp. 97–102). These structures ensure that key management principles are followed when organizing resources.

b. Planning Function

The Planning Section collects, evaluates, and disseminates information; maintains the status of resources and situational awareness; and prepares incident action plans and maps (DHS, 2008a, p. 103).

c. Logistics Function

The Logistics Section manages the logistical requirements of all agencies; establishes and furnishes facilities such as the command post; and secures necessary equipment, vehicles, supplies, and personnel (DHS, 2008a, p. 107).

d. Financial Management

The Finance/Administration Section establishes procurement procedures and tracks the expenses of an operation (e.g., personnel, equipment, rentals, travel, supplies, workers compensation). (DHS, 2008a, pp. 113–114).

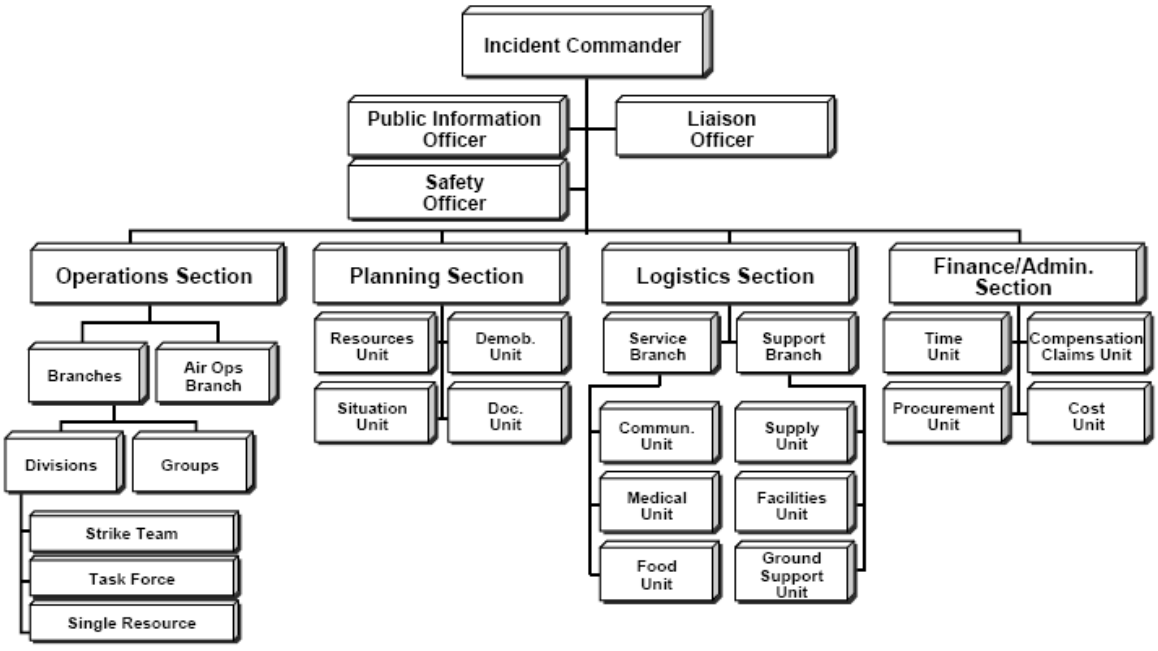

Figure 4. ICS Organizational Structure (From FEMA, 2010)

When investigations become less dynamic or even routine, the need to have the planning, logistics, or finance sections may dissipate. Because ICS is a modular system, incident command should mobilize only those functions necessary to manage an incident and demobilize them when no longer needed (DHS, 2008a, pp. 38, 47). Figure 4 depicts an ICS chart with most of its functional structures.

2. Multiagency Coordination Systems (MACS)

After ICS, the second element of the NIMS Command and Management component is the Multiagency Coordination System (MACS), which is:

> … a system that provides the architecture to support coordination for incident prioritization, critical resource allocation, communications systems integration, and information coordination. MACS assist agencies and organizations responding to an incident. The elements of MACS include facilities, equipment, personnel, procedures, and communications. Two of the most commonly used elements are Emergency Operations Centers and MAC Groups. (DHS, 2008a, p. 143)

A MAC Group is:

> … a group of administrators or executives, or their appointed representatives, who are typically authorized to commit agency resources and funds. A MAC Group can provide coordinated decision-making and resource allocation among cooperating agencies, establish the priorities among incidents, harmonize agency policies, and provide strategic guidance and direction to support incident management activities. (DHS, 2008a, p. 143)

3. Public Information

The third element of the NIMS command and management component is public information. This element specifies a joint information system (JIS) to unify the public information function of multiple agencies and/or jurisdictions in a joint information center (JIC) that coordinates public information releases (DHS, 2008a, pp. 70–71).

NIMS online training modules are available through the NIMS Resource Center while dozens of NIMS/ICS online and classroom courses are advertised on the FEMA/Emergency Management Institute (EMI) website (e.g., IS-700, Introduction to NIMS; IS-100, Introduction to ICS; IS-200, ICS for Supervisors; ICS-300, Intermediate

ICS for Expanding Incidents; ICS-400, Advanced ICS for Command and General Staff: Complex Incidents.

B. THE UK GOLD-SILVER-BRONZE MODEL

As a result of large-scale riots in 1985, the UK created the Gold-Silver-Bronze domestic incident management model for handling local incidents (Arbuthnot, 2008, p. 186). The concepts of this model are explained in the UK documents:

1. Emergency Response and Recovery Plan (HM Government of the UK, 2010);
2. Responding to Emergencies: The UK Central Government Response Concept of Operations (Cabinet Office, 2010); and
3. the Major Incident Procedure Manual (London Emergency Services Liaison Panel, 2007).

There are three main structural levels of incident management within the UK model: the Bronze level, the Silver level, and the Gold level (Cabinet Office, 2010, pp. 49–50; HM Government, 2010, pp. 63–74; London Emergency Services Liaison Panel, 2007, p. 21).

Figure 5. The UK's Gold-Silver-Bronze Model

1. Bronze (Operational)

The Bronze level is where the operational work is performed at the site of the emergency (Cabinet Office, 2010, p. 49–50). Each response agency has a Bronze commander who manages the operational tasks associated with his/her own agency (Cabinet Office, 2010, p. 49–50), but who does not have control over resources from other agencies (HM Government, 2010, p. 63). Bronze level officers are expected to

coordinate with their counterparts to ensure that inter-agency operations run as smoothly as possible (Cabinet Office, 2010, p. 50). Examples of Bronze level operations for law enforcement agencies would be to establish perimeters, to conduct traffic and pedestrian control, to provide security to the response areas, and to conduct investigations (Cabinet Office, 2010, p. 49–50). Furthermore, the Bronze level is roughly equivalent to the Operations Section in the ICS model.

The UK model uses the principle of subsidiarity that emphasizes "decisions should be made at the lowest appropriate level, with coordination at the highest necessary level" (Cabinet Office, 2010, p. 5). Only when emergency operations become larger is there a need to establish the higher levels of Silver and Gold.

2. Silver (Tactical)

Silver level officials are typically more senior officials who have command and coordination authority over agency resources, and they ensure that the actions taken by the Bronze level are coordinated and integrated to facilitate maximum effectiveness and efficiency (Cabinet Office, 2010, p. 50). If the Silver level is activated, each of the primary response agencies will provide a Silver level officer who will coordinate with the other Silvers to ensure an integrated operation (Cabinet Office, 2010, p. 50). The Silver level is roughly equivalent to the Unified Command level in the ICS model.

3. Gold (Strategic)

According to the UK's Emergency Response and Recovery Plan,

> The purpose of the Strategic level is to consider the emergency in its wider context; determine longer-term and wider impacts and risks with strategic implications; define and communicate the overarching strategy and objectives for the emergency response; establish the framework, policy and parameters for lower level tiers; and monitor the context, risks, impacts and progress towards defined objectives. (HM Government, 2010, p. 69)

Gold level personnel are not command personnel for the incident, but rather have a coordinating and supporting role for the Silver level leadership (HM Government, 2010, p. 63). They are the senior personnel from the primary agencies providing a

response to the incident who have the authority to commit the agencies resources (London Emergency Services Liaison Panel, 2007, pp. 23–24). A police or fire chief or deputy chief would be an example of a Gold level official.

> The Gold level personnel will form a strategic coordinating group (SCG), which is widely referred to as the "Gold Group" (Cabinet Office, 2010, p. 7). For most incidents, Gold Group is chaired by the law enforcement Gold official (Cabinet Office, 2010, p. 7); however, in some emergencies, such as a health emergency, it may be more appropriate to have a health department Gold official as the chair of the SCG (HM Government, 2010, p. 73). According to the UK's *Emergency Response and Recovery Plan*, The SCG does not have the collective authority to issue commands or executive orders to individual responder agencies. Each organisation represented retains its own command authority, defined responsibilities and will exercise control of its own operations in the normal way. (HM Government, 2010, p. 72)

Because the SCG would be formed for incidents spanning multiple operational periods, a sufficient number of senior leaders need to be trained and exercised to perform this function (HM Government, 2010, p. 72). The Multiagency Coordination Group (MAC Group) is the NIMS equivalent to the UK's Gold level.

C. INCIDENT COMMAND FACILITY

There are some differences in how the U.S. and UK incident management models handle their command posts. The ICS model provides for a single command post (CP) where the Incident Commander/Unified Command (UC) manages the incident (DHS, 2008a, pp. 49, 117). The Gold-Silver-Bronze model locates its incident command officers (Silver) in a Joint Emergency Services Control Center (JESCC) where each response agency locates its command and control vehicle into a cluster of vehicles (London Emergency Services Liaison Panel, 2007, p. 19). Furthermore, the police Silver has responsibility for establishing a liaison with all the command vehicles at the JESCC (London Emergency Services Liaison Panel, 2007, p. 19) and for ensuring an interagency phone link is established between them (p. 20). The NIMS model relies on co-location of command personnel in a single command post**;** whereas, the UK model relies on a network of collocated command posts linked by technology.

1. Public Information Function

The U.S. and UK models have a similar organizational structure for handling pubic information. In both models, the media office for the lead department or agency will be the primary conduit for the release of information to the public and the coordination of media activities (HM Government, 2010, p. 181; DHS, 2008a, pp. 52, 70). Both models also have a structure for the integration of the various media offices of multiple agencies, jurisdictions, or levels of government involved in larger emergency responses. The ICS model calls this structure the joint information system (JIS), a component of which is the joint information center (JIC) (DHS, 2008a, pp. 70–71). The JIC can be an actual or virtual location where the public information officers from involved agencies plan and integrated their activities (DHS, 2008a, p. 71). The UK model uses the term news co-ordination cell (NCC) for this function (HM Government, 2010, p. 181).

There are similarities and differences in the two national incident management modules. Both systems agree on the need for at least three basic levels of organization to manage large-scale incidents. The UK's model calls these levels Gold, Silver, and Bronze. The NIMS' model has three levels with responsibilities congruent with the UK's model—the MAC Groups, Unified Command, and the Operations Section; however, there is much more to the NIMS model than these three structures. Figures 4 and 5 clearly show that the UK's Gold-Silver-Bronze model is a simple grouping of functions into three basic categories whereas the U.S.'s NIMS model can grow into a complex structure for managing a complex incident response. Although more intricate, the NIMS model seems to offer more functionality from an organizational and planning perspective than the Gold-Silver-Bronze model; however, the Gold-Silver-Bronze model offers some insights on how to make an incident management model simpler to understand, and how to network multiple response disciplines using available technology.

NIMS and the Gold-Silver-Bronze national incident management models are examples of structures that support collaboration. There are other structural or institutional factors that promote collaboration such as training, education, and policies; however, structures alone are not sufficient to create a collaborative environment. The

next chapter will examine how leadership, technology, and institutional factors can play a leading role in creating a team environment in which distinct jurisdictions and disciplines can work together effectively, and how certain behaviors and conditions can sabotage working relationships.

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V. COLLABORATION

According to *Presidential Policy Directive 8* (PPD-8) issued in March 2011, "Our national preparedness is the shared responsibility of all levels of government, the private and nonprofit sectors, and individual citizens" (White House, 2011, p. 1). PPD-8 mandated the development of a *National Preparedness Goal*, which was subsequently developed by the Secretary of the Department of Homeland Security and issued in January 2012. In this success is defined as, "A secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk" (DHS, 2012, p. 1). The *National Preparedness Goal* identifies 35 core capabilities necessary to support the five homeland security missions of prevention, protection, mitigation, response, and recovery (DHS, 2012, p. 2). Three of the core capabilities crosscut all five missions: planning, public information and warning, and operational coordination (DHS, 2012, pp. 2–3), all of which are applicable for developing a framework for multijurisdictional and interdisciplinary regional investigations. Developing and implementing such a model will require the collaboration of leaders and operational personnel within several disciplines, and this chapter discusses those leadership and institutional factors that either foster or inhibit collaboration.

Building a collaborative capacity means:

- creating, nurturing, and sustaining inter-organizational systems to achieve common goals that will yield benefits in cost savings from sharing smart practices;
- making decisions that incorporate a wide range of input; cooperating with disperse groups; and promoting innovation by sharing ideas and making due with limited resources (Hocevar, Thomas, & Jansen, 2006, p. 2).

In the last two decades of the twentieth century, organizations were deemphasizing their hierarchal structures, empowering employees, and organizing their staff into internal work teams (Linden, 2002, p. 3). The first decade of the new millennia saw an increase in networking between organizations such as the U.S. Postal Service partnering with FedEx to share each other's ground and air assets; the three levels of

government partnering on the management of natural resources; and the CEOs of Ford, Chrysler, and GM meeting regularly to share information and ideas (Linden, 2002, p. 3). Businesses, various levels of government in the U.S., and even foreign countries have recognized the need to collaborate and have established structures to facilitate collaboration.

In 2004, Hocevar, Jansen, & Thomas published their research findings that identified the elements that either foster or hinder interagency collaboration. In their study, they relied upon literature and experts in the field of collaboration, as well as input from 30 senior homeland security managers who participated in a facilitated workshop (Hocevar, Jansen, & Thomas, 2004, p. ii.). In 2006, Hocevar, Thomas, & Jansen published a follow up study in which they outlined their diagnostic tool to measure the collaborative capacity of organizations. They used Kurt Lewin's "force field" analysis model to summarize the driving and restraining forces that work for or against interagency change (see Table 1). The model shows how driving and restraining forces work against each other to maintain the status quo; whereas, if interagency collaboration is to improve, the driving factors must become stronger and/or the restraining factors must weaken (Hocevar, Jansen, & Thomas, 2006, p. 5).

Table 1. Force-field Analysis for Building Collaborative Capacity (From Hocevar, Thomas, & Jansen, 2006, pp. 6–7)

Force-field Analysis for Building Collaborative Capacity			
	DRIVING FORCES →	← RESTRAINING FORCES	DESIRED GOAL
ORGANIZATIONAL DESIGN COMPONENT	"SUCCESS" FACTORS THAT FOSTER COLLABORATIVE CAPACITY	"BARRIERS" THAT INHIBIT COLLABORATIVE CAPACITY	
Purpose & Strategy *(Driven by a "felt need" or common goal)*	• The "felt need" to collaborate. • Common goals or recognized interdependence. • Adaptable to interests of other organizations.	• Divergent goals. • Focus on local organization rather than regional view. • Lack of goal clarity. • Not adaptable to interests of other organizations.	Collaborative Capacity that leads to high performance
Structure *(Formal power & authority of those engaged in interagency collaboration, p. 7)*	• Formalized coordination committee or liaison roles. • Sufficient authority of participants	• Impeding rules or policies. • Inadequate authority of participants. • Inadequate resources. • Lack of accountability. • Lack of formal roles or procedures for managing collaboration.	
Lateral Mechanisms *(Social capital and communication. p. 7)*	• Social capital *(e.g., interpersonal networks).* • Effective communication and information exchange. • Technical interoperability.	• Lack of familiarity with other organizations. • Inadequate communication and information-sharing (distrust).	
Incentives *(The payoffs for collaboration. p. 7))*	• Collaboration as a prerequisite for funding or resources. • Leadership support and commitment. • Absence of competitive rivalries • Acknowledged benefits of collaboration *(e.g., shared resources).*	• Competition for resources. • Territoriality. • Organization-level distrust. • Lack of mutual respect. • Apathy.	
People	• Appreciation of others' perspectives. • Competencies for collaboration. • Trust. • Commitment and motivation.	• Lack of competency. • Arrogance, hostility, animosity.	

Several influential environmental factors set the context for those driving and restraining forces (e.g., inclusion of all the right stakeholders, the history of interagency relationships, resource competition or duplication, laws and regulations, and the expectations of the public) (Hocevar et al., 2004, p. 32). The public's expectation that agencies and jurisdictions will work together is reflected in various federal, state, and local government documents discussed in previous chapters (e.g., *Presidential Policy Directive 8*, the *National Preparedness Goal*, the *National Incident Management System*, and *The NCR Homeland Security Strategic Plan*).

A. LEADERSHIP

Robert Agranoff looked at the challenges facing managers in working with groups and agencies outside of their home organizations in an effort to determine how performance between governmental and non-governmental organizations can be improved in a collaborative environment (2005, p. 18). He found eight leadership behaviors that public managers should employ to enhance collaborative performance:

1. send the proper signals to their managers to engage in collaborative policy making activities;
2. promote networks that encourage the flow of information between partners;
3. be creative and proactive in identifying opportunities for improvement;
4. promote developing collaborative capacity of their organizations;
5. make strategic public investments that leverage other resources to get the most from the investment;
6. create linkages within the reservoir of human capital;
7. assess whether there is an added value created by the collaboration;
8. obtain feedback from the customers, assess the lessons-learned, and make the required improvements (2005, pp. 33–39).

For Agranoff, performance counts since there must be some public valued gleaned from the network for collaboration to be worthwhile (Agranoff, 2006, p. 58). He sees some potential benefits of collaboration as 1) managers and professionals learning new ways to collaborate and enhance technology skills; 2) agencies accessing new

information, resources, and training; and 3) agencies mastering new planning capabilities, procuring new technology, and building new interagency strategies (Agranoff, 2006, p. 58).

A similar view of leadership is espoused by Marcus in *Meta-Leadership and National Emergency Preparedness*. According to Marcus, a meta-leader is a person who can transcend the problems of parochialism, rivalries, friction, and a general lack of connectivity between government agencies (2006, p. 42–44). A meta-leader fosters cross-agency interaction, communication, confidence, and a common sense of purpose (Marcus, 2006, p. 44). He or she has personal and professional credibility, are skilled in the art of negotiation, and seek to influence the actions of those in other agencies (Marcus, 2006, p. 45). In short, meta-leaders attempt to harness all the horses so they are pulling the cart in the same, and right, direction. These principles are consistent with those espoused by Paparone in *Deconstructing Army Leadership* when he states that leadership is about influencing collaborative partners for mutual goals (2004, p. 7). Another meta-leader trait is emotional intelligence (Marcus, 2006, p. 52), a quality anchored in self-awareness, an inner steadiness, and an ability to empathize and relate well to others. These are also qualities that promote leadership, as defined by Paparone who sees leadership not so much as accomplishing goals but as fostering common sentiments, beliefs, attitudes, values, and commitment (2004, p. 4).

According to Linden in his article "A Framework for Collaborating," collaborative leaders lead as peers, listen to others, and recruit people into partnerships (2002, p. 6). They are often unassuming people whose commitment is to project goals rather than their own egos (Linden, p. 6). Linden also states, "It all comes down to trust…if parties don't trust one another, you're not going to get collaboration" (p. 5). Collaborative leaders tend to see the big picture and how to put the right people into the right jobs (Linden, 2002, p. 6).

B. INSTITUTIONAL FACTORS

If there is a limited history of engagement between agencies, there may be inadequate relationships and trust bonding between parties who find themselves in environments where collaboration is essential (Smith, 2007, p. 18). The establishment of rules and institutions are ways that governments indicate their commitment to a course of action and provide a framework for public managers to form networks of partnerships that can achieve the goals that working in a collaborative manner can attain, with or without a pre-existing basis of trust (Smith, 2007, p. 18).

1. Joint Investigation Teams in the European Union

Due to the sovereignty of the European Union (EU) and the fragmented nature of law enforcement, the EU has had some historical difficulty conducting transnational criminal investigations (Rijken & Vermeulen, 2006, p. v). To resolve this problem, the EU created the structure for joint investigations teams (JITs) to facilitate investigators from different countries banding together to investigate cross-border crimes (Rijken & Vermeulen, 2006, p. v). An academic study, supported by various EU governmental law enforcement agencies, was conducted by a team of international and interdisciplinary researches to identify those dynamics that help or hinder collaboration within the JITs (Rijken & Vermeulen, 2006, pp. v-vii). The study, *Joint Information Teams in the European Union: From Theory to Practice*, provides lessons-learned and recommendations based upon that research (Rijken & Vermeulen, 2006).

Mutual trust, the felt need to cooperate, and the desire to share information are crucial prerequisites for launching a JIT (Rijken & Vermeulen, 2006, pp. 54, 58, 219–221, 224, 229). There are three keystones for the founding of a JIT: 1) a legal basis for the JIT; 2) the selection of a case by two or more member states; and 3) the management of the JIT (Rijken & Vermeulen, 2006, pp. 202–210). The EU passed joint legislation that laid the legal groundwork upon which JITs can be formed (Rijken & Vermeulen, 2006, pp. 2, 201, 202). Although there is no set standard for the management of the JIT, Rijken and Vermeulen recommend an "inner" and "outer" management team model (2006, pp. 209–210). This paradigm mirrors the NIMS and the Gold-Silver-Bronze models in which

the “inner JIT” conducts the day-to-day operations in a facility similar to a U.S. JOC (similar to ICS’ unified command / UK’s Silver level), while the “outer JIT” (senior representatives of the participating agencies) functions as a steering committee for the investigation (similar to ICS’ MAC Group / UK’s Gold level) (Rijken & Vermeulen, 2006, pp. 209–210).

JITs are expensive (like JOCs), and their structure must be agreed upon prior to their establishment (Rijken & Vermeulen, 2006, p. 221). Because they conduct criminal investigations in a novel manner and because they are not used frequently, law enforcement requires training for JIT management and operations. The willingness to learn from each other, the pairing of investigators from different agencies, and team building activities were considered valuable to forming JITs that worked well together (Rijken & Vermeulen, 2006, pp. 216, 217, 227).

2. Interagency and Multi-Discipline Education

Interagency and multidiscipline education in the military, federal government, homeland security, and the private sector has been beneficial to promoting a collaborative capacity. The federal *Goldwater-Nichols Act* of 1996 (Goldwater-Nichols) recognized that the cultural, philosophical, doctrinal, and organizational differences between the military branches created problems for their working together (Smith, 2001, p. 38). To address these problems, one of the mandates of Goldwater-Nichols was to establish a program of joint professional military education (JPME) and temporary joint agency assignments for those officers aspiring to upper level management positions (Smith, 2001, pp. 23–24, 40–41; Yeager, 2008, p. 119). This professional development process has produced a cadre of officers with solid cross-agency relationships and knowledge-base that promote coordination, cooperation, and an atmosphere of trust and confidence (Smith,2001, pp. 39–41).

In 2009, the Center for Homeland Defense and Security (CHDS) at the Naval Postgraduate School (NPS) published the report *Education: The Key to Homeland Security Leadership.* This document addresses why the CHDS was created, who CHDS would educate, and what necessary educational skills CHDS would cultivate. The CHDS

was created in 2002 to design an educational program to fill gaps in problem-solving and interagency coordination and cooperation by educating professionals in homeland security disciplines to better fulfill their missions of prevention of, protection against, and response to, and recovery from terrorist attacks (Center for Homeland Defense and Security [CHDS), 2009), p. 7–8, 11). Through education and research, the CHDS master's degree program has spawned a core of homeland security professionals (CHDS, 2009, p. 41) who use critical thinking and problem-solving skills to work in a complex and abstract environment (CHDS, 2009, pp. 8–9).

Bellavita and Gordon, CHDS master's program instructors, provided additional insight into the program in their 2006 article in *Homeland Security Affairs*. The CHDS program has the goal of expanding the participants' homeland security context and changing how they think, analyze, and communicate about homeland security issues (Bellavita & Gordon, 2006, p. 5). Moreover, they gain perspectives apart from their own disciplines in which they recognize that all the various disciplines involved in homeland security fit into a mosaic of interagency collaboration in which each piece contributes to the whole (Bellavita & Gordon, 2006, p. 15). The CHDS hoped to increase its students' knowledge base in 12 core areas, one of which addresses the leadership challenges of working in dynamic, interagency, multidisciplinary, and collaborative environments (Bellavita & Gordon, 2006, pp. 5–6). Research in homeland security has consistently demonstrated that "effective collaboration is the foundation of success" (Bellavita & Gordon, 2006, p. 12), and that collaborative leadership requires cultivating the skills necessary to be a leader in networks (p. 7), where command and control is a less effective leadership style. (p. 11).

In the field of health care, the United Kingdom recognized that collaboration and teamwork between health care providers was necessary to successfully integrate services when it initiated its program of community health care (Bligh & Parsell, 1998, p. 526). To be successful, health care practitioners needed to be adaptable, flexible, and collaborative team players with significant interpersonal skills (Bligh & Parsell, 1998, p. 526). One of the ways this capability was formed was through shared learning initiatives that fostered the growth of an interdisciplinary base of knowledge, teamwork, and a big-

picture understanding of the roles and responsibilities of various professions involved in the initiative (Bligh & Parsell, 1998, p. 526). This process produced the collateral benefits of changed attitudes, improved relationships, increased trust, and reduced stereotyping (Bligh & Parsell, 1998, p. 526).

3. Exercises

Presidential Policy Directive 8 provides the underlying basis for using capabilities-based planning to prepare for the homeland security mission of prevention, protection, mitigation, response, and recovery (White House, 2011, p. 1). The DHS Homeland Security Exercise and Evaluation Program (HSEEP) is a capabilities and performance based exercise program that furnishes a national standard for the design, development, conduct, evaluation, and improvement planning for exercises (DHS, 2007, p. 1). HSEEP does not tell agencies or jurisdictions what to exercise but rather how to exercise. The purpose of exercises is to assess preparedness in a reduced-risk setting (p. 1). Exercises can help evaluate the degree to which capabilities have been improved by testing and validating MOUs, MAAs, plans, policies, procedures, training, equipment, and technology (DHS, 2007, p. 1). Exercises can also improve collaboration, refine roles and responsibilities, and identify areas for improvement (DHS, 2007, p. 1). HSEEP enumerates the elements necessary for an effective Exercise Program Management plan to sustain a multifaceted exercise plan over an extended period of time—such as planning, project management, grants, financial management, and staffing (DHS, 2007, p. 3). The dominant feature of HSEEP program management is the multi-year exercise plan (DHS, 2007, p. 3). The exercise plan is produced as a result of a Training and Exercise Workshop in which stakeholders identify priority capabilities that need building (p. 3). Stakeholders then plan a variety of exercises (e.g., tabletop, functional, full-scale) to assess the progress of improving those capabilities over several years (DHS, 2007, p. 3). Therefore, HSEEP is another example of a structure that supports a collaboration effort.

The current trend in some businesses and governments to work within a networked and collaborative environment is a good example for those who may be

involved in regional LE investigations. When multiple law enforcement agencies band together in joint investigations, they do not fuse into one unified agency but rather maintain their distinctiveness as organizations. Incorporating other disciplines into the investigation (e.g., fire/EMS, public information, and fusion centers) creates even more complexity. Research and experience have demonstrated that the weaving together of the right leadership, technology, and structural support can build the collaborative capacity and operational teamwork necessary for intergovernmental, interagency, and multidisciplinary groups to work in successful partnerships.

The next chapter will examine what subject matter experts from the NCR's law enforcement, fire/EMS, public information, and fusion center disciplines view as principal factors in facilitating a collaborative effort in conducting effective and efficient regional investigations.

VI. WHAT DOES THE NCR SAY?

Previous chapters have discussed how research and experience have expanded insights into how to conduct a successful regional investigation by 1) examining lessons-learned from the DC Sniper case; 2) incorporating accepted incident management models; and 3) promoting those things that foster collaboration while avoiding those things that hinder collaboration.

A. THE DELPHI SURVEY

To determine how NCR regional partners would answer the research questions posited in Chapter I, 19 subject matter experts (SMEs) from the NCR disciplines of law enforcement, fire/EMS, public information, and fusion centers were interviewed for this research using the Delphi research method. Since these SMEs are from agencies that would be operating within the framework of a regional investigative framework, it is important that they had input into the development of the plan. This group of SMEs will be identified in the remaining chapters as the Delphi panel. For more information about the Delphi survey method and the research subjects who participated in the interviews, see Chapter I.

For the first round of interviews, the Delphi panel members were interviewed at their place of employment or home using a standard questionnaire that had been emailed to them several days prior to the interview (see the appendix). The interviews were audio recorded and ranged in length between 1–2.5 hours each. Afterwards, typed notes of the interviews were completed based upon the audio recordings.

For analysis, the responses from the first round of interviews were listed in a Word table, with very similar responses grouped into a single response. This yielded 189 responses that were then sorted into seven primary themes:

- Factors that foster collaboration (42 responses)
- Factors that hinder collaboration (26 responses)
- Incident management (24 responses)
- Joint operations centers vs. network-of-command-posts (53 responses)

- Training and exercises (15 responses)
- Integrating other disciplines into regional investigations (24 responses)
- Law enforcement culture (5 responses)

In the table, the general level of agreement among the SMEs was noted next to each response by listing the number of times a similar comment was made by the SMEs (e.g., one SME, some SMEs, many SMEs, most SMEs, and all SMEs). Because the SMEs were in such close agreement on the paramount themes of the research after the first interview, it was apparent that a second round of interviews would complete the Delphi process.

In preparation for the second round of interviews, the response tables were emailed to the SMEs with the request to review each of the 189 comments and determine if they "agree," "disagree," or were "undecided," about the comment. All but one SME was available for the second round of interviews that were conducted by phone. The SMEs identified those responses listed in the table for which they either disagreed or were undecided about. Since the SMEs indicated that they agreed with the other remaining responses, the other responses were not discussed in the second round of interviews. Since most of the SMEs had questions about the context of some of the other SMEs' responses, that contextual information was provided to them. The SMEs advised that that helped them make clearer decisions about their level of agreement with those responses.

To analyze the second round of interviews, the SMEs' decisions (agree, disagree, undecided) about each of the 189 responses listed in the Word table from the first round of interviews were computed. To determine the level of consensus for each response, the results were tallied to identify the number of "agree," "disagree," or "undecided" responses for each of the 189 statements in the table.

A third round of interviews was not necessary because a consensus on the primary issues had been achieved by the end of the first round of interviews, while the second round provided some additional insight into the predominant themes. Of the 189 responses from the first round of interviews, the majority of SMEs disagreed with only one of the responses. About one third of the SMEs were in disagreement or were

undecided about only a handful of other responses, while the vast majority of SMEs agreed with all the other responses listed in the Word table. Within the central themes of the SMEs' responses, there was almost unanimous consensus about some of the weightier issues.

B. FACTORS THAT FOSTER COLLABORATION

All SMEs identified prior-established-relationships, regular communication, and information-sharing as vital to a collaborative relationship. In addition, MOUs were recognized as important for some working relationships to clarify roles, responsibilities, expectations, capabilities, and operational issues, among other things. The Delphi panel was in strong agreement that leaders need to lead by example and stress to their staff to do those things that foster a collaborative relationship (e.g., being transparent in their decisions, emphasize focusing on the mission, committing the appropriate level of resources, sharing information, checking egos at the door, and designating one agency as the lead agency for the investigation).

C. FACTORS THAT HINDER COLLABORATION

The SMEs agreed that it takes work to collaborate and that by neglecting to do the things that promote collaboration, the level of teamwork will be lessened. They identified factors that can sour interagency relationships as not sharing information, excessive personal or agency egos, a lack of integrity, and backbiting. They identified leadership behaviors that can harm relationships as leaders, who engage in political posturing, are media or glory-hounds, do not respect partners, and do not give credit to assisting agencies. A lack of technology to nurture communication and data-sharing can also negatively influence collaboration.

D. INCIDENT MANAGEMENT

Almost all of the SMEs have taken Incident Command System (ICS) training; however, most local law enforcement SMEs do not use it frequently in their duties. The SMEs recognized the need for a system to manage regional investigation and made recommendations for how unified command and a governing body should be established.

Almost all of the SMEs were unfamiliar with the incident management system in the United Kingdom known as the "Gold-Silver-Bronze." After being provided an explanation of the system, the law enforcement SMEs were in agreement that the Gold level function would be a good idea to incorporate into an NCR ICS-based regional investigative management model. The Gold level, similar to the NIMS' MAC Group, is a cadre of senior representatives from each of the agencies providing essential resources to the investigation who would provide oversight and governance for unified command managing the investigation. None of the SMEs volunteered that they were familiar with the ICS concept called a "MAC Group."

The law enforcement Delphi panel SMEs were in agreement on the appropriate level of rank for officers serving within unified command and the MAC Group / Gold level. Unified command should be staffed by investigative section managers (e.g., the Homicide Commander, the Crimes-Against-Persons Commander). In addition, the MAC Group / Gold level should be staffed by an officer just below the level of police chief (e.g., a deputy chief, assistant chief, or chief of detectives).

None of the law enforcement SMEs thought that there was a need to have common investigative protocols for local law enforcement agencies working in a regional investigation since each law enforcement agency has been successful in using its own protocols. Furthermore, the SMEs recognized that it would be impracticable, and virtually impossible, for the large number of NCR jurisdictions from two states and the District of Columbia to agree upon and maintain a common set of investigative protocols.

The two FBI SMEs clarified the roles of local LE and the FBI during investigations that have a nexus to terrorism and those that do not. For terrorism investigations, the FBI is the lead investigative agency while local LE are support agencies; whereas, in non-terrorism investigations, local LE agencies are usually the lead agencies and the FBI may be a support agency. When the FBI is the lead agency for a joint investigation, it will manage the investigation via its Joint Terrorism Task Force (JTTF) structure. Under this model, local LE would be asked to augment their staffing compliment to the JTTF to support the investigation. At a terrorism crime scene, the FBI would be the lead agency and would integrate the initial investigative response within

unified command with appropriate local response agencies. Because terrorism cases will be prosecuted in federal courts, the investigation will follow FBI protocols, especially the paperwork. For those investigations where local LE is the lead investigative agency, the FBI can support the investigation with an array of capabilities and would operate within the management structure established by the local agencies.

E. JOINT OPERATIONS CENTER (JOC) VS. A NETWORK OF COMMAND POSTS

For regional investigations, there was great consensus among LE and fusion center SMEs that they would prefer to work in a JOC structure rather than in a network of command posts. They thought that a JOC would facilitate communication, information-sharing, and relationship-building better than a network of command posts. Furthermore, the law enforcement SMEs believed that a JOC was appropriate for a regional investigation of a dynamic and high-impact series of crimes such as the DC Sniper case. They agreed that although the FBI could stand up a JOC quickly, local law enforcement agencies would have a much harder time standing up a JOC because few agencies have a location suitable for a JOC or the finances to support it. Additionally, there may not be the political will to finance a JOC unless the nature of the crimes compelled the establishment of a JOC.

The Delphi panel believed that the type and scope of the crimes were crucial considerations when deciding between a JOC or network of command-posts structure. They recognized that a network of command posts would be more appropriate for a series of crimes that were not dynamic or having a high public impact. Command, coordination, communication, and data-sharing would be significant challenges for managing an investigation in a network of command posts rather than from a single JOC; therefore, effective communication and data-sharing technology is vital to the success of a networked investigation. Most of the SMEs have used conference calls, but few had the capability for video teleconferencing (VTC). In addition, most of the local law enforcement SMEs were unaware of the FBI's Internet-based case management system called ORION (Operational Response and Investigative Online Network). The FBI uses

this system for managing some of its investigations and has made this technology available to local LE through LEO (Law Enforcement Online).

However, two NCR local law enforcement agencies have experience using ORION to manage cases. One jurisdiction used it for a recent regional investigation with federal law enforcement, while a homicide squad in another jurisdiction routinely uses ORION to manage certain cases. The LE SMEs thought it would be worthwhile for NCR investigative units to explore using the ORION technology. Finally, the SMEs recognized that the downside of a network investigation would be that it would be more difficult to share information, build relationships, and manage the technology training and operational issues.

F. TRAINING AND EXERCISES

All of the SMEs thought that it is important to conduct training and exercises to build interagency and multidisciplinary collaborative capacity. Although exercises are another demand on already full schedules, the SMEs were in agreement that exercises are part of the job and that personnel need to make the time to participate in exercises that can help identify preparedness gaps.

G. INTEGRATING OTHER DISCIPLINES INTO A REGIONAL INVESTIGATION

All the SMEs recognized the importance of the public information function as a significant component of the NIMS model. The fire department SMEs stated that fire departments would be very willing to assist LE in a manner consistent with their normal operations. They would be open to training on how to avoid the unnecessary destruction of evidence at crime scenes, and to being extra “eyes and ears” to collect information in the community that may be of use to investigators. Fire department personnel have experience in managing large incidents using ICS and could provide incident management expertise to law enforcement leaders. Fusion centers SMEs advised that fusion centers can support regional investigations depending on the seriousness and multijurisdictional nature of the crimes. Moreover, fusion centers could provide intelligence support, computer background checks on a large number of suspects,

information-sharing infrastructure, and dissemination of information to a large number of LE agencies.

H. LAW ENFORCEMENT CULTURE

Although the LE discipline is fragmented between jurisdictions, there is general agreement among the LE SMEs that NCR LE agencies are willing to work with each other, despite the lack of respect for other agencies and their functions that sometimes exists. Investigators tend to have strong egos, and they want to take ownership of cases and bring them to successful resolution. This is normally a good thing; however, sometimes, investigators have excessive egos and want to be the "hero," which can inhibit collaboration and information-sharing. Investigators appreciate technology, but they often do not like data entry tasks such as entering case file information into a cases management system. When using technology, they want to understand its functionality and how it can be a benefit to them.

The input from the 19 Delphi panel members represents a cross section of ideas from the NCR law enforcement, fire/EMS, fusion center, and public information disciplines. There was a remarkable degree of consensus between agencies and across disciplines for how to build a collaborative capacity to utilize a broad range of NCR resources to conduct regional investigations. The Delphi panel's viewpoints on how best to collaborate were very much in line with the academic research on collaboration, the findings of the PERF report, and the incident management principles espoused by NIMS and the Gold-Silver-Bronze models. This chapter has identified some of those areas of agreement within seven primary themes. For a more thorough listing of the ideas in which there was significant agreement among the Delphi panelists, see the Tables 2 through 6.

Table 2. Things that Foster or Hinder Collaboration

DELPHI PANEL RESPONSES – SUMMARY TABLE	
THINGS THAT FOSTER COLLABORATION	**THINGS THAT HINDER COLLABORATION**
Relationships • Establishing prior relationships which foster trust, the sharing of information, and good working relationships. • Working together face-to-face. • Identifying roles, responsibilities, and expectations of each agency and person.	**Not Doing the Things That Foster Collaboration** • Need to do those things that foster collaboration. Doing nothing will hinder collaboration.
Memoranda of Understanding • Can help define roles and responsibilities, capabilities, expectations, points of contact, leadership, logistics, finances, and operational issues. • Should be worded in cooperative and collegial terms, and let the leaders work out the specifics at beginning of investigation; (several SMEs objected to this procedure, stating that MOUs should be specific to say something and mean something.)	**Egos, Personalities, Character** • Excessive personal egos. • Cultural agency egos that make its personnel think and act like they are better than others. • Personality conflicts. • Lack of integrity, sloppiness, and dereliction of duty. • Negative words or actions, unjust criticisms, backbiting other agencies and commanders.
Communication • Sharing information in a timely manner within and between agencies. • Regular briefings, regularly scheduled meetings at all levels—managers, supervisors, and investigators. • Explaining why actions were taken or why decisions were made. • Controlling rumors. • Using available technology to maintain communication.	**Communication** • Personnel who withhold information from other partners. This can be an agency or an individual characteristic. • A refusal to meet with partners (e.g., investigators who refuse to meet with prosecutors, other LE partners). • Poor documentation can cause loss of information in a case. • Staff turnover can cause a loss of information and situational awareness.

DELPHI PANEL RESPONSES – SUMMARY TABLE	
THINGS THAT FOSTER COLLABORATION	**THINGS THAT HINDER COLLABORATION**
Leadership • Leaders need to lead by example and set the tone for the investigation, e.g. "checking egos at door," information-sharing, emphasizing teamwork, and focusing on the goals of the investigation. • Leaders need to agree on common mission and goals. • Managers and supervisors need to stay engaged at their appropriate levels of responsibility. • Leaders need to make decisions - otherwise projects will die on the vine. • Leaders need to foster, train, and encourage those things that promote collaboration, and discourage those things that hinder collaboration. • Even within unified command, one agency needs to take the lead. • Leaders who have a track record of getting things done. • Leaders who demonstrate experience, competence, and commitment. • Leaders who know the strengths, weaknesses, and capabilities of themselves, their agencies, and other partner agencies. • Dedication of appropriate level of resources to the mission. • Consistent conflict management protocols.	**Leadership** • Leaders who insist upon doing things their own way when all other leaders want to go in another direction. • Special interests that prevent leaders from compromising. • Paying only lip-service to collaboration. • Political posturing. • Unqualified leaders. • Not establishing clear roles and responsibilities. • Not sharing credit with other partner agencies. • Media or glory hounds. **Agency Reputations** • Bad agency reputations, deserved or undeserved. • Self-promoting agencies with "media or glory hounds." • Lack of respect and trust for other agencies and their personnel to do their jobs professionally. • Some agencies have inferiority complexes to other agencies or disciplines—this can cause a shut down or lack of information-sharing.
Trust • Prior relationships. • Working together face-to-face and side-by-side.	**Misc.** • Systems that do not support collaboration (e.g., an interagency investigation that does not have an interoperable data-sharing

DELPHI PANEL RESPONSES – SUMMARY TABLE	
THINGS THAT FOSTER COLLABORATION	**THINGS THAT HINDER COLLABORATION**
Misc. • It takes time and patience for groups to work well together. • Having the right personnel in the right position. • Interdisciplinary ride-along programs.	system). • Media leaks can cause suspicion among agencies working together.

Table 3. NIMS versus Gold-Silver-Bronze

DELPHI PANEL RESPONSES – SUMMARY TABLE	
INCIDENT MANAGEMENT MODEL THE U.S. NIMS	**INCIDENT MANAGEMENT MODEL THE UK GOLD-SILVER-BRONZE**
• 18 of the 19 SMEs had taken ICS training; however, most do not use it on a regular basis. • ICS is a "use it or lose it" system. Need to maintain competency. • All the Fire Department, FBI, & PIO SMEs rated their knowledge of ICS as high. • Most of the local LE agency SMEs rated their knowledge of ICS as limited—although most said they had a working knowledge of some ICS principles. • ICS provides a template or structure for collaboration, leadership, identifying roles and responsibilities, and the organization of resources. • Only one local LE SME (Virginia) advises that his agency uses ICS routinely and has a high level of competency. • The two FBI SMEs describe themselves as well-versed in ICS. • All local LE SMEs think that in a joint investigation with unified command, the investigative section commanders would be the appropriate level for unified incident commanders. • The FBI does not use ICS in its Joint Operations Center or investigative model; however, the FBI will integrate into unified command when working as a support agency with local LE. • Specialize units within the FBI WFO have been trained in ICS and use it operationally, e.g. HazMat, bomb techs, and others. • Most FBI investigators are not familiar with ICS. • By its very placement within the Command Staff of ICS, ICS recognizes the	• Several SMEs had a modest familiarity with the UK's Gold-Silver-Bronze incident management model; whereas, the others had no familiarity with the model. ***After a basic explanation of the model, with an emphasis on the Gold Level, the SMEs were asked their opinion of the efficacy of using the Gold Level in a multijurisdictional investigation.*** • The Gold Level naturally occurs in many major investigations—upper level management usually gets involved (e.g., the DC Sniper investigation). • The Gold Level would serve an important function in a multijurisdictional investigation. • Building the Gold Level into the management model would be a good thing because it prompts agencies to put someone in charge of fulfilling that role. • Non-LE leaders should be included in the Gold Level if they provide significant resources to support the investigation. • All local LE SMEs thought that for serious multijurisdictional investigations, the appropriate level for Gold would be the rank just below the Chief of Police (e.g. Deputy Chief, Chief of Detectives). • Gold Level can set the tone for agency participation in joint investigations. • Gold Level needs to understand its function and responsibilities, e.g., providing oversight without getting involved in the day-to-day decision-making. • Several SMEs thought that the Gold Level serves the same function at the Principle Federal Officer (PFO) in the federal

DELPHI PANEL RESPONSES – SUMMARY TABLE	
INCIDENT MANAGEMENT MODEL THE U.S. NIMS	**INCIDENT MANAGEMENT MODEL THE UK GOLD-SILVER-BRONZE**
importance of the public information function. • ICS is not a substitute for leadership. Leadership + ICS is a recipe for success. • One local Fire Department has a yearly command competency test for its chief officers to ensure they can demonstrate and retain their ability to use ICS in a practical setting. • None of the SME's proactively expressed knowledge of MAC Groups that serve the same function as the UK's Gold level.	system. • Gold Level needs its own level of the PIO function because of the political nature of that level.

Table 4. JOC versus Network of Command Posts

DELPHI PANEL RESPONSES – SUMMARY TABLE	
JOINT OPERATIONS CENTER (JOC)	**NETWORK OF COMMAND POSTS**
JOC: A joint operations center is a facility that functions as the command post for a joint investigation.	***Network: When multiple investigative agencies work a joint investigation from their own individual agency command post.***
• The preference is to work in a JOC rather than a network of command posts.	• SMEs recognize that a network may be more practical for some investigations.
When to Stand Up a JOC? • A JOC is more appropriate for a dynamic and high-impact investigation (e.g., the DC Sniper investigation). • The type and scope of the crimes are a key consideration for standing up a JOC.	**When to Use a Network?** • For joint investigations of crimes that are not as dynamic and do not have a high public impact, e.g., serial rapes that occur infrequently, serial burglaries. • The type and scope of the crimes are a key consideration.

DELPHI PANEL RESPONSES – SUMMARY TABLE	
JOINT OPERATIONS CENTER (JOC)	**NETWORK OF COMMAND POSTS**
The JOC is a better venue for • Establishing relationships, trust and bonding. • Sharing information. • Generating ideas from a cadre of professionals working together. • Resolving problems. • Communicating.	**Technology** • The technology is not available to make a network investigation work. • The right communication and information-sharing technology must be present. • Need to use technology to bring together geographically dispersed jurisdictions. • A central case file repository is necessary. • Most SMEs are familiar with conference call communication technology. • The investigative model should include guidelines on the use of technology to ensure that proper communication and information-sharing occurs. • Data entry into a central electronic case file will be a significant issue.
Standing Up a JOC • The FBI has several pre-identified NCR locations for JOCs that can be set up within 12 hours. • When necessary for a local LE investigation, the NCR police chiefs need to take the initiative to set it up and staff it. • Local NCR LE should have a location pre-established for a JOC. Two NCR jurisdictions have a facility that could be converted into a JOC, if needed. • If local LE were to set up a JOC, there would be issues about who would pay for it.	**Communication** • There should be regularly scheduled conference calls for information and data-sharing. • The three main things necessary for communication to work in a network: 1) Everyone should have the same technology; 2) Common protocols for information-sharing; 3) Need to practice and exercise on the technology so users know how to use it when needed.
Misc. • Prior relationships help a JOC function more smoothly. • A central location for tip management is necessary. • It helps to have a direct conduit to cases and evidence from other agencies. • It helps assemble the strengths and capabilities of involved agencies.	

DELPHI PANEL RESPONSES – SUMMARY TABLE	
JOINT OPERATIONS CENTER (JOC)	**NETWORK OF COMMAND POSTS**
Disadvantages of a JOC • They cost a lot of money to set up. There may not be the political will to so this. • Most jurisdictions are not prepared to stand up a JOC. • If some agencies do not participate in the JOC, then there could be a splitting of the investigation. • Geography could cause problems for jurisdictions that are geographically removed from the JOC location. (Some SMEs voiced that if there is a JOC established, then remote agencies need to ensure that their personnel staff the facility.)	**Efficiency** • Staff does not waste time in commuting to a remote JOC location. • Investigators can use their normal work stations, technology, support personnel, etc. **Misc.** • A history of working well together can make a network function well. • When working in a network, there is still the need for one agency to be the lead agency in the investigation. • A virtual joint information center (JIC) would be the appropriate structure for the public information function. **ORION: Internet-based Case Management System** • FBI uses ORION as their case management system. The same system is available for use by local LE via *Law Enforcement Online* (LEO). • Most local LE agencies are unfamiliar with this system. • Prince George County's Homicide Squad regularly uses ORION to manage some cases. • Prince William County PD has used ORION for a recent regional investigation. • A network investigation is now possible that was not possible five years ago. • An advantage of an Internet-based case management system is that remote viewing and data entry can be made for intelligence, leads, information, etc.

DELPHI PANEL RESPONSES – SUMMARY TABLE	
JOINT OPERATIONS CENTER (JOC)	NETWORK OF COMMAND POSTS
	Disadvantages of a Network • If an incident disrupts infrastructure, Internet access for ORION may be lost. • Only a few law enforcement agencies have access to video-teleconferencing technology for virtual meetings. • Can be harder to establish relationships and trust in a network, especially with out of state agencies that are not past partners. • Some information will be lost in a networked investigation.

Table 5. Training and Exercises

DELPHI PANEL RESPONSES – SUMMARY TABLE
TRAINING AND EXERCISES
Exercises: Benefits to Collaboration • Builds relationships. • Fosters communication. • Dispels unrealistic expectations of capabilities of partner agencies. • Merely inviting other agencies to training events establishes interagency good will.
Simulating Reality • Tabletop, functional, and full-scale exercises—there are a variety of exercises that can be staged for various types of personnel. • Exercises should be interagency and multidisciplinary to simulate reality. Agencies typically already know how to do perform their function; however, the challenge is to integrate the responses of all partners. • Can help to identify preparedness gaps.
Misc. • Most SMEs have participated in exercises (e.g., tabletop, functional, full-scale). • Police chiefs need to ensure that their personnel participate in exercises. • Informational interdisciplinary training bulletins would be helpful for agencies to gain an

DELPHI PANEL RESPONSES – SUMMARY TABLE
TRAINING AND EXERCISES
understanding of other disciplines. • Using a system like ORION will require training of all users, and supervisors, and some managers.

Table 6. Law Enforcement Culture

DELPHI PANEL RESPONSES – SUMMARY TABLE
LAW ENFORCEMENT CULTURE
• Although the LE discipline is very fragmented between jurisdictions and levels of government, there is a general sense that LE in the NCR are willing to work together closely on regional investigations. • Sometimes there is a lack of respect for other agencies and their functions (e.g., rifts between federal and local LE, or between patrol and investigators). • Investigators tend to have strong egos which inspire them to take ownership of cases and bring them to successful conclusions. • Sometimes, investigators have excessive egos and want to be the "hero." Excessive egos can inhibit collaboration and information-sharing. • Technology: Oftentimes, investigators do not like data entry tasks, such as entering case file information into a case management system. • Technology: When using technology, LE officers want to understand its functionality and how it can be a benefit to them.

Table 7. Integrating Other Disciplines into a Regional Investigation

DELPHI PANEL RESPONSES – SUMMARY TABLE
INTEGRATING OTHER DISCIPLINES INTO A REGIONAL INVESTIGATION
Public Information Function • This function is recognized as important and integral to law enforcement investigations, and that it is part of the ICS model. • Common messaging is important. • Most SMEs were unaware of the function of the Joint Information Center within ICS. • The NCR has a very active Regional Emergency Support Function #15, Public Information.

DELPHI PANEL RESPONSES – SUMMARY TABLE
INTEGRATING OTHER DISCIPLINES INTO A REGIONAL INVESTIGATION
Fire Departments • The fire/EMS discipline wants to support LE in regional investigations. • FDs are willing to act as eye and ears for intelligence purposes. • FDs have experience in managing large-scale incidents and can provide that expertise to LE. • FDs have gear, tools, and resources that other agencies do not have.
Fusion Centers • Three fusion centers serve the NCR and have a good working relationship with each other. • Can assist in regional investigations depending on the type and scope of the crime problem (e.g., serious crimes that span multiple jurisdictions). • Can provide information-sharing infrastructure for investigators (e.g., license plate reader program in Maryland, D.C., and Virginia). • Can develop leads for investigators and support intelligence functions. • Have many contacts that may be able to assist in LE investigations. • Can run computer background checks for investigations that have many possible suspects. • Can quickly disseminate information to other LE agencies. • Can condense a large amount of information into executive summaries.

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VII. CONCLUSIONS

Previous chapters provided data concerning the current state of affairs in the NCR, lessons-learned from the DC Sniper case, management techniques provided by the incident management models, academic research on collaboration, and the viewpoints of the Delphi panel. Since each piece of data in this paper is like a piece in a mosaic, this chapter will attempt to synthesize all the data into a congruent whole that creates an accurate picture of the NCR's preparedness to conduct an integrated intergovernmental, interagency, and multidisciplinary investigative response to a critical series of crimes spanning multiple NCR jurisdictions.

The NCR local law enforcement agencies currently do not have a framework for managing the investigation of a pattern of serious crimes spanning multiple NCR jurisdictions. Like other large metropolitan areas, the NCR has experienced felony pattern crimes, as well as the DC Sniper attacks in 2002, and is a prime target for terrorism attacks. Yet, local law enforcement agencies are fragmented by 18 jurisdictional boundaries, while federal law enforcement is divided by field offices that split responsibilities within the NCR. Other disciplines such as the fire/EMS, fusion centers, and public information are also fragmented by local jurisdictional boundaries.

A. COLLABORATIVE CAPACITY

Despite the inherently fragmented nature of the NCR's multijurisdictional landscape, the NCR has the collaborative capacity necessary to craft a local law enforcement model to manage a regional investigation. The Metropolitan Washington Council of Governments, the NCR, and the Department of Homeland Security support regional planning, committees, and other structures that foster regional collaboration and preparedness activities. The *National Preparedness Goal*, the *National Response Framework*, the National Incident Management System (NIMS), the Homeland Security Exercise and Evaluation Program all support collaboration to build capabilities necessary for homeland security missions.

The NCR *Homeland Security Strategic Plan 2010* has priority goals that promote planning, interoperable communication, and data-sharing. The PERF report on the DC Sniper case also makes recommendations consistent with the themes of preplanning, collaborative decision making, interoperable communication, and information-sharing (Murphy & Wexler, 2004). Jointly, all of these documents encourage the enhancement of planning, incident management, interoperable communication, and data-sharing capabilities which are necessary for creating an investigative framework to manage a regional investigation. The groundwork certainly exists to facilitate the NCR's 18 independent jurisdictions functioning as one team.

B. THINGS THAT FOSTER OR HINDER COLLABORATION

The factors that foster collaboration can be grouped into three basic categories: 1) leadership; 2) technology; and 3) institutional or structural features. The PERF report, the Delphi panel, and the academic research on collaboration are consistent in identifying those factors that promote or hinder collaboration. There is a need to establish intergovernmental and interagency relationships prior to an incident that can help form the basis for trust, respect, social capital, consensus-building, and an appreciation for the capabilities of other agencies. Technology must be available to all partners to support interoperable communication and data-sharing. In addition, the institutional structures, as seen prominently in the NCR, must be there to support a collaborative effort. Policies, procedures, models, MOUs, strategic plans, education, training, exercises, and funding, all contribute to the institutional and structural commitment necessary for agencies to work together. Collaboration does not just happen—it requires leaders and personnel at all levels to do the things necessary to make collaboration happen. Not doing those necessary things can hinder collaboration. Some of the principal factors that hamper collaboration are a lack of communication, the withholding of information, excessive egos, and the lack of systems that support collaboration.

Creating MOUs prior to incidents can help define relationships, roles, responsibilities, and how agencies will work together; however, there was some disagreement among the Delphi panel members about whether an investigative MOU

should list the specifics of the working relationships or be more flexible to allow leadership to work out the details at the beginning of a joint investigation. While a formal investigative MOU may be difficult to negotiate and maintain between the 18 NCR jurisdictions and the federal law enforcement agencies, the COG's Police Chiefs Committee (R-ESF #13) could adopt an investigative framework for the joint investigation of regional pattern crimes. The unified support for this model from the Police Chiefs Committee would provide a strong basis for collaboration, while giving local and federal law enforcement agencies some flexibility working within its guidelines.

C. INCIDENT MANAGEMENT

1. FBI versus Local Law Enforcement as the Lead

The *National Response Framework* designates the FBI as the lead agency for terrorism investigations, while other federal laws give the FBI primary jurisdiction over other types of crimes, some of which have an interstate nexus (U.S. Government, 2013). There is a difference between joint investigations in which the FBI is the lead agency and when the FBI is a support agency. When the FBI is the lead agency, there is little need for local law enforcement to have an investigative framework in place. If local law enforcement supports a federal investigation, it will integrate into the federal investigative management model. In those investigations where local law enforcement agencies are the lead for the investigation, the FBI can contribute an array of resources to support the investigation without taking over command of the investigation. In those cases, it is incumbent upon local law enforcement to have an investigative management model ready to integrate the participation of multiple agencies, levels of government, and disciplines to ensure an effective and efficient investigation.

2. NIMS

Part of the national support structure for collaboration is the National Incident Management System, a nationally mandated and standardized incident management model for integrating response operations from various levels of governments, agencies, and disciplines. It promotes sound management principles, including unified command,

which fosters consensus-building in the decision-making process. The PERF report on the DC Sniper case investigation, the NCR Regional Emergency Coordination Plan, and the COG Police Chiefs Committee's Mutual Aid Operations Plan designate NIMS as the model for managing multiple law enforcement agencies in an investigative or operational response.

All of the local law enforcement Delphi panel members have some familiarity with ICS, but most of them do not have a sufficient knowledge to construct a detailed plan for a multijurisdictional investigation. The author is a state-certified ICS instructor and has taught ICS-300/400 to hundreds of trainees. He is familiar with the difficulty that many trainees have with learning this system and retaining its principles. With its structures and substructures, ICS provides a high level of functionality as a planning and management tool; however, ICS requires lot of training and practical use before it can be fully understood and used to its functional capacity.

Many Delphi panelist described ICS as a use-it-or-lose-it system, meaning that in order to retain knowledge of the ICS management precepts, ICS must be used in a real-world environment on a regular basis. Personnel who perform functions on a lower operational level normally do not need to have extensive ICS training to perform those functions within a large-scale operation; however, those at the higher levels and the planners need to have a good working knowledge of ICS to utilize its power as a management tool. For staff not involved in the planning and management of an operation, NIMS can seem confusing or superfluous; therefore, the UK's Gold-Silver-Bronze system may be more intelligible and useful in providing a basic understanding of how roles are divided and structured within a large response operation. The Gold-Silver-Bronze model does not provide as much functionality as an organizational tool as ICS, but it is much simpler to understand since it only distinguishes three basic management structures: Gold-Silver-Bronze.

Although the *NCR Homeland Security Strategic Plan 2010* (MWCOG, 2010a; MWCOG, 2010b) and the *Greater Metropolitan Area Police Mutual Aid Operations Plan* (MWCOG Police Chiefs Committee, 2012) reference a commitment to using NIMS, and specifically ICS and the public information function, neither of these

documents mentions MAC Groups—the third element of the NIMS component Command and Management. The PERF report (Murphy & Wexler, 2004) recommends the establishment of a body of senior officials that is consistent with the MAC Group concept, and the equivalent of a MAC Group naturally formed during the DC Sniper investigations. However, there does not appear to be a practical recognition among the Delphi panelists that this MAC Group oversight and support structure exists within the NIMS model. As senior representatives from the participating agencies, a MAC Group can support unified command by performing a function similar to what a memorandum of understanding (MOU) does (e.g., committing resources and funds, coordinating decision-making and policies, establishing priorities, and providing guidance and direction). While the Delphi panelists presented no familiarity with the MAC Group terminology within NIMS, they recognized the need for strategic oversight of a large-scale investigation—the purpose of a MAC Group. The Gold-Silver-Bronze incident management model of the United Kingdom specifically builds a structure similar to MAC Groups (Gold level) into its response operations plans.

The Delphi panelists agreed that when unified command is established for a regional investigation, the appropriate personnel to staff those positions are the section commanders of the investigative units involved in the case (e.g., homicide section commanders, crimes-against-persons commanders). When a MAC Group or Gold level is established, the appropriate personnel to staff those positions are the chiefs-of-detectives from the respective agencies. Finally, local law enforcement investigative managers and supervisors could benefit from additional training in ICS, public information, and MAC Group concepts, with a specific focus on using these elements in managing regional investigations.

3. Case Management System

The PERF report recommends that an electronic and web-based case management system be used to manage the information in a regional investigation and that investigators be proficient in using it. The FBI supports such technology in a system called ORION, and local law enforcement agencies have access to ORION and its

training module on the FBI's Law Enforcement Online (LEO) secure website. The LEO version of ORION has the same functionality as the ORION system used on the FBI servers, to which local law enforcement does not have access. ORION is virtually unknown to the NCR local law enforcement community; however, it is being used in a limited manner by one NCR homicide squad. In addition, ORION appears to be a no-cost solution to the problem of maintaining a web-based case management system that can support a regional local law enforcement investigation in either the JOC or network of command posts management model. Training will be a challenge for developing and maintaining competency in this technology.

4. Joint Operations Center versus a Network of Command Posts

According to the Delphi panelists, the local law enforcement command post (CP) model may be either a joint operations center (JOC) or a network of command posts, depending on the type of crimes and the scope of the investigation. Although the term JOC refers to a specific type of federal facility, the term will be used here to refer to a generic joint command post. The Delphi panel recognized that there is an inherent difference in regional pattern crimes depending on the type of crime and the impact on the community and that different management models would be appropriate in different circumstances. The JOC model would be more appropriate for series of dynamic crimes that have a high impact on the public (e.g., the DC Sniper case), where the need for a JOC to help coordinate the investigative response would be more pressing and where there would likely be the political will to establish, equip, staff, and fund a JOC. The PERF report (Murphy & Wexler, 2004) recommends a JOC for investigations similar to the DC Sniper case, as do the Joint Investigations Teams of the European Union, which use a JOC structure for multinational criminal investigations. The Delphi panelists had a strong preference for working within a JOC structure, rather than a network of command posts because they believe that communication, relationship-building, trust, and information-sharing would be superior in a JOC setting.

While local law enforcement agencies do not have experience in setting up, managing, and sustaining a JOC, the NCR Type 3 incident management team (IMT) does

have the training, experience, and equipment necessary to perform this function. While most of the IMT members are not law enforcement personnel, the team has the management skills for planning, logistics, financial tracking, etc., to manage a large-scale operation. The IMT could manage the non-law enforcement duties of the JOC and could serve as SMEs for law enforcement personnel not familiar with NIMS and the operations of a large command post. Furthermore, SMEs from local law enforcement could then concentrate on the investigation of the case without the distractions of the ancillary duties associated with the overall management of a JOC. The cost of deploying the NCR IMT would be the responsibility of the agencies requesting its service; however, since most of the IMT's members already serve in the local governments, this cost may be mitigated considerably.

Alternatively, local law enforcement could make a formal request to the FBI to support a local investigation by standing up a JOC. The FBI would evaluate the merits of this request on a case-by-case basis in making its determination to support the investigation in this manner.

If the NCR decided that the NCR IMT or the FBI would not establish or manage a JOC, local law enforcement would require a plan for establishing, equipping, staffing, managing, and funding a JOC.

In less dynamic pattern crimes with a lower impact on the public, a network of command posts would be a more practical model because there would probably not be the political will to staff and fund a JOC for those types of investigations. In order for an investigative network to function well, the Delphi panel acknowledged the need for a management support system that addresses the command, coordination, communication, and information-sharing needs of the investigation. In a network, ICS and technology such as conference calls, video teleconferencing, and a web-based case management system such as ORION could support the needs of the investigation.

Most of the Delphi panel members thought that a joint investigation could be managed from a network, but some SMEs were skeptical about the potential of technology to maintain connectivity between investigating agencies. The members of the

Delphi panel recognized that there would be more communication and coordination problems in a network than in a JOC where personnel are collocated.

Leaders need to recognize the importance of working together as a team in a joint investigation, especially a networked investigation. In addition, they need to recognize that they will have to work harder at doing those things that promote collaboration and prevent those things that hinder collaboration. Successful collaboration requires effort. Furthermore, successful networked collaboration requires more effort.

D. TRAINING, EXERCISES, AND EDUCATION

Training will be necessary while designing, implementing, and sustaining an NCR framework for regional investigations. Because of the novelty of this investigative model, there will be new training requirements at all levels of service within the model. Joint interagency and multidisciplinary training opportunities will help to break down barriers between agencies, improve understanding and relationship-building between the agencies, and provide another signal that the region is committed to building its collaborative capacity. Exercises that follow the guidelines of the Homeland Security Exercise and Evaluation Program (HSEEP) can help to test and validate preparedness by identifying gaps in plans, policies, procedures, training, technology, and equipment. Exercises are an important part of the preparedness cycle; consequently, agencies should treat them as vital to upgrading the NCR levels of investigative preparedness. HSEEP provides a professional and standard model for designing, conducting, and evaluating exercises. Through the NCR's Exercise and Training Operations Panel, there is a great deal of support for planning, conducting, and evaluating exercises proposed by the NCR regional emergency support functions such as the Police Chiefs Committee.

Joint educational programs like the joint professional military education (JPME) and the Naval Postgraduate School's Center for Defense and Homeland Security master's program can enhance the critical thinking and problem-solving skills necessary to tackle homeland security issues in an a complex and networked environment. These programs help to build the collaborative capacity of homeland security professionals by exposing

them to other disciplines and a range of ideas that form the tapestry of the homeland security project.

E. INTEGRATING OTHER DISCIPLINES

The PERF report, NIMS, and the Delphi panelists all recognize the importance of integrating the public information function into an investigative framework through preplanning and training. NIMS has a model for assimilating the unified PIO function into incident management via the Joint Information System (JIS) / Joint Information Center (JIC). The NCR Emergency Support Function 15 (External Affairs Committee) is a very active R-ESF and has adopted the use of the JIC model in its planning and operations; therefore, it would be relatively easy to incorporate this function into an NCR regional investigative framework.

Along with the PIO function, there is a role for the fire department and fusion center disciplines in some regional investigations. Fire department and law enforcement personnel often cross paths when responding to crimes that are part of a regional pattern. A broader and more valuable use of the fire department discipline can occur if law enforcement considers training opportunities that would help fire/EMS personnel understand the needs of law enforcement at crime scenes, or how fire/EMS can provide investigative intelligence by serving as extra eyes and ears in the community. Furthermore, many fire/EMS chief officers are ICS SMEs and can assist law enforcement in establishing an incident management structure and managing a large-scale investigation. Additionally, some investigative management responsibilities do not require law enforcement expertise, but rather expertise on how to manage tasks and resources—a skill possessed by ICS SMEs.

Depending on the seriousness and scope of a regional investigation, the fusion centers can contribute to the investigation. They can conduct computer background checks on large numbers of suspects, provide the architecture for managing a large amount of information, support the intelligence needs of the investigation in other ways, and disseminate FOUO-LES products to a wide LE audience.

F. CHALLENGES

The Delphi panel was very much in agreement about many of the main elements that should be in an NCR investigative framework; therefore, much of the plan can be developed without having to negotiate differences between jurisdictions. Although a substantial collaborative capacity already exists in the NCR, there will be some challenges relating to engendering and sustaining collaboration among new partners while constructing the regional investigative model. A primary challenge will be acquiring the funding to support secure conference call and video teleconferencing technology for investigative units throughout the NCR. This technology will have to compete with other NCR grant priorities.

Another challenge will be carving out the necessary time from the already full schedules of managers, supervisors, and investigators to work in various workgroups to generate a framework for regional investigations. Technology, training, and incident management workgroups will be necessary to bring this project to fruition.

Many of the components necessary for creating this investigative model already exist. The underlying rationale for creating a collaborative investigative plan are enumerated clearly in documents or research from the federal government, the NCR, and academia. The PERF report on the DC Sniper case provides many reasonable recommendations based upon lessons-learned from that investigation. NIMS provides a good incident management model for conducting regional operations, whether they are law enforcement related or not. In addition, the UK incident management model contributes additional insight into how to organize and manage a multiagency investigation. The procedures for setting up and staffing a JOC already exist—both at the federal level using a non-ICS model, and at the local level by the NCR IMT using the ICS model.

The Delphi panel demonstrated that the NCR recognizes the need to create a regional investigative framework and is in agreement about most of the major components that should be in the plan. The law enforcement Delphi panel members were unanimous in their agreement that there is no need to have common investigative

protocols throughout the NCR; however, there is a need to have agreement on how multiple law enforcement agencies will work together, communicate, coordinate, and share information.

The NCR has a great collaborative capacity. There are federal and regional documents that encourage collaboration, while the Metropolitan Washington Council of Governments sustains collaborative efforts in a variety of ways (e.g., support of regional emergency support functions, a homeland security strategic plan, grant investments). The PERF report on the DC Sniper case and the National Incident Management System provide specific guidance on how to manage a regional investigation. The Delphi panel demonstrated solid agreement with this guidance, and even provided a nuanced contingency in deploying a JOC by leaving open the possibility of managing some regional investigations using a network of command posts instead of a JOC. Moreover, the panel was in agreement with academic research and the PERF report about those factors that tend to promote or hinder collaboration. In addition, the panel was also in agreement about the value of leveraging the assets of other disciplines (e.g., fire/EMS, fusion centers, and public information, into a law enforcement investigation, training, and exercises). Finally, the panel identified certain challenges such as the availability and dependency on technology, technology training, and human factors that tend to inhibit collaboration.

Based upon the conclusions enumerated in this chapter, the next chapter proposes recommendations to the Metropolitan Washington Council of Governments' Police Chiefs Committee concerning how it can achieve the goal of generating an integrated intergovernmental, interagency, and multidiscipline framework for the investigation of pattern crimes spanning multiple NCR jurisdictions.

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VIII. RECOMMENDATIONS

The recommendations in this chapter are directed towards the NCR's Police Chiefs Committee (Committee), the lead for the regional emergency support function 13 (R-ESF 13), public safety and security. As the R-ESF 13 lead, the committee sets the collaborative goals for the region, supports regional programs, and recommends investment priorities for grants. It is only through the support of this committee that the recommendations proposed in this paper can come to fruition.

Recognizing that there is no NCR local law enforcement investigative framework in place to conduct regional investigations similar to the DC Sniper case, or even pattern crimes of lesser gravity spanning multiple jurisdictions, the committee should consider taking proactive actions to support shaping a framework for regional investigative solutions.

A. RECOMMENDATION 1

To signal its recognition of criminal investigations as an essential component of the overall law enforcement mission, the committee should consider incorporating an Investigations Subcommittee to oversee the crafting of the guidelines for regional investigations and to address other pressing issues relating to investigations. This would signal the committee's strong support of this project that would garner the other support necessary to develop the model. The oversight of the Investigations Subcommittee could be managed by a small cadre of senior investigative officers (e.g., chiefs of detectives) representative of the three main regions of the NCR (Maryland, D.C., and Northern Virginia), as well as federal law enforcement (e.g., Assistant Special Agent in Charge) for the FBI, and possibly even the ATF. This would have the added benefit of establishing intergovernmental and interagency relationships between high-level investigative managers.

B. RECOMMENDATION 2

The committee should identify a project manager to work within the Investigations Subcommittee to shepherd this project to fruition. The project manager should oversee the development of all aspects of the model and should report to the subcommittee's oversight panel.

C. RECOMMENDATION 3

The Investigations Subcommittee should be tasked with working out the details of creating a flexible and scalable model for managing a regional investigation. Membership in the subcommittee should consist of inter-jurisdictional investigative managers (e.g., major crimes section commanders), supervisors, and detectives, all of whom would have a stake in the model since they would be the ones working within its framework. In addition, the subcommittee work teams should be responsible for cultivating the capabilities necessary to make a workable investigative model (e.g., communication, data-sharing, incident management, and planning). These work teams would also help to foster the inter-jurisdictional relationships that are deemed necessary for collaboration in a real-world response.

D. RECOMMENDATION 4

The Investigations Subcommittee should strongly consider the recommendations gleaned from the NCR Delphi panel of SMEs and the Police Executive Research Forum's (PERF) report on the DC Sniper case. The PERF report (Murphy & Wexler, 2004) made many recommendations based upon input from key personnel involved in that investigation.

The investigative SMEs on the Delphi panel carefully examined many of the issues relating to regional investigations, and were in very close agreement on many weightier issues, e.g., incident command; a JOC versus a network of command posts; training and exercises; collaborative partnerships; and the incorporation of other disciplines into the investigations. Their input and recommendations mirror recommendations made by the PERF report, as well as national and regional

preparedness documents. Their insights lay a solid foundation for building the framework.

E. RECOMMENDATION 5

The Investigations Subcommittee should build the regional model for incident management using the principles of the National Incident Management System (NIMS). NIMS is the national model for incident management and has already been accepted as the model for joint law enforcement responses in the NCR. The command and management component of NIMS has three elements that can serve as the bases for building the NCR model: the incident command system, multiagency coordination groups, and public information. These elements would be very useful to the planners for establishing the model, but the planners should also consider adopting the UK's Gold-Silver-Bronze verbiage to help those who do not need to know the in-depth details of the plan to understand the overall concepts of the plan. Two possible organizational structures for incident management are shown in Appendix B.

F. RECOMMENDATION 6

The Investigations Subcommittee should consider the merits of using a JOC or a network of command posts (network) to manage regional investigations. The two models are appropriate for different circumstances, yet the regional investigative model should address how each command post style will be used if deployed in an investigation. Creating JOC protocols will require a significant level of planning to identify logistical, planning, and management requirements. There are several possible options for managing a joint-command-post that should be considered (e.g., the JOC could be managed by the NCR Incident Management Team, the FBI, local law enforcement agencies, or a combination of any of these).

G. RECOMMENDATION 7

The Investigations Subcommittee should examine the technology requirements to facilitate communication, coordination, and data-sharing for an investigation being managed from a JOC or a network of command posts. The Delphi panel and PERF report

identified secure audio and video communication and an electronic networked case file as necessary for maintaining communication and investigative data. The Delphi panel and PERF report also recommend that data-sharing technology be used to maintain a common case file. This technology seems to already exist if the form of the FBI's ORION case management system available online at no-cost. The subcommittee should enlist the assistance of the MWCOG's regional emergency support function 2 chief information officers to assist with identifying technology requirements and solutions.

H. RECOMMENDATION 8

The Investigations Subcommittee should address how to leverage the full capabilities of non-law enforcement disciplines in the NCR to support a regional investigation. The body of this paper discusses ways in which the fire/EMS, fusion centers, and public information disciplines can support regional investigations. R-ESF #15 (public information), R-ESF 4 (fire/EMS), and the three fusion centers serving the NCR should be made part of the planning process so they can develop a stake in the plan and clarify how their subject matter expertise, technology, and personnel could be maximized to support an investigation. There are other disciplines such as the R-ESF 1 (transportation), R-ESF 2 (chief information officers), and R-ESF 5 (emergency managers) that may also be able to provide helpful insights on how they could support investigations.

I. RECOMMENDATION 9

The Investigations Subcommittee should produce an education, training, and exercise program to help build, maintain, and sustain the capabilities necessary to conduct regional investigations. The subcommittee can leverage the assistance of NCR resources, such as the Exercise and Training Operations panel (ETOP), to develop a multi-year training and exercise plan for this project. Training for fundamental components of the framework (e.g., technology, NIMS, federal resources available to support local law enforcement, command posts) will be necessary for most managers, supervisors, and investigators working within the model.

The Police Chiefs Committee should consider sponsoring mid to senior level managers to participate in formal education program such as the master's program or the Executive Leaders Program offered by the Naval Postgraduate School's Center for Homeland Defense and Security. These programs emphasize the enhancement of the critical thinking, problem-solving, and collaborative skills necessary to boost the multidisciplinary collaborative capacity of the NCR to tackle a variety of homeland security issues.

J. RECOMMENDATION 10

The Police Chiefs Committee should consider this project as a funding priority in its recommendations for grant investments. Technology to support secure audio and video teleconferencing for investigative units will require some investments. If the subcommittee recommends that local law enforcement should develop the capability to stand up, equip, staff, and manage a JOC, an investment would be needed to build and maintain that capability.

These recommendations provide for a degree of innovation and differentiation that has not been seen in regional local law enforcement investigations in the NCR. The creation of a virtual command post by leveraging technology to link multiple command posts in different jurisdictions is a way for the NCR to effectively manage some regional investigations without the need for standing up an expensive JOC. Interoperable communication and data-sharing technology can now facilitate information-sharing, communication, and coordination in a way that was not possible in the recent past. The incorporation of the MAC Group into the ICS management model promotes a degree of senior-level managerial oversight that sometimes naturally occurs in an investigation, but it should be planned for.

Over decades, the National Capital Region has built a collaborative capacity across a wide range of homeland security disciplines. These recommendations can facilitate the expansion of that capacity so the National Capital Region is prepared to effectively and efficiently manage an integrated intergovernmental, interagency, and

multidisciplinary investigative response to a critical series of crimes spanning multiple jurisdictions.

APPENDIX. DELPHI PANEL QUESTIONNAIRE

BACKGROUND

1. What is your name?
2. Do you understand that this interview is being audio recorded? Do you consent to this recording?
3. What agency do you work for?
4. What is your phone number?
5. What is your email address?
6. What is the discipline that you represent?
   - Law enforcement
   - Fire/EMS
   - Public information
   - Fusion centers
7. What is your position within your agency?
8. What is your title or rank within your agency?
9. How long have you served in this discipline?
10. Do you currently serve, or have you recently served, on any boards, regional work groups, emergency support functions, emergency operations centers, or other collaborative entities within the National Capital Region (NCR) or within your own jurisdiction? If yes, please elaborate.

COLLABORATIVE EXPERIENCE

11. Have you been involved in any capacity with a law enforcement investigation which spanned multiple jurisdictions? If yes,
    - Please identify and explain three elements that you believe fostered good collaboration.
    - Please identify and explain three elements that you believe hindered good collaboration.
12. Have you have been involved in any capacity with any other type of planning, project, or incident that required regional or multi-discipline collaboration? If yes,
    - Please identify and explain three elements that you believe fostered good collaboration.
    - Please identify and explain three elements that you believe hindered good collaboration.

13. Please explain how you view the role of leadership in cultivating and/or hampering collaboration.
14. Please explain what you see as necessary elements to promote personal trust in a collaborative environment.
15. Please explain what you see as barriers to fostering personal trust in a collaborative environment.
16. Are you familiar with the NCR's Regional Emergency Coordination Plan (RECP)?
17. Are you familiar with the NCR's Regional Incident Communications and Coordination System (RICCS)?

INCIDENT MANAGEMENT PRINCIPLES

18. Please identify and explain your experiences with any investigations, incidents, or events in which the National Incident Management System's Incident Command System (ICS) was used to manage the process.
19. From your knowledge and experience, please identify what you consider the strengths of ICS?
20. From your knowledge and experience, please identify what you consider the weaknesses of ICS?
21. If you are familiar with the United Kingdom's incident management model known as the "Gold, Silver, and Bronze," please provide any recommendations about how that model can be adapted for use in managing incidents in the NCR?
22. For regional investigations, would you prefer a centralized command post to manage the investigation, or a series of networked decentralized command posts within the individual jurisdictions?
23. Are you aware of an investigative case management system that is, or can be networked within the NCR?

MANAGING A MULTIJURISDICTIONAL INVESTIGATION INVOLVING A SERIES OF RELATED SEXUAL ASSAULTS & MURDERS IN THE NCR.

24. This question is for Law Enforcement Discipline Only: If this series of crimes were to occur in the NCR, are there any regional investigative protocols for fostering a collaborative law enforcement investigation spanning multiple NCR jurisdictions? For example, are there regional protocols for:

    - Command of the multijurisdictional investigation
    - Determining level of each agency's participation in the investigation
    - Roles and responsibilities for each agency
    - Prioritizing needs of individual agencies vs. the task force of agencies involved in the investigation
    - Briefings—frequency, content, situational awareness, responsibility for conducting

- Establishing, staffing, and managing a joint operations center
- Crime scene management
- Evidence collection, storage, and processing
- Managing investigative leads
- Interviews & interrogations
- Charging suspects
- Surveillance operations
- Intelligence collection & sharing
- Communication between investigators
- Security of investigative communications
- Coordination of tip lines
- Media plan: Release of public information/speaking with one voice
- Obtaining legal advice
- Resource management
- Case management
- Autopsy protocols
- Using uninformed patrol officers to enhance the investigation and calm public fears
- Using traffic management principles and roadblocks for containment or movement
- Sustainable alternate shift plans for investigators and uniformed officers
- Tactical teams
- Arrest teams
- Ensuring adequate technology capabilities to support the investigation
- Prosecution task force
- Victim assistance task force

25. If these regional protocols do not exist, how would you recommend that they be developed for the NCR?
26. How would you foster communication and coordination within your own discipline?
27. How would you foster communication and coordination between disciplines?
28. What can be done within your own discipline (e.g., law enforcement, fire/EMS, public information, fusion centers) to promote a collaborative process and improve the outcome of a multijurisdictional investigation?
29. What can be done by the other disciplines (e.g., law enforcement, fire/EMS, public information, fusion centers) to promote a collaborative process and improve the outcome of a multijurisdictional investigation?
30. What kinds of technology do you think could benefit a collaborative process (e.g., command, control, coordination, communications) in a multijurisdictional investigation within the NCR?
31. Please explain any other challenges that you see in working within your discipline, and between disciplines, in managing a multijurisdictional investigation in the National Capital Region.

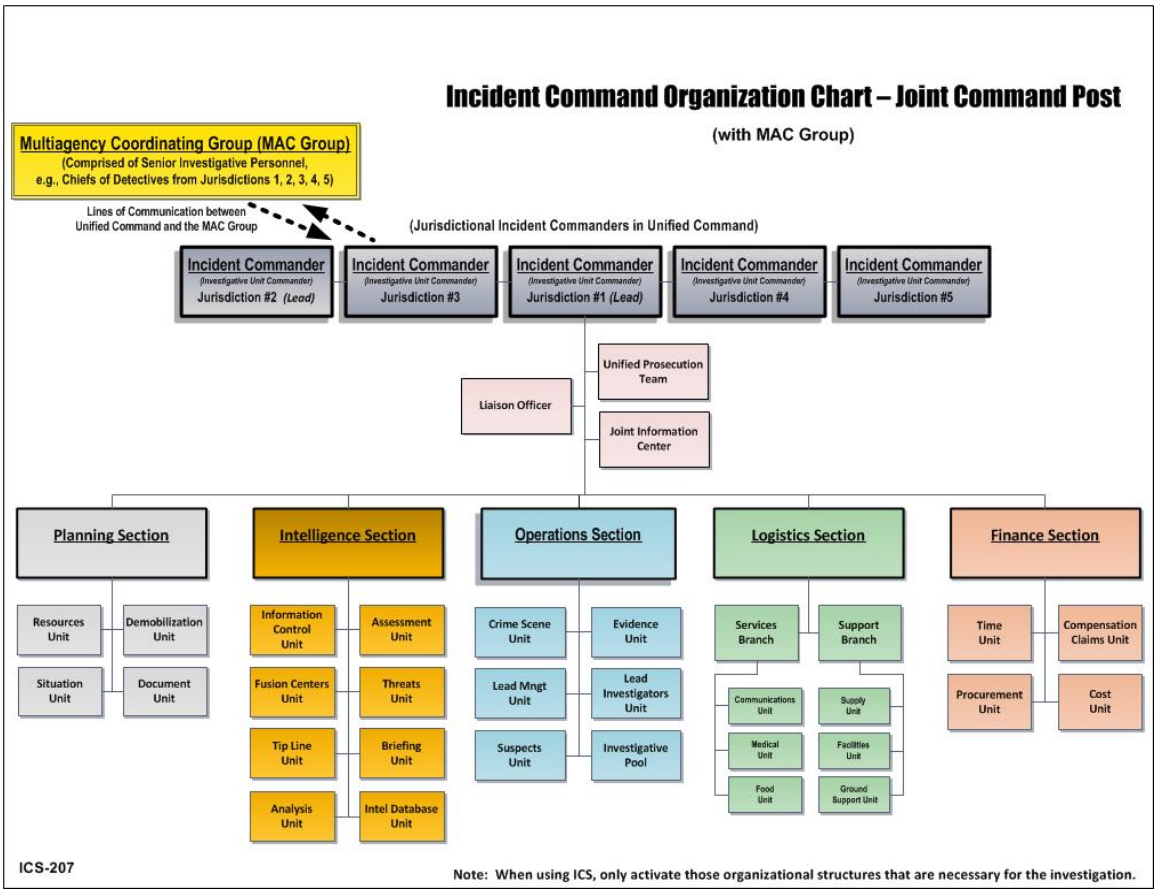

Table 8. Sample ICS Organization for a Multijurisdictional Investigation: Joint Command Post Model

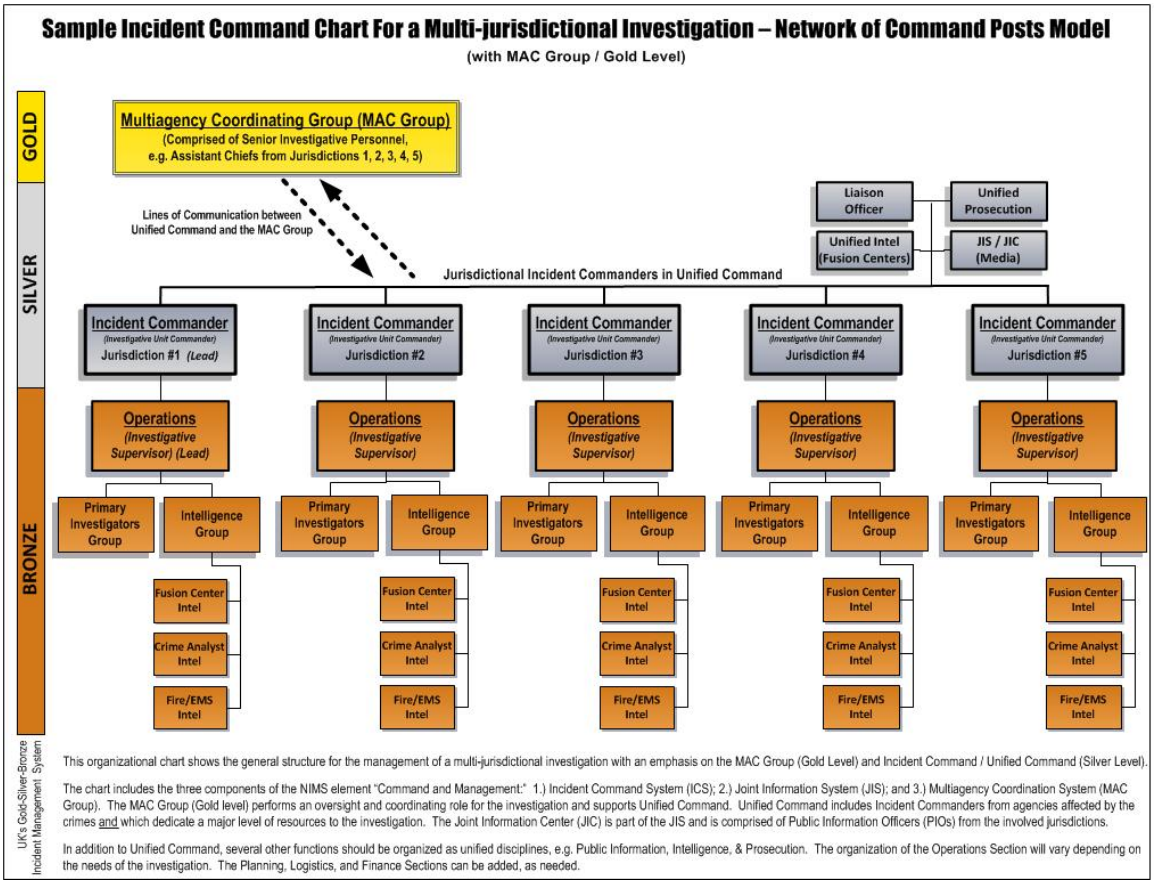

Table 9. Sample ICS Organization for a Multijurisdictional Investigation: Network of Command Post Model

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