

CHAPTER 43
ORGANIZED CRIME AND VICE CONTROL

DISCUSSION: As used in this directive "vice" related crimes are those offenses that primarily deal with illegal services sought by some elements of the community that are also considered to be in violation of public morals or decency. Examples of vice-type crimes include prostitution, pornography, illegal drugs, and gambling. Organized crime is criminal activity that is conducted on a large scale and is normally networked or organized throughout multiple jurisdictions and may frequently operate across state lines. Due to the capabilities of vice and organized crime to operate in multiple jurisdictions, the Hattiesburg Police Department and other members of the task force will sub-contract officers to be assigned to the Forrest/Perry Metro Task Force located at 316 Forrest St., in order to conduct these multiple jurisdiction investigations.

The purpose of this directive is to establish the Forrest/Perry Metro Task Force's (Metro Task Force) organized crime and vice investigative functions and provide specific procedures directly governing that activity. Although the Metro Task Force needs a specific component responsible for organized crime and vice investigations, it is the responsibility of every member of the Hattiesburg Police Department as well as that of the Metro Task Force to take an active role in the effort against these illegal activities. For example, Department employees and other members of the Metro Task Force frequently contribute significant information through street contacts or as a result of an arrest.

43.1 ADMINISTRATION

43.1.1 Goals and Objectives of the Organized Crime and Vice Control

- A. The Metro Task Force is committed to using the resources necessary to ensure an aggressive and effective effort is made to suppress organized crime and vice activities in the community.
- B. The general goals and objectives of the Metro Task Force Organized Crime and Vice functions are as follows:
 - 1. Establish an effective information-gathering network through the use of informants, department employees, other agencies and public contacts, so as to detect organized crime and vice activity within the community.
 - 2. Investigate and successfully prosecute vice offenses taking place in the 12th Judicial District.
 - 3. Investigate and prosecute instances of organized crime occurring in the 12th Judicial District.
 - 4. Purchase or maintain access to advanced or sophisticated investigative electronic equipment that will support organized crime and vice investigations in the field.
 - 5. Provide advanced training to investigative personnel in the investigation and

prosecution of organized crime and vice offenses.

6. Since the manufacture, transportation and distribution of controlled substances is the most serious and pervasive of the organized crime and vice problems facing the 12th Judicial District; it is the goal of the Metro Task Force to emphasize the investigation of illegal drugs and related activity.
7. Establish an attitude within the 12th Judicial District that the Metro Task Force will aggressively pursue organized crime and vice activity.
8. Create a perception within the criminal element, that the 12th Jurisdictional District is an unattractive area for conducting criminal activity through aggressive enforcement of organized crime and vice laws.

43.1.2 Organized Crime and Vice Control Component

Responsibility for organized crime and vice control is vested in the Metro Task Force. The Metro Task Force Commander shall be specifically responsible for conducting and managing organized crime and vice investigations.

43.1.3 Responsibilities

The responsibility of the Organized Crime and Vice Control component include, but are not limited to:

- A. Investigation of all facets of the sale of controlled drugs.
- B. Investigation of illegal gambling.
- C. Investigation of prostitution and pornography offenses.
- D. Investigation of corruption, extortion or bribery
- E. Develop and maintain intelligence information relating to organized crime and vice offenses.
- F. Act as a liaison to and assist as is practical; other State, Federal and local investigative agencies.
- G. Maintain and care for investigative equipment used in the investigation or organized crime and vice offenses.
- H. Provide training as necessary to Metro Task Agents relating to these crimes.

43.2 OPERATIONS

43.2.1 Receiving and Processing Complaints

- A. When a complaint or information on organized crime or vice activity is received by the Metro Task Force, the complaint or information received will be documented on one of the two Metro Task Force Intelligence reports.
 - 1. Citizen/Cooperating individual
 - 2. Outside Law Enforcement Agency
- B. After receipt of the complaint/information, the Metro Task Force Commander will review and assign an Agent to investigate the complaint/information.
- C. If the Metro Task Force receives a complaint/information and it is determined that the suspect(s) is/are operating outside the jurisdiction of the Metro Task Force, the complaint/information will be conveyed to the appropriate Law Enforcement Agency. The information will be recorded on the Outside Law Enforcement Agency Intelligence Report and the block showing that the information was conveyed should be checked.
- D. These reports will include:
 - 1. Name of associates of primary suspect(s)
 - 2. Locations which primary suspect(s) frequent
 - 3. Vehicles of primary suspect(s)
 - 4. Sex and race
 - 5. Approximate age, build and hair color

43.2.2 Vice and Organized Crime Complaint Records

Every vice and organized crime complaint received and substantiated by investigation will be maintained permanently at the Metro Task Force.

43.2.3 Vice and Organized Crime Investigations

Once a vice and organized crime complaint is assigned for investigation, the following procedures will be used:

- A. Preliminary Investigations
 - 1. Reliable information should be developed by reviewing the original information contained in the complaint and taking the necessary steps to verify it. This may entail making neighborhood contacts, contacting other agencies which might be familiar with the person(s) or situation(s) and interviewing parties who might be privileged to information.
 - 2. When it is deemed appropriate by the Metro Task Force Commander, surveillance techniques may be employed to gather information.

B. Follow-Up Investigations

1. Follow-up investigations should be conducted utilizing the procedures established for preliminary investigations. By its very nature, follow-up investigations that imply that information have already been developed. Nevertheless, investigators must continue to verify and develop information until the investigation is determined to be successfully completed or returned to the file as pending.
2. All information developed during the investigation will be recorded and submitted to the Metro Task Force Commander for review.

43.2.4 Confidential File on Informants

- A. All Metro Task Force Agents will make every effort to protect the identity of a confidential informant.
- B. To prevent the disclosure of an informant's identity, a confidential informant file will be maintained in the Metro Task Force file room and in the Metro Task Force computer system. This file will consist of:
1. Metro Task Force Confidential Informant Agreement which shall contain biographical and background information,
 2. Code number,
 3. Criminal history record (if any),
 4. Payments made to the informant,
 5. A record of the informant's involvement in operations,
 6. Photograph, signed fingerprint card, and
 7. A signed Confidential Informant Agreement
- C. The informant file will consist of a letter sized folder with only the confidential informant number visible on the front portion of folder.
- D. Accessibility
1. Informant files will be kept in a secured area designed for this purpose within the Metro task Force.
 2. Informant files are subject to inspection only by an employee of the Metro Task Force.
 3. Sworn personnel of the entities of the Metro Task Force may, during the course of an investigation assignment, obtain an informant files for review only with the approval of the Metro Task Force Commander.

43.2.5 Maintaining Security of Vice and Organized Crime Investigations

All reports and records involving active vice and Organized Crime Investigations shall be kept in the Metro Task Force. The agent assigned to the investigation will keep the reports and records secure in his/her office. When an inquiry pertaining to any of the suspects listed in the reports is received, it shall be handled by the agent assigned to the investigation. In the event that the assigned agent is not present, the Metro Task Force Commander shall review the request on a "need to know" basis before disseminating the information.

43.2.6 Metro Task Force-Confidential Funds

- A. The purpose of this directive is to provide guidelines to maintain strict control over the use of confidential funds.
- B. The Confidential Funds Custodian is authorized by the President of the Forrest County Board of Supervisors, to disburse monies from the Metro Task Force Confidential Fund. Any disbursement of over \$500.00 must be authorized by the President of the Metro Task Force Control Board.
- C. The Confidential Fund Custodian shall have the following responsibilities with respect to the Metro Task Force's confidential fund.
 - 1. Maintenance of the fund in accordance with all appropriate laws and procedures.
 - 2. Direction of a quarterly internal audit of the fund by a third party.
 - 3. Maintaining a ledger identifying the initial balance, credits, debits, and the balance on hand.
 - 4. Maintain records of "buy" and petty cash monies received.
 - 5. Maintain documentation (vouchers) of cash expenditures.
- D. The Confidential Fund Custodian shall make disbursements from the confidential fund only to authorize personnel for the following purposes:
 - 1. Payments that are to be made directly to confidential informants.
 - 2. Investigative funds for the purchase of illegal drugs, contraband, and other criminal evidence.
 - 3. Purchase of food and beverages for a confidential informant.
 - 4. Expenditures for authorized undercover operations.
 - 5. Flash and front money
- E. Vouchers shall be kept in a secure location, and access shall be restricted to those employee(s) approved by the Metro Task Force Commander. Vouchers will include the following information:

1. Case number.
2. Undercover Agents/Confidential Informants signature, badge number and informants code number.
3. Date and county of expenditure.
4. Number of defendants
5. Type of investigation or what kind of evidence purchased.

43.2.7 Surveillance and Undercover Equipment/Use and Limitations

- A. The Metro Task Force has purchased many pieces of equipment to insure the safety of its agents. One of these is the body recorder or transmitter. It is designated to allow back-up Agents to monitor an undercover operative to insure his/her safety, and its use is permitted upon approval of the Metro Task Force Commander or the Assistant Commander.
- B. Members of the Metro Task Force will not, under any circumstances, use a body recorder/transmitter for unauthorized verbal interceptions. State and Federal law prohibits such use and violators can be prosecuted.
- C. The body recorder/transmitter can be used as a prosecution tool when one person involved in the conversation has knowledge of his/her conversation being intercepted and prior permission was given.
- D. In addition to the body recorder/transmitter, the tape recorder and telephone interconnect may be utilized to gather evidence in criminal cases. However, as above, one person involved in the conversation must have knowledge of his/her conversation being intercepted and prior permission must be given.
- E. After a detail, the Case Agent shall make sure that each piece of equipment is secured and placed on a charger if necessary.

43.2.8 Capacity to Conduct Covert Operations

Members of the Metro Task Force have the capacity to conduct covert operations involving vice and organized crime. Such operations would include decoy, undercover and surveillance operations. Agents are permitted to move freely in and out of cities and counties of the 12th Judicial District in the course of conducting investigations and surveillance activities as necessary. Agents will make every effort to only engage suspects or participate in hand-to-hand buys, or controlled buys of narcotics or other contraband within the 12th Judicial District. When possible, agents will notify other jurisdictions that they are entering in advance of their investigation or surveillance. If this is not possible, they will notify the proper authorities as soon as possible to relay any information developed and/or actions taken.

43.2.9 Undercover Operations

Buys of controlled substances, stolen property or contraband.

Undercover operations shall be planned in accordance with Task Force Guidelines established in this directive. These guidelines include:

- A. All persons that are a suspect(s) or become suspect(s) of the undercover operation will be identified and analyzed. This identification and analysis will include a determination of their criminal history, known associates, weapons proficiency and any other available background information that would be important for members conducting the operation.
- B. Contact with a suspect will be made when it has been determined appropriate and only after all necessary and reasonable precautions have been taken.
- C. The neighborhood or suspect(s) area where agents will work will be analyzed and surveyed prior to infiltration to determine and identify hazardous and potentially dangerous areas. Locations for surveillance points will also be identified.
- D. Officers involved in the operations will be provided with false identity, disguises and credentials as necessary.
- E. The confidentiality of Agents' false identity will be maintained in the following manner:
 1. Only the Metro Task Force Control Board Members, Metro Task Force Commander and Agents involved in the operation will have the information on the Agent's false identity.
 2. Copies of the credentials provided to the Agents will be kept in the evidence locker at the Metro Task Force Office.
- F. Officers involved in the operations will be provided necessary funds in accordance with directive 43.2.6.
- G. Officers involved in the operation will be provided necessary equipment to include:
 1. Vehicle
 2. Weapons
 3. Surveillance equipment; when and wherever possible, video equipment and cameras will be used to record the undercover operation. This will assist in documenting compliance with applicable laws.
 4. Communications equipment
- H. Means for routine and emergency communications will be established. This will be determined on a case by case basis. The Department has body microphones, monitors and radios available for this purpose.
- I. The Metro Task Force Commander will review and consider the legal ramifications of

the operation. The prosecutor will be consulted on a case by case basis if determined necessary and appropriate by the Metro Task Force Commander.

- J. Depending on the purpose of the undercover operation, arrest will be made when all of the legal requirements to substantiate a legal arrest have been met. Arrest will depend on the purpose of the undercover operation. No arrest is too made without the backup of another Agent or without the assistance of Law Enforcement officers readily available.
- K. Agents involved in undercover operations will be closely supervised by the Metro Task Force Commander or the Assistant Commander.
- L. Agents engaged in undercover activities shall have a "backup" Agent when making a "hand to hand" purchase of narcotics or other contraband. The Backup agent shall either be in visual contact with the undercover Agent or shall be able to hear the transaction via a body wire or other device. The Backup Agent shall be in a position to respond if necessary to assist the undercover Agent.
- M. Officers engaging in undercover activities are not permitted to consume illegal narcotics. Undercover Agents may consume alcohol when necessary to maintain their "cover"; however, Agents shall exercise good judgment and discretion in the consumption of alcohol. Agents will be held accountable for their actions and at no time in an undercover operation shall they permit their judgment or physical dexterity to become substantially impaired by the consumption of alcohol.

43.2.10 Surveillance Operations

- A. The Metro Task Force Commander will be responsible for coordinating and planning organized crime and vice control surveillance.
- B. Surveillance operations should be well planned prior to implementation. Guidelines for planning operations include:
 - 1. Crimes and victims will be analyzed to determine the nature and scope of personnel and equipment and activities required to safely and effectively conduct the operation.
 - 2. Probable offenders and their habits, associates, vehicles, methods of operation or any other pertinent information which will affect the manner of surveillance and potential prosecution will be identified and analyzed.
 - 3. Officers involved in the surveillance operation will be familiarized with the neighborhood or suspect(s) area.
 - 4. Operational procedures will be determined for observation, arrests and "tails" to insure the continuity between the planning and conduction of the surveillance operation.

5. Required expense funds will be afforded to agents in accordance with directive 43.2.6.
 6. Means for routine and emergency communication will be established.
 7. Equipment and/or vehicles appropriate for the operation will be provided.
 8. Agents involved in the operation are to be relieved so that the surveillance may continue over an extended period of time.
 9. The Metro Task Force Commander will review and consider the legal ramifications of the surveillance. The prosecutor will be consulted on a case by case basis if determined necessary and appropriate by the Metro Task Force Commander.
- C. Surveillance, undercover narcotic operations and decoy operations may be affected singularly or simultaneously during the investigation of organized crime, vice or other criminal offenses. The Metro Task Force Commander shall notify appropriate dispatchers and Patrol Supervisors of the nature and location of the operation prior to implementation, as circumstances dictate.

43.2.11 Decoy Operations

Decoy operations will be planned in accordance with the guidelines established in this directive to include:

- A. Victims, crimes and crime locations will be analyzed with the assistance of the Commander of the Metro Task Force to determine the modus operandi of the perpetrators.
- B. When appropriate, Agents will disguise themselves to resemble victims.
- C. A determination will be made based on the analysis of the situation deploying an adequate number of backup Agents for security and protection.
- D. Operational procedures for each operation will be developed to determine appropriate locations for observation and arrest.
- E. The prosecutor will be consulted as needed to determine the legal ramifications on a case by case basis as determined by the Metro Task Force Commander.
- F. Communications will be established through the use of body microphones, radios and/or recording devices in accordance with the guidelines established in Directive 43.2.7. When and wherever possible, decoy equipment and cameras will be used to record the decoy operation. This will assist in documenting compliance with applicable laws and directives.

- G. Participating personnel will be identified beforehand with a complete description of their vehicles and clothing provided to all personnel.
- H. The appropriate Shift Supervisor, according to jurisdiction, will be advised about the operation and location so appropriate support is available.
- I. Agents involved in the decoy operation will be closely supervised by the Metro Task Force Commander or the Assistant Commander.

43.2.12 Vice and Organized Crime Raids

Narcotics vice and organized crime raids will be conducted in accordance with the guidelines established in this section. These guidelines include:

- A. Authorization for a raid may be granted by the Metro Task Force Commander or the Metro Task Force Board Member to whom the jurisdiction of the raid falls.
- B. The Metro Task Force Commander is responsible for supervising and coordinating any raid. In the Commander's absence the Assistant Commander will fulfill these duties.
- C. Strategies and tactics for approaching, entering, securing, and leaving the suspect(s) of the raid will be developed prior to the raid. These strategies and tactics will include analyzing the suspect(s) to be raided, considering Agent safety and determining the appropriate manpower needed.
- D. When conducting raids and search warrants, non-uniformed personnel will be required to wear police raid jackets. These jackets will properly identify the Agents as Law Enforcement Officers and are readily visible from the front and back. Deviation from this rule may be granted by the Metro Task Force Commander.
- E. Uniformed Police Officers will be utilized and if possible, will be the first officers in view when the subjects of the raid are made aware of the operation.
- F. A search for any evidence which is the suspect(s) of the raid will be thorough and systematic. Evidence and contraband will only be seized in accordance with AOM 1.2.3. Whenever and wherever possible, video equipment and cameras will be used to record the undercover operation. This will assist in documenting compliance with applicable laws and directives.
- G. Appropriate equipment to successfully and safely complete the raid will be issued, to include:
 - 1. Weapons
 - 2. Vests
 - 3. Vehicles
 - 4. Undercover or decoy supplies

5. Communications audio and visual monitoring equipment
- H. Specialized support units such as the Special Tactics and Rescue Team (S.T.A.R. Team) members and evidence technicians may be selected to participate. Appropriate communications will be established and maintained with any support units.
- I. Suspects arrested will be transported to the appropriate County Jail to be processed. If necessary, arrangements will be made for detaining and processing arrested suspects at the scene or other designated area if mass arrests are anticipated.
- J. The use of force used to gain entry will be authorized only after reasonable efforts to gain entry without force have failed. The S.T.A.R. Team will be used if the use of force falls into one of the following categories, but not limited to:
 1. Armed barricaded suspect(s)
 2. Possible hostage situations
- K. If medical assistance is required, Agents will utilize the emergency medical services of the ambulance companies assigned to the local hospital.
- L. Documentation of all activities associated with the raid will be required. This documentation should be in the form of incident reports where the violations of law are observed or arrests are made and supplemental reports by all Agents.

43.2.13 Unit Status Reports

A summary of any narcotic, vice and organized crime activity will be submitted to the Metro Task Force Control Board by the Metro Task Force Commander. The Chief of Police receives a copy of this report and annually evaluates the results and determines the necessity for continued participation.

43.3 FORFEITURE

43.3.1 Forfeiture of Items Used in Connection with Drug Offenses

The authority to seize the property of another is second in terms of seriousness only to depriving another of their freedom of liberty. This seriousness requires a complete understanding of the probable cause necessary to exercise such authority.

The authority to seize personal and real property is granted to law enforcement agents who have probable cause to believe that the property has been used, or is intended for use, in felonious violation of Mississippi Drug Statute 41-29-153. This will represent a large financial loss to the forfeited.

Accordingly, such a financial loss may hamper, if not destroy, the ability of drug dealers to continue their illegal operation. This authority may be a vital tool to control and seriously

hamper illicit drug activity in the community.

In determining generally if property may be forfeited, two questions must be considered. First, was the property used in a felonious violation of 41-29-153? Second, was the owner a consenting party with knowledge of his property being used in the felonious violation of 41-29-153? If these questions can be answered yes, then the property involved may be subject to forfeiture.

A. Property Subject to Seizure

The following property as defined by MS Statute 41-29-153 shall be subject to seizure:

1. All materials, products and equipment of any kind which are used or intended for use in manufacturing, trafficking or furnishing any controlled drug in felonious violation of MS 41-29-153.
2. Property interests in any conveyance including aircraft, vehicles or vessels which are used or intended for use in the transportation or concealment of a controlled drug or which is otherwise used or intended to facilitate the commission of any felony prohibited by MS 41-29-153
3. Any monies used or intended for use in the procuring, manufacturing, compounding, delivery or distribution of a controlled drug in felonious violation of MS 41-29-153.
4. Any books, ledgers, records, records and research material including formulae, microfilm, tapes and any other data which is used or intended for use in felonious violation of MS 41-29-153.

B. Seizing of Property

1. Any officer believing that there is probable cause to seize property as outlined above shall immediately notify the on duty supervisor.
2. The on duty supervisor shall review the investigation to determine if the property to be seized meets the requirements as outlined above.
3. If the property seized is personal property (property which may be easily moved), it shall be secured and held pending final disposition or order of release and may be secured:
 - a. At the Metro Task force Office.
 - b. At the Service Center of the Metro Task Force entity where the seizure took place.
 - c. With the evidence technician.
 - d. At the direction of the Metro Task Force Commander.
4. If the property seized is real property (property which may be considered stationary), it may be secured and held pending final disposition or order of release and may be secured:

- a. By maintaining custody.
- b. By posting.
- c. In a manner to prevent theft, damage or trespass.
- d. Or file civil petition with the circuit clerk to prevent the sale of the property.

C. Inventory

An inventory of seized property shall be conducted upon seizure and placed in the Metro Task Force case file.

D. Notifications

1. The Metro Task Force Commander shall be notified of the item(s) seized and the location thereof.
2. The Metro Task Force Commander shall:
 - a. Coordinate the proceedings of forfeiture.
 - b. Determine State vs. Federal procedure.
 - c. Determine the owner, or owners and any persons having an equitable interest in said property.

E. Return of Seized Property

The Metro Task Force Commander shall return seized property to the owner within thirty (30) days, if:

1. He/She deems that the seizure does not conform to directive 43.1 section A.
2. Ordered by the Court.

F. Federal Forfeiture Procedures

1. If it is determined by the Metro Task Force Commander that the seized property should be sent to the Federal Government for Administrative forfeiture proceedings, the Metro Task Force Commander shall, within three (3) days of the seizure, contact a representative of either the Drug Enforcement Administration or the Federal Bureau of Investigation and request adoption of the forfeiture proceedings.
2. Once verbal confirmation of the Federal Adoption has been received by the Metro Task Force Commander, a report shall be generated detailing the conversation.
3. Upon the completion of all reports, the Metro Task Force Commander shall then generate a DAG-71 form which along with the seized property, shall be transferred to the appropriate Federal Agency within thirty (30) days of the date of the seizure.