

City of Scottsbluff, Nebraska

Monday, July 15, 2013

Regular Meeting

Item Reports1

Council to consider the Memorandum of Understanding for the WING/HIDTA Drug Task force and authorize the Mayor to execute the agreement.

This proposed Memorandum of Understanding (MOU) is an updated version that has been created and agreed upon by all WING Task Force board members. This MOU has been provided to legal counsel of the local jurisdictions for review. The guidelines set forth in this MOU provide procedures to agencies for day-to-day operations and only serves to add cohesiveness to the WING/HIDTA Drug Task Force. It is necessary to have the Council review the MOU and authorize the Mayor to sign it.

Staff Contact: Chief Kevin Spencer

MEMORANDUM OF UNDERSTANDING

Western Nebraska Intelligence and Narcotics Group

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High Intensity Drug Trafficking Area

Drug and Violent Crime Task Force

(Hereafter referred to as the WING/HIDTA Drug Task Force)

01-07-2013

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I. INTRODUCTION

- A. The WING/HIDTA Drug Task Force is comprised of the following parties to include: the Alliance Police Department (1), Nebraska State Patrol (3), Scotts Bluff County Sheriff's Department (1), Scottsbluff Police Department (1), Gering Police Department (1), Chadron Police Department (1), Sidney Police Department (1), Cheyenne County Sheriff's Department (1), and a HITDA Investigator from the Scottsbluff Police Department (1). This includes the following jurisdictions of: Box Butte County, Banner County, Dawes County, Cheyenne County, Kimball County, Sioux County, Sheridan County, Morrill County, Garden County, Scotts Bluff County and Deuel County.
- B. These guidelines will not supersede any of the participating agency's policies and procedures. Violations of the WING/HIDTA Drug Task Force Guidelines may subject the law enforcement officer (LEO) or civilian support staff employee to disciplinary actions by their respective Agency.

The WING/HIDTA Drug Task Force was initiated to identify, investigate, and prepare prosecutable cases against major drug trafficking organizations and criminal investigations surrounding narcotics and violent crime that affect Western Nebraska.

If WING/HIDTA Drug Task Force utilizes an off-site or other meeting location, the location will be determined by the Task Force Commander on a need to know, right to know basis.

OBJECTIVES

The objectives of the WING/HIDTA Drug Task Force are as follows:

- 1. Combine investigative resources.
- 2. Combine investigative manpower.
- 3. Foster cooperation and information sharing among Criminal Justice Agencies.
- 4. Conduct and actively participate in cooperative efforts aimed at identifying and conducting investigations related to project operations.

This Memorandum of Understanding (MOU) provides a guide to participating agencies for day- to- day operations and only serves to add cohesiveness to the WING/HIDTA Drug Task Force.

DEFINITIONS

Majority-A number greater than half of the total.

Super Majority-According to the Business Dictionary a Super Majority requires seventy-five percent or higher votes to approve a decision in an organization.

Off-Site-Not on the main site; not based or occurring in an organizations principal place of activity.

ADVISORY BOARD

WING/HIDTA Drug Task Force Advisory Board members will be appointed to the advisory board from criminal justice agencies in the project area to include representatives from the Nebraska State Patrol, Chadron, Alliance, Scottsbluff, Gering, Sidney Police Departments and the Scotts Bluff and Cheyenne County Sheriff's Office. Appointments for any other representation on the board will be determined by majority vote of the Advisory Board. The Advisory Board shall meet quarterly either in person or via teleconference in accordance with the Open Meetings Act of Nebraska.

The Advisory Board shall also provide for:

Personnel and appropriate supervisors.

1. It shall be the first responsibility of the Advisory Board to appoint a task force commander. The task force commander shall be elected by a majority of the Advisory Board. If concerns arise regarding the task force commander's job performance, the Advisory Board may by a super majority vote, remove the task force commander from the position.
2. If the Advisory Board has concerns regarding an Advisory Board member's participation in Advisory Board activities and decisions, or after three unexcused absences or by notification by the Advisory Board member, a super-majority vote of the board members can result in that member's removal from the Advisory Board.
3. If the Advisory Board has concerns regarding a task force member's non-performance or sub-standard performance this information shall be reported to the task force member's parent agency. The Advisory Board, by a super-majority vote, may choose to remove a task force member for non-performance or sub-standard performance or for any other reason, which is in the best interest of the drug task force.
4. Parent agencies that contribute investigators should place individuals that are capable, eager and self-motivated in the drug task force.
5. Regular meetings, reports of investigations, planned investigations, and expenditure of funds which are documented according to customary accounting practices acceptable to each Agency.
6. Any other information that is deemed necessary by the participating agencies.

At any time during this agreement, any party or agency may withdraw from the WING/HIDTA Drug Task Force. The party or agency withdrawing shall provide written notice to the Advisory Board Chairman and respective participating agency heads of such intent, prior to withdrawal.

All the participating agencies that may be involved in this WING/HIDTA Drug Task Force, including the task force commander, should attend Advisory Board meetings.

As needed, the Advisory Board should continually evaluate the effectiveness and scope of the entire project and make any recommendations or modifications to the WING/HIDTA Drug Task Force as deemed necessary.

The WING/HIDTA Drug Task Force Guidelines and any sub-grant special conditions shall be reviewed once a year by the Advisory Board, task force commander, agents and staff. The review should be used for manual updates, additions, and deletions required for the continued smooth operation of the WING/HIDTA Drug Task Force.

SUPERVISION

At all times, the investigators assigned to the WING/HIDTA Drug Task Force will be supervised by the task force commander. The task force commander will assign day-to-day duties to the investigators who are working on WING/HIDTA Drug Task Force related investigations. Those investigators will report directly to the task force commander regarding the results of WING/HIDTA Drug Task Force investigations. Investigators assigned to this WING/HIDTA Drug Task Force will adhere to all policies and procedures of their parent agency. Any deviations will only be with prior approval from the parent agency after consultation with the task force commander. Each agency will be responsible for their personnel. Personnel issues related to WING/HIDTA Drug Task Force operations that cause disruption in productivity, safety, liability or "Brady Issues" (Brady v. Maryland (1963) 373 U.S. 83,87) shall be brought to the immediate attention of the investigator's parent agency, the task force commander and the Advisory Board when appropriate.

It is agreed by and between the WING/ HIDTA Drug Task Force and the law enforcement agencies that the duties of the task force commander be assigned to a law enforcement officer elected by the Advisory Board. The task force commander will be responsible for scheduling and for fiscal control of overtime, if grant funded, or by the parent agency restrictions. The task force commander will be contacted by a member of the Advisory Board or his designee when parent agency evaluations are due and arrangements will be made for a personnel evaluation meeting.

MEETINGS

The task force commander will hold regularly scheduled investigator meetings. Investigators assigned to the WING/HIDTA Drug Task Force shall attend all meetings unless excused by the task force commander. The main purpose of these meetings is to establish an exchange of all intelligence and investigative

information that will enhance the success of this WING/HIDTA Drug Task Force. If an investigator is unable to attend a meeting he/she should notify the task force commander of the anticipated absence.

FINANCIAL AUDITS

It will be the responsibility of the task force commander to conduct quarterly audits on those funds distributed for drug/information purposes. Audits should be performed in periodic intervals to be determined by the agency or organizations providing the funds.

OPERATIONAL PLANS

Operational Plans and the Risk Assessment Matrix (shall include, but are not limited to search warrants, tactical raids or the like) to be executed by task force personnel, must be approved by the task force commander prior to the execution of the plan.

INVESTIGATIONS

OCDETF INVESTIGATIONS: When an investigation is designated as an Organized Crime Drug Enforcement Task Force "OCDETF" investigation, all published policy and procedures and OCDETF guidelines shall apply. Additionally, the U. S. Attorney will coordinate all news releases and press conferences.

TASK FORCE INVESTIGATIONS: When the potential news release pertains to a WING/HIDTA Drug Task Force investigation, all news releases will conform to WING/HIDTA Drug Task Force guidelines and sub-grant special conditions.

FUNDING

This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather a basic statement of the understanding between the parties hereto of the tasks and methods for performing the tasks described herein.

Unless otherwise agreed in writing, each party shall bear its own costs in relation to this Memorandum of Understanding. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

Asset Forfeiture

As a result of joint WING/ HIDTA Drug Task Force investigations, the assets from the investigation will be transferred to WING/HIDTA Drug Task Force using standard federal forfeiture guidelines. It will be the responsibility of the

Advisory Board to oversee the use or expenditure of seized property or funds. Audits should be performed on seized assets in periodic intervals. Seized assets will be processed in accordance with local, state and federal requirements.

COMPLAINTS

All complaints regarding WING/HIDTA Drug Task Force investigators shall be taken by the task force commander and handled according to the parent agency policy.

TRAINING GUIDELINES

All newly assigned, full-time, WING/HIDTA Drug Task Force investigators shall complete a six (6) phase field training program. The task force commander shall appoint experienced personnel to act as training officers during this period. Training shall include but is not limited to:

1. Familiarization with the off-site location or other meeting locations
2. MOU, Policies and Operational Guidelines of the Wing/HIDTA Drug Task Force and sub-grant special conditions.
3. Reports
4. Surveillance tactics
5. Specialized equipment (JOEY's, computers, software, etc.)
6. Cooperating Individuals/UC (Undercover operations)
7. Buy money, request forms, logs
8. Drug Enforcement Administration (DEA) Basic Narcotics Course

All investigators assigned to the WING/HIDTA Drug Task Force should attend the DEA Basic Narcotics Investigators course or other similar type Basic Narcotics training this is a requirement in order to demonstrate the knowledge, training and experience during testimony in judicial proceedings. The task force commander should attend a Narcotic Unit Commanders course. Both the Basic Narcotics Course for Investigators and Narcotic Unit Commanders course should be completed within one year of being assigned to the WING/HIDTA Drug Task Force.

TASK FORCE LOCATION

The WING/HIDTA Drug Task Force is housed at the Scott Bluffs County Administrative Center. This space is provided by Scotts Bluff County.

WING/HIDTA Drug Task Force

Advisory Board

Administrator	Agency	Signature/Date
Fred Feldges, Mayor	City of Alliance P.O. Drawer D Alliance, NE	_____
Randy Meininger	City of Scottsbluff 2525 Circle Drive Scottsbluff, NE	_____
Mary V. Horse, Mayor	City of Chadron P.O. Box 390, Chadron, NE	_____
Edwin Mayo	City of Gering P.O. Box 687, Gering, NE	_____
Mark Masterton, Chairman	Scotts Bluff County Commissioner 1825 10th Street Scottsbluff, NE	_____
Dr. Wendall Gaston, Mayor	City of Sidney P.O. Box 79, Sidney, NE	_____
Col. David Sankey	Nebraska State Patrol Troop E 4500 Avenue I Scottsbluff, NE	_____
Harold Winkelman	Cheyenne County Commissioner Courthouse Sidney, NE	_____

