Federal Law Enforcement

A Primer

Jeff Bumgarner

Charles Crawford

Ronald Burns

Carolina Academic Press

Durham, North Carolina

Copyright © 2013
Carolina Academic Press
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Bumgarner, Jeffrey B.
Federal law enforcement : a primer / Jeff Bumgarner, Charles Crawford, and Ronald Burns.
pages cm
Includes bibliographical references and index.
ISBN 978-1-61163-076-3 (alk. paper)
1. Law enforcement--United States. 2. Police--United States. I. Crawford, Charles E., 1967- II. Burns, Ronald G., 1968- III. Title.

HV8139.B86 2013
363.20973--dc23

2013007024

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Contents

Foreword xi

Part I · Federal Law Enforcement of the Past and Present

Chapter One · Origins of Federal Law Enforcement in America 3
Enforcing Taxes and Tariffs 5
Serving the Federal Judiciary System 5
Securing Public Facilities 6
Protecting the Postal System 8
Federal Law Enforcement Expands with the Nation 8
Public Lands 12
References 14

Chapter Two · Current State of Federal Law Enforcement in America 17
Federal Law Enforcement by the Numbers 18
Debate Regarding Constitutional Limits of Federal Police Power 22
References 28

Part II · Federal Law Enforcement Agencies: Department of Justice

Chapter Three · Federal Bureau of Investigation (FBI) 33
History 33
Organization and Personnel 40
Functions 43
References 44

Chapter Four · Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) 47
History 47
Organization and Personnel 52
Functions 53
References 58

Chapter Five · U.S. Marshals Service 61
History 61
Organization and Personnel 64
Functions 67
Judicial Security 67
Fugitive Apprehension 68
Witness Security Program 69

JPATS 70
Prisoner Operations 71
Asset Seizure and Forfeiture 71
Special Missions and Programs 71
References 72

Chapter Six · Drug Enforcement Administration 75
History 75
Organization and Personnel 77
Functions 78
References 85

Part III · Federal Law Enforcement Agencies: Department of Homeland Security

Chapter Seven · U.S. Immigration and Customs Enforcement (ICE) 89
History 90
Organization and Personnel 91
Deportation Officers 93
Detention and Deportation Officers 94
Homeland Security Investigations Special Agents 94
Immigration and Enforcement Agents 94
Intelligence Careers 94
Investigations Support Positions 95
Functions 95
Homeland Security Investigation 95
HSI Notable Cases 95
Enforcement and Removal Operations 97
References 99

Chapter Eight · United States Customs and Border Protection 101
History 101
Early Immigration Enforcement 102
Creation of the U.S. Border Patrol 103
Change in Policy Towards Immigrants and Immigration 104
Organization and Personnel 105
Becoming a Frontline Officer in Customs and Border Protection 107
Border Patrol Agents 107
Customs Border Protection Officers 108
Agricultural Specialists 108
Air and Marine Agents 108
Functions 109
Border Patrol 109
Notable Border Patrol Cases 109
Notable Air and Marine Cases 110
Customs Enforcement 111
Notable Customs Enforcement Cases 111
References 112

Chapter Nine · United States Secret Service 115
History 115

Creation of the Secret Service 116
Duties of the Early Secret Service 117
Protecting the President 118
Lessons Learned from the Kennedy Assassination 119
Organization and Personnel 120
Becoming a Secret Service Agent 122
Functions 123
Criminal Investigation 123
Protection Details 125
References 127

Chapter Ten · Federal Air Marshal Service 129
History 129
Hijackings as a New International Threat 130
Emerging Threats to Airline Security 131
The Temporary Federal Response to Airline Security and Lessons Learned From Dawson's Field 131
The Creation of the Air Marshals Program 132
Terrorism and Airline Security 133
Organization and Personnel 135
Becoming a Federal Air Marshal 137
Functions 137
Recent Federal Air Marshal Cases 138
References 139

Part IV · Federal Law Enforcement Agencies: Department of Interior

Chapter Eleven · National Park Service 143
History 143
Organization and Personnel 146
United States Park Police 150
Functions 151
References 156

Chapter Twelve · The Bureau of Indian Affairs 159
History 159
Removal of American Indians 160
The Creation of the Bureau of Indian Affairs 161
Early BIA Policing 161
Organization and Personnel 163
Becoming a BIA Police Officer 164
Functions 165
Notable BIA Law Enforcement Cases 165
References 167

Part V · Federal Law Enforcement Agencies: Other Agencies

Chapter Thirteen · Internal Revenue Service 171
History 171
Taxation in the Twentieth Century 172

The Creation of Special Agents 173
Targeting Al Capone 174
IRS Special Agents over the Decades 175
Organization and Personnel 176
Becoming an IRS Special Agent 177
Functions 178
IRS Criminal Investigation Procedures and Recent Cases 178
References 180

Chapter Fourteen · U.S. Postal Inspection Service 183
History 184
Personnel and Organization 185
Functions 187
References 192

Chapter Fifteen · Uniformed Police Services 195
U.S. Capitol Police 196
U.S. Supreme Court Police 198
Federal Protective Service 200
References 204

Chapter Sixteen · Military Criminal Investigative Agencies 207
Army Criminal Investigation Division 208
U.S. Marine Corps Criminal Investigation Division 211
Naval Criminal Investigative Service 212
Air Force Office of Special Investigations 214
United States Coast Guard Investigative Service 215
Defense Criminal Investigative Service 217
References 218

Chapter Seventeen · Offices of Inspector General 219
History 219
Organization and Personnel 222
Functions 229
References 230

Part VI · Careers and Trends

Chapter Eighteen · Careers in Federal Law Enforcement 233
History 234
Organization and Personnel 238
Responsibilities 241
References 244
Appendix A 246

Chapter Nineteen · The Future of Federal Law Enforcement 247
Organizational Issues 248
Entering Federal Law Enforcement 249
Functions and Responsibilities 250
Interagency and Intergroup Relations 251

Legal Aspects of Federal Law Enforcement 253
Misconduct, Corruption, and Ethical Issues 254
Administration 255
The Drug War 256
Technology and Criminalistics 257
Homeland Security and International Crime 258
References 260

Index 263

Foreword

As a new federal law enforcement officer, a special agent with the Drug Enforcement Administration (DEA), I took an oath to " … defend the Constitution of the United States against all enemies, foreign and domestic …" (Title 5 USC Section 3331). The history of the oath of office dates back to Articles II and VI of the Constitution and the first Act passed by the new Congress of the United States. When I accepted my appointment, all I really knew was that I would enforce the federal narcotics laws. Clearly there was so much more than I was aware of and few informational resources were available that focused on the federal law enforcement community—until now.

Jeff Bumgarner (University of Minnesota, Crookston), Charles Crawford (Western Michigan University), and Ronald Burns (Texas Christian University) have taken that next step; they wrote the book that I would like to have read before I became a special agent. *Federal Law Enforcement: A Primer* examines the history, structure, authority, and jurisdiction of federal law enforcement agencies, and their relationships with state, local, and tribal law enforcement agencies. It focuses first on the origins of federal law enforcement, with the Constitution and the three branches of the federal government. The authors explain how federal law enforcement has evolved since colonial times and how the organizations have changed in response to the needs of a nation in the twenty-first century.

Thanks to Hollywood, everyone seems to know about Crime Scene Investigations (CSIs) and the existence of a DEA, Federal Bureau of Investigation (FBI), Alcohol Tobacco Firearms & Explosives (ATF), and United States Marshals Service (USMS), but little attention is paid to the fact that, unlike many other countries, the United States does not have a national uniformed "police force." The book opens with the history of several "main-line" agencies that are part of the traditional and well-known federal law enforcement community. It quickly takes the reader to the next level by explaining what organizations are responsible for the enforcement of the controversial *USA PATRIOT Act*, the *Immigration Reform and Control Act,* various federal drug laws, security compliance regulations, and numerous other statutes and regulations. There are more organizations within the federal law enforcement community than most people imagine and these chapters tell many of their stories.

There are numerous books on police, patrol and the omnipotent CSIs. Every state or local police officer understands that their powers are delegated from the Governor of a state; their jurisdiction, with the authority to protect and serve rests within each state or township, and is guaranteed by the Constitution. While the language and description of the laws and the procedures may vary slightly among each of the states, law enforcement is a very basic and direct concept. But the same cannot be said for federal law enforcement. The United States does not have and will not have a federal police force, but there are numerous federal agents, investigators, inspectors, and uniformed officers with specific yet limited jurisdiction and authority.

Professors Bumgarner, Crawford and Burns have written an outstanding "*Primer*" on the federal law enforcement community. Few law enforcement officers have a true understanding of the complex and diverse nature of the federal community; the depth of their knowledge is normally based on their professional associations. But the authors paint with a wide brush and introduce the reader to the very diverse federal community, starting with the first federal law enforcement agencies created to collect revenue and provide security to the courts, pursuant to the *Tariff Act of 1789* and the *Judiciary Act of 1789*, respectively. Federal law enforcement has come a long way since the creation of the first federal law enforcement agency, the Marshals Service, to the revitalization of the Federal Air Marshal Service to combat terrorism. I doubt that President George Washington could have imagined the Marshals Service of the twenty-first century when he appointed the first twelve U.S. Marshals.

The expansion of federal law enforcement is based upon changing needs and increasing responsibilities. From tax/tariff collection, to court services, to building security and protecting the postal system, the federal government took full advantage of its powers. The authors have blazed a trail across time and the nation, explaining the origins of the most prominent agencies such as the Secret Service, the FBI, the ATF, and the DEA, as well as lesser known agencies like the Bureau of Indian Affairs, National Park Service, Federal Air Marshal Service, and the ever popular Internal Revenue Service. Although very limited in their jurisdiction, there are several uniformed police services such as the Park Police, Capital Police, Supreme Court Police and the Federal Protective Service. Each organization has a unique history that helps the reader better understand the diverse nature of federal law enforcement.

Each of our military services has police and investigation organizations, one of which has even secured space on prime-time television to tell its stories. While many nations use the military to secure their borders, the U.S. has relies on the Border Patrol and the Coast Guard. Since their inceptions, there have been several changes in these organizations and missions; but after the events of September 11, both are now under the control of the Secretary of Homeland Security.

The growth and development of each federal law enforcement organization is carefully examined. The authors capture the reader's attention as they explain how these agencies have been created, re-organized, and/or merged to meet the latest challenge. Approximately half of the federal officers are involved with investigations and inspections. The remaining officers are spread among police, patrol, security, courts and corrections. Unlike most state and local law enforcement organizations, federal officers are stationed throughout the world fighting crime and protecting American lives.

In addition to discussing the history and structure of these federal agencies, the readers are presented with an overview of the nature of the work performed by these agencies, along with brief summaries of some of their more notable cases. Ensuring that each reader is not left standing alone and wanting more, there are sections in the book regarding where new recruits and senior agents receive training, and how one becomes part of over 100 agencies and sub-agencies that are the federal law enforcement community.

I teach a course in federal law enforcement at Kutztown University of Pennsylvania. After reading the draft of *Federal Law Enforcement: A Primer*, I knew I found the perfect text for my course. I trust that you will find reading this book as interesting and informative as I have.

Keith Gregory Logan
Associate Professor, Department of Criminal Justice
Kutztown University of Pennsylvania