

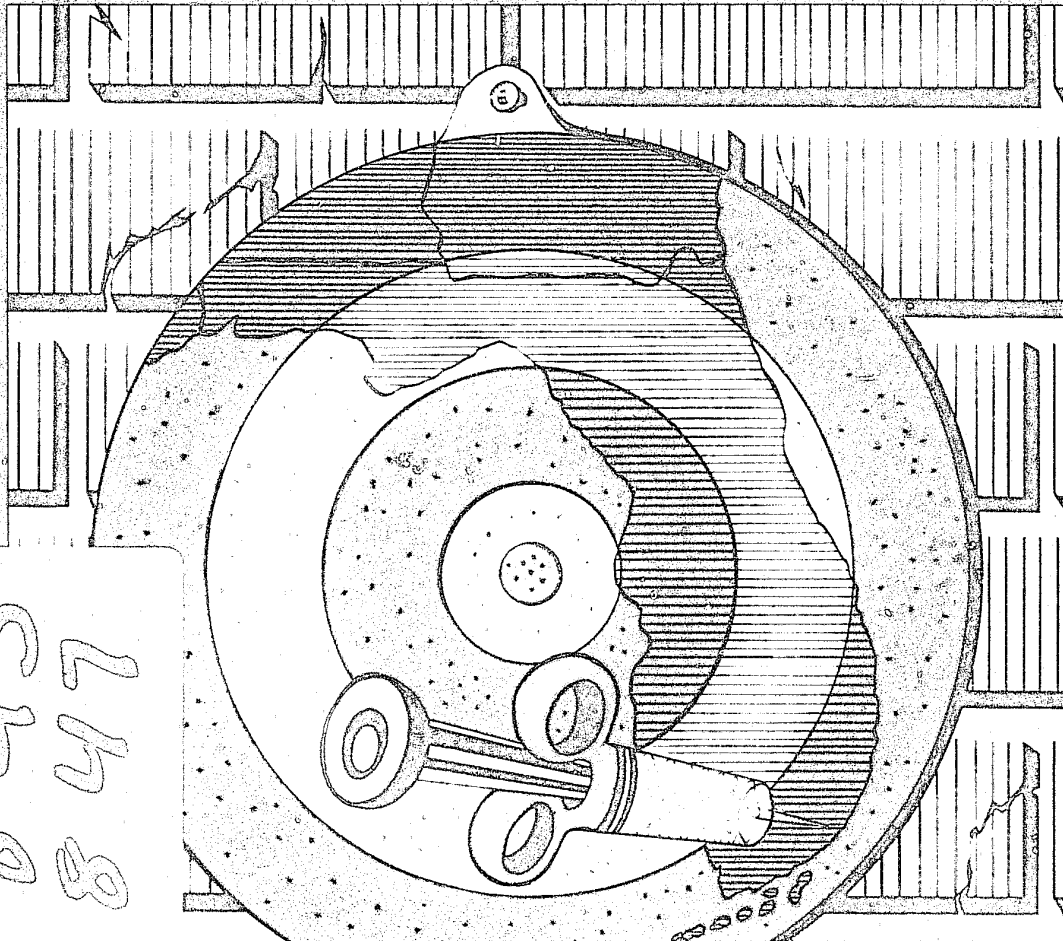
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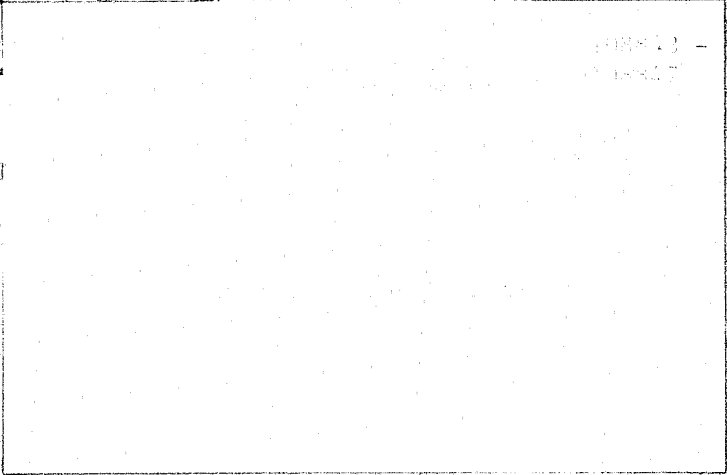
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Law Enforcement Bulletin



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Drug Stings in Miami

"Miami modified the concept [of stings] for drugs . . . toward reducing the demand . . . by targeting buyers en masse."

By
CLARENCE DICKSON

*Chief of Police
Miami, FL*

When a community is faced with blatant street sales of drugs in an open air, drive-through setting, can traditional police tactics be effective? In South Florida, the answer has been "no." Increased arrests have kept pace with the epidemic drug use indicated by ever-increasing cocaine-induced deaths, but arrests themselves have apparently not curbed the demand.

Federal efforts on an enormous scale are resulting in the interdiction of record-breaking amounts of illegal drugs; yet, a 14-month congressional study shows that more resources are needed. If the Federal Government with a drug-fighting budget of \$1.8 billion needs more funding to cope with the problem, what can a local police agency do? Despite some major victories, the effort has been likened to reversing the tide with a bucket.

Although nowhere near victory, the Miami Police Department has found

that a variety of innovative strategies, legal tools, community support, and concerted coordination among nontraditional support agencies is paying off with some surprising dividends. The narcotics situation is all too common in cities across the country. Drug use is on the increase among all levels of society. The most-convenient source of supply is often the economically depressed areas of the city where children as young as 12 years are earning up to \$250 a day selling marijuana, cocaine, and the deadly addictive cocaine "crack" rocks.

South Florida is by no means unique in patterns of drug abuse, income disparity (and its resulting tensions), understaffed police, or inadequate jails.

Prior to my appointment as chief, the narcotics situation had already grown from a chronic problem to a full-

scale epidemic. Middle-income youth from the suburbs, junkies, and children of the poor would cruise slum streets to purchase drugs and rip off sellers or rivals. Those venturing into the area would often become victims of a robbery or an assault, increasing the city's index crime rate.

Competing groups would stage occasional turf skirmishes. Families living in once-decent areas were terrorized as their neighborhoods turned into open-air markets for drugs. Gunshots penetrated the walls and windows of their homes. Many families were economically trapped into staying. Those that could afford to move had abandoned the area and accelerated its decay.

The worst fears of police and parents came true in West Palm Beach on August 15, 1986, when a 7-year-old child was killed while playing outside her house. The random, senseless gunfire of a territorial dispute between



Chief Dickson

rival factions of small-time dealers had taken another life.

Based on a case-by-case analysis of medical examiner records, "cocaine-related" deaths in Dade County rose from 31 in 1980 to 211 in 1985, mirroring the rapid rise in street popularity of a drug once thought by some to be a harmless recreational drug. These deaths are all those cases, countywide, where cocaine or its metabolite benzoylecgonine was found in the tissues during a post mortem examination. These deaths do not include homicides attributable to gang violence.

Nationally, smoking cocaine represents 20 percent of its abuse, as opposed to Florida's 60 percent of cocaine use being administered through smoking. Addiction to nasal snorting requires about 4 years of intermittent use, while those smoking cocaine report a similar stage of compulsion within weeks of its first abuse.

The commissioner of the Florida Department of Law Enforcement echoed the sentiments of most police chiefs when he attributed recent increases in index crimes (which for several years had decreased significantly) to the new popularity of cheap addictive "crack" cocaine in the drug subculture. Confessions of once "normal" people who had turned to lives of crime to support free-basing needs have bolstered the statistical evidence linking drug abuse to street crime.

The Problem — The Strategy

It was evident we had a problem on our hands. The question was how to deal most effectively with the problem. A new strategy was needed.

Approach

In 1984, Miami's traditional enforcement approach had resulted in 227 felony arrests for drug sales and 2,836 arrests for possession. A more-concerted approach was needed involving *all* facets of the problem. It was decided that law enforcement would be split into two units. The Special Investigations Section would continue to coordinate with Federal and State agencies to focus on major dealers, smugglers, financiers, and wholesalers. To augment their mission, a RICO squad was added to attack the infrastructure of organized crime.

However, cities are too limited in terms of resources and jurisdiction to solve problems individually which are international in scope. Local drug enforcement is most effective at the street level, where an immediate impact is possible and direct reductions in related index crimes are achievable. The theory is that unless the demand can be reduced, there will always be suppliers willing to take on the risks of trafficking.

Formation of the Street Narcotics Unit was the first organizational change made early in 1985. To fulfill commitments to the community for an all-out attack on drugs, officers were recruited from throughout the department to staff the new unit. By the end of 1985, drug sales arrests departmentwide had more than doubled to 546 and the conviction rate improved. But still more was needed! On April 3, 1986, Operation STING was initiated.

Traditional stings have for some time been used to capture thieves and burglars. Miami modified the concept for drugs, added mass arrest techniques, civil forfeiture laws, confiscated

"The stings changed attitudes among buyers, because they learned that they were now the targets."

contraband for bait, and community support for the first phase of operations directed toward reducing demand for drugs by targeting buyers en masse. The term STING became an acronym for a more-comprehensive plan, "Strategy To Inhibit Narcotics Growth," which was divided into three overlapping phases. Each phase would target a specific component of the problem — buyers, places, and sellers.

Phase I — The Sting

Once specific "hot spots" were located (based on community input, intelligence files, and computer analysis), a video tape of conditions in each area was prepared to document the blatant nature of the street sales. Photographic evidence was available to show passing motorists being flagged down in the street and besieged by entrepreneurs peddling illicit drugs.

Task force teams of uniform patrol officers, traffic enforcement motormen, undercover personnel, and SWAT members were assembled. Careful planning covered every contingency. Each task was coordinated; divisions of labor insured maximum efficiency and minimized control problems. Roll calls involving 75 - 100 officers were usually held at 4:00 p.m. to take advantage of the peak dealing hours between dusk and early morning. Operations began with undercover officers in rental or confiscated vehicles making buys from all the dealers in the target area. The law-abiding residents who had asked to have their blocks cleaned up would sit silently outside and savor the sweet irony of the situation.

Once the street was cleaned of real dealers, undercover officers as-

sumed the role of street dealers. Purchasers who had become accustomed to frequenting the same location would drive up and stop either to buy or to do some comparison shopping. On drive-up sales, the undercover officer would make the sale and then give a predetermined signal. The cover vehicles (unmarked confiscations or rentals) would close in with blue lights on. The vehicle would literally have to be boxed in or else the buyer would attempt to squeeze through the smallest opening. Once stopped, the buyer was removed and taken to the "arrest apartment." There, in the "arrest apartment," a uniformed officer would search and flex-cuff the prisoner. When the "selling" officer completed his or her paperwork (some of which is so standardized that charges and partial narratives could be pre-completed for the most-common situations), the evidence, usually consisting of the narcotics and the buy money, was placed in a sealed envelope and then dropped into a locked box.

Walk-up sales were much simpler and reduced the chance of escape. As the sale is made, two other officers approach, badge the subject, and then walk their prisoner back to the "arrest apartment." The undercover "seller" is then issued more narcotics and is returned to join the other "sellers" awaiting the next buyers. Amazingly, the buyers were often so intent on "scoring" or were so oblivious to their surroundings that toward the end of an evening's operation, when television camera crews were allowed to turn on their lights, buyers would approach the undercover officers, even when marked police vans were parked on the street and officers were making arrests in

plain view. In one incident, a police sergeant was positioned near an arrest team car in a full SWAT uniform when he was approached by a buyer who inquired, "Hey, man, you got any dope?" When the SWAT supervisor answered, "No, go talk to one of the other OFFICERS," the would-be customer actually went to make a purchase and was arrested.

Once six to eight buyers are brought into the "arrest apartment," a transport wagon is requested. A rear exit from the apartment is a necessity and is one of the first considerations when scouting for a sting location. The arrestees are led out of the rear door to the awaiting transport van. They are then taken to the command post. The command post is generally a large vacant lot either at a school yard, park, or parking lot. It is equipped with a generator, portable lights, and a portable copier. The arrestees are taken to a booking sergeant, who logs the prisoners. Corrections officers on the scene take photographs and fingerprints. After an inventory of personal items is completed, the prisoners are placed on waiting buses. Felons are separated from misdemeanor arrestees (as are females and juveniles) until they are transported to the various jail facilities.

Prior to the sting operations, the average buyer had little to fear from police or the courts. Arrests tended to be sporadic, as they were either the chance result of a buyer giving an officer probable cause during routine patrol or the result of a call-for-service dispatch. Small-time buyers knew that dealers were the primary targets. Even when arrested, the buyer with a minor

"Prominent leaders of community groups joined in promoting a cleanup campaign . . ."

record had little to fear from a criminal justice system which was overburdened with career criminals and overcrowded jails.

The stings changed attitudes among buyers, because they learned that they were now the targets. Although the probability of long-term incarceration remained low, there was a chilling effect on those caught when they lost their car through civil forfeiture, and sometimes, their driver's license through statutes designed to keep drug abusers off the roads. The intense news coverage helped convey the message that the police were serious, and that if buyers ventured into the city to buy drugs, they were likely to end up on a police bus en route to a booking.

Phase II — The Drug House

Following the success of the first phase, the department directed its energies to the derelict apartment houses where freebase operations were being conducted in ostensibly vacant quarters. Based on data collected during previous drug operations, the most-notorious base house was targeted for forfeiture pursuant to Florida Contraband Forfeiture Act 934.701. Armed with clear evidence that one 45-unit apartment house, valued at \$270,000, had been the scene of 73 drug-related incidents over an 18-month period, the chief assistant State attorney of the Dade County State Attorney's Office, a member of Dade County's HUD Task Force, and the City of Miami's chief building code enforcer each successfully argued before a judge for seizure. The court ordered the few remaining tenants to vacate and the building permanently sealed. Con-

crete blocks and mortar to cover windows and doors were required by the court after Miami police argued that a mere boarding up would be defeated within days. The court recognized that the building was both unfit for human habitation and created a crime problem. County housing officials provided relocation assistance for the few legitimate tenants.

Once the precedent was set, cooperation between other owners and the police was rapid. The City of Miami offered low-interest loans to encourage the owners of similar properties to clean up their buildings, eliminate freebasing operations, and begin the revitalization.

In a stipulated agreement to a similarly situated group of four apartment buildings, which had accumulated 2,539 housing code violations, the owner agreed to plead guilty to a lesser number, cooperate with the police, evict those who engaged in drug activity, establish a drug hotline to obtain tenant assistance, correct all violations, and remove trespassers. Eight more apartment sites are on Miami's list for closure or compliance by the owner. Slum lords have been given fair warning that unless they help eliminate drug houses and serious code violations, they may be next.

Phase III — Buy-Bust

Traditional buy-bust operations run by police departments across the country, including Miami, target a limited number of dealers. The operations are hazardous, expensive, and time-consuming. It was decided to attempt the use of mass arrests of buy-bust procedures that have worked so well on the sting operations.

The first buy-bust targeting street

sellers began on August 26, 1986. To complement the usual force of plainclothes officers and uniformed patrol officers, four K-9's recently trained to detect narcotics were added. Knowing that dealers are more wary than purchasers, it was conceded that the volume of arrests would be much lower than those arrested in a sting. Surprisingly, the first night netted 31 dealers and the seizure of 86 grams of cocaine, 173 grams of marijuana, 2 guns, and \$1,461 in cash.

The K-9 dogs have been especially productive in the followup search of an area after the arrest teams have completed their work. Dogs turned up many of the hidden "stash" that would have gone otherwise undetected. It has become a common practice for dealers to limit the amount of drugs and cash on one's person for a dual purpose: If caught, the penalties will be less harsh and concealment reduces losses to rip-offs.

One difficulty in seizing cash under RICO or Florida's Contraband Act is establishing that the money was a part of a narcotics transaction and not merely incidental assets of a suspect. Dogs trained to alert to narcotics are being used to sniff test cash recovered in drug arrests. The only police personnel to handle the cash have not handled drugs. A positive alert to the money can be strong evidence in a civil forfeiture trial that the funds were an instrumentality or fruit of the crime.

Community Support

Broad-based support is probably the most-critical element in a successful long-term operation aimed at changing behaviors, attitudes, and

perceptions. In those areas plagued by street sales, the community was outraged by the depravity that accompanied the blatant sales of drugs. Prominent leaders of community groups joined in promoting a cleanup campaign which is even more vigorous than when the stings began.

Initially, there had been a fear that after one or two operations, the police would move on to other areas of town and let the pushers return to their corners to resume business as usual. An important part of the strategy was, however, to return time and time again until the situation was under control, repeat customers had vanished, and the area once again a safe place to live. Two or three operations are not sufficient to reduce patterns of behavior that have taken years to grow. It is necessary to go back at frequent intervals in the hardcore areas. Some locations have been repeatedly targeted so that it becomes apparent that the police mean business. This is not a one-shot operation, but a continuous enforcement program.

Education

The day after a sting operation, the target area is canvassed by the Crime Prevention Unit for two reasons: (1) To disseminate information on the number of arrests in the area, and (2) to check the pulse of the community. For several months, this procedure has been followed with great success. Almost all residents in the impacted areas were grateful for the clean-up efforts. Some of the comments heard from the community were, "Nice to see you are interested in what's happening here," "When are you coming back?" "What took you so long to get to our community?" "I am glad to see you getting

them off the street," and "Come back tomorrow night." During this contact, crime prevention personnel can answer any other questions, reducing the likelihood of rumors and false information triggering community tension.

In addition to distributing warning flyers in neighborhoods adjacent to targeted areas the day following a sting, the police department participates in a number of educational and awareness programs. One goal is to educate area youth about the evils of drug use. To that end, the department is in the process of creating a "Drugmobile," a mobile home which will be converted into a showcase/theater for presentations in schools and neighborhoods. Inside the Drugmobile, visitors can view a video tape presentation on the dangers of drugs, a narcotics and paraphernalia display case, and a photo display graphically depicting the results of drug abuse (i.e., effects on the body, including death).

Use of Force

The use of minimal force in making sting arrests was stressed in roll calls prior to an operation. It was perceived that community support of antidrug efforts would be diminished by over-zealous enforcement action. Miami's philosophy was that with the number of arrests that were being made, if a few offenders escaped capture or destroyed evidence, they would be too afraid to buy again or would be caught during a following sting.

Mass Arrests

To be a deterrent, police tactics must appear to a potential law breaker to have sufficient probability of detection, multiplied by the severity of loss to outweigh the potential gains. To reduce the demand for drugs, the casual user

presents the largest market, as well as best opportunity, for reform. He or she is less sophisticated, represents the highest profit margin for organized crime, and is the most likely to be diverted from a life of dependency on substance abuse. To be successful against a mass market, mass arrests are required. While it is conceded that mass arrests are less prosecutable, the sentences meted out in small quantity cases were ordinarily tantamount to acquittal.

Confiscation/Forfeiture

Given then, that in most metropolitan areas of the country, the court calendars are crowded and the jails are full, what meaningful sanctions exist when an otherwise nonviolent drug user is caught purchasing or holding drugs? RICO-type sanctions are strong deterrents and community safety devices, protecting the community from the use of various means of transportation in crimes and from irresponsible operators who may be under the influence of drugs or fleeing the police. Except for the most affluent of criminals, forfeiture of vehicles, funds, property, or driver's licenses are all strong incentives to comply with the law.

Media Support

Word-of-mouth communication that it is unwise to "score" in a particular area is too slow to achieve the desired impact in reducing demand or cleaning up a given neighborhood. The news media was a valuable partner during the sting operations. Not only did the media help spread the word that police were cracking down on buyers, but the reporters were exposed to the dangers of police work, the professionalism of the police, and a real-life view of the

"The news media was a valuable partner during the sting operations."

enormous demand for drugs that until then had only been an abstract problem.

Editors gave each successive operation the same coverage after 20 stings that they gave the first. It seemed that the newness never wore off. Editorial writers, who help shape public opinion about drugs, accompanied officers on the stings and were as impressed by the police tactics as they were dumbfounded by the magnitude of the problem.

Risks: Officer Safety

Drug busts are always a risky business. During mass arrest sweeps, however, the potential is heightened. Of the 3,074 arrests covering 37 operations involving 2,219 man days of activity, there were 3 occasions where undercover officers were the intended targets of gunfire. Luckily, no officers were hurt, and arrests were made on all offenders without serious injury. As a precautionary measure, Miami's SWAT team is deployed on every drug raid. It was considered prudent to have SWAT on standby during the stings. The three occasions where gunfire resulted are thought to have resulted from insufficient identification by the arresting officers to passengers or others. As it becomes increasingly popular to impersonate police when staging a rip-off, it becomes more important that multiple officers display credentials when making a sting arrest. The possibility of recognition of undercover officers increases with each operation.

Delayed Arrival Times On Calls For Service

Commitment of large numbers of personnel always carries the risk that routine dispatching of calls for police

service will be delayed or that normal preventive patrols will have to be sacrificed. Our studies have shown that there has been no measurable negative impact on service to the public; an analysis of delayed response to calls for service showed no significant difference during the hours of stings as opposed to other times of the day.

Displacements

Any time selective targeting is used, the probability is high that crime is not reduced as much as it is displaced to other parts of the community, perhaps to nearby cities. It appears, however, that displacement is not occurring to any significant degree. Buying patterns are not easily reestablished; the infrastructure and support networks take time to rebuild. Other jurisdictions are now employing simultaneous strategies to suppress drug sales in their areas.

Successes

Traditional measures of success do not apply to mass arrest tactics. Invariably, conviction rates are low given that the jails are full and that a majority are first offenders in the eyes of the court, despite years of drug abuse. A more-fundamental set of criteria ask the following questions: Were the objectives accomplished? Is the operation cost-effective? What is the recidivism rate? Is the community safer?

All of these indicators show results which exceeded expectations. In addition, the stings provided unexpected dividends in the form of increased morale, citizen support, community awareness, media support, and legislative awareness which is stimulating lawmakers to enact laws at the State and Federal level aimed at curbing the de-

mand for drugs and providing law enforcement with the tools to combat crime.

As of March 6, 1987, stings alone have netted 927 felony arrests, 2,147 misdemeanor arrests, 153 computer "hits," seizure of 1,000 vehicles, and forfeiture of \$73,577. Personnel committed to the 37 stings amount to 20,459 manhours or an average of 6.6 hours per arrest. Sting productivity is significantly better than the average of 19.2 hours of field-hour per arrest in uniform patrol. Overtime costs are less than half of the monetary forfeitures. As a result, the program (while not generating a positive cash flow) is at least paying for itself without draining the taxpayers.

Since April of 1986, total drug arrests average 665 per month. By the end of the year, total drug arrests exceeded 7,000. That is twice the department's drug arrests for 1985.

Of the 3,074 people arrested during a sting, only 12 have been caught more than once, a good indicator that the demand has been reduced. If demand were unaffected, the normal "learning curve" would dictate that arrests-per-manhour would increase in relation to the officers' increased proficiency. The opposite has occurred. Officers are having difficulty in sustaining their momentum. Arrests per operation have declined despite high initiative. The once notoriously dangerous areas are returning to places where a family can live free from fear.

Anyone desiring more details about operational aspects of stings, buy-busts, or apartment closures should contact Lt. John Brooks, Miami Police Task Force/SNU Commander, (305) 579-6580.

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