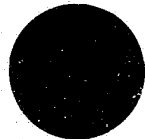


U.S. Department of Justice
Office of Justice Programs



Street-Level Narcotics Enforcement

123726

**Bureau of
Justice
Assistance**

MONOGRAPH

**NARCOTICS CONTROL TECHNICAL
ASSISTANCE PROGRAM**

Administered by
Institute for Law and Justice

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Bureau of Justice Assistance

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Edward F. Connors, III

Hugh Nugent

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National Institute of Justice

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ABOUT THE BUREAU OF JUSTICE ASSISTANCE

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The Justice Assistance Program provides grant assistance to state and local criminal justice agencies to fund programs that improve the functioning of the criminal justice system with an emphasis on violent crime and serious offenders. The states, District of Columbia, and the territories receive block grant awards that are used to implement the programs at the state level. Discretionary programs are also administered by the Bureau. These programs are designed to demonstrate the effectiveness of new programs, provide training and technical assistance to criminal justice personnel, and address issues of a national or multi-state nature.

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INTRODUCTION

PURPOSE AND SCOPE OF MONOGRAPH

The purpose of this monograph is to provide law enforcement agencies with detailed methodologies for developing and executing street-level narcotics enforcement programs.

Drug sellers and drug buyers on public streets are the most visible manifestation of the drug problems that pervade our society. Always a problem with some drugs, like heroin, street markets have proliferated with the rapid spread of crack cocaine, with its low cost, ease of use, and immediate highs. "Crack is responsible for the fact that vast patches of the American urban landscape are rapidly deteriorating beyond effective control by civil authorities."¹

Because of their blatant contempt for law and the common good, and because of the violence associated with their drug trafficking, crack dealers have created a fear of crime that imprisons law abiding members of society in their homes. Crack houses have made bad neighborhoods worse, blights in themselves and in the people they attract. While effective street enforcement will totally not solve the nation's drug problem, it can certainly alleviate public fear and improve the safety and quality of life for many of our citizens.

It has become commonplace to describe drug trafficking in market terms, contrasting supply-reduction programs with demand-reduction programs. This monograph concentrates on the places where a significant part of that market operates, on streets or in other public places, where supply actually meets demand and drug sales take place. There is nothing abstract or theoretical, nothing indirect or delayed, about these street markets. These markets can be targeted for direct action to disrupt, displace, or destroy them. This monograph describes eleven such direct actions that are known to be effective.

Focusing only on street enforcement, this monograph assumes without arguing that there are other enforcement activities of equal or greater importance. Drugs are neither grown nor manufactured in most communities. There is some distribution network that brings them to the street. But the focus of this monograph is the retail market on the street, not the wholesale drug distribution network. Beyond recommending that street enforcement officers coordinate intelligence with mid-level and high-level trafficking investigators, this monograph has little to say about those other enforcement activities. Every law enforcement agency should have the fullest array of anti-narcotics programs its resources will allow. However, because it is important that everyone understand where street-level enforcement fits into the

¹ *National Drug Control Strategy* (G.P.O. 1989), p. 3.

overall scheme of drug suppression, we examine those relationships in the chapter on strategic and tactical planning.

This monograph will also comment on crack houses because of their close relationship with street enforcement. The drug traffic environment in which crack houses flourish is so fluid that the ordinary distinctions between public streets and private buildings are often blurred. But other indoor markets, such as nightclubs, taverns, or restaurants, while they share some of the characteristics of an outdoor market, are beyond the scope of this monograph. Closed or discreet drug markets, e.g., drug transactions that occur in private apartments, between buyers and sellers well known to each other, are also beyond the scope of this monograph.

As viewed in this document, street narcotics enforcement is a continuing police responsibility. For that reason, we distinguish street narcotics enforcement from a drug crackdown. "Crackdown" usually connotes a package of intense enforcement actions for a limited period of time. The tactical operations described in this monograph can be used again and again throughout a city. They can certainly disrupt and displace street drug markets. They probably cannot eliminate them entirely.

This monograph also rests on the premise that one organizational unit within the police department will concentrate on street narcotics enforcement. For convenience, we refer to that unit as the street narcotics unit.

STRUCTURE OF MONOGRAPH

Chapter 1 of this monograph describes eleven distinct street enforcement tactics:

- Directed Patrol
- Executing Outstanding Arrest Warrants
- Arrest of Dealers and Users for Other Offenses
- Traffic Enforcement
- Roadblocks or Checkpoints
- Simple Surveillance and Arrest
- Informant Buys
- Undercover Police Buys
- Buy/Busts
- Reverse Stings
- Crack House Raids

While most street enforcement operations will use a combination of these tactics, for analytical purposes it is useful to examine them separately.

The remaining chapters of the monograph discuss the background for choosing and carrying out particular street enforcement tactics. Chapter 2 begins with an overview of street-level drug trade, examining factors that influence street drug trade such as market and user

characteristics, environment, community attitudes, and gangs. Chapter 3 looks at the program experience of several cities with some of the tactics suggested in this monograph.

Chapter 4 discusses strategic, operational, and tactical planning. The chapter explains the elements of planning and advocates establishment of a narcotics strategy.

Chapter 5 treats organization and management issues, including organizational placement of a street narcotics unit, personnel and other resources required, narcotics intelligence, written policies and procedures, and coordination with other organizations.

Chapter 6 emphasizes the importance of working with the community. Police departments should work with other local agencies, public housing authorities, and neighborhood organizations to help revitalize communities that have been overrun by drug trafficking.

Chapter 7 explains basic principles of program evaluation. Evaluation must be part of program planning and execution if effective parts of operations are to be continued and ineffective parts modified or scrapped.

CHAPTER 1

TACTICAL OPERATIONS

Most street narcotics enforcement operations will use a combination of tactics. The purpose of this chapter is to look at each of eleven tactics separately to clarify what each entails and how it differs from the others. As will be seen, some of the tactics can be used by uniformed patrol, others by traffic officers, still others by a street narcotics unit. All will be used to best advantage when coordinated within a comprehensive narcotics strategy of the kind discussed in Chapter 4.

DIRECTED PATROL

Directed patrol is distinguished from routine or random patrol by its focus on specific problems or assignments. The law enforcement agency identifies a particular problem, gives uniformed officers information about the problem, and directs them in what to do. Directed patrol creates the need to prioritize patrol functions. Among other things, that means that low priority calls have to wait while the more serious problem is addressed. Small agencies will probably have to use overtime.

Patrol directed at street drug trafficking can be effective in disrupting and displacing drug markets, at least in the short run. Directed patrol goes to known or potential problem areas without waiting for calls for service or citizen complaints. When directed patrol is part of problem-oriented policing, the concept is broadened to include action on the problem until it is resolved or alleviated. This will often take police officers beyond apprehension of suspects into efforts to deal with underlying conditions that foster drug traffic.

There are several potential targets for directed patrol:

- A particular street or neighborhood, or houses, apartment buildings, commercial buildings.
- A particular target group, such as sellers or users, or gang members.
- A particular drug, such as crack or PCP.

The point is to bring patrol officers to problem areas frequently and overtly to enforce drug and other criminal laws, as well as local ordinances. Visible police presence makes it more difficult for a street market to operate, and it makes law abiding citizens more willing to come out on the streets. Therefore, even if circumstances preclude direct apprehension of drug suspects, police presence can be effective as a perfectly lawful form of drug market harassment.

Patrol officers should be trained in the characteristics of street markets so that they can accurately evaluate the situations as they occur. As described in Chapter 3, the Rochester,

New York, Police Department has used patrol officers on temporary assignment as part of its drug HIT teams. Rochester's experience has been that these officers, when they return to patrol, make far more drug arrests than they did before their temporary assignment to HIT.

EXECUTING OUTSTANDING ARREST AND BENCH WARRANTS

Drug users and sellers are more likely than other offenders to jump bail, whether for drug charges or for property and violent offenses. They are also more likely to fail to appear on simple citations, such as traffic or trespass citations, leading to issuance of bench warrants.

Agencies should regularly circulate to uniformed officers and narcotics investigators an up-to-date hot sheet listing persons wanted on arrest and bench warrants. Execution of outstanding warrants can be a task for directed patrol. Officers can go to locations where dealers and addicts gather, detain them briefly if there is reasonable suspicion, and run their names through the warrant list. Nothing more than a valid outstanding warrant—no additional offense, no visible drug deal—is required for a valid arrest.

ARREST OF DEALERS AND USERS FOR OTHER OFFENSES

Narcotics traffickers do not confine their unlawful activity to narcotics. They are usually involved in a number of other illegal activities, whether in support of their drug trade or because of their total indifference to the law. They are vulnerable on these other activities.

An outdoor market can be legally harassed in a variety of ways, including ticketing and towing of illegally parked cars believed to belong to drug buyers and sellers. When supported by property owners, enforcement of trespass laws can be an effective means of removing undesirables from a problem area. The cooperation of public housing authorities and owners of private apartment complexes should be solicited in asserting the proprietary interests necessary to support trespass enforcement.

Trespassing can be the basis for valid arrests. Once an arrest is made, the trespasser can be searched incident to the arrest. Such searches often discover narcotics, leading to more serious charges than simple trespass.

Pressure can be brought to bear on property owners through enforcement of zoning codes, fire and safety codes, health and sanitation codes, and public nuisance laws. Police information is often the starting point for such code enforcement, which is usually carried out by other local officials.

Coming back to the users, some states allow police to arrest persons showing clear signs of public drug intoxication. This cleans up the streets, pressures users, decreases the

total number of market users (by arresting some of them), and even provides information on the market if arrestees choose to talk.

TRAFFIC ENFORCEMENT

Ordinary traffic enforcement has been extraordinarily important in drug enforcement, a point readily established from the large body of case law on vehicle stops.² Traffic enforcement can both interdict drug traffic and identify drug abusers.

Interdiction Through Traffic Stops

All traffic stops must be legally justified, either by the officer's observation of a traffic or other offense, or by reasonable suspicion that an ordinance violation or criminal offense has been committed. Random traffic stops or stops based on pretexts will not support any subsequent searches and seizures.³

While reasonable suspicion may justify a brief interruption of a driver's trip, it is not probable cause for an arrest or a search.⁴ But probable cause can arise in the interaction between the officer and the driver or passengers, and traffic officers should be aware of the range of possibilities implicit in a traffic stop.

Upon approaching the stopped vehicle, the traffic officer should observe the vehicle carefully, looking, listening, and smelling for anything unusual. The officer should be alert to the following:

- Any unusual driver or passenger activity.
- License plates, noting state and date and any dealer identification.
- Stickers that indicate particular locations or activities:
 - Business parking.
 - Student parking.
 - Dealer decals.
 - Inspection stickers.

² E.g., see *New York v. Belton*, 453 U.S. 454 (1981); *United States v. Ross*, 456 U.S. 798 (1982); *Michigan v. Thomas*, 458 U.S. 259 (1982); *Michigan v. Long*, 463 U.S. 1032 (1983); *United States v. Sharpe*, 470 U.S. 675 (1985); *Colorado v. Bertine*, 479 U.S. 367 (1987).

³ *Delaware v. Prouse*, 440 U.S. 648 (1979).

⁴ "Reasonable suspicion" and "probable cause" are legal "words of art." That is, they are words with very specific meanings established by statute or case law. "Probable cause" is the standard stated in the Fourth Amendment for issuance of a warrant. "Reasonable suspicion," which must be based on articulable facts, is less than probable cause but more than an unparticularized suspicion or hunch. *Terry v. Ohio*, 392 U.S. 1, 27 (1968).

- Anything unusual about the rear of vehicle:
 - Overloaded or heavy look.
 - Trunk lock punched or pried out.
 - Clean license plate on a dirty car, or vice versa.
 - Rear license plate with insects on it.
 - Strange odors, possibly of marijuana or of substances used to mask the smell of drugs.

Upon reaching the vehicle, the officer should be on the watch for several things:

- Back seat ajar.
- Luggage in back seat.
- Trunk contents (spare tire and jack) in back seat.
- Tools.
- Narcotics paraphernalia: vials, roach clips, needles, straws, razor blades, scales, ledgers.
- Weapons or spent shell casings.
- Containers common to controlled substances.
- Loose screws, loose body molding that may have been removed and replaced.
- Pry marks on vehicle.
- Excess air fresheners or deodorizers, e.g., cedar chips, coffee grounds.
- Key ring with only one key.

In addition to the routine business of the traffic stop, the officer should be watching for the following while interacting with the driver:

- Does the driver's license match the registration?
- What is the relationship of the driver to the owner of the vehicle?
- Do the types of occupants fit the vehicle?
- Do the driver and/or passengers seem excessively nervous?
- Are there signs of substance abuse?
- If the vehicle is a rental vehicle, has it been rented to the driver?

Whether the officer making a traffic stop should ask the driver and passengers to get out of the car depends upon departmental practice and regulations.⁵

If the circumstances of a traffic stop give rise to reasonable suspicion, the officer can detain the driver and vehicle for a reasonable time while continuing the investigation.⁶

Traffic stops frequently bring into play one or more of five major exceptions to the rule that all searches require a warrant issued by an independent magistrate:

- The principle that a car can be searched on probable cause without a warrant goes back over six decades, to *Carroll v. United States*,⁷ and is based on the ease with which a car can be moved while officers obtain a warrant. This exception to the warrant requirement is referred to as the *Carroll* exception or the *automobile* exception.

⁵ *Pennsylvania v. Mimms*, 434 U.S. 106 (1977).

⁶ *United States v. Sharpe*, 470 U.S. 675 (1985).

⁷ 267 U.S. 132 (1925).

- An officer making an arrest and taking a person into custody can make a *search incident to arrest*, searching the person being arrested and areas within that person's reach. The arrest, of course, must be based on probable cause.⁸
- Officers making the kinds of observations recommended above often see contraband or evidence of crime, bringing into play the *plain view* exception.⁹
- Even if there is no reasonable suspicion or probable cause, an officer can still make a search if the driver or the owner gives *consent* to the search.¹⁰ The consent must be voluntary. To document that consent was voluntary, many law enforcement agencies use a standard consent form to be signed by the person whose car is being searched.
- Finally, if a car is impounded as a result of a traffic stop, an *impoundment search* can be made in accordance with agency regulations. The search may include the opening of closed containers if departmental regulations so require. The important point is that the inventory search must be routine, governed by regulation, and not random.¹¹

Questions frequently arise about the use of "courier profiles" in automobile interdiction cases. That is, a driver, passenger, car, or all of them combined match or are similar to what experience has shown to be typical drug couriers. A courier profile neither takes the place of reasonable suspicion nor undermines reasonable suspicion or probable cause if they exist.

In *United States v. Sokolow*,¹² the Supreme Court of the United States addressed the use of courier profiles in an airport interdiction program. While Sokolow's attire and behavior fit the profile, all the factors in the case also gave rise to reasonable suspicion. In *Gates v. Illinois*,¹³ the Court had said that "innocent behavior will frequently provide the basis for probable cause," and that "[i]n making a determination of probable cause the relevant inquiry is not whether the particular conduct is 'innocent' or 'guilty,' but the degree of suspicion that attaches to particular types of noncriminal acts." In *Sokolow*, the Court directly addressed the courier profile in the following passage:

We do not agree with respondent that our analysis is somehow changed by the agents' belief that his behavior was consistent with one of the DEA's "drug courier profiles." . . . A court sitting to determine the existence of reasonable suspicion must require the

⁸ *Chimel v. California*, 395 U.S. 752 (1969).

⁹ *Texas v. Brown*, 460 U.S. 730 (1983).

¹⁰ *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

¹¹ *South Dakota v. Opperman*, 428 U.S. 364 (1976); *Colorado v. Bertine*, 479 U.S. 367 (1987); *but see Florida v. Wells*, Sp.Ct. No. 88-1835 (April 18, 1990).

¹² 109 S.Ct. 1581 (1989).

¹³ 462 U.S. 213, 243-244, n. 13 (1983).

agent to articulate the factors leading to that conclusion, but the fact that these factors may be set forth in a "profile" does not somehow detract from their evidentiary significance as seen by a trained agent.¹⁴

As can be seen from this passage, drug investigators may use "profiles" as indicators that a traveler is likely to be a drug courier, but the ultimate basis for seizure of a person remains reasonable suspicion, supported by articulable facts, that the individual is violating drug laws.

Drug Recognition Program

Law enforcement officers working traffic are accustomed to administering various forms of field sobriety tests to determine whether drivers are impaired by alcohol. The Los Angeles Police Department has developed and tested a drug recognition process that trained specialists can use to assess whether an arrested person is under the influence of drugs and, if so, to make a reasonably accurate guess as to what class of drugs the person has been using. The process is the subject of a BJA Monograph,¹⁵ and we will not describe it in detail here other than to make three short points.

The drug recognition process is a post-arrest, not a field evaluation process. It requires special training that many agencies are now beginning to provide some personnel. Nevertheless, it is still pertinent to street narcotics enforcement because it targets drug abusers at the time when they are most dangerous to the general public, when they are driving impaired on public streets.

ROADBLOCKS OR CHECKPOINTS

Residents of neighborhoods that have become open air drug markets frequently complain about the heavy vehicular traffic brought into their neighborhoods by drugs. As discussed in detail in Chapter 3, the District of Columbia has made effective use of roadblocks to discourage entry into such neighborhoods. The District's roadblocks were run as checkpoints on vehicle registration and driver's licenses. The particular practices used by the District were upheld against constitutional challenge,¹⁶ but the use of sobriety checkpoints is being con-

¹⁴ 109 S.Ct. at 1587.

¹⁵ Bureau of Justice Assistance, *Drug Recognition Program* (April 1989).

¹⁶ *United States v. McFayden*, 865 F.2d 1306 (D.C.Cir. 1989).

sidered again by the Supreme Court in its October 1989 Term,¹⁷ and the outcome of that case may provide further constitutional guidance on all forms of checkpoints.

SURVEILLANCE AND ARREST

The least complicated approach to open-air drug trade is simple surveillance and arrest. From an unmarked vehicle, from a building that provides a clear view of the market area, or directly on the streets, narcotics personnel observe transactions, then arrest the parties to the transaction.

In a widely used variation on this procedure, the surveillance officer observes transactions from a remote point through binoculars and, when satisfied that there is probable cause for an arrest, calls in a "jump-out" squad by radio to make the arrests. Remaining in radio contact during the arrest, the surveillance officer identifies the suspects to be arrested but does not directly participate in the arrest. Neither the surveillance officer nor the surveillance point is disclosed, and surveillance can continue to see if other dealers appear to replace those who were arrested. If sales resume, the surveillance officer can again call in a jump-out squad.

It is the surveillance officer rather than the jump-out squad who provides the probable cause for the arrests and any searches incident to arrest. Therefore, it is essential that the surveillance officer be able to identify and distinguish the suspects from each other, by personal characteristics or by clothing, and communicate the identifications to the jump-out squad at the time of the arrest.

A jump-out squad can travel in unmarked cars or vans. But when they appear, they must be clearly recognizable as police officers. At a minimum, they should wear clearly marked raid jackets and baseball caps identifying them as police. They must work in numbers sufficient to control the street situations into which they thrust themselves.

INFORMANT BUYS

An informant agrees to make a controlled buy as evidence against a dealer. The police carefully search the informant before the buy, provide marked buy money, and then search the informant after the buy to assure that the informant has not concealed some of the purchased drug for personal use. Police can use the evidence from informant buys to request search warrants, allowing them to reach indoor dealers.

¹⁷ *Michigan Department of State Police v. Sitz*, No. 88-1897, argued in February 1990, reported below at 429 N.W.2d 180 (1988).

An informant who has gone indoors to make a buy should be thoroughly debriefed: What drugs were on the scene? Was there drug paraphernalia? Who was inside? Were there firearms? How many exits are there?

Normally, arrests, raids, or searches do not occur immediately after the buy, in order to protect the informant. Police should photocopy their buy money (to record the serial numbers) in order to attempt to reclaim it when they search a drug house.

There are several well known problems in using informants. The informant's background usually undermines his or her credibility as a witness in court. Therefore, it is imperative to keep the informant under observation to the fullest extent permitted by the circumstances, and to verify whatever the informant reports as fully as possible. Use of an informant trying to trade information or services for prosecutorial leniency should be coordinated beforehand with the prosecutor.

UNDERCOVER POLICE BUYS

Buy by undercover officers can be used against both indoor and outdoor dealers. Obviously, the level of police control is much higher than in informant buys, and the quality of evidence provided by a trained officer should be much better.

For evidentiary purposes, many of the same evidence recording steps used with informants should be used with undercovers. The undercover should fully comply with all agency regulations governing buy and flash money.

What happens after an undercover buy depends upon where the buy fits into a broader enforcement plan. It can be part of a buy-bust, which we discuss next, or the basis for a search or arrest warrant, or part of a long-range investigation. If execution of a warrant is to be delayed for a substantial length of time, the undercover's identification of the seller must be well documented at the time of the buy. Defense counsel can be expected to challenge the identification on any delayed arrest.

Undercover officers can often be equipped either to record the transaction or to transmit to a remote receiver where the transaction can be monitored and recorded. Such monitoring greatly increases officer safety.

Successful undercover operations should inhibit expansion of drug markets. Dealers become wary of new customers, fearing that they are undercover police.

BUY/BUSTS

In the simplest form of buy-bust, undercover officers make drug buys, then arrest the drug seller. There are several variations on this theme.

An undercover officer makes a drug buy, then moves away from the seller. A back-up unit or a jump-out squad makes the arrest.

An undercover officer makes a buy and obtains an arrest warrant on the basis of the buy. The warrant is executed at a later time, either by the undercover or by other officers. As discussed in Chapter 3, in Birmingham, Alabama, buys are videotaped by a hidden camera. The videotape becomes the means by which other officers familiar with the neighborhood identify the seller. The videotape is usable both for probable cause and as evidence at trial.

Miami has conducted mass buy-busts, which require more manpower and careful planning and coordination. A command post is established in the field close to the targeted buy areas. Prisoners are processed and evidence packets prepared at the command post. A dispatcher is assigned and a dedicated radio channel is used.

A buy team in an unmarked or rental vehicle goes to the target area to make a buy. When the team succeeds in making a buy, it gives a detailed description of the seller(s) over the radio. The tactical cover team, at least two officers in an unmarked or rental vehicle, then moves in to make the arrest. The arrestee is immediately taken to the command post for processing. The next buy officer with his or her tactical cover team is sent to the second location. This continues until all predesignated locations are hit. The command post is then moved to another sector and the buy teams are sent into new locations.

Evidence packets should contain all money taken from persons charged with sale of narcotics. On persons charged with simple possession, only those monies that are found with narcotics are seized.

REVERSE STINGS

In reverse stings, police pose as dealers and arrest buyers. Individual reverse stings can be set up on much the same basis as any other undercover narcotics operation. What takes careful planning is the mass reverse sting designed to make dozens of arrests during a single operation.

Two threshold issues must be addressed in undertaking a reverse. The first is whether law enforcement officers will be allowed to sell real drugs. If they sell something other than drugs, then the buyers are not buying drugs. Depending upon state law, it may be possible to charge the buyers with conspiracy to buy drugs or with attempt to buy drugs. Either of these charges may be sufficient to be a deterrent to marginal drug users. Arrest for and defense

against those charges still brings them into the criminal justice process, a negative experience even if they do not receive substantial sentences or fines.

If officers are allowed to sell real drugs, then several steps must be taken to protect those drugs. Confiscated drugs scheduled for destruction are often used in these operations. They must be weighed and identified before they are issued, and a chain of possession must be established and maintained. Miami, which has used reverse stings extensively, sends a sample of the narcotics that are to be used to the crime lab for analysis. This assures that there is probable cause and valid evidence to support a possession charge.

The drugs used in the reverse should be placed in a large plastic baggie. This makes it more difficult for the drugs to be switched. It also makes them easier to find if the buyer runs from the scene and tosses the drugs away.

The second threshold issue is entrapment. Reverse operations frequently lead to the assertion of the defense of entrapment. Officers engaged in sales should be thoroughly briefed on the law of entrapment, with particular regard to the questions of who must initiate the transaction and what the officer may and may not say.¹⁸

The sting operation differs from other street narcotics enforcement because it targets buyers, not sellers. Its impact is on the demand side of the drug market. The sting works best against new users who lack experience in the market. More experienced users often have a reliable dealer and do not buy from strangers. Novices, however, may not be streetwise enough to detect the undercover police. Miami's experience has been that buyers often ignore very obvious signs that they have walked into a police operation. An operation that selects novices has the additional benefit of being an early intervention. Drug addiction, particularly crack addiction, is easier to prevent than to reverse.

Criteria for selecting a sting site include police awareness of the site as an active drug market based on their own surveillance, community concern as expressed through complaints and calls for service, sufficient volume of transactions to justify the effort, and the probability of a fruitful operation.

Officer safety must be a prime consideration. The site must include points from which undercover officers making sales can always be observed by back-up units, which themselves must be able to get to the scene within seconds in order to make arrests and protect their undercover officers. The exact place for the undercover sales should be a point from which escape can be readily cut off by the cover cars.

¹⁸ ILJ is preparing a monograph on entrapment for BJA. It should be available by mid-1990.

Dedicated radio channels are necessary for officer safety and for efficient execution of the overall operation. The back-ups and cover cars must be able to communicate with each other.

If feasible in the circumstances, the undercover officers should be wired and the sales videotaped. Recording a sale allows a court to hear exactly what transpired. Because everything on a tape is likely to be discoverable in court, only one transaction should be recorded per tape. The tape should be marked with the case number and placed in the evidence packet.

A temporary holding facility must be close to the sales point but out of sight. That facility should have at least two rooms, so that new arrestees are not mixed with prisoners awaiting transportation, and it should have a separate entrance and exit so that prisoners can be removed without being seen from the sales site. Provisions for electrical power must be made.

Because the reverse sting itself is highly routinized, much of the paperwork can be done in advance. Basically, there are only one or two charges that are going to be made against anyone arrested, so they can be incorporated into the standard forms used in stings. For example, the Miami arrest/complaint form used in stings has this paragraph typed in the narrative space:

The Miami Police Department has received numerous calls in reference to narcotics activity at the above location. Several narcotics arrests have been made along with the confiscation of _____ at the above location in the last few weeks. On this date, this officer, while working a plainclothes detail, was approached by the defendant who asked to buy _____. He handed this officer \$ _____ and this officer gave him a packet of _____. After the defendant accepted the _____ he was advised that he was under arrest for the above charge.

Arrest procedures are carefully worked out. If the buyer is a pedestrian, back-up officers appear, show their badges to the buyer, take control of him and search him, removing any weapons and the drugs he has just bought. If the buyer is in a car, the cover cars cut him off as he attempts to leave the area, remove him from the car, and make the search and arrest.

The arrestees are taken to the temporary holding room, where they are photographed. The undercover seller identifies the arrestee. The buy money and the narcotics are placed in an envelope that is then sealed with evidence tape. The photograph is stapled to the envelope. After these preliminary identification procedures, the arrestee is handcuffed and placed in the secure room of the holding facility. When six or eight prisoners are ready, they are transported by van to the command post.

At the command post, the prisoners are processed for admission into jail. They are booked. When a sufficient number is available, they are transported by bus to jail.

Arrangements must also be made for impoundment of any vehicles seized during the sting. If vehicles are liable to forfeiture, then the procedure must provide for notifying the department's asset forfeiture specialists.

CRACK HOUSE RAIDS

Crack houses are part of the street enforcement problem, and police raids on them should be considered part of street enforcement. They have evolved from the heavily fortified strongholds from which dealers sold through slots in the door to temporary stopping-off points for the lowest level dealers and their customers. Some crack houses are occupied for as little as a few hours before the traffickers move on. In urban slums, they have little difficulty in finding other sites.

This section on raid planning and execution has been condensed from another monograph that the Institute for Law and Justice will publish in mid-1990.

Assessment of Raid Targets

Both the people likely to be found and the physical characteristics of the targeted site should be assessed when planning a raid. The people:

- Number of suspects and persons involved.
- Types of persons involved. Are they male or female? Are there children in targeted site? What are the ages of the occupants?
- Number of suspects at targeted site at any particular hour.
- Identity and background of leader(s) among suspects.
- Capabilities of suspects, considering the following:
 - Magnitude of their violations and suspects' classifications.
 - Their previous police arrests.
 - Physical/mental conditions of suspects.
- Weapons background of suspects, including proficiency.
- Suspects' vehicles.
- Anticipation of media reaction to raid.

The following is a checklist of those areas that should be the focal point of intelligence gathering prior to and during the planning process:

- Geographic locations.
- Interior layouts of target.
- Maps, photos, sketches of target location (including commercial maps and aerial photographs, if warranted).
- Approach and escape routes to and from target location.
- Construction and peculiarities of target location.
 - Can it be penetrated by gunfire?
 - Does target site pose a fire hazard?
 - Are there underground parking facilities? An attached garage? Is garage used?
 - Is there a doorman, porter, and/or superintendent?
 - Are windows barred? Is door reinforced or does it contain a complicated lock system?
 - Which way do windows and doors open?
 - Does targeted site have an alarm system?
 - Are there guard dogs or other animals present?
- Location of all utility shutoff points (internal/external).
- Location of internal utilities: sinks, toilet bowls, and drains.
- Mood of people in the immediate area and their possible reactions to a police operation in their neighborhood.
- Dangers to innocent people residing in target building and nearby buildings.

Raid Plan

When it has been determined that a warrant should be served at a given location, several steps need to be taken. A raid planning officer needs to be assigned to develop a general raid plan.

The raid planning officer should pull all pertinent information from the case file and prepare a briefing sheet for the formal briefing that takes place prior to the execution of a warrant. A complete physical description of the target, which includes color, house number,

location on street, construction, and makeup of target, should be included on the briefing sheet. A sample target description may be:

White, two-story, wooden frame, single-family house with a front porch and chain link fence around front yard, located on southwest corner of 14th and Hayes Streets.

There needs to be as much detail as possible to avoid serving the warrant at a wrong location.

Special attention should be given to tactical opportunities that will be a factor in the operation. Such things as location of exterior lighting, entrances, and exits are always important. There has been a trend over the past several years for drug dealers, particularly at the street-level, to fortify their places. This trend increases the raid planning officer's planning responsibility.

Interior diagrams should include room arrangements, location of plumbing utilities, stairways, and the like. Many times, the raid planning officer will have to rely on informant information for an interior diagram. The informant must be carefully debriefed so that a clear picture can be put together. The informant should be told in advance what to look for when he or she goes into a place. The raid planning officer may ask, for example, to see if the doors are reinforced or barricaded. If only one entrance is known, the informant should be asked to check for additional entrances and determine, if possible, whether that access is blocked or if people come and go from it. The informant should check the general consistency and strength of the doors. Sometimes small details can compromise officer safety or the success of the operation, and these small details should be anticipated.

Descriptions and photographs, if available, of the suspects involved need to be on the briefing sheet. Other occupants who may not be suspects should also be described. The presence of children is a very important factor to be noted; also whether or not pets will be present is important. This is not limited to dogs. This is important intelligence and will have a bearing on the operations. In cases where vicious pets are known to exist, it may be necessary to include animal control officers in the operation. If this is the case, briefing of these people should be limited. It may be best to have them on stand-by in a general location. The amount of information given such auxiliary people should be kept to a minimum.

Photographs or descriptions of all known vehicles should be on the briefing sheet. This is particularly true in cases where a buy/bust or other such operation will precede execution of the warrant.

A brief description of the items being searched for needs to be included (additional details should be given at the briefing).

Radio channels need to be assigned and listed. For example, surveillance will be on channel #4, tactical on channel #1, and command post on #3.

A very important aspect of the raid planning session is creating a list that names the officer in charge, case agent, team leader, and individual assignments. Assignments fall generally into one or more of the following seven categories:

- Pre- and post-raid surveillance team
- Outer perimeter team
- Inner perimeter team
- Entry raid team
- Arrest and transportation team
- Search team
- Command post

Pre- and Post-Raid Surveillance Team

The surveillance team is made up of one or more personnel whose sole responsibility is to covertly survey the target location one hour or more prior to raid commencement. This allows the raid planning officer to receive up-to-the-minute intelligence about what is taking place in or near the raid location. This information is then passed along to the raid team. If manpower allows, this team should remain in place during the raid to act as a rear guard. After the raid has been completed and other personnel have left the area, the unit should remain for an additional thirty minutes to provide intelligence about people who show up after the raid. If manpower is limited, this unit can fulfill any other team assignment once the raid starts.

Outer Perimeter Team

The outer perimeter team is usually made up of uniformed personnel whose responsibility is to close off streets and provide crowd control if needed.

Inner Perimeter Team

The inner perimeter team is usually made up of investigative personnel. Their responsibility is for outside security of the target location. As the raid team is making entry, the inner perimeter team covers the outside of the house to protect the raid team and to stop any individuals who attempt to leave.

Entry/Raid Team

Many departments use SWAT teams or tactical units for raid entry in high-risk situations. Personnel assigned to entry should have a briefing in addition to the general briefing to determine their assignments. The entry team should come up with its own tactics for making entry into the target location. This may include doing a visual/tactical reconnaissance of the raid location prior to completing the raid plan. The personnel who perform the entry should be those best suited in terms of training, physical fitness, and experience.

*All entry team members must be properly dressed and equipped.*¹⁹ Clothing should be such that it identifies raid unit members as police officers even though it may at the same time be designed to camouflage the officers. The entry team must announce the fact that they are police officers. Special explosive devices such as flash bang grenades require special training and should not be used without such training.

The final entry plan should be carefully reviewed by members of the team. A rehearsal is an excellent idea when time permits. The type of weapons chosen for use will be dictated by the training of those assigned to use them.

The entry team needs to make every effort to prevent evidence from being destroyed, but this must not override team safety.

The entry team secures all persons within the target location and moves them to a central location within the residence, usually the living room. All persons should be in handcuffs at this point. All suspects need to be searched for weapons and contraband at this time.

Arrest/Transportation Team

The arrest/transportation team is made up of both uniformed officers and investigative personnel. This unit is responsible for security of suspects. When the target has been secured by the entry team, the arrest/transportation team takes physical custody of suspects. Investigators do initial paper work on all subjects and conduct interviews. The uniformed officers then transport those who are under arrest. Prior to anyone's being transported, the warrant should be read to the suspects. Those with proprietary interest need to be advised of the procedure that is taking place. A forced entry into a residence can be a traumatic experience and every effort should be made to calm the occupants, especially children. At no time should occupants be allowed to wander around while the search is being conducted.

¹⁹ The National Institute of Justice has conducted a series of tests on police body armor and published its findings in a series of Technology Assessment Program Bulletins and Consumer Assessment Program Bulletins.

Search Team

The most critical thing in execution of a search warrant is the search itself. The search team is made up of experienced investigators. If a diagram of the target is available, assignments can be made before entry. One person needs to be assigned as evidence custodian and recorder. *No other personnel should be in the target location during the search except the search team.*

A photographer/video operator should be assigned to this team for pre- and post-photos as well as to photograph evidence when it is located and seized. A copy of the diagram and assignments should go into the case file for later reference. People who have been assigned to other tasks can be reassigned to the search team if their preliminary task has been completed. A perimeter needs to be maintained to keep unauthorized people from entering during the search.

Documentation of the search is most important. The return made to the court must relate the items seized to the authorization given by the warrant. If asset forfeiture proceedings are later to be brought against the property, the documentation must clearly relate the contraband seized to the place where it was seized.

Command Post Assignments

Supervisory personnel run the command post. No matter how small or large a raid is, a command unit must be designated. This can be a car with a sergeant who has operational control, or a room at the police station where supervisors are coordinating multiple search warrants. Staffing of the command post needs to be kept to a minimum. It is the responsibility of the officer in charge to determine when the entry team is to make entry. Each member of the raid team needs to know who is in charge and how to contact them. It is the responsibility of the command unit to summon additional help, fire or medical attention.

The staffing of the command post does not in any way eliminate the need for direct supervision in the field. It is vital that a supervisor, at least of the rank of sergeant, be in charge in the field.

Pre-Raid Briefing

After the raid plan has been drawn up and approved by management, a pre-raid briefing is held. All members of the raid team, including uniformed personnel, need to be present. The one exception is the pre-raid surveillance team. Preferably each briefing sheet is numbered and given out to the raid team members. For security reasons, all sheets need to be

accounted for after the raid. If the raid is a multi-agency operation, then each member needs to introduce himself or herself. The raid planning officer then gives a brief oral overview of the raid, its goals and objectives.

The officer in charge is identified as well as any officers who will be undercover if the raid is going to involve a buy/bust. A description of the confidential informant, if one is being used, is given out.

If an undercover or confidential informant will be present during the raid, instructions should be given as to what action either the confidential informant or the undercover should take when the raid team makes entry. This procedure can vary from case to case and needs to be discussed beforehand.

Everyone needs to understand both verbal and visual arrest signals. All officers should be told whether weapons have been seen at the location in the past. It is important that intelligence pertaining to weapons be as specific as possible. If the raid planning officer is relying on informant information about weapons, the informant should be shown pictures of various types of weapons in an effort to pinpoint types of weapons that may be encountered.

All team assignments are given out and team responsibility outlined. The raid team, be it an investigative or tactical team, should have a game plan drawn up by this time.

The entry team leader will then brief the entire raid team about their operation. The type of entry needs to be discussed. The amount of force used to execute a search warrant will be based on intelligence obtained prior to the briefing session. It is important to discuss the propensity for violence of the suspects. Past records and current intelligence will give the team insight into the suspects' potential for violence.

After the entry team has briefed the raid team, the raid planning officer needs to go over radio and car assignments, primary and backup radio frequencies, and who will be wire monitors if the raid includes a buy/bust.

A full inspection of all personnel involved needs to be done to insure each officer has a raid jacket, bullet-proof vest, and other necessary equipment.

Once this is done, all personnel should group in a staging area. Then all personnel should leave as a team with the vehicles in the right order to conduct the raid. This also provides a chance to receive updated information from the pre-surveillance team as to activity in the target location and general area. Then the team can move into the area and conduct the raid.

Other Considerations

Dispatch should be notified by phone that there will be a tactical operation going on in the area. The local jurisdiction and watch commanders should also be notified.

The need for special equipment or specially trained personnel may arise. Although it is best to plan for these needs, it will not always be possible. If such personnel or equipment are essential to safe, successful accomplishment of the mission, it should not proceed without them. Safety of the operation should not be compromised.

The raid should be followed by a post-raid debriefing. The debriefing can be used to determine who needs to write reports and to obtain an overall picture of what took place and whether follow-up investigations or search warrants are needed.

Public relations is another important post-raid function. The media relations or public relations unit should be prepared to inform the neighborhood that the crack house was raided and, at least in a general way, what the results of the raid were.

CHAPTER 2

OVERVIEW OF STREET-LEVEL DRUG TRADE

FACTORS THAT INFLUENCE STREET DRUG TRADE

As stated in the Introduction to this monograph, it has become commonplace to describe drug trafficking in market terms. That description is accurate. More than in any other form of criminal activity, suppliers move a product to markets in quest of willing buyers. The economic principles used to explain legal markets are equally applicable to illegal drug markets.

In this chapter, we consider the market characteristics of drug trafficking. Understanding these characteristics can help us better understand how the kinds of enforcement activity recommended in this monograph affect these drug markets.

Market Characteristics

Open Markets

Not all drug markets will yield to strong street enforcement. The more accessible a market, the better target it is for street enforcement tactics. An open market, also referred to as a non-discreet market, is one in which buyers are willing to buy from, and sellers willing to sell to, people whom they do not know. Markets open to the public are also open to police surveillance and undercover police infiltration. The more public the market, the easier it is for police to gain access. For this reason, outdoor markets generally provide the easiest targets for street enforcement, followed by indoor markets, such as crack houses, that resemble outdoor markets in serving large numbers of customers who come in "off the street," without necessarily being known beforehand to other market participants.

While cocaine traffic in nightclubs, taverns, or restaurants shares some of the characteristics of a non-discreet, outdoor market, most of the street enforcement techniques described in this monograph are not useful against such traffic. Nor are they useful against closed or discreet drug markets, in which buyers and sellers are known to each other.

Immobile and Dispersed Markets

Some markets are immobile. That is, they cannot easily be moved from one location to another. Other markets are not particularly fixed in one place and can be readily moved to another place or several other places. A market controlled by one ethnic group, living in one section of a city and with few connections outside its own area, is an example of an immobile market. Other markets may be isolated and therefore immobile because of physical barriers, such as rivers or mountains. Localized, immobile markets usually make better enforcement targets than diffuse markets or markets that can easily move to other parts of the city.

Dispersed markets or markets with the potential to disperse are slippery targets, since concentrated enforcement pressure is difficult to maintain over wide areas. Street enforcement that targets markets that, for various reasons, are immobile are more likely to succeed.

Market Displacement

One possible immediate effect of enforcement pressure on a local market is a displacement of the drug trade to nearby communities. Alternative markets in neighboring areas can thus create enforcement difficulties. If retail-level enforcement is weak in neighboring areas, and if markets there can expand to supply more users, dealing there will grow as buyers and sellers flee an enforcement area. Whenever possible, street enforcement should be extended as other non-discreet markets bloom in the area, or, best of all, neighboring drug markets should be subjected to simultaneous enforcement.

Potential market displacement calls for planning and coordination. It should be anticipated in overall narcotics suppression programs of the kind discussed in Chapter 4. Enforcement activity between neighboring jurisdictions, or neighboring precincts or districts within an agency, should be coordinated so that drug markets are destroyed, not simply moved around.

User Characteristics

Daily Buyers

Markets are easiest to disrupt when patrons make frequent transactions. Most marijuana users, for example, could respond to street enforcement by buying in larger quantities at once—purchasing enough for a month instead of a few days—and thereby reducing their risk of police apprehension. Heroin users, by contrast, typically lack the self-control and the ready cash to buy heroin in large quantities and spread its consumption over days or weeks. Thus, it

is very difficult for heroin users to protect themselves from street enforcement by changing their purchasing behavior. Crack strongly resembles heroin in this regard.

Street enforcement, then, is likely to be most successful against users who cannot maintain the same level of drug consumption if they reduce the number of times they buy drugs. It will be least successful against users who can buy in quantity.

Strong Physical and Psychological Dependency

Some drugs are more dependency-producing than others. The more drug-dependent users are, the more seriously they will be inconvenienced by supply interruptions due to strong street enforcement. In the short run, they may be driven from street markets to discreet private markets, perhaps at greater expense. In the long run, the difficulty of obtaining their drug may push them to seek treatment.

Out-of-Town Buyers

Street enforcement produces especially dramatic results in markets with many out-of-town drug buyers. The bother of an unsuccessful trip (one cost that visible street enforcement imposes on buyers) is obviously greater if a long drive rather than a stroll down to the street corner is necessary. Many jurisdictions are seizing automobiles driven by drug buyers for forfeiture, a tactic explicitly designed to discourage buyers coming from distant points.

Middle-Class Buyers

Street enforcement targeting middle-class users can be effective in driving them out of street markets. For one thing, middle-class users may be more likely than others to think of arrest itself as a significant sanction, whether or not it leads to conviction and punishment. They may not even want to risk even one arrest, whereas someone who has been arrested several times does not attach much significance to another. Therefore, publicity about such things as reverse stings can alter a middle-class perception of the risk of dealing in the street, driving the user to discreet markets or out of drug markets altogether.

Environment

Environmental and architectural features also influence street enforcement success. Parks with heavy foliage and overgrown brush provide more seclusion for drug transactions

than parks with wide open spaces. City blocks with many trash-cluttered alleys or abandoned buildings provide similarly effective, though less idyllic, cover for drug deals.

For indoor markets, it is easier to pinpoint transactions occurring in single-family homes than those which occur in multi-user dwellings. Public internal hallways permit drug dealers and lookouts to easily detect observers. Multiple exits compound the problems enforcement officers face in apartment houses. Thus, large housing projects, because they are likely to have public internal hallways, many exits, and lots of foot traffic, present one of the most vexing problems for street enforcement managers.

Community Attitudes

Few communities are of a single mind about drug traffic. A majority of the citizens of a given area may find that drug markets are destroying every desirable quality of life in their neighborhoods--exposing themselves and their children to violence, making them frequent victims of property and personal crimes, bringing undesirable strangers into the neighborhood, making streets and parks unsafe for ordinary activity, corrupting the youth. Other members of the same neighborhood may find the presence of drug markets profitable to them, either because they participate directly in them or because they are paid to allow traffickers to use their homes or apartments.

The history of a community's relations with the police can be a complicating factor. Have past enforcement practices supported community values? Or have the police been regarded as indifferent or as a hostile presence in the community? *Building community support should be one of the explicit long range goals of a street enforcement strategy.*

Gangs

Gang activity alters markets. Crips and Bloods from Los Angeles have attempted to establish themselves in Denver, Portland, Kansas City, and several other cities, trying to extend their drug distribution networks across the country. They carry their street warfare with them, adding another source of street violence and terror. Despite their national ambitions, they must be dealt with on local streets.

Gangs and gang violence are not new phenomena in America. What is new is the attempt to establish inter-city drug networks. Unfortunately, even when local law enforcement succeeds in severing the connections with out-of-town gangs, it still must deal with indigenous gangs. They still supply much of the low-level, low-cost labor that keeps the street markets going.

CHAPTER 3

PROGRAM EXPERIENCE

Several cities have already initiated street enforcement programs including features of particular interest to us in this monograph. We briefly describe several of these programs in the following pages, emphasizing those tactics that we discussed in Chapter 1.

MIAMI, FLORIDA – REVERSE STINGS

In a program supported by a Bureau of Justice Assistance grant, the Miami, Florida, Police Department has targeted drug buyers through well publicized reverse stings. Officers posing as drug dealers sell small amounts of narcotics to buyers who approach them on the street, then, with the help of other officers, arrest the buyers. The typical Miami reverse sting involves mass arrests and attracts great attention in the neighborhoods where it is conducted. Repeated stings in a single location eventually destroy the location as a street market.

Specific markets are identified through community complaints, intelligence files, or computer analysis. The target area is placed under surveillance and perhaps videotaped for analysis of the patterns of street sales. In setting up a reverse sting, the Miami street narcotics unit selects sites for sting sales, a close-by (within short walking distance) vacant apartment or building for a temporary holding area, and a large open area for a command post and staging area.

An operation begins with a sweep of the target area by undercover officers executing a series of buy-busts. The purpose of the sweep is to clear the area of the real dealers. After the area has been cleared, other undercover officers move in to pose as dealers. Drug purchasers accustomed to frequenting the area drive or walk up to make their buys and the undercover officers make the sales. On drive-up sales, the undercover officer gives a signal to cover vehicles (unmarked rental or confiscated cars), which then box in the buyer and make the arrest. On walk-up sales, two other officers approach and arrest the buyer immediately after the sale.

The arrested buyer is then taken to the "arrest apartment," where a uniformed officer searches and flex-cuffs him. The selling officer then completes the paperwork, some of which is so standardized that the charges and some of the narrative are pre-printed on the incident report form, places the evidence (usually just the narcotics and the buy money) in an envelope, and drops it into a locked box. The selling officer is then issued more drugs and returns to the street.

When six or eight buyers have been brought to the arrest apartment, a transport van takes them to the command post area. The command post is usually set up in a large vacant area at a school yard, park, or parking lot. It is equipped with a generator, portable lights, and a portable copier. Arrestees are taken to the booking sergeant, who logs them in. Corrections officers photograph and fingerprint them. After an inventory of their personal items, the prisoners are placed on waiting buses. Felons are separated from misdemeanants, men from women, and juveniles from adults. They are then transported to jail.

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. The news media are continually encouraged to report on sting operations and have done so with great enthusiasm.

Because the people being arrested in Miami's stings are buyers rather than dealers, the sanctions imposed on them by the courts have been light. But going through the hassle of being arrested, booked, charged, and required to appear in court has its effect. If the arrestee's car is impounded and subjected to forfeiture, the impact is substantial. As a newspaper editorial put it, "the sting is a tough form of public education."²⁰ Of the 1,725 persons arrested in the first 18 stings, only seven were repeat offenders.

In the last year, Miami has continued its reverse stings, but the results have changed in two significant respects. First, the numbers of arrests have fallen to much lower levels. Second, the persons arrested have been predominantly hard-core drug abusers. Middle-class and casual users have started to disappear from the stings.

ROCHESTER, NEW YORK – HIT SQUADS

In another BJA-supported program, the Rochester, New York, Police Department has attacked the street narcotics problem with a joint narcotics-patrol effort in the form of HIT squads. In preparation for the formation of these squads, narcotics officers attended a New York State Police highway interdiction training program, revised and expanded it to a 16-hour program, then presented it to 300 Rochester uniformed officers, including 20 patrol lieutenants and 60 patrol sergeants.

The second phase of the program transferred four veteran narcotics officers and one supervisor to the HIT Squad. That squad was then increased in size by patrol officers serving on 30-day temporary assignment. The first nine squads formed in that fashion made 588 narcotics-related arrests. About half of the first 300 people arrested were charged with

²⁰ "Stinging Victories," *Miami Herald*, February 8, 1987, p. 2D.

felonies simply on the basis of the weight of the drugs in their possession as opposed to sales-related charges.

In a later phase, the HIT squad concentrated on search warrant and buy-bust work on identified narcotics-sales buildings. As part of this activity, one narcotics unit officer is responsible for sending an information packet to the owner of any building involved in narcotics trafficking. The owner is advised first of the incident, and second of the nuisance ordinance allowing the city to seize and close the property for a year.

In another change, 18 tactical unit officers have been directed to work three eight-hour temporary shifts a week to augment the HIT squad. This in effect gives the department a 30-officer street enforcement unit for three shifts a week.

The interaction between narcotics and patrol officers, begun in the training and reinforced through the temporary assignment system, has been very positive. Among other things, narcotics arrests by the patrol division went up 600 percent in the first full year of the new system.

The HIT squad was originally charged with the mandate to "Be At Least as Visible in Enforcement Activities as the Dealers are in Sales." Their work has driven many dealers off the street and has led others to add a surcharge on street sales. The public reaction to the results achieved has been very supportive.

DALLAS, TEXAS—OPERATION CLEAN

Operation CLEAN (Community and Law Enforcement Against Narcotics) is based on the premise that drug trafficking and crime problems need to be addressed by the whole community, not just the police. The Dallas Police Department developed the action plan and successfully enlisted the support of the city manager and city council. In February 1989, the Dallas City Council approved funds to begin nine CLEAN projects throughout the city.

The first step in any CLEAN operation is to identify the site. Factors in site selection included degree of drug infestation, volume of calls for service, number of violent crimes reported, and the overall physical condition of the area. The Dallas Police Department approaches each project in three major phases:

- 1. Provide immediate relief from high profile drug trafficking in the target area.**

Narcotics officers are assigned to the area for a period of about ten days. At the end of this period, a high profile sweep is made to displace the drug activity and provide immediate relief.

2. Begin short-term remedies to maintain a relatively drug-free environment.

Patrol officers are assigned to the area 24 hours a day for two weeks following the initial sweep, 16 hours a day for the next two weeks, and 10 hours a day for an additional two weeks. The number of officers assigned depends on the size of the area and the level of activity.

During this six-week period, other city agencies move in to begin rehabilitation. These agencies include:

- Streets and Sanitation—clean the streets, trim shrubbery, and make alleys passable.
- Fire Department—check for code violations and board up unoccupied buildings.
- Housing and Neighborhood Services—conduct code enforcement and identify unsalvageable properties.
- Urban Rehabilitation Standards Board—demolish unsalvageable properties.
- Water Utilities—check for water leaks and sewer problems.

3. Develop long-term solutions involving the police, social services, ministerial counseling, and environmental services.

The police response is modeled after the New York City Community Patrol Officer Program (CPOP), a proven method for involving patrol officers in the community they serve. CPOP officers identify the community's law enforcement needs on a continual basis and report to the department. As part of CPOP, officers visit each family in the area and identify any special needs. They then refer these families to Social Services personnel who take appropriate action.

Ministerial alliances are involved to monitor the long-term rehabilitation of the community. They offer valuable insight to assisting agencies and provide counseling to residents.

Although the areas receive a face-lift during the second phase of the program, long-range rehabilitation is required. Housing and neighborhood services continue their involvement to achieve owner compliance on existing properties. Outside agencies are encouraged to construct new housing. In addition, groups such as Adopt-A-Block, a program that involves corporate sponsors who "adopt" a portion of the city and provide support one block at a time, are incorporated into the CLEAN concept.

The first area targeted for Operation CLEAN was the South Dallas section of the city. The area was primarily composed of large apartment buildings and smaller multifamily dwellings. The majority of the large complexes were vacant and in such a state of disrepair they needed to be demolished.

During a six-week period prior to Operation CLEAN, the six-block target area averaged eight calls for police service per day, recorded 26 violent crimes, and nine property crimes. These crimes included one murder, one rape, 12 robberies, and 12 aggravated assaults.

Phase I was initiated on March 1, 1989, and culminated in a sweep of the area on March 11. Immediately after the sweep, Phase II was implemented. The city's street and sanitation department moved in and cleared alleys and removed 1,000 cubic yards of debris. In addition to city property and right-of-ways, the department cleaned 15 privately owned lots. At about the same time, fire department, street department, and housing and neighborhood services employees enforced code violations throughout the area.

As planned, the police department maintained a high profile during the first two phases. They made numerous arrests, wrote tickets, and generally made sure drug activity did not return to the area.

Phase III then began in the first target area. The parks department allocated funds to establish after-school and Saturday programs in the local park, and a local church assisted with donated housing. The police department initiated the CPOP program and officers completed profile sheets on community residents to forward to health and human services staff.

Calls for service decreased significantly in the target area and Part I crimes fell 71 percent.

Police department staff and the city manager's office hold weekly meetings to ensure that services continue to work in concert. The entire city appears to be committed to the success of Operation CLEAN and has taken to heart the premise that drugs and crime are problems that belong to everyone.

WASHINGTON, D.C. – OPERATION CLEAN SWEEP

In late August 1986, the Metropolitan Police Department (MPD) of Washington, D.C., began Operation Clean Sweep, a high-visibility street enforcement program targeting open-air drug markets in the District of Columbia. Clean Sweep included several enforcement techniques:

- Surveillance of street sales with arrests made by jump-out squads.
- Buy-busts.
- Reverse stings.
- Undercover buys.

- Uniformed saturation patrol.
- Roadblocks.
- Seizure and forfeiture of drugs, weapons, cash, cars.

In a later stage, Clean Sweep included raids on crack houses.

Clean Sweep was designed to be highly visible. Officers would be deployed in large numbers, 200 or more at a time. The purpose was to disrupt drug sales and to dispel public apathy by visibly reducing the amount of flagrant public drug activity, by acting simultaneously in several areas to make it harder for dealers to relocate, and by acting continuously, night after night. The results were impressive. In its first year, Clean Sweep produced 23,000 arrests, 12,700 of them drug-related; 2,700 convictions with sentences; 4,800 convictions with fines; seizures of \$10 million worth of drugs, \$950,000 in cash, 351 vehicles, and 632 weapons.

The roadblocks in Clean Sweep were upheld against constitutional challenge.²¹ The Washington MPD established the roadblocks because of the traffic congestion caused by street narcotics deals. In the particular case challenging the practice, the court reviewed data about the roadblocks in the weeks leading up to the case. From August 29 to October 23, 1986, MPD set up 77 roadblocks in its Sixth District to check driver's licenses and vehicle registrations. These led to 243 arrests, 39 of which were unrelated to traffic, including 10 drug arrests. On September 10, 1986, police set up a roadblock at 58th and Ames Streets from noon to 6 p.m. Flares were set up along 58th Street. An officer told motorists entering the roadblock to have their licenses and registrations ready. A marked police car was parked near the flares, and eight to 10 officers were on the scene. They were instructed to stop every car and check licenses and registrations.

Defendant McFayden entered the roadblock at about 5:30 and was stopped by police. He got out of his car and said that either his license or registration was in the trunk. An officer saw him open a briefcase in the trunk and saw that it contained a great deal of cash. After a computer check found no license or registration irregularities, McFayden got into the car on the right side. The officer opened the door on the driver's side. McFayden lunged for a bag on the floor. The officer, fearing the bag might contain a weapon, grabbed the bag first and found that it contained small bags of white powder he suspected were drugs. He arrested McFayden. McFayden moved to suppress the narcotics on the grounds that they had been seized in violation of his Fourth Amendment rights against unreasonable search and seizure.

²¹ *United States v. McFayden*, 865 F.2d 1306 (D.C.Cir. 1989).

Drawing on the principles developed in three Supreme Court cases,²² the United States Court of Appeals for the District of Columbia applied the following criteria to the use of roadblocks: (1) There must be a legitimate state interest at stake. (2) The checkpoints must serve this interest in reasonably productive fashion. (3) The checkpoints must be minimally intrusive. (4) The roadblock must not be established and operated in such a way that it is simply a subterfuge for detecting crimes other than licensing offenses.

The court found that the roadblocks were established in response to citizen complaints about traffic congestion, that they were effective in reducing congestion, and that their intrusion on the rights of properly licensed drivers was minimal. The roadblocks were highly visible and officers immediately told citizens what they were doing. The statistics showed that they were not being used as a subterfuge for detecting offenses unrelated to traffic.

The court placed considerable emphasis on the fact that the roadblocks were established pursuant to a plan placing strict limits on what officers in the field could do. The plan was adopted at department level and carefully supervised. Officers in the field were specifically instructed to check licenses and registrations of all cars passing in either direction, and they did so in a systematic and preplanned fashion. "They had no discretion to engage in random or roving stops."

Operation Clean Sweep had two basic problems it could not overcome in the long run. First, the program was paid for out of the department's overtime funds, a cost the department found impossible to sustain indefinitely. Second, the rest of the District of Columbia's criminal justice system was not prepared to deal with the flood of cases and prisoners Clean Sweep produced. Any operation with the broad scope of Clean Sweep requires careful advance coordination with prosecutors, court administrators, and detention and corrections officials, all of whom will find their resources strained by the police department's increased level of effort.

BIRMINGHAM, ALABAMA — OPERATION CAINE BREAK

In Operation Caine Break, the Birmingham, Alabama, Police Department solved the problem of how to conduct buy-busts with a few undercover officers. In the ordinary buy-bust, the officer who makes the buy participates in the bust. Officers soon become well known and can no longer be effective.

The department decided to videotape drug transactions conducted by undercover officers, enabling them to conduct innumerable buys and sales without revealing themselves to the suspects. The tapes would then be used to identify suspects in order to obtain warrants. Once

²² *Brown v. Texas*, 443 U.S. 47 (1979); *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976); and *Delaware v. Prouse*, 440 U.S. 648 (1979).

the warrants were obtained, the department planned to arrest all the suspects in sweeps of target areas.

The project was divided into two phases. Phase I targeted dealers. For 39 days, two undercover officers driving a vehicle equipped with a covert video camera and an audio transmitting device to the back-up officers cruised the target areas buying drugs at every opportunity. Each transaction was recorded and the tapes later shown to patrol officers, who were able to identify 76 percent of the suspects recorded. In all, police were able to obtain 113 warrants for 62 suspects.

Phase II was aimed at drug buyers. Two undercover officers carrying a "boom box" radio with a video camera inside it worked street corners posing as drug dealers. The officers had been trained in the proper verbal exchange in order to avoid an entrapment defense. Following a solicitation, the officers directed the suspect to drive around the block, ostensibly to the location of the drug stash. Before the buyers were able to circle the block, a marked patrol car stopped their vehicle and questioned them. The patrol car was also equipped with a video camera. The plan was to obtain a second video record of the suspects in order to satisfy the corroboration requirement. The uniformed officers issued traffic tickets whenever possible and released the suspect. As in Phase I, the tapes were later used to identify suspects and obtain warrants. A total of 80 suspects were charged and police expected to seize 32 cars.

The department arrested the sellers first, and three weeks later, the buyers, in a sweep across the state. The media were brought in on the arrests. At least 19 articles appeared in local newspapers over the four-week period when arrests were being made.

CHAPTER 4

THE ELEMENTS OF PLANNING

All police managers operate in a world of limited resources, and it is essential that they manage those resources in the ways most likely to perform the mission with which they have been charged. Police managers are accountable to competent political authority, be it a city council, county board, or state legislature. It is essential that they be able to explain how choices they recommend or make are consistent with policy directives they have received from their political overseers. Among other things, this includes being able to explain judgments about priorities and the comparative effectiveness of alternative courses of action. It also entails being able to explain what the police are *not* doing at a given time and why.

This chapter presents a basic planning methodology designed to enable managers to see how particular responsibilities fit within their overall mission, to make rational choices between competing claims on their resources, and to make rational trade-offs between alternative courses of action, all of which have some degree of effectiveness.

An articulated overall narcotics strategy is necessary for a number of reasons:

- Different goals and objectives lead to different programs, different priority judgments.
- Coordination between units can best be achieved when there is an understanding of common goals and objectives.
- Trade-offs between programs can be made with a clearer weighing of what is being given up against what is being gained.
- Organizational responsibility and accountability can be clarified.
- Progress towards departmental goals and objectives can be measured and improved.
- Relationships between a local police department and other drug enforcement agencies can be clarified.

STRATEGIC, OPERATIONAL, AND TACTICAL PLANNING

This monograph views strategic, operational, and tactical planning as a hierarchy of planning. The difference between strategic and operational planning can be described in terms of scope and difficulty of the planning environment under consideration. Strategic planning usually addresses a broad environment of great complexity, requiring substantial resources and great lengths of time for achievement of goals.

Operational planning addresses a smaller theater of action in which objectives can be achieved with fewer resources in the short run. This basic distinction between the scope of strategy and operations remains valid at quite different levels of responsibility; one person's strategic concerns will be some other person's operational concerns.

Tactical planning is an even more specific form of operational planning. It is planning for a particular tactic at a specific time and place: a raid, a reverse sting, a roadblock.

Planning itself is part of an on-going managerial process:

- Defining goals and objectives, taking into account whatever information is available about the environment in which they must be achieved.
- Planning how to meet those goals and objectives, taking into account the resources available.
- Executing the plan.
- Reviewing how well or badly the plan worked.
- Making whatever adjustments are suggested by that review.

ELEMENTS OF PLANNING

This chapter makes two basic points about planning: (1) strategic, operational, and tactical planning all involve the same basic conceptual elements; (2) good operational planning is consistent with the overall strategic plan of which it is a part; good tactical planning is consistent with and achieves part of the objectives of operational planning.

There are several distinct steps in the planning process:

- Analysis of Information about the Environment
- Definition of Goals and Objectives
- Identification and Assessment of Resources
- Identification and Assessment of Constraints
- Assessment of Alternative Means of Achieving Objectives
- Establishment of Performance Measures
- Establishment of Criteria for Evaluating Impact
- Models to Clarify Relationships
- Development of Operational and Tactical Plans

Further elaboration and definition are in order on each of these elements.

Analysis of Information about the Environment

Good planning depends upon rational assessment of the problem to be confronted. In police work, this means an understanding of the political, social, and economic environment in which the police mission is pursued, as well as whatever information can be developed about

criminal activity within that community. With respect to narcotics enforcement, this means development of good narcotics intelligence.

Definition of Goals and Objectives

As used here, the difference between goals and objectives is like that between strategy and operations, one of scope, difficulty, and duration. Goals are more difficult to achieve and require more resources and time. Objectives are logical subdivisions of goals, the achievement of which will advance achievement of the goals. Because of the enduring nature of many police goals, such as crime suppression or order maintenance, they are often referred to as the police mission rather than police goals.

The goals and objectives of narcotics enforcement can be stated in several ways:

- Reduction and control of narcotics and narcotics-related crime
- Reduction of drug abuse
- Safe streets
- Disruption of narcotics traffic
- Incapacitation of narcotics organizations
- Incarceration of narcotics traffickers

But achievement of some goals leads to achievement of others, so it is useful to arrange goals and objectives into a hierarchy showing this relationship:

- Reduction and control of narcotics and narcotics-related crime
 - Reduction of Demand for Drugs
 - Arrest of Buyers
 - Education of Potential Buyers
 - Reduction of Supply of Drugs
 - Arrest of Sellers
 - Interdiction of Supply
 - Reduction of Capital Base/Profits

We show a more elaborate hierarchy of these ends and means later in this chapter.

Assessment of Alternative Means of Achieving Objectives

There is almost always more than one way to reach an objective. Comparing alternative means of achieving objectives entails estimating the costs of each alternative and the benefits it is likely to achieve. While cost-benefit analysis will sometimes show one particular course of action to be clearly preferable to all others, most often a blend of alternatives will be

the most cost-effective course of action. Major strategic alternatives on narcotics include the following:

- Enforcement against street traffickers
- Enforcement against mid-level dealers
- Enforcement against high-level traffickers
- Asset forfeiture

Identification and Assessment of Resources

Resources include manpower and equipment, which in the budgetary process are expressed as money. But resources should also be thought to include non-monetary assets, such as citizen support, information, and the law itself. In assessing resources, police managers should take into account whatever they can bring to bear on achievement of their mission. The resource list should include the following:

- Money
- Personnel
- Legal authority
- Intelligence
- Citizen support

Identification and Assessment of Constraints

Constraints are the flip side of resources: manpower, equipment, money, lack of citizen support, lack of information, legal restrictions. The important point is to make a realistic assessment of what can be achieved with what is available. The constraints list is very similar to the resources list:

- Money
- Personnel
- Jurisdictional boundaries
- Due process requirements
- Intelligence
- Lack of citizen support

Establishment of Performance Measures

Work on a chosen alternative ordinarily has quantifiable work products. Police managers should choose work outputs by which to measure the work being performed under the plan. Some of these outputs are:

- Arrests
- Warrants served
- Raids
- Street contacts

Establishment of Criteria for Evaluating Impact

Work performed should have an impact on the environment in which the plan is being executed, and that impact should be measured in terms of the goals and objectives to be achieved. It must be recognized that many factors other than police work are at play.

- Changes in the availability of drugs
- Changes in street prices of drugs
- Drugs seized
- Movement of new organizations into area
- Many years of incarceration
- Changes in number of persons seeking treatment

Models to Clarify Relationships

A model is an abstract representation of reality. Its purpose is to clarify relationships in the real world by presenting them in a simplified way. Many forms of models are very familiar:

- Organization charts
- Flow charts
- Maps
- Floor plans
- Association matrixes

TACTICAL PLANNING

Tactical planning applies the same planning principles to specific circumstances. Objectives are defined in terms of specific times and places, specific drugs, or specific people. A particular alternative approach or combination of approaches is chosen and the details of resource allocation are worked out—manpower, equipment, duration. Relevant criteria for judging the success of the tactic are selected. To the extent that they are useful, models are developed—maps, flow charts, organization charts.

The major elements of a specific tactic can be outlined as follows:

- Determine the objective.
 - Disruption of drug sales at a specific intersection, on a particular street, or in a neighborhood.

- Arrests of a particular target group, such as sellers or users, or members of a gang.
- Arrests for sale of a particular drug, such as crack or PCP.
- Assess available intelligence about the chosen objective.
 - Is the neighborhood supportive?
 - How do the dealers operate?
 - What are the users' characteristics?
- Choose the particular tactical alternative to be used.
 - Buy-Bust
 - Reverse Sting
 - Storefront Operation
 - Jump Out
- Determine resources required.
 - Personnel, number and kind
 - Vehicles, number and kind
 - Equipment, number and kind
 - Support and back-up services
- Determine constraints.
 - Overtime costs
 - Vehicles out of service
 - Equipment unavailable
 - Support and back-up services not available
- Identify performance and impact criteria.
 - Arrests
 - Seizures
 - Disruption of market
- Identify useful models.
 - Maps
 - Organization charts
 - Flow charts, e.g., of drug sales, or prisoner processing

ESTABLISHMENT OF A NARCOTICS STRATEGY

Returning to strategic planning, what would a police department's narcotics strategy developed under these planning concepts look like? The basic question to be addressed is this: What is the goal towards which the department is working in its narcotics enforcement efforts?

There are at least two answers which, while they seem to be quite similar, can lead to quite different resource allocation decisions:

- (1) Public Protection, or
- (2) Suppression of Narcotics Crime.

Choosing the goal of *Public Protection* leads to programs in which public safety—safety on the streets and in the home—is the primary concern. Suppression of narcotics crime becomes a secondary consideration, judged always by its contribution to increased public safety. Under this view, narcotics enforcement is a means to the ends of reducing robbery, assault, burglary, public order offenses, and other crimes that flow from the presence of narcotics in the community.

Choosing the goal of *Suppression of Narcotics Crime* leads to direct action against narcotics suppliers and users, although the public safety at some times and in some places may be reduced by such action. That is, working cases up from street-level violations to mid-level distribution networks to drug kingpins may require tolerance of some lower level offenses in the short run.

The public policy question of which goal is the more appropriate for a particular police department must take into account several other questions, the principal ones of which are these:

- Is narcotics crime so overriding in the city that suppression of narcotics crime will in and of itself increase public safety?
 - If so, will narcotics suppression increase public safety more than any other program?
 - Or is there any public safety problem in the city that is not permeated by narcotics?
- Is the narcotics problem so external, so extra-territorial as far as the one particular city is concerned, that there is no action that it can take itself that will significantly reduce narcotics traffic passing through it?
 - If so, what does this imply for the city's relationship with state and federal drug enforcement agencies?
 - If so, what enforcement actions will improve public safety even though they do not significantly reduce narcotics problems?

The two goals lead to different measures of success. If *Public Protection* is the primary goal, then the primary measures of effectiveness become such things as the following:

- Reduction of street robbery
- Reduction of burglary

- Reduction of assaults
- Increased use of streets and public places by ordinary, non-criminal citizens

If *Suppression of Narcotics Crime* is the primary goal, then the primary measures of effectiveness become such things as the following:

- Decreased sales of narcotics
 - In public places
 - In private places
- Decreased supply of narcotics
- Increased price of narcotics, because of risk to suppliers

If the overriding goal chosen is *Public Protection*, the greatest allocation of manpower resources will be to street enforcement, which has the greatest visible effect on public safety. The department will seek to take the streets back from dope dealers.

If *Suppression of Narcotics Crime* rather than *Public Protection* were to be made the primary goal of narcotics enforcement tactics, then a different allocation of resources would follow. Street enforcement would then be the beginning of an enforcement process directed to the structure of narcotics trafficking, working on both the supply and demand sides of narcotics markets. Some sacrifice of street effectiveness can be expected as a part of working an investigation up the distribution chain.

A comprehensive narcotics control plan should be developed. The conceptual structure of the program should look something like Exhibit 4-1. The exhibit shows a planning hierarchy, going down from goals to objectives to subobjectives to specific tactics. Organizational units are shown in italics.

It is the basic thesis of this monograph that street enforcement must receive heavy emphasis. But street enforcement must be seen in the broader context of attacking narcotics distribution networks and the organizations that run them. It is part of a comprehensive narcotics strategy. Specific street enforcement targets—geographical areas, types of drugs, narcotics trafficking organizations—should be selected as part of a coordinated enforcement effort.

If, because of its size, a jurisdiction can attack narcotics trafficking only at the street level, then it must get help from a regional task force, county or state, to attack the distribution network.

Exhibit 4-1

REDUCTION OF DEMAND

- Direct Pressure on Buyers
 - Arrest of buyers
 - Observation arrests
 - ▶ *Patrol*
 - ▶ *Street Narcotics Unit*
 - Buy/bust
 - ▶ *Street Narcotics Unit*
 - Reverse stings
 - ▶ *Street Narcotics Unit*
 - Suppression of illegal sources of funds to buy drugs
 - Pressure on Pawnshops
 - ▶ *Pawn Shop Detail*
 - Pressure on fences
 - ▶ *Pawn Shop Detail*
 - Treatment of abusers
- Indirect pressure on buyers
 - Education
 - Publicity
 - Department Programs
 - ▶ *Media Relations*

REDUCTION OF SUPPLY

- Direct Pressure on Suppliers
 - Manufacturers
 - Importers
 - Wholesalers
 - Organized Crime
 - ▶ *Organized Crime Unit*
 - ▶ *Mid-Level Narcotics Unit*
 - Distributors
 - Mid-Level Narcotics
 - ▶ *Mid-Level Narcotics Unit*
 - Retailers
 - Buy/Bust
 - ▶ *Street Narcotics Unit*
 - ▶ *Pawn Shop Detail*
- Physical Interdiction of Supply
- Attack on Capital Base/Profits
 - Asset Forfeiture
 - ▶ *Asset Forfeiture Unit*
- Disruption of Communications

GENERAL SUPPORT FUNCTIONS

- Executive Direction
- Communications
- Supply
- Property Control
- Records

CHAPTER 5

ORGANIZATION AND MANAGEMENT

ORGANIZATIONAL PLACEMENT OF STREET NARCOTICS UNIT

As stated in the Introduction, this monograph rests on the premise that one organizational unit within the police department will concentrate on street narcotics enforcement. For convenience, we refer to that unit as the street narcotics unit. Where in the department should that unit be placed?

The answer to that question depends on several factors: (1) the size of the police department; (2) the size and scope of the narcotics investigation function; (3) the geographical spread of street narcotics markets within the city. A street narcotics unit can function successfully as part of a narcotics division, a tactical operations division, or a patrol division. Wherever it is placed, its work must be closely coordinated with narcotics investigation and patrol because of the inevitable overlap of interests and responsibilities.

Small police departments, e.g., departments with fewer than 30 officers, ordinarily cannot establish dedicated street narcotics units. This implies two things. First, in a small department, every officer is a narcotics officer. Everyone should be familiar with the tactics discussed in this monograph. Second, small departments can seek collaboration with and support from other agencies in carrying out street enforcement activities beyond their own resource limitations. Such collaboration can take the form either of a short-term operation with resources pooled for the occasion, or of participation in long-term task forces.

PERSONNEL

Obviously, supervisors of street narcotics units should be experienced in street narcotics enforcement. Personnel should be trained in how street drug markets work and in the enforcement techniques that are effective against them.

It is important that undercover officers acting as narcotics sellers must look the part. That means different things in different places, so it is usually impossible to staff a street narcotics unit with all the types of people it would need to work undercover. Two alternatives are to use personnel from other parts of the department and to work with informants.

In addition to the physical dangers inherent in any street enforcement work, there are other problems to which supervisors and upper management must be specially alert. Officer safety must always be a primary concern. Given the propensity to violence of many drug

traffickers, and recognizing their easy access to sophisticated weapons, it is impossible to avoid all risk. But no one street narcotics operation is going to have such an extraordinary impact on drug traffic as to justify taking extraordinary risks.

Long-term work in street enforcement gives rise to other dangers that must be continually monitored. One is unnecessary use of force. Liability issues aside, highly visible use of excessive force can alienate a community whose support is essential to sustained success in controlling street markets. Another danger is officer burnout, which can undercut individual and unit performance.

Like all narcotics operations, street narcotics enforcement affords unusual opportunities for corruption. Arrestees often have large sums of cash and narcotics that are readily convertible to cash. The structure of and supervision within a street narcotics unit must recognize this potential for corruption. Shifts should rotate so that no single officer or team has exclusive surveillance over a specified area. Accountability for confidential funds and evidence must be strictly enforced.

Many of the specific tactics discussed in this monograph require large concentrations of personnel for limited periods of time, many of them in back-up or support roles. The street narcotics unit should be at the core of street enforcement; other personnel can be drawn from other parts of the department for specific operations. Because undercover officers eventually become known to their targets, some departments routinely use recent police academy graduates for retail-level buy-busts. This practice requires special training and close supervision of these inexperienced personnel.

It is also a common practice to use SWAT or other tactical personnel as back-ups in raids and large street buy-bust or reverse sting operations. Patrol personnel should be used to support operations in areas with which they are already familiar. In mass operations, several specialized technicians can perform their usual functions at field locations.

Obtaining the resources for a street narcotics unit is like all other resource procurement problems. If resources cannot be freed up and reallocated from within the agency, new resources must be sought in the usual ways, from general funds, grants, asset forfeiture funds, special tax levies. In the short run, it may be possible to expand existing resources by increasing the use of overtime, or to reallocate them through temporary duty assignments.

Under the Anti-Drug Abuse Act of 1988, the Bureau of Justice Assistance makes grants for state and local drug enforcement projects. Four-fifths of the money available is distributed to state criminal justice agencies for allocation to their localities. Each state establishes its own rules for the distribution of those funds. The other one-fifth is subject to national competition, rules of which are published in the Federal Register.

OTHER RESOURCES REQUIRED

A street narcotics unit will require other resources as well, including the following:

- *Buy money*, used in informant-buys and undercover police buys. These operations are most important as tactics against indoor dealers.
- *Surveillance vehicles* (usually unmarked vans, cars, and trucks).
- *Binoculars* and other long-range surveillance equipment.
- *Special communications equipment* may be necessary to man several remote surveillance sites.
- *Body and directional microphones*.
- *Bullet-proof vests* or other forms of body armor.
- *Office space and support staff*.

INTELLIGENCE

Gathering Narcotics Intelligence

Intelligence about illegal narcotics trafficking comes from a number of sources, some of which we will consider more closely in a moment. It is essential that a law enforcement agency have a methodology for capturing, recalling, organizing, analyzing, and using data about narcotics activity for making good decisions. A standard *Narcotics Activity Report* form is very useful. It should be formatted to enable the report taker to capture as much of the following data as possible:

- Location of reported activity (street address, block, intersection).
- Type of location (curbside, street corner, parking lot, park, doorway, commercial building, residence, apartment building, etc.).
- Name or names of any participants known to the citizen.
- Physical descriptions of people involved.
- Numbers and ages of people in a residence or business.
- Numbers of people usually involved in suspect activity.
- Types of drugs probably involved.
- Description of type of activity (hand-to-hand sales; trips to presumed stash; lookouts).
- Time(s) of day of suspect activity.
- Types of vehicles involved, with tag numbers.
- Any indication of gang activity.
- Any potential hazards to responding law enforcement officers, such as dogs in house, weapons, lookouts.

Sources of Narcotics Intelligence

Police Sources

The ordinary police sources of information about drug activity are familiar: calls for service, patrol observation, field interrogation, narcotics investigations, informants, surveillance. With particular reference to street drug markets, law enforcement officers should be looking for the following:

- Unusual foot and vehicular traffic.
- Unusual frequency of cars from other areas.
- Unusual use of parking locations—parking vehicles to avoid confinement; parking cars but staying in them; parking cars unnecessary distances from a location and walking to it; double parking.
- Time of the activity.
- Duration of visitors' stays.
- License plates and individuals seen frequenting suspected drug trafficking area.

Citizen Complaints

Citizen complaints are an obvious and important source of intelligence about street drug markets, and it is important to establish an effective system for responding to them. A *Citizen Complaint Form* should be formatted to enable the report taker to capture as much of the following data as the citizen is willing and able to give:

- Address.
- Name(s) of person(s) suspected of drug activity.
- Description of suspect(s).
- Description of type of activity.
- In the case of a dwelling or building:
 - Name(s) of occupant(s).
 - Number of occupants.
 - Vehicles belonging to occupants, including license numbers.
 - Children at the building.
 - Animals at the building.
 - Types of visitors.
 - Likelihood of firearms in building.
 - Fortification of the building.

Citizen complaints must be evaluated for their real relevance to criminal activity.

Deviant life styles must not be confused with criminal activity.

In addition to the standard 911 emergency line, many police departments have established separate drug hot-lines to receive calls from anyone with information on drugs. These usually give callers more direct access to a police drug unit.

Hot-lines should afford anonymity to the callers if the callers desire it. Some callers will call often and become valued informants. If callers want to conceal their names in order to protect themselves, police should ask them to use a code name. The code name will allow police to identify the caller in the future and to provide feedback to callers on what use has been made of their information. Publicity for the hot-line number is essential. Flyers, posters, and newspaper and television announcements are all worth considering.

Following up citizen calls is very important to sustaining the credibility of a hot-line. But a high volume of citizen calls will quickly make it impossible to respond to all of them. Therefore, it is important that call-takers develop some way of telling callers that the police response may not be immediate or obvious, but that every piece of information is important in developing a picture of how drug traffic is operating and how best to combat it.

Verify the Information

The *Narcotics Activity Report* is but a starting point. The facts it contains must be verified and expanded. Citizen complaints should be followed up by police observation. Records checks should be run on any hard data such as license numbers, names, addresses. Car tags should be run through the state Department of Motor Vehicles for identification of owners and lienholders. Addresses should be checked against land records for ownership and with utility companies to see who is paying the bills. Names should be run through NCIC, EPIC, and other criminal justice identification systems.

A step sometimes overlooked is to determine whether any other investigations are being conducted within the department, based on the same information, or targeting the same individuals or organizations.

Analyze Data

Although investigators have been collating crime data by hand for generations, the fastest, most efficient approach is to use a computer system employing a relational database program. Data elements in such a system would include the following:

- Names
- Aliases
- Addresses
- Associates
- Vehicles
- Dates
- Weapons
- Violations

The desired goal is to have a system that will array the data in whatever formats investigators want, matching names with associates, names with addresses, vehicles with names, and so forth.

Intelligence Reports and Coordination of Information

The data analysis system must include a methodology for disseminating information to the people who must decide what action to take. Patrol commanders should be aware of street activity within their jurisdiction; street narcotics units should know of all street drug activity; mid-level narcotics investigators should have access to the system to build their cases. Summary information should be available to portray overall patterns of narcotics activity.

However, because the intelligence analysis system we have been describing contains a great deal of unverified data, some of which may be untrue but potentially very injurious to individuals, a high level of system security must be maintained.

If possible, narcotics-related intelligence information should be shared with other jurisdictions on a regional or statewide basis.

Information System

In both Chapter 4 and Chapter 7 we emphasize the importance of evaluation. The table of performance indicators at the conclusion of Chapter 7 is set up to enable assessment of performance and impact over time. The design of a police department's management information system should include those performance indicators.

WRITTEN POLICIES AND PROCEDURES

There are several routine and repetitive aspects of a street narcotics unit's operations that should be thoroughly described in written policy statements or standard operating procedures. They include:

- Managing Confidential Funds
- Managing Informants
- Handling Evidence
- Raid Planning
- Use of Raid Equipment
- Recordkeeping
- Asset Forfeiture

The Institute for Law and Justice has already prepared and published a monograph on Managing Confidential Funds for the Bureau of Justice Assistance. In 1990, ILJ will publish monographs on managing informants, handling evidence, and raid planning.

COORDINATION WITH OTHER ORGANIZATIONS

Police Department

Like charity, coordination begins at home. Intensified street enforcement imposes special additional burdens on police department components other than the street narcotics unit, requiring special coordination efforts. Mass arrests create problems for the department's property unit, or whatever component is charged with the responsibility of retaining physical evidence between arrest and court appearances. For example, 100 arrests in a reverse sting operation will bring in 100 evidence packets at the end of a shift. Will the property unit be ready and able to handle these packets? Will it have the personnel on duty to receive them and verify their delivery, maintaining the chain of custody? Does it have sufficient secure storage space? These details must be addressed before a major field operation is undertaken so that the officers responsible will be able to handle the sudden increase in workload.

The same questions exist with vehicle seizures, which can take place in large numbers in a mass sting operation. Will the impounding lot be ready? Who will do the towing? Will there be inventory searches?

In a mass arrest situation, property and evidence processing should be done in the field to the fullest extent possible. Mass arrests also have a strong impact on the records unit, which must process the arrest records.

When undercover officers are working in a large street operation, their safety and the success of the whole operation must not be compromised by other department units working in the same area. This requires coordination with the responsible patrol unit and any other field investigation unit working at the time of the street enforcement action.

Public information and media relations units should be involved in providing desired publicity of street enforcement. In operations targeting drug buyers, publicity can be a very effective deterrent. However, effectiveness of the operation is primary, publicity secondary. The press should not be placed in a position where it is able to compromise an operation by premature publicity.

Traffic and parking enforcement units can be helpful in controlling flow of traffic into a street operation, and strict traffic enforcement is often a useful follow-up to a street enforcement activity.

Investigative branches of a law enforcement agency should be keeping street enforcement units continually informed of any warrants they are trying to execute.

Crime Lab

Coordination with the crime lab, whether it is within the police department or in a state agency, is essential in any large scale enforcement action. Since laboratories must confirm substance identity for prosecution to proceed, timely lab work is essential. Labs can become a choke point unless there is advance planning.

Field testing of narcotics is a feasible alternative. It requires field testing equipment, training in the use of the equipment, and agreement of the court and prosecutor to use of the test results in preliminary or bind-over hearings. Since such hearings require only probable cause rather than proof beyond reasonable doubt, the standard for identifying the controlled substances can be lower than would be required at trial.

Task Forces

If a police department is participating in a task force with federal, state, or other local agencies, then a coordination mechanism is presumably in existence. But even if the department is not working with such a task force, it should try to keep any task forces operating in their area generally apprised of their activities so that conflicts and overlaps can be minimized.

Prosecutor

Coordination with the local prosecutor is important for several reasons. Will the prosecutor's office be able to handle any sudden increase in caseload? The prosecutor can give guidance on the charges his or her office is willing and able to prosecute. The prosecutor should also be consulted on legal issues likely to arise, e.g., entrapment questions in reverse stings, pretext stop questions in roadblocks.

Jail/Sheriff's Office

Who handles booking and processes prisoners? Is jail space adequate in mass arrest operations, or detention space for prisoners yet to be brought before a magistrate? Can some of the booking process be handled in the field, alleviating the burden on the jail?

Courts

Is the court system willing and able to provide the magistrates necessary for a mass arrest operation? Is the court clerk's office ready to handle the paperwork? Are officer schedules and court dates coordinated? Is the court sensitive to police costs and willing to work to reduce police overtime caused by repeat appearances?

Probation and Parole

Because it frequently happens that probationers and parolees are picked up in intensive street enforcement actions, probation and parole officials should be warned of any prospective surge in their violation caseload.

Treatment Services

Drug treatment centers and other health-care facilities capable of drug treatment should be informed of a potential increase in the number of persons seeking treatment. Most will be court referrals. But it would be an indicator of successful enforcement if people sought treatment because their drug of choice had become too difficult to obtain on the street. In most areas, existing residential treatment programs have waiting lists and cannot quickly expand. Outpatient counselling and support groups such as Narcotics Anonymous can grow more quickly.

Other City Agencies

The police are not solely responsible for law enforcement and good order within a city. Other code enforcement agencies, such as health, building inspections, and zoning, are involved in maintaining public health, safety, and welfare. Strict enforcement by these agencies can reduce conditions that enable street drug traffic to flourish.

The city attorney also has code enforcement powers with considerable bite to them. Strict enforcement of state and local nuisance laws can force landowners to clean up their properties or lose them for substantial periods of time.

Drug dealing is frequently a problem in city housing projects, so the city housing authority may want to support drug crackdowns on markets in its buildings. The housing authority can provide an apartment unit to the drug squad for use in observation. Housing authority workers can also record license plate numbers of suspected drug buyers, clean and floodlight junk-strewn areas (which provide cover for hiding drugs, drug paraphernalia, and drug transactions), assist with the eviction of known dealers or tenants who allow their apartments to be used as dealing sites, close unnecessary internal hallways, put locks on external doors, and make sure that vacant units remain boarded up.

CHAPTER 6

WORKING WITH THE COMMUNITY

In the long run, the whole community and all public agencies must be involved in the struggle to rid the community of narcotics trafficking. If street narcotics enforcement is to be effective, police departments should work with other local agencies, public housing authorities, and neighborhood organizations to help revitalize communities that have been overrun by drug trafficking.

COMMUNITY POLICING

Law enforcement agencies that are moving toward community policing are already beginning to deal directly with individuals and organizations within the community to solve problems, including drug problems. The President's National Drug Control Strategy discusses community policing as a preferred law enforcement approach. In the Introduction to the 1990 edition, Office of National Drug Control Policy Director William J. Bennett writes:

Local governments, for example, can recruit and train more police officers. But unless the new recruits are properly utilized—for instance, in carefully focused, community-oriented policing, complete with foot patrols, confidential citizen hotlines, and resident cooperation—the security of the local neighborhood cannot be assured.²³

COORDINATED FOLLOW-UP

The second and third phases of Dallas' Operation CLEAN, described in Chapter 3, are illustrative of the steps that should be taken after intensive street enforcement and drug sweeps. In the second phase of CLEAN, other Dallas city agencies move in to begin rehabilitation. These agencies include:

- Streets and Sanitation—clean the streets, trim shrubbery, and make alleys passable.
- Fire Department—check for code violations and board up unoccupied buildings.
- Housing and Neighborhood Services—conduct code enforcement and identify unsalvageable properties.

²³ *National Drug Control Strategy* (G.P.O. 1990), pp. 7-8. On the subject of community policing, see Jack R. Greene and Stephen D. Mastrofski, *Community Policing: Rhetoric or Reality* (New York 1988), and Robert Trojanowicz and Bonnie Bucquerox, *Community Policing* (Cincinnati 1990).

- Urban Rehabilitation Standards Board—demolish unsalvageable properties.
- Water Utilities—check for water leaks and sewer problems.

In the third phase of CLEAN, the Dallas police move into a community policing or neighborhood policing mode, identifying and responding to the community's law enforcement needs on a continual basis. Officers visit each family in the area and identify any special needs. They then refer these families to Social Services personnel who take appropriate action.

The Dallas park department allocated funds to establish after-school and Saturday programs in local parks.

Dallas has enlisted the support of ministerial alliances to monitor the long-term rehabilitation of the community. They also offer valuable insight to assisting agencies and provide counseling to residents. A local church has provided housing assistance.

NUISANCE ABATEMENT

Every state has nuisance laws, and many cities have adopted or revised ordinances to cope with the specific problems posed by drug trafficking and crack houses. For example, Portland, Oregon, has a "specified crimes" ordinance that enables it to seize property used for activity involving the unauthorized delivery or manufacture of a controlled substance, gambling, or prostitution—the "specified crimes"—for a period of up to one year.²⁴ The first step is for the police to notify the owner and the occupant of a property that the property is being used in violation of the ordinance and that the city will act against it under the ordinance. If nothing is done, the chief of police certifies that the property is in violation and the owner or occupant is given ten days to take remedial action. If the situation remains unchanged, the city attorney files a civil suit under the ordinance. The court is authorized to award the city possession of the property for up to one year and to assess fines of up to \$1,000 a day for each day of continued violation. The sanctions are so severe that most land owners have sought to clean up their properties without forcing the city to go through the whole process.

The Community Policing Division of the Portland Police Bureau and the Portland's Neighbors Against Crime have undertaken the development of a landlord training program designed to help landlords keep illegal activity out of rental property. A training manual drafted in late 1989 covered such matters as applicant screening, rental agreements, warning signs of drug activity, and eviction. The project is funded by BJA.

²⁴ Portland City Code, Chapter 14.80.

In 1989, the Oregon legislature amended the state's nuisance abatement statutes to incorporate the concepts of Portland's specified crime property ordinance.²⁵ In February of 1990, a private citizen, availing himself of the rights given in the new statute, filed suit seeking to close a motel in his neighborhood because of recurring prostitution and drug trafficking.²⁶ The nuisance statute allows the private citizen to recover both for damages to his own property and for reasonable attorneys' fees.

In San Diego, the city attorney's office has successfully employed California's nuisance abatement statute against crack houses and hotels.²⁷ The city attorney advocates a drug abatement team with a nucleus from the police department and city attorney's office, and representatives from building inspection, zoning, fire, and health departments. Social service agencies can assist people eligible for various forms of aid. Community service and volunteer organizations can assist in rehabilitation of properties. Public and private financial institutions must understand that they also have a role to play by keeping effective management and control over properties in which they have a financial interest.

WORKING WITH PUBLIC HOUSING

Public housing in many cities has had a particularly difficult time with narcotics trafficking. It is important that police and public housing officials work together to confront the problem. As discussed in Chapter 1, if state law allows, public housing authorities, as the owners of the property, can request and authorize the police to enforce trespass laws in public housing. Police can also assist public housing officials in the eviction of undesirables by advising them of successfully executed search warrants, which would provide the factual basis for proving lease violations.

²⁵ ORS 105.505-105.560.

²⁶ Portland *Oregonian*, February 3, 1990, p. D-1.

²⁷ Article 3, Abatement, California Health and Safety Code.

CHAPTER 7

PROGRAM EVALUATION

Chapter 4 of this monograph analyzes the elements of strategic, operational, and tactical planning. Good planning includes establishment of performance measures and impact criteria. The analytical framework of a program plan becomes the analytical framework of its evaluation. In this chapter, we return to the issue of evaluation.

Police department and street narcotics unit managers need to monitor inputs (dollars and work-hours), activities (such as searches), outputs (such as arrests), and impacts or results (such as changes in street conditions). Results are always measured against the baseline of previous conditions; some thought should be given in advance to collecting "before" data unless, like crime report data, they are collected routinely.

Exhibit 7-1 at the end of this chapter is a sample data collection instrument. It may need to be adapted to the specifics of local operations. The following sections annotate the instrument and discuss some additional performance measurement issues.

RESOURCES AND ACTIVITIES

This resources and activities section of Exhibit 7-1 is largely self-explanatory. Note that these categories represent means, not ends. In particular, seizures of drugs and other assets are incidental to the ultimate purposes of street enforcement. Encouraging officers to produce funds for the agency through seizures, or making continued operations dependent on forfeiture realizations, can distract a street narcotics unit from its primary mission of breaking up street markets and send it off in search of high-level dealers who have assets worth taking.

ENFORCEMENT OUTPUTS

The number of arrests in an area will tend to be high at the onset of an intensified street enforcement program, but decline as the mission is accomplished and street buyers and sellers get harder to find.

For several reasons, convictions are a less significant measure of effectiveness. Perfectly valid arrests do not necessarily lead to conviction. The time lag between arrests and convictions diminishes the value of convictions as indicators of short-term effectiveness. Nevertheless, arrests in themselves often have the desired short-term impact on street markets.

RESULTS

The simplest and strongest indicator of enforcement effectiveness is disappearance of open drug dealing. When the crowds of buyers and sellers go away, at least a first level of success has been achieved. Neighborhood leaders, residents, reporters, and police officers all can provide information about the volume and intensity of a local drug trade. The indicators of progress are the same as those that brought the problem to the attention of the street narcotics unit to begin with: calls for service, citizen complaints, police observation, etc.

Since many drug users fund their drug habits by stealing, successful street enforcement should lead to reductions in property crime. It is also reasonable to expect a decrease in violent crime, as a result of fewer quarrels among dealers and between dealers and buyers.

Some jurisdictions collect and test urine specimens of offenders soon after they have been arrested. The proportion of offenders who test positive for a drug is one measure of the number of drug users in the offender population. This proportion should rise in the first months of intensified enforcement as many drug offenders are arrested. It should then decline below pre-enforcement levels if the effort is successful in reducing the number of drug users.

Drug treatment agencies often maintain statistics on the number of clients they treat, usually in order to provide information to state agencies. This information usually includes the primary drug for which clients are being treated and sometimes even includes client addresses.

The state agency collecting these data should be able to provide police departments with the number of people seeking treatment at local drug treatment agencies or, even better, with the number of people who live in a particular city who have sought drug treatment at any treatment agency in the state. Comparing these figures for periods before and after intensified street enforcement can be a proxy measure of changes in the number of local drug users attempting to seek treatment. However, the number of people treated will not rise if the drug treatment centers are already operating at full capacity. Counselors at local drug treatment agencies can often provide at least anecdotal evidence of what changes in user behaviors were attributable to crackdown operations. Thus, the police department can begin to establish that its street enforcement reduced the number of drug users.

Exhibit 7-1

I. RESOURCES AND ACTIVITIES

Current month

YTD

Expenditures (dollars)
Patrol (hours)
Detectives (hours)
Hot-line calls received
Informants developed
Search warrants executed
Seizures
 Drugs seized
 Heroin
 Cocaine
 Crack Cocaine
 Marijuana
 Other
 Guns seized
 Cash seized
 Cars seized

II. ENFORCEMENT OUTPUTS

ARRESTS

Possession
 Heroin
 Cocaine
 Crack Cocaine
 Marijuana
 Other
Sale
 Heroin
 Cocaine
 Crack Cocaine
 Marijuana
 Other
Other Felony
Other Misdemeanor
Fugitives

CONVICTIONS

Possession
 Heroin
 Cocaine
 Crack Cocaine
 Marijuana
 Other
Sale
 Heroin
 Cocaine
 Crack Cocaine
 Marijuana
 Other
Other Felony
Other Misdemeanor

SENTENCES (Sum of minimum sentences)

Current month

YTD

Possession

Heroin
Cocaine
Crack Cocaine
Marijuana
Other

Sale

Heroin
Cocaine
Crack Cocaine
Marijuana
Other

Other Felony

Other Misdemeanor

III. RESULTS

Before

After

CRIME (UCR reports,
monthly averages)

Homicide
Rape
Agg. Assault
Robbery
Burglary
Larceny
M.V. Theft

DRUG CONSUMPTION

Treatment Demand
Clients
Hours

Drug Deaths and Injuries

Emergency Room Mentions

Heroin
Cocaine
Crack Cocaine
Marijuana
Other

Total E.R. cases

Medical Examiner mentions

Heroin
Cocaine
Crack Cocaine
Other

Total Drug Overdose Deaths

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Law enforcement agencies may call the toll-free NCTAP Answer Line, **1-800-533-DRUG**, for information on the above courses and on other services available through the NCTAP.

ABOUT THE AUTHORS

Edward F. Connors, III, President of ILJ, has nearly 20 years experience in law enforcement. He is currently the director of the Narcotics Control Technical Assistance Program for BJA.

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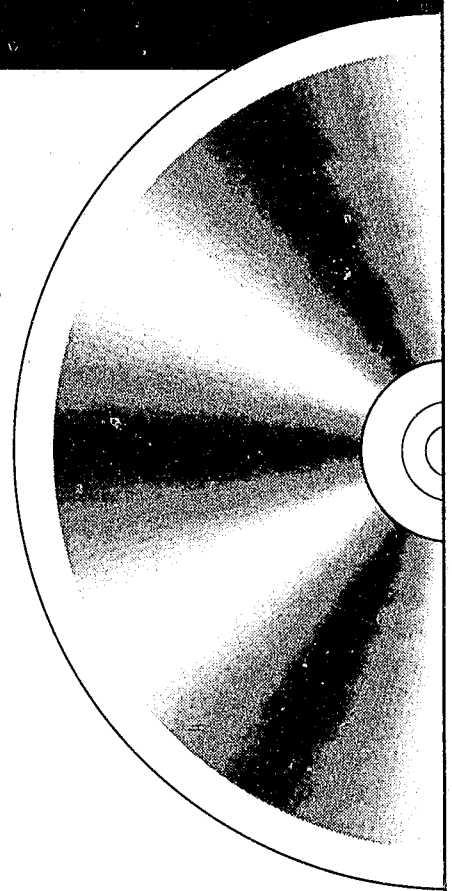
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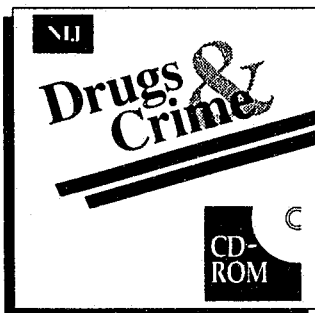
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