



Research and Evaluation

Washington State
Department of Community Development

**Washington Statewide Drug
Prosecution Assistance
Program: An Evaluation**

December 1992

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Prosecution Assistance
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The survey data reflected in this report are taken directly from the survey responses. Opinions expressed by the respondents are not necessarily the views of the author nor the Washington State Department of Community Development.

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

In an effort to provide the prosecutorial services necessary to respond to law enforcement efforts to curb drug distribution and abuse, in 1989 the Washington State Legislature provided funds under the Omnibus Alcohol and Substance Abuse Act for a Statewide Drug Prosecution Assistance Program (SWAT). Approximately one year later, the U.S. Department of Justice, Bureau of Justice Assistance (BJA), through the Washington State Department of Community Development (DCD), provided additional funding. These additional funds, made available through the 1988 Anti-Drug Abuse Act, allowed the SWAT program to more than triple in size and scope over the last three years. During its first year of funding, six deputy prosecutors covering six counties were supported, and currently, in its fourth year, 23 deputy prosecutors are assigned to the offices of 13 county prosecutors.

In an effort to document SWAT program effectiveness, assess relative impact, and enhance DCD administrative efficiency, a formative-type evaluation was undertaken. Three distinct phases comprised this evaluation:

- 1) an analysis of yearly SWAT program data;
- 2) a mail-in survey of all SWAT-assigned deputy prosecutors;
- 3) a comparative analysis performed with a national database.

This procedure has revealed some significant findings in regard to the role, function, and effect of the SWAT program:

- o The ratio of defendant to number of charges filed has consistently increased over the years.
- o Over the three years, the ratio of conviction through trial or plea has also consistently increased.
- o The conviction through trial rate, once a defendant is brought to trial, is such that the individual stands only a one in ten chance of being acquitted.
- o Over the three years, sentences totalling 3400 years in jail or prisons, and over \$2 million in fines, have been handed down by the courts in SWAT-prosecuted cases.

- o The various law enforcement agencies which coordinate with the SWAT program have removed from circulation close to \$33 million street worth of cocaine, heroin, and marijuana.

In addition, it was found that SWAT deputy prosecutors often become involved with case preparation during the investigation stage and have wide ranging responsibilities in the actual prosecution of the offenders. As SWAT members, they have received extensive training, and they often come to the SWAT with years of prosecutorial experience.

Further, coordination with the BJA funded Multi-Jurisdictional Drug Enforcement Task Forces and other law enforcement agencies was a continual process. This coordination often involved the provision of technical assistance and direction by the deputy prosecutors. Respondents noted that, although coordination levels are high, if anything, such activities should be intensified.

Although certain deficit areas were identified by some deputy prosecutors:

- o An overall sense of optimism and mission was relayed.
- o Deficit areas identified by respondents were related to personnel resources and training.

Enhanced interagency coordination, increased resources, and timely, more specialized training are areas which respondents stated are necessary to not just maintain the current effectiveness levels, but also to respond to a growing and adapting illegal drug problem.

Based on these observations the following recommendations are presented:

- o SWAT Deputy Prosecutors should initiate coordination of services with local Multi-Jurisdictional Drug Enforcement Task Forces.
- o In order to keep pace with law enforcement activities, local SWAT personnel resource needs, and the means to address these needs, should be identified.
- o Specialized prosecution training activities should be provided to new SWAT deputy prosecutors, either immediately prior to duty commencement or as soon as possible thereafter.

PROGRAM OVERVIEW

PROGRAM OVERVIEW

In response to the growing drug problem in Washington State, the Legislature appropriated \$560,000 under the Omnibus Alcohol and Substance Control Act to fund a Statewide Drug Prosecution Assistance Program. This program, termed "SWAT", started operation on August 1, 1989. The primary goal of the program is to prosecute, in the most efficient and expeditious manner possible, individuals arrested on drug-related charges. The uniqueness of this program lies within its operational parameters, which preclude involvement by any assigned prosecutor in non-drug-related cases. In addition, assigned deputy prosecutors are able to pursue any drug case regardless of the level of severity, and free from drug seizure thresholds.

Approximately one-half year later, the SWAT program, coordinated out of the Pierce County Prosecuting Attorney's Office, received a partial year of U.S. Department of Justice, Bureau of Justice Assistance (BJA) funding. These funds, which are made available through the 1988 Anti-Drug Abuse Act (P.L. 100-690), Drug Control and System Improvement Formula Grant Program, have been used to support additional deputy prosecutors in counties receiving state funds and to expand into additional counties. The Washington State Department of Community Development (DCD) administers these BJA funds.

Currently, in its fourth year of funding, SWAT has 23 deputy prosecutors, assigned to the offices of 13 elected county prosecutors, which serve either directly, or upon request, all 39 counties in Washington State (see Appendix A). The impetus for this program was aptly stated in the most recent yearly Closeout Summary Report (July, 1992) submitted to DCD by the SWAT coordinating agency:

"Until the inception of the Statewide Drug Prosecution Assistance Program, local counties were faced with monumental increases in drug-related arrests and a minimum of prosecutorial staff to handle the expanding case load. Many drug cases were not given the attention they deserved simply because local prosecutorial assets were limited. Prior to the initiation of SWAT, understaffing forced many counties to accept expedient dispositions in cases which would normally justify aggressive prosecution. Some counties were compelled to dismiss charges as a result of case overload. Law enforcement interdiction efforts are successful only when prosecutorial assets throughout the State are available to manage the increased volume of cases." (p. 3)

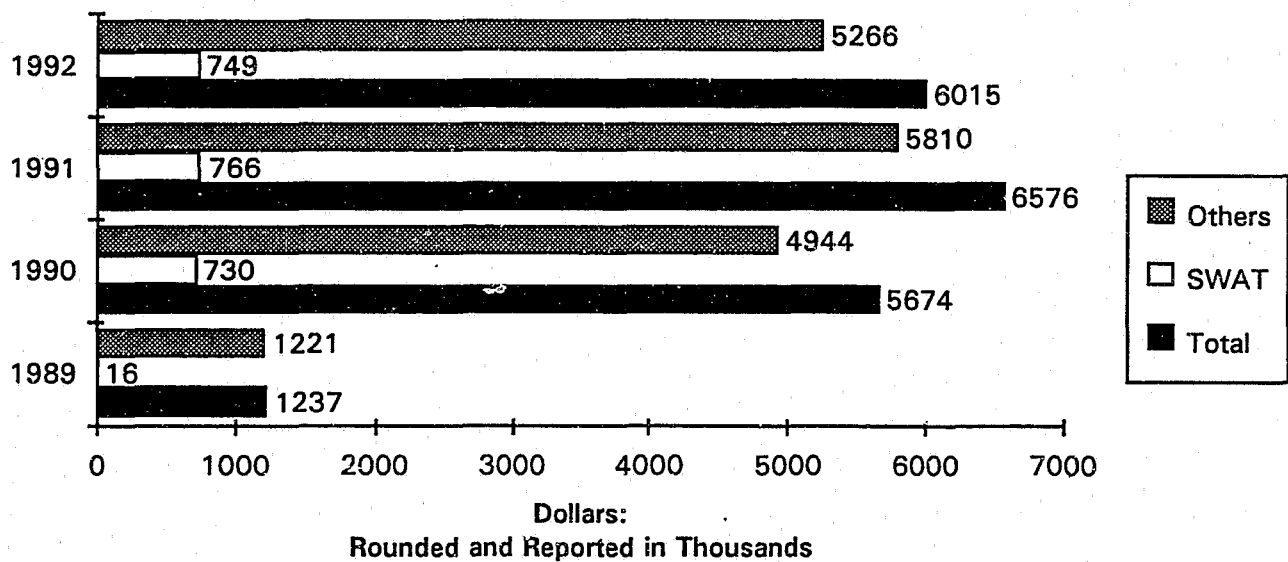
The thrust of the SWAT program facilitates the Washington State

Drug Control Strategy. This strategy, in addition to describing the statewide illegal drug situation, identifies key players in the "war on drugs" (see Appendix B). A Drug Policy Board, made up of regional representatives of concerned agencies, advises DCD on the construction of this strategy (see Appendix C).

During the first year of SWAT operation, six counties, employing one deputy prosecutor each, received a combination of federal and state funds. The following year, the SWAT program received its first full year of BJA funding. The number of counties covered by SWAT deputy prosecutors doubled during this first full year of funding and the number of deputy prosecutors increased by over 300 percent (i.e., 12 counties and 20 deputy prosecutors). Fourteen of the deputy prosecutors were directly supported by these BJA funds; the remainder were supported by state funds. An additional county was added during the third year of funding and two additional deputy prosecutor positions were filled (i.e., 22 deputy prosecutors with 16 supported by BJA funds).

The SWAT program is classified by DCD as a "local program." The amount of BJA funds received by the SWAT program over the past four years (including SFY 1993/FFY 1992) is substantial (see Chart 1).

**CHART 1
BJA FUNDING HISTORY
TO LOCAL PROGRAMS**



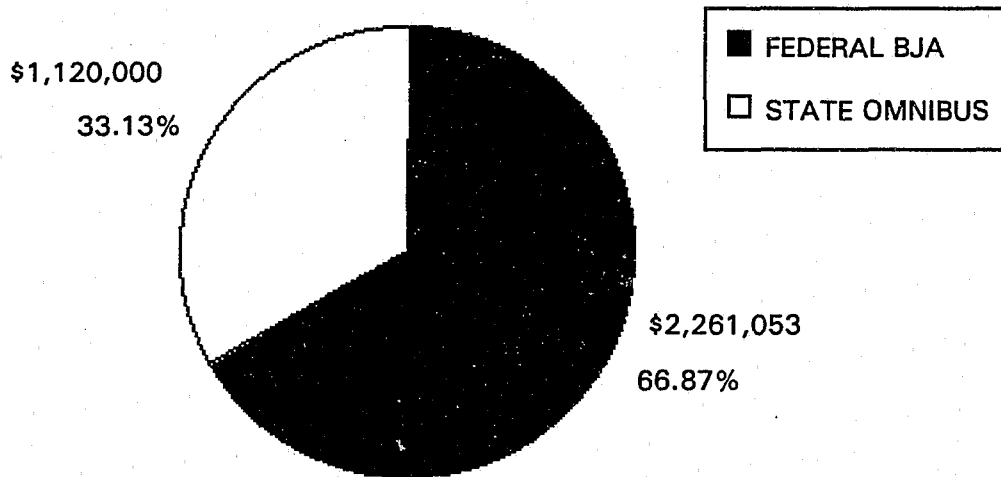
The above chart reveals that out of the \$19,501,804 allocated to

local programs over the four years, \$2,261,053 (12%) were allocated to the SWAT program. In all, six programs shared the remaining 88 percent of the BJA local program amount over this period. These programs were:

- Gang Prevention and Intervention
- Public Housing Drug Intervention
- Project Rebound
- Defender Assistance
- Urban Pilot Demonstration
- Drug Education Law Enforcement
- Multi-Jurisdictional Drug Enforcement Task Force

The 12 percent of BJA funds to SWAT represents 67 percent of the total SWAT program dollar amount. The Washington State Legislature has allocated \$280,000 per year, for the past four years, under the Omnibus Alcohol and Substance Control Act to support SWAT. In total, \$3,381,053 of federal and state funds have gone into the operation of the SWAT program (see Chart 2).

CHART 2
SWAT PROGRAM FUNDING AMOUNTS AND PROPORTIONS:
FOUR YEAR TOTALS



METHODS

METHODS

Overview

In order to evaluate both the process and product of the Statewide Drug Prosecution Assistance Program (SWAT), a three-stage process was implemented. These stages were:

1. A review of data compiled by the Pierce County Prosecuting Attorney's Office, which serves as the coordinating agency.
2. An analysis of a 22-item survey of SWAT-assigned deputy prosecutors.
3. A comparison of certain performance indicators with data presented in the U.S. Department of Justice, Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics: 1991.

Stage one: SWAT Program Data

Each county prosecutor's office which receives funds through the Statewide Drug Prosecution Assistance Program is required to submit on a weekly basis certain key performance data. These data are downloaded via modem to a computer network maintained through the Pierce County Prosecuting Attorney's Office, which serves as the SWAT coordinating agency. Data elements include:

Case Dispositions, such as actual number of cases, how many cases resulted in plea, how many cases actually went to trial, and how many cases resulted in dismissal.

Litigation Results, which break out the trial data by those found guilty as charged, those found guilty of a lesser charge, those acquitted, and the number of days spent in trial activities.

Sentencing Disposition, the number of offenders sentenced to prison or jail and/or receiving a monetary fine.

Program Substance Totals include amounts of powder cocaine, rock cocaine, heroin, marijuana, methamphetamine, and "other" drugs.

Most of this data have been collected by the SWAT coordinator for the full three years of funding. After the first year of funding, additional data elements were added to the database and currently all the above listed data are being collected.

Stage two: SWAT Deputy Prosecutor Survey

A 22-item State-wide Drug Prosecution Assistance Program Survey (Appendix D) was constructed after an extensive review of all yearly and quarterly Closeout Summary Report(s). In addition, the most recently completed Drug Control and System Improvement Formula Grant Program, Drug Prosecution Assistance Program, Application for Funding, FFY 1992, with special attention to Form 3 (Current Effort/Strategy Impact) and Form 4 (SWAT Control Strategy), which were prepared by each SWAT program, were also reviewed. The Closeout Summary Reports were prepared by the Pierce County Prosecutor's Office. Prior to survey circulation, a letter was sent to all 13 concerned county prosecutors from the office of the state SWAT coordinator, informing them of the survey and strongly recommending their participation. On September 18, 1992, the surveys were sent, along with a cover letter to all elected county prosecutors who supervise the 23 currently funded SWAT deputy prosecutors. A return date of October 9, 1992, was set. On October 9, a follow-up letter with an additional survey was sent to the county prosecutors whose deputies had not responded. This procedure resulted in a 83 percent instrument return rate.

Stage three: Comparative Analysis.

A comparison database was accessed through information contained in the Sourcebook of Criminal Justice Statistics: 1991, published by the U.S. Department of Justice, Bureau of Justice Statistics (BJS). Among other things, this source compiles data on felony drug trafficking convictions in state courts. The data which comprise this database were obtained by BJS through an analysis of felony case processing in 300 nationally representative counties. Study findings were disseminated in the 1990 BJS publication, Felony Sentencing in State Courts, 1988. In addition, a comparison was made with a BJS-reported database consisting of felony and misdemeanor drug convictions in 75 counties. These data were originally released in the publication Felony Defendants in Large Urban Counties; 1988.

FINDINGS

FINDINGS

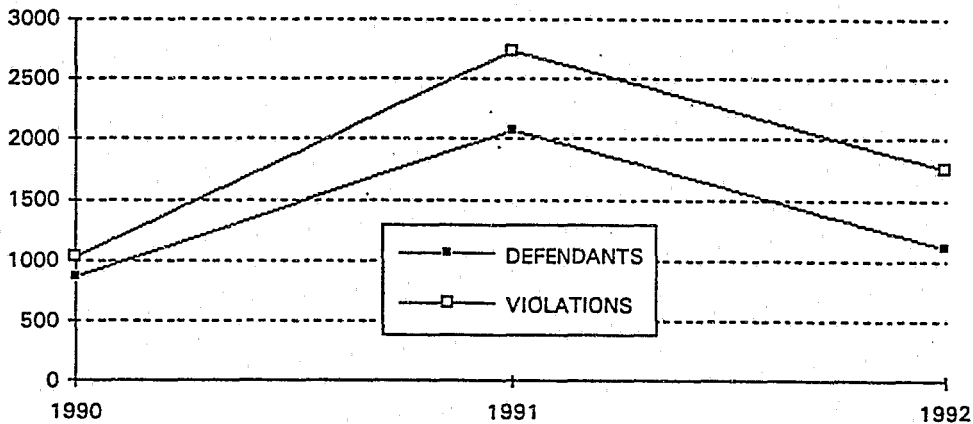
Stage one: SWAT Program Data.

Three full years of data have been compiled by the Pierce County Prosecuting Attorney's Office. These data have been used to track overall and county level performance. Reporting of these data has been in the aggregate, and for analysis it was necessary to back out yearly data starting with the first-year report. This procedure has the net effect of yielding yearly performance figures. A number of factors should be noted when viewing these data:

- o Although yearly figures are reported for the first year of SWAT operation, BJA funding was received for only part of that year.
- o Also during the first year, the computerized data collection and reporting system was in the development stage.
- o Starting in the second year, additional data elements were included in the computerized system.

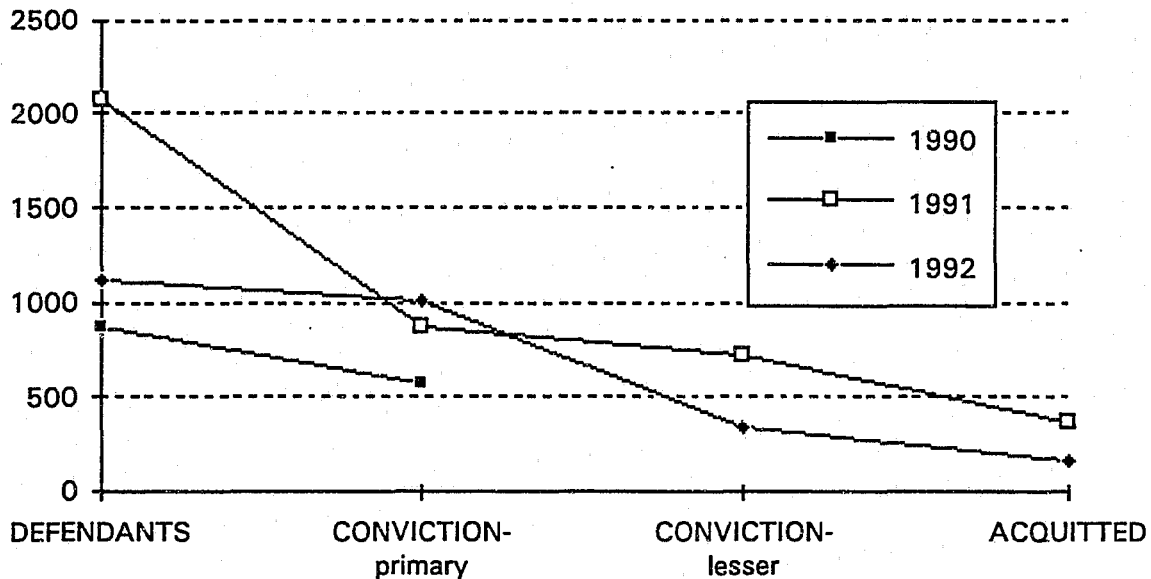
During the first year of funding, 866 individuals were prosecuted by SWAT deputy prosecutors. The next year, the number of individuals prosecuted increased by 139 percent, to 2,069 individuals. The following year, though, the number of individuals prosecuted decreased by 46 percent, to 1,120 individuals. The number of violations these individuals were charged with followed a similar pattern: an increase of 163 percent over the first-year figures, followed by a decrease of 36 percent (i.e., the number of violations for each of the three years is 1037, 2732, and 1759 respectively) (see Graph 1).

GRAPH 1
NUMBER OF DEFENDANTS AND
NUMBER OF VIOLATIONS



It should be recognized that decreases in the number of individuals prosecuted and the number of related violations from one year to the next, do not necessarily mean a decrease in prosecutorial performance. When looking at the conviction and acquittal rate across all three years, an apparent increase in performance is displayed (see Graph 2).

**GRAPH 2
DEFENDANTS BY DISPOSITION**



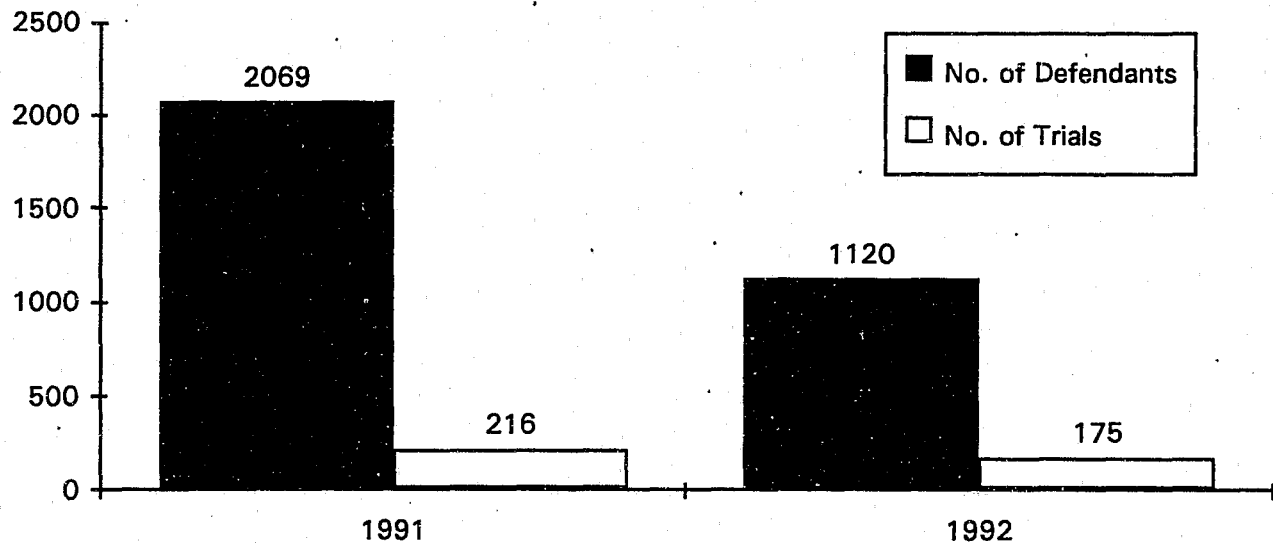
Review of the data reflected in the above graph indicates that in 1990, 67 percent of the individuals prosecuted were, either through plea or trial, found guilty of the primary violation. This conviction rate dropped in 1991 to 42 percent (i.e. a one-year drop in conviction rate of 63 percent). By July 30, 1992, the one-year conviction rate more than doubled; 90 percent of those prosecuted were found guilty through either plea or trial of the primary violation.

As can be seen in the above graph, starting in 1991, data related to conviction of lesser offenses and number of acquittals were also collected. The conviction of lesser charges are in addition to conviction of the primary charge, and for 1991 and 1992 were 720 and 345 respectively. The proportion of individuals acquitted, either through an actual trial or by having the charges dismissed, was 18 percent for 1991 (369 individuals) and 14 percent for 1992 (157 individuals). For both the conviction of lesser charges and acquittal categories for 1991, it is quite possible that there is a carry-over effect which inflates these one-year figures; i.e., some of the data reported in 1991 for these categories may actually be from 1990.

It must be remembered, in viewing the above data, that the total number of convictions plus the number of acquittals in any given year may not necessarily equal the number of individuals prosecuted. This is due to a number of factors including sentencing in the year following prosecution and failure on the part of the defendant to appear for trial.

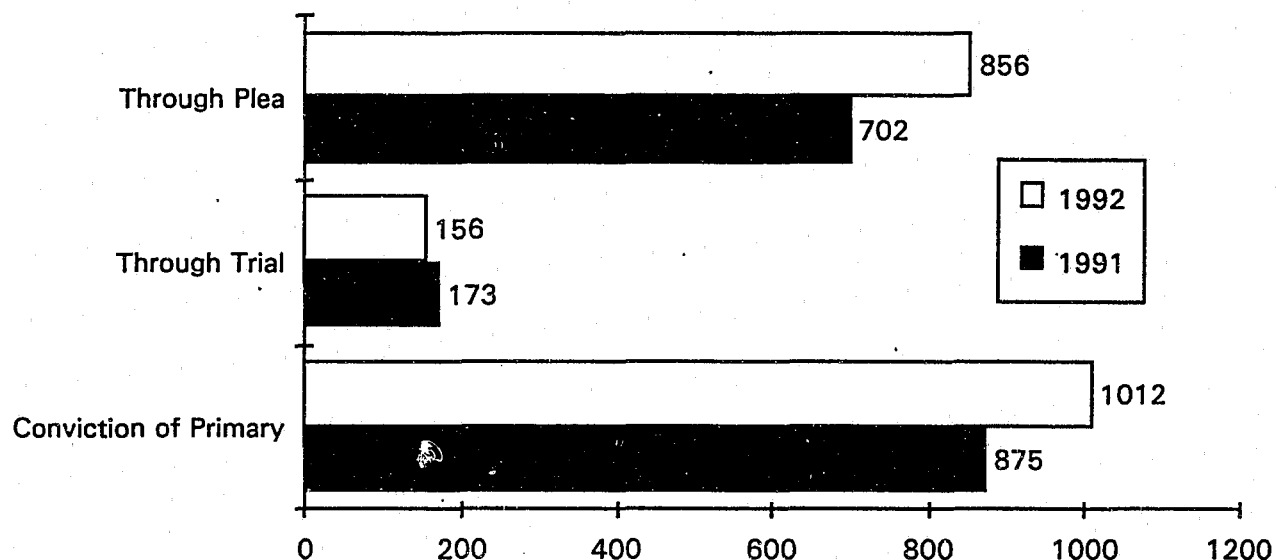
Not all individuals prosecuted by SWAT deputies were brought to trial. In 1991, 10 percent of charged individuals were prosecuted through trial, and in 1992, this proportion increased to 16 percent (see Chart 3).

**CHART 3
NUMBER OF DEFENDANTS AND
NUMBER OF TRIALS**



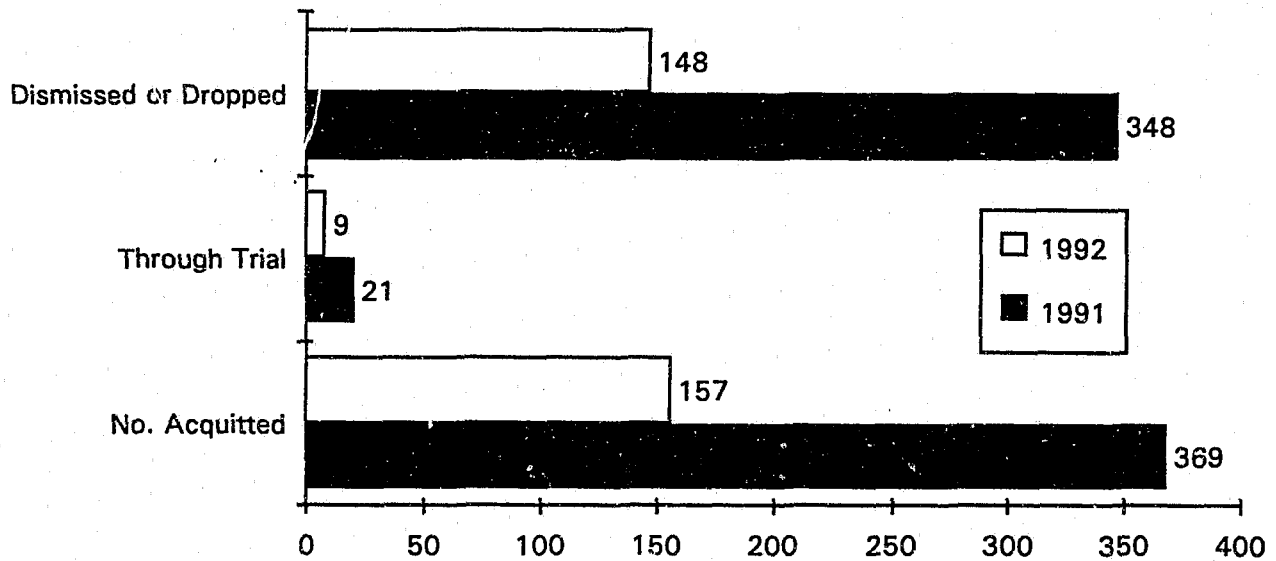
Aside from the addition in 1991 of data elements related to conviction of lesser offenses and the number of acquittals, the number of separate convictions by plea and trial was also collected in this year. In 1991, 875 individuals were found guilty of the primary offense either through plea or trial, and by 1992 this number increased by 16 percent (n = 1,012). In 1991, 20 percent of the convicted individuals were found guilty by trial and 80 percent through plea. One year later, 15 percent were found guilty through trial and 85 percent through plea (see Chart 4).

**CHART 4
NUMBER CONVICTED OF PRIMARY
OFFENSE THROUGH TRIAL OR PLEA**



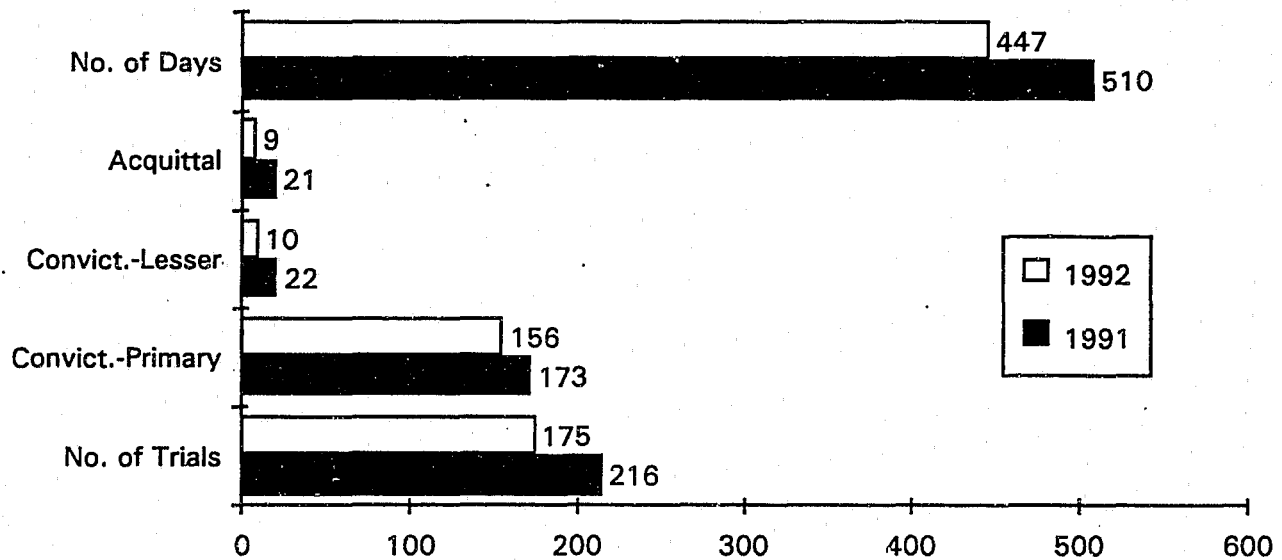
Also starting in 1991, the number of individuals acquitted through both a trial and by having the charge dismissed or dropped, were separated out. In both 1991 and 1992, six percent of the individuals who had their charges dropped had them dismissed as the result of a trial (21 individuals and nine individuals respectively). The remaining 94 percent per year had their charges dropped prior to trial (348 and 148 respectively) (see Chart 5).

**CHART 5
NUMBER ACQUITTED THROUGH
TRIAL OR DISMISSAL**



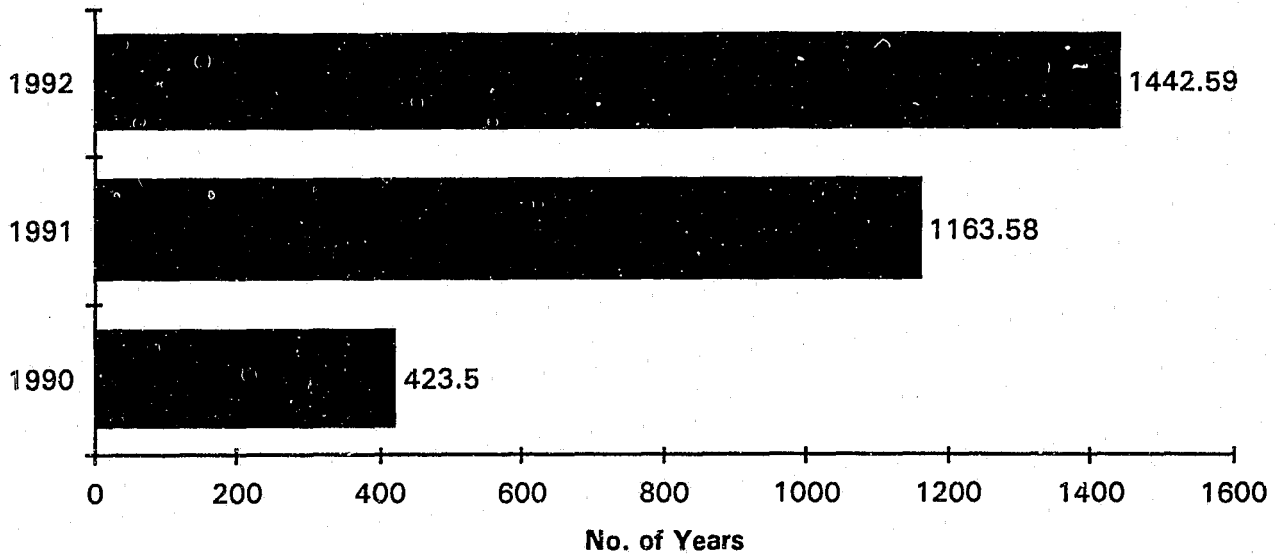
In 1991, the deputy prosecutors participated in 216 trials over 510 days (cumulative) at an average of 2.4 days per trial. During 1992, SWAT deputy prosecutors participated in 175 trials taking 447 days (cumulative) at an average of 2.6 days per trial. In 1991, 81 percent of the individuals brought to trial were convicted of the primary offense and 10 percent were convicted of a lesser offense. These proportions increased in one category and decreased in another, when, in 1992, 89 percent were convicted of the primary offense and six percent of a lesser offense. The yearly acquittal through trial rate was 10 percent and five percent respectively per year. During these two years, 92 percent of the individuals brought to trial were convicted on the primary or a lesser charge (see Chart 6).

CHART 6
NUMBER OF TRIALS, DISPOSITION, AND
NUMBER OF DAYS IN COURT



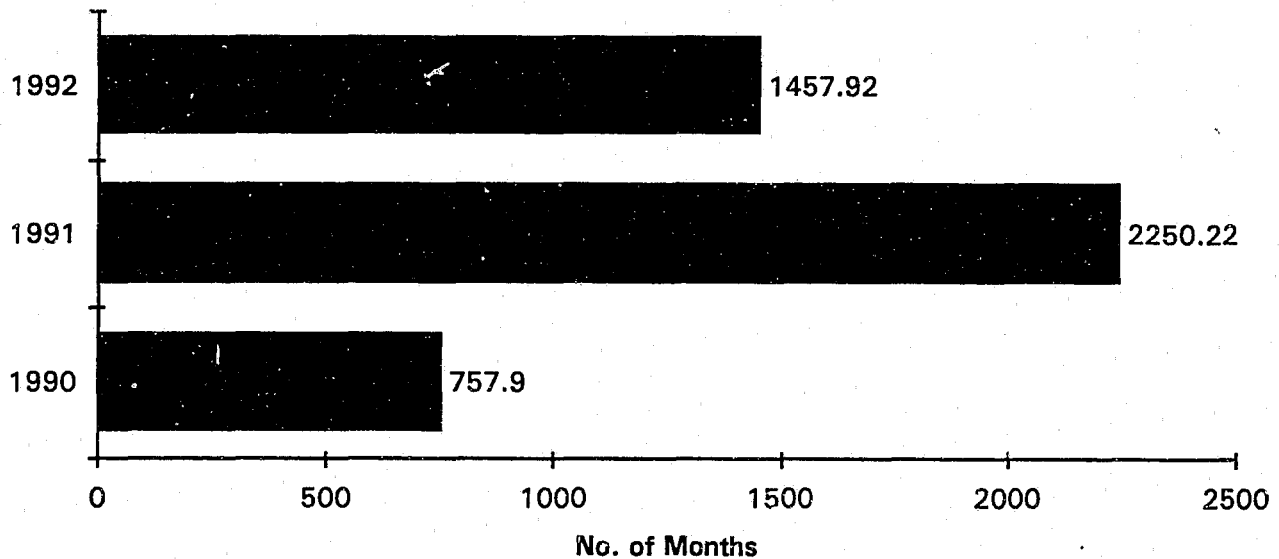
The individuals convicted as the result of plea or trial received various types of sentences, ranging from time in prison to monetary fines. The length of time individuals were sentenced to prison grew each year from 1990 through 1992. The 1991 amount of time individuals were sentenced to prison grew by 175 percent over the 1990 amount. It must be recognized that the 1991 amount was in part the result of efforts of more than twice as many deputy prosecutors covering twice as many counties as were employed during 1990. Comparisons between the 1991 and 1992 prison sentence amounts are more meaningful due to the similar numbers of deputy prosecutors and counties covered. Between 1991 and 1992, the total number of years individuals were sentenced to prison increased by 24 percent. The amount of time individuals have been sentenced to prison as the result of SWAT deputy prosecutor efforts during the past three years, totals almost 3,030 years (see Chart 7).

CHART 7
YEARS SENTENCED TO PRISON
TOTAL = 3029.67 Years



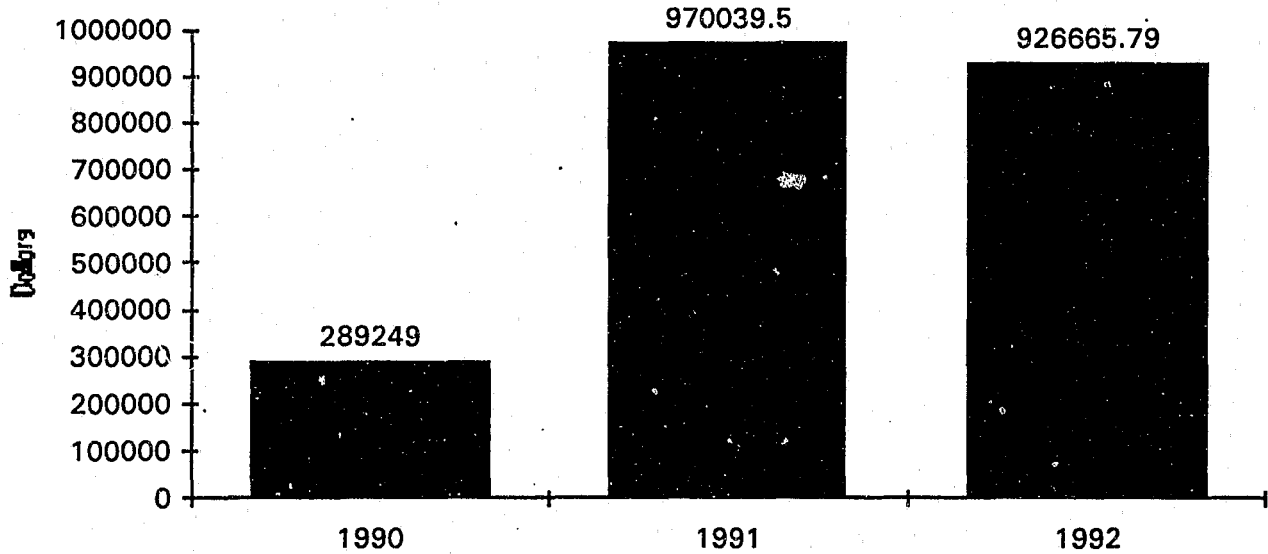
The amount of time individuals were sentenced to jail is also significant. Between 1990 and 1991 the amount increased by 197 percent and between 1991 and 1992 the amount of time decreased by 45 percent. SWAT deputy prosecutors have been responsible, during the three-year period, for total jail sentences of over 4,406 months (see Chart 8).

CHART 8
MONTHS SENTENCED TO JAIL
TOTAL = 4406.04 Months



In addition to sentences to jail or prison, monetary fines were often handed down by the courts. These fines may have been in lieu of incarceration or in addition. In the first year of operation, deputy prosecutors prosecuted cases which resulted in over \$289,000 in fines. One year later this amount increased by over three-fold to just over \$970,000. The next year (1992), the amount of fines were reduced by 5 percent, to \$926,665. In all, well over \$2 million in fines were handed down by the courts in cases involving prosecution by SWAT attorneys (see Chart 9).

CHART 9
FINES AWARDED BY THE COURTS
TOTAL = \$2,185,954.29



Although only 13 of the 39 Washington State counties have SWAT deputy prosecutors assigned to the county prosecutor's office, these deputy prosecutors, upon request, provide assistance to neighboring counties. This procedure has the net effect of providing this specialized service to all counties. Over the course of funding, 497 hours of assistance were provided to neighboring counties. In addition, 229 hours were accrued by the SWAT deputy prosecutors in administrative matters related to this assistance (see Table 1).

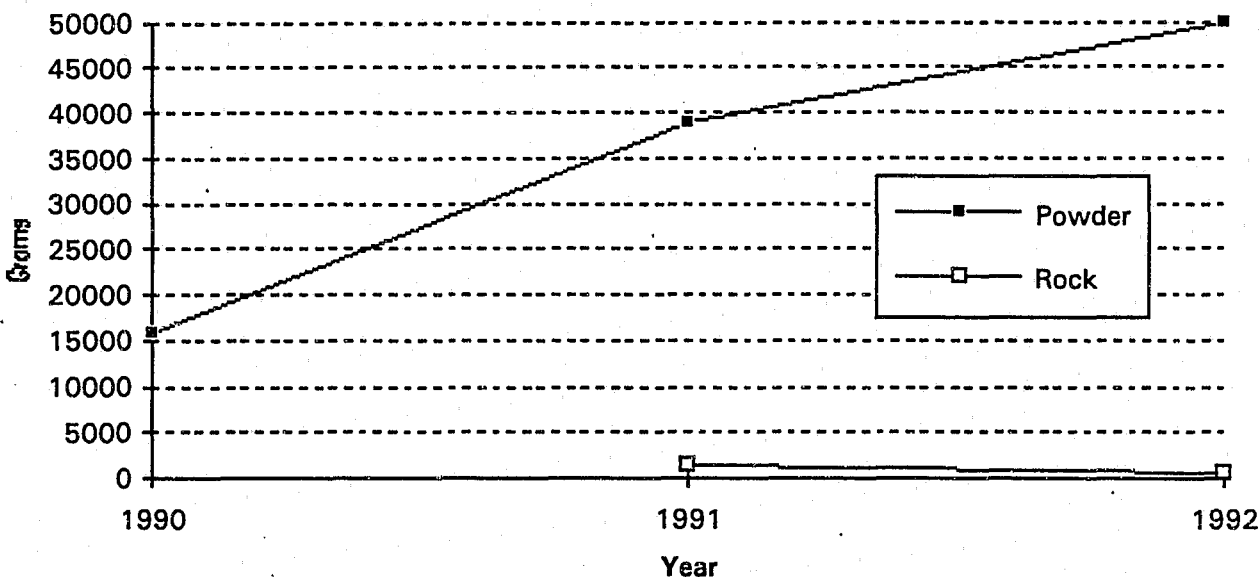
TABLE 1

SWAT Deputy Prosecutor Assistance to Neighboring Counties

Area	Hours
Dispositional Hearings	111.9
Trial Preparation	107.2
Police and Witness Interviews	64.0
Brief Preparation	55.0
Plea Negotiations	49.7
Legal Research	45.8
Trial	42.0
Team Activity	12.0
Arraignments	9.5
Total	497.1

The amount of drugs involved in SWAT-related prosecution cases is not inconsequential. These drugs, aside from serving as case evidence, are removed from circulation and help reduce the available supply. One of the most popular illegal drugs available today is cocaine. In powder form the amount of cocaine involved in SWAT prosecution efforts has grown over each of the three years of collected data. Between 1990 and 1991 the amount of cocaine involved increased by 143 percent, and by 1992 increased by another 29 percent (i.e., 15,940 grams in 1990 and 38,798.3 grams in 1991 and 49,997.2 grams in 1992). The amount of powder cocaine involved in SWAT prosecution cases increased between the 1990 level and 1992 level, by 214 percent (see Graph 3).

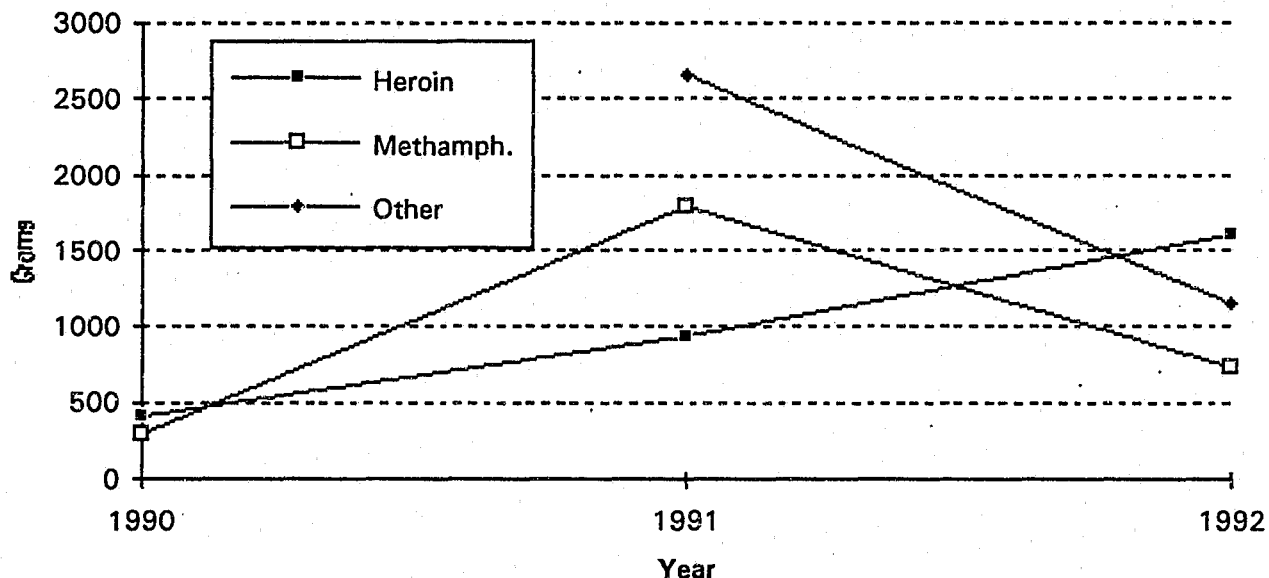
GRAPH 3
COCAINE



As noted in the above graph, rock cocaine (crack) was first reported as a separate drug category in 1991. In 1991, 1,407.6 grams were involved in SWAT cases and by 1992, the amount decreased by 50 percent to 699.7 grams.

Heroin, methamphetamine, and other drugs have, for the most part, experienced yearly increases and decreases. Methamphetamine case involvement grew from 298 grams in 1990 to 1,801.7 grams in 1991, and then decreased to 726.6 grams in 1992 (i.e., an increase of 505 percent followed by a decrease of 60 percent). Heroin grew in SWAT case prevalence from a low of 415 grams in 1990 to 935.8 grams in 1991, an increase of 125 percent. One year later (1992), heroin grew by 72 percent to 1,612.7 grams. In 1991, 2,658.7 grams of "other" drugs in pill or liquid form were involved in SWAT cases. This amount decreased by 1992 by 56 percent to 1,159.6 grams (see Graph 4).

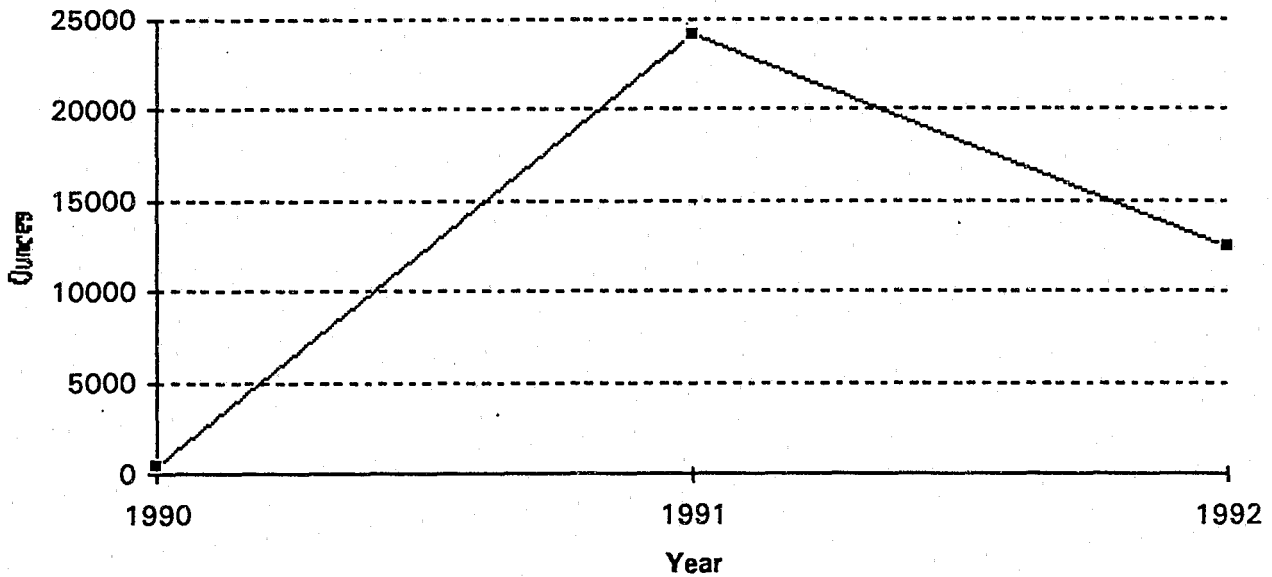
GRAPH 4
ADDITIONAL DRUGS



Another "other" drug, which is not reflected in the above graph, is lysergic acid diethylamide (LSD). In 1991, 537 "hits" of LSD were presented as evidence against individuals in SWAT-prosecuted cases. This amount increased by 791 percent to 4,785 hits one year later.

Large amounts of marijuana have also been involved in SWAT cases. In 1990, 500.6 ounces of marijuana were presented as evidence as part of SWAT deputy prosecutor endeavors. One year later this number grew by 4,700 percent to 24,029.2 ounces. One year after that, 12,410.7 ounces were involved in SWAT prosecution endeavors, reflecting a 48 percent decrease from the previous year's figures (see Graph 5).

**GRAPH 5
MARIJUANA**



The dollar value of these drugs is not inconsequential. The Washington State Patrol has attached a street-level dollar value range to various illegal drug categories. Looking at three drug categories over a three-year period reveals a degree of price variation. By using the yearly median, it is possible to compute a average three year median per drug price (see Table 2).

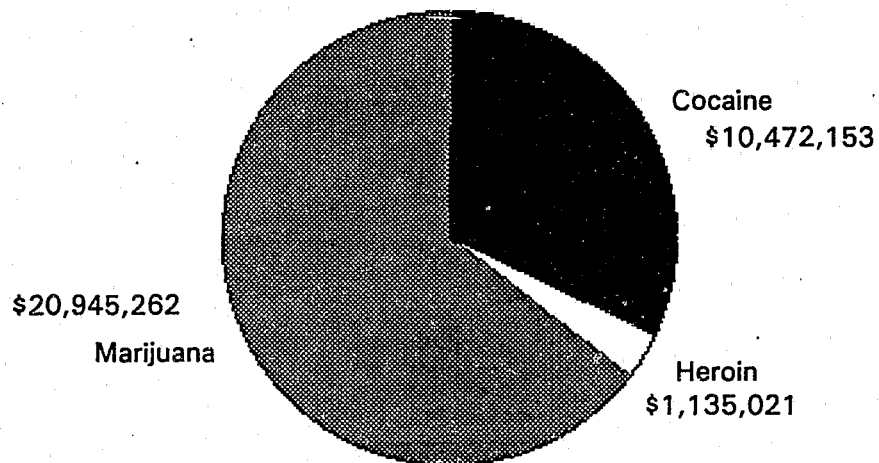
**TABLE 2
Drug Price List**

Drug Category	Dollar Value Range per Year			Average Median Price
	1989	1990	1991	
Cocaine	50-100	90-180	90-180	115
Heroin	400-500	200-500	200-500	383
Marijuana	10	10-40	10-40	20

Note. The dollar value per year range is reported per gram. Also, where no range was reported, the absolute value was used in computing the average median yearly drug price.

Using the median three year per drug average, a dollar value can be attached to the drugs which were involved in SWAT prosecuted cases (see Chart 10).

CHART 10
DOLLAR VALUE OF SWAT INVOLVED DRUGS:
\$32,552,436.00 - three year total



The above chart reveals that over the three year period, more than \$32 million of illegal drugs was removed from the streets by law enforcement agencies who in-turn referred the cases for prosecution to SWAT deputies.

Stage two: SWAT Deputy Prosecutor Survey

Approximately 85 percent of SWAT programs returned surveys (n = 11). At the time of this evaluation, 13 counties contain 23 SWAT deputy prosecutors and 83 percent of the deputy prosecutors completed the surveys by the due date (n = 19). The SWAT county programs which returned completed surveys by the due date, were:

Clark County
Franklin County
King County
Kitsap County
Pierce County
Skagit County
Snohomish County
Spokane County
Thurston County
Walla Walla County
Yakima County

It should be noted that in the above referenced counties, not all of the SWAT deputy prosecutors returned a completed survey.

The State-Wide Drug Prosecution Assistance Survey collected data on Background and Training, Program Structure, Goals and Objectives, and Coordination with Multi-Jurisdictional Drug Enforcement Task Forces, and offered the respondent the opportunity to provide anecdotal information. Please see Appendix E for record of all narrative responses to all open-ended Survey items.

The **Background and Training** section of the survey contained five discrete items and one sub-item.

1. **As a SWAT deputy prosecuting attorney, briefly describe your role and responsibilities.**

All individuals returning a survey completed this item. Although all deputy prosecutors identified duties which were fairly similar, some respondents provided more detail than others. Three relatively in-depth examples are:

"As a deputy prosecutor, I am responsible for providing legal advice to law enforcement, educating officers on legal concepts, provide assistance and legal advice for investigations, and handle felony drug prosecution from intake through trial and sentencing. Also, I handle the cases through the appellate process and educate the public through cases and other means."

"My role as SWAT attorney is that of prosecuting drug felony cases generated by different law enforcement

agencies. The responsibilities of the SWAT attorney include screening a case to make charging and bail decisions, pre-trial motions, and trial of drug felony cases. The SWAT attorney also handles plea offers and appeals, including personal restraint petitions, that arise from felony cases handled in Superior Court. Further, the SWAT prosecutor attempts to advise the officer with whom he works about developments in both search and seizure and narcotics laws."

"My responsibilities as a SWAT deputy are defined by being a fulltime felony drug prosecutor. At the preliminary stages, I make myself available for search warrants and wire applications during and after business hours. I evaluate reports submitted for charging and coordinate with law enforcement to have cases as complete as possible before charging. Once a charged case is assigned to me for prosecution, I may meet with law enforcement and witnesses involved in order to prepare the case for hearings and/or trial. I research and write legal memoranda on a variety of issues but primarily dealing with search and seizure. I appear at change of plea hearings and usually at sentencing. I maintain the computer data collection records for the cases to which I am assigned. Although circumstances have not yet arisen, I will be responsible for all appeals resulting from cases to which I have been assigned. I am available to provide any of these functions for Jefferson and Clallam Counties."

In order to get at the amount of experience the SWAT deputy prosecutors have either through SWAT or other related experience, two related questions were asked:

- 2a. How long have you been a deputy prosecutor? and
- 2b. How long have you been a deputy prosecutor with SWAT?

The 19 respondents cumulatively possessed 80 years of prosecutorial experience. The length of individual time as a deputy prosecutor ranged from four months to 12 years and the average length of time was 4.2 years. The deputy prosecutors reported 19.2 years total direct experience with a low of one month SWAT experience to a high of two and one-half years. The average length of time engaged as a SWAT deputy prosecutor was 1.1 year. Two respondents noted that the SWAT position was their first deputy prosecutor position (one with four months experience and one with two years).

Aside from length of time with the SWAT program, individuals were asked how they became involved with the program.

3. How did you become involved with the SWAT program?

All individuals responded to this item, and three types of responses were offered. The most common was that they had been assigned by the local prosecutor:

"After the Washington State Legislature dedicated \$730,000 in federal pass-through monies from the federal Anti-drug Act of 1988 to the SWAT program in August of 1990, my county was funded an additional slot for a SWAT deputy. I was assigned to the SWAT program as the new SWAT deputy under the federal grant."

The next most common response was that the local prosecutor's office assigned individuals according to a pre-determined personnel rotation schedule:

"The King County Prosecutor's Office has a regular rotation schedule for all its deputies. Upon rotating into the Special Drug Unit, I was selected to be a SWAT deputy for approximately nine months."

Finally, a process of recruitment and application was somewhat common:

"The position was posted as a new position within the office. I was interested, applied and was hired."

Once recruited for participation in the local SWAT program, specialized training was often provided. This training relates to both process and procedure.

4. Please identify any of the following which you received training in after joining the SWAT?

Table 3

Area	N	percent
Drug case investigations	12	63.2
Drug search and seizure law	12	63.2
Drug trial techniques	12	63.2
SWAT brief bank maintenance	7	58.3
Computer case disposition system	7	58.3
Time log	4	21.1
Asset seizure/forfeiture	9	47.4
Other(s)	5	26.3
No training received	2	10.5

Missing data = 1, percent does not = 100 due to multiple responses.

The two individuals who noted that they had not received any training had not been with their respective SWAT program for long. One respondent was only employed for one month and the other for only four months. The individual with four months experience noted in the item margin that her training was to start in October, 1992.

Five individuals noted "other" training. These "other" training areas, were:

"Special drug related allegations (i.e. school zone, bus terminal, park). Stay Out of Drug Area (S.O.D.A.) orders. Drug sentencing issues."

"(1) Drug sentencing issues - exceptional sentences. (2) Jury instructions. (3) SODA (Stay Out of Drug Area orders). (4) School zone and special allegations."

"Meth lab disposal."

"Indian jurisdiction and RICO."

"The "Top Gun" training was excellent."

The "Top Gun" training noted by the last respondent was held over a five-day period during September 1991. This training covered such topics as managing informants, investigative planning, non-warrant search and seizure issues, and law enforcement techniques. One individual, in identifying "drug trial techniques" as a SWAT-related training area, wrote in the margin next to the item, "Top Gun." It would appear that a degree of overlap exists between survey areas and the "Top Gun" curriculum.

The participants were asked whether the training was effective in preparing them for their duties.

5. Do you feel that this training was sufficient to prepare you for your duties?

Table 4

Response	N	percent
Yes	14	87.5
No	2	10.5

Missing data = 3 (these individuals are fairly new to their respective SWAT program and have not attended training yet).

The individuals who answered that the training was not sufficient to prepare them for their SWAT duties were asked to provide an explanation.

If "No," please explain why not; what are the deficiencies; what are your recommendations?

"While the training to date has been excellent, I believe there are so many areas that have yet to be covered, a wide spectrum of subjects, from learning about the different kinds of drugs, drug terminology, how drugs are used, to trial preparation and the trial itself."

"I had to educate myself. I don't fault the program. I'm used to educating myself."

The **Structure** section of the survey contained six discrete items and four sub-items.

6. **As you know it, what is the normal rotation pattern of SWAT deputy prosecutors?**

Six respondents noted a somewhat set, time-lined, rotation pattern of deputy prosecutors. For example:

"SWAT deputies have generally been with the office from 6 months to 1 year prior to rotating onto the special drug unit and being assigned as a SWAT deputy. The normal tenure of the position is 9 months."

Two individuals recorded that assignment to the SWAT program is permanent. One such response was:

"Since the inception of the SWAT program, we have tried to keep the same deputies prosecuting drug cases to build our level of experience and expertise."

Five respondents noted that there is no real rotation policy or practice per se. For example:

"It is consistent with the normal office rotation. There is no set policy of movement between different units. When administration wants to move people around it does."

Five individuals stated they did not know whether such a practice exists. Also, one respondent recorded, "I am it here." This statement could be interpreted that rotation does not occur.

7. How are case assignments made:

- In "Home" area?

Deputy prosecutor case assignment may vary from a highly rigid system operating according to some pre-established criteria to a highly open-ended system where whoever has "free time" takes what is available. An example of the former is:

"There are six Superior Court judges and case assignments are made along those lines with each deputy taking responsibility for two judges and the remaining two judges cases being split between the two DPAs."

An example of the latter is:

"In the "home" area, the case assignments are made 50/50, each drug deputy shares half the caseload."

Also, there appears to be a somewhat standard procedure for case progression and assignment. Two respondents offered fairly similar responses:

"First, the drug cases are filed by a Special Drug Unit Filing Deputy; Second, the case is then reviewed by the head of the Special Drug Unit; Third, after the defendant has been arraigned the Early Plea Unit reviews the case for plea purposes; Fourth, the Drug Unit supervisor then receives and reviews the case for assignment to a deputy."

- In neighboring counties/jurisdictions ("Away")?

For the most part, case assignments made out of the immediate jurisdiction are on a per request basis. For example:

"On a case by case basis depending on need and case complexity."

Approximately one-half of the respondents stated that they do not regularly prosecute cases out of their county. Two basic reasons account for this. The first reason has to do with the in-county case load and is typified by the following response:

"Because of the heavy workload in the county, I have not done any "away" cases. In the past a SWAT deputy has prosecuted out of county cases."

It appears that in certain cases the opportunity simply has not presented itself. For example:

"We have not had any request made yet. But in the event of a request, the assignment would probably go to the deputy with a clear calendar."

The SWAT program may be just one program for which the elected prosecuting attorney has responsibility. The regularity of scheduled meetings is an indication of elected attorney involvement.

8. Do you meet with the elected local prosecutor on a regularly scheduled basis?

Table 5

Response	N	percent
Yes	8	42.1
No	11	57.9

Individuals were asked:

If "Yes," how often; If "No," why not?

Certain respondents in answering "Yes," were quite clear in their response. For example:

"As to how often, every Monday morning at 8:30 a.m., and then at least two to three times the remainder of the week."

Other respondents were quite clear in their "No" response:

"We do not have a regularly scheduled meeting, but he is available to meet with us whenever the need arises."

Many responses were a bit ambiguous, and in certain cases virtually identical responses were offered in support of both a "Yes" and "No". For example, the following was recorded after a "Yes" response:

"Meetings not scheduled but held regularly."

And a very similar note was recorded in explanation of a "No" response:

"I see the prosecutor regularly, but we do not have scheduled meetings."

Clearly, the question was subject to varying interpretations. Another issue which may effect the degree of contact with the local elected prosecuting attorney is the geographic size and population of the specific county. As one respondent put it:

"The head of the Special Drug Unit, Al Matthews, meets with the elected prosecutor and chief of the criminal division on a regular basis. Information and projects that effect (sic) the Special Drug Unit and SWAT deputies are relayed during meetings and posting. The size of the office mandates a decentralization of authority."

Meetings with peers, specifically other SWAT deputy prosecutors, may indicate a certain degree of coordination, and ostensibly, optimize service delivery.

9. If there is more than one deputy prosecutor in your SWAT program: Do deputy prosecutors meet as a group to discuss/strategize SWAT related activities on a regular basis?

Table 6

Response	N	percent
Yes	15	78.9
No	--	--
N.A.	4	21.1

As can be seen in the above table, none of the respondents in a SWAT with more than one deputy prosecutor recorded that they did not regularly meet with their fellow SWAT member. All individuals who recorded "Yes," also recorded an explanation to the query. Three typical responses were:

If "Yes," how often; If "No," why not?

"Meetings of a formal nature are weekly and also have daily contact."

"The Special Drug Unit has 20 deputies that work exclusively on drug related cases. Two of the 20 deputies are designated SWAT deputies. The unit meets on a bi/tri-monthly basis. All current rulings relating to drug cases are posted in the drug unit and the case lead notes are distributed among deputies."

"We have 2 SWAT deputies. The SWAT deputies share an office; thus, we are able to discuss cases, etc. on a regular basis."

Respondents were also asked:

10. Do you participate in regularly scheduled meetings with other law enforcement agencies?

Table 7

Response	N	percent
Yes	14	73.7
No	5	26.3

Individuals who answered "Yes" were then asked:

If "Yes," what are these other agencies and how often do you meet with them?

Although all 14 who responded in the affirmative offered a response, not all responses were complete. Two respondents recorded when they meet, but not who they meet with. For example:

"We meet weekly."

One respondent recorded who they meet with, but not when:

"Tacoma Police, Pierce County Sheriff. I have also visited most all the smaller police departments in Pierce County."

The remaining twelve respondents noted combinations of scheduled and ad hoc meetings with various law enforcement agencies. One such narrative response was:

"I generally meet with the local Drug Enforcement Task Force at least three times a week. I also confer with individual police and detectives from other agencies as

required to discuss problems and cases which arise in the narcotics field. Some of these meetings are scheduled, and some are impromptu. The other agencies include the Pasco Police Department and the Franklin County Sheriff's Office."

Meetings with out-of-county peers and other law enforcement agencies may require a set protocol for information sharing. To get at the prevalence and level of such structured coordination, the respondents were asked:

11. Is there a set policy or procedure regarding sharing information with other prosecutors, law enforcement agencies, etc.?

Table 8

Response	N	percent
Yes	9	47.4
No	10	52.6

If "Yes," please briefly describe.

Although nine individuals recorded that they do have a set policy or procedure for sharing information, three of the requested descriptions indicate that this policy is not formalized.

The Goals and Objectives section of the survey contained five discrete items.

12. As you understand it, what are the general goals and objectives of the SWAT program?

Primarily, the goals and objectives offered by the respondents were more concerned with process than anything else. Phrases such as "to prosecute," "to assist," "to provide," "to work closely," were common. Although most respondents offered fairly generalized statements, a few were more specific. For example:

"The general goal of the SWAT deputy prosecutor is to assist in trying and convicting drug traffickers and users. The objectives, at least in Franklin County, have been to target mid-level to street-level cocaine and heroin dealers. Our county does not have sufficient budgetary base to spend the funds necessary to target major drug suppliers; i.e., those persons delivering at

the multi-kilogram level."

Approximately one-half stated that the goal of the SWAT program is to provide some type of resource. These resources frequently were personnel and the responses were typified in:

"To provide a cohesive statewide effort to combat the drug problem at a prosecutorial level, the primary objective being to increase the number of deputy prosecutors statewide dedicated exclusively to the prosecution of drug violations."

"To provide prosecutorial resources to handle the increase in drug arrests brought on by the "war on drugs" so that the efforts of law enforcement aren't wasted."

"To add additional DPA to the war on drugs by providing funding to employ DPA and staff." (Note: DPA is Deputy Prosecuting Attorney.)

Although an increase in personnel was frequently offered as a goal, the objective of this increase was typically to make up for a resource deficit. For example:

"To provide specialized drug prosecutors to smaller counties who cannot afford them for reasons of budget or volume of drug cases. This has the effect of raising the quality of the prosecution of drug cases."

"To provide prosecution assistance on drug cases where it was lacking before. Prosecutors were often overwhelmed when task forces were funded and brought cases to be prosecuted. Through this grant, we gain special knowledge and expertise and are more effective in drug prosecutions."

"To provide the resources for deputy prosecutors to be full-time drug prosecutors. Prosecutors thereby gain an expertise which enable (sic) them to more effectively and efficiently develop and prosecute drug and drug-related cases."

The respondents were asked whether the goals and objectives have changed at all since they've been with the SWAT program. It must be recognized that since the average SWAT tenure is just over one year, there is a high probability that a change in goals and objectives has not occurred. On the other hand, roughly one-third of the respondents have been with their SWAT program over one and one-quarter years (N = 6).

13. Have these goals and objectives changed during your tenure with the program?

Table 9

Response	N	percent
Yes	1	5.3
No	18	94.7

If "Yes," how have they changed?

The one individual who responded that program goals and objectives have changed offered the following explanation:

"We are trying to develop more inter-county cooperation and assistance by providing brief banks, common forms that are used, and promoting interaction and dialogue."

Without exception, all respondents stated that they felt their program has been successful in achieving their recorded goals and objectives.

14. Do you feel your SWAT program has been successful in achieving the current goals and objectives?

Table 10

Response	N	percent
Yes	19	100.0
No	--	--

If "Yes," how so; if "No," why not and what can be done to further the chances of achieving these goals and objectives?

By asking the respondents to describe how they've been successful in achieving their goals and objectives, an impact overview was obtained. For example:

"Through specialized knowledge obtained through training and practical experience both police and prosecutor efficiency has been increased."

"By focusing exclusively on drug cases for an extended

period of time, SWAT deputies develop legal expertise, experience, and strong rapport with law enforcement. With the legal expertise and experience, SWAT deputies are extremely successful prosecutors. The strong rapport with law enforcement enable (sic) SWAT deputies to be more effective."

"Yes, because law enforcement knows we will prosecute, and work with them. They target more man power and funds into apprehension and our case load has increased."

"Our crime rate has dropped about 30 percent in the past year. Some of that decrease is due to fewer drug arrests. Our conviction rate, either by plea or trial, is close to 90 percent. With our office having two attorneys to handle drug felony cases, the plea offers are stiffer and the sentences are longer. As for keeping the drug trafficking rate controlled, our county is making some progress."

Although apparently not realized by many respondents, pursuing a primary target area or group is an objective. Respondents were asked to identify this area.

15. Has your SWAT program identified a main target area?

Table 11

Response	N	percent
Yes	12	66.7
No	6	33.3

Missing data = 1 (Respondent noted "don't know" in margin.)

Individuals were asked:

If "Yes," please describe this area; if "No," why not?

Those who responded "Yes", their SWAT program has identified a main target area, offered varying types of responses. The following two responses, for example, identify a level of offender:

"Street-level drug activities in the Seattle, King County area, as well as the more sophisticated activities at fairly high-level in the drug hierarchy."

"The policy of this office is to vigorously prosecute all felony drug offenders, no matter their level of involve-

ment in the hierarchy and no matter the quantities involved."

One respondent identified the type of individual involved with illegal drugs:

"Unknown, however, we tend to prosecute dealers, harder than just a user."

A number of individuals stated they target everyone involved, regardless of level or type of involvement.

"All drug dealers, users, and manufacturers should be successfully prosecuted, no matter what their level in the drug hierarchy."

Those who responded "No," their SWAT program has not identified a main target area, also offered varying types of responses. A few respondents, although stating they do not target a particular area, offered responses very similar to the last "Yes" response recorded above:

"We prosecute all drug offenders arrested by police, whether they be those in possession of small amounts, or those dealing in large quantities. We have not targeted for prosecution a particular area, but work closely with police."

Most "No" respondents recorded that a target area is, for various reasons, simply not necessary:

"Because of the large geographic areas involved (five counties total), and the divergence in social and economic cultures within our home county and four neighboring counties."

"There appears to be no need to target a prosecution area."

16. Has this target area(s) remained fairly constant?

Table 12

Response	N	percent
Yes	11	65.7
No	--	--
N.A.	6	35.3

Missing data = 2.

Please explain.

Only seven of the 11 individuals who responded that the target area has remained stable offered a response.

"We strive to get to the sources of the drugs and impact this level while still maintaining a handle on street level dealers and users."

"While the activity in the target area has remained constant, the sophistication of drug dealing has increased in response to the law enforcement tactics and successful prosecution."

"There has been continuing activity in the target area."

"This area has remained a constant problem, partially due to demographics. Our county has a largely agricultural base. A significant percentage of the county population is Hispanic, composed chiefly (but by no means entirely) of migrant workers from Mexico. While I do not mean to suggest that all Hispanics are involved in narcotics, the fact remains that this is an easy way for an illegal immigrant to make money when the growing season is over. Because of this, our office does not anticipate any significant lessening of drug trafficking in our county for some time to come."

"Since January 1991, Walla Walla has had approximately 150 felony drug filings. Other counties (only) 15-20."

"This goal has existed for the last year."

"We are still waiting for our State Supreme Court to rule on the constitutionality of the protected zone around bus stops."

The Task Force Coordination section of the survey contained two forced choice items with two open-ended items.

17. Since you have been with SWAT, have you received any cases referred for prosecution through the Multi-Jurisdictional Drug Enforcement Task Force in your area?

Table 13

Response	N	percent
Yes	12	63.2
No	7	36.8

If "No," why not?

Of the seven individuals who responded that they have not received cases referred through the local Multi-Jurisdictional Drug Enforcement Task Force, five offered a reason. In all recorded instances, the reason which they did not receive a case through a task force is that the cases are referred to another, non-SWAT involved, prosecutor. For example:

"Cases from this task force are specifically assigned to a drug deputy in the drug unit."

"Our office has a deputy assigned to handle cases from the task force. The other counties have not asked us to do any task force cases. (Many seem to end up going federal.)"

All individuals who responded that they did receive cases through the local task force, provided information. Four of the respondents provided only partial information and no respondent provided negative input relating to case preparation.

If "Yes," (a) what is the proportion of overall cases received from task forces, and (b) how was the general level of case preparation?

"Twenty-five percent of my cases have come from the various task forces. They are generally very well prepared."

"For eight months in 1992, 15 of my 67 cases were from the WESTNET task force. For the most part, the general level of case preparation was good."

"It is estimated that 85-90 percent of cases are from the task force. Case preparation is generally very good to excellent."

SWAT deputy prosecutors were asked whether they had any recommendations regarding future coordination of SWAT and task force activities.

18. Any recommendations regarding future direction of SWAT and Task Force coordination?

Table 14

Response	N	percent
Yes	10	55.6
No	8	44.4

Missing data = 1.

Regardless of answer, please explain.

Thirteen individuals took this opportunity to provide feedback regarding the future of SWAT and Task Force coordination. All respondents who stated they did have specific recommendations offered written response. The following three are typical of these responses:

"As law enforcement tactics and successful prosecution have successfully battled drug dealing, the dealers have become more sophisticated in response. SWAT deputies and law enforcement need continual training to learn about the new drug dealing techniques and effectively respond. The dealers are desperate and we need to keep up the assault."

"Require more coordination regarding planned drug sweeps."

"SWAT deputies encourage and would willingly participate in case development at a stage prior to seeing reports for the first time at charging."

Only three individuals who did not have recommendations took the opportunity to explain why they did not. One stated that coordination was adequate and the remaining two that they had no real exposure and as such could not offer recommendations.

The Future Direction and Miscellaneous Information section of the survey contained three forced choice items with open-end responses.

Respondents were asked whether they see a continued need for the SWAT program. Without exception, all individuals responded "Yes" and recorded comments.

19. Regarding the future of the SWAT program: Do you foresee a continued need?

Table 15

Response	N	percent
Yes	19	100.0
No	--	--

If "Yes," should the focus be shifted/modified and if so, would additional resources be needed?

Eleven individuals stated that the focus should not be modified. For example:

"I think the focus in Pierce County, because we are combating so many different kinds of drugs, should be as it is. We should prosecute all cases brought to us by different agencies."

"I do not see that a change in focus is needed. Our primary need is for manpower to prosecute drug cases, in that our felony unit is at maximum without drug cases. I foresee our caseload increasing in the future."

"The focus of the program is excellent. Perhaps more resources for additional training."

The remaining eight individuals, although not specifically mentioning a change in focus, all mentioned, as the latter two respondents above did, that additional resources are needed. These resources primarily relate to manpower and training.

"We need more DPAs. I sometimes work one full day on the weekend doing case preparation. Through August 31, I have been assigned 144 felony drug cases."

"The King County Prosecutor's Office has developed a policy of no reduction of the charges (except for serious proof problem) in the office. As a result of the heavy case load, each prosecutor is assigned two to three cases a week. The drug dealers are getting more sophisticated, so we need to be able to effectively respond."

Respondents were also given the opportunity to present any additional changes they would like to see implemented.

20. Are there any changes (other than those possibly identified in #19) you would like to see implemented?

Table 16

Response	N	percent
Yes	6	37.5
No	10	62.5

Missing data = 3.

If "Yes," what are they and why are they necessary?

All six individuals responding "Yes," there are other changes they would like to see implemented, recorded responses. Three responses had to do with the current computerized data collection and information sharing system, two with training, and one with regularly scheduled statewide meetings. For example:

"Additional training in complex RICO litigation and money laundering."

"Computer program should be updated to include statistics that each county keeps. For example, cases should be able to be distinguished by law enforcement agency."

"Regular (possibly twice a year) meetings of SWAT deputies statewide would facilitate communication between the counties, would provide a good networking opportunity for drug prosecutors, and would provide a forum for the exchange of policies and procedures."

Perhaps not surprisingly, when asked, all deputy prosecutors viewed SWAT duty as being a positive career experience.

21. Related to your own career, do you see SWAT duty as a positive or negative experience.

Table 17

Response	N	percent
Positive	19	100.0
Negative	--	--

All individuals offered explanations for their assessments. For the most part, they expressed the opinion that the SWAT experience made them better attorneys. A sense of civic duty was also relayed in certain responses, and some offered reasons of a personal nature.

"Although my tenure as a SWAT deputy has been brief, I have profited from the experience in many ways. First, the ability to specialize in drug prosecutions allows development of an area of expertise and encourages the establishment of good working relationships with local narcotics detectives. Second, I have found the contact with deputy prosecutors and law enforcement in other counties valuable in that it provides access to additional polices and procedures which may be beneficial in Kitsap County or other counties. Additionally, I have frequently utilized the brief bank for research assistance on a variety of issues. Finally, the data collection requirement have (sic) been a good source to determine local trends and statistics."

"By allowing focus on drug cases you are better able to level the field of experience when dealing with opposing counsel that has more years of experience, due to the expertise gained. It allows for better evaluation of the case knowing the officers involved and their practices and presentations. I'm on the 'cutting edge' of recent case law on statutory changes."

"Through the SWAT program, I have had the opportunity to handle fairly sophisticated multiple defendant cases with large quantities of controlled substances. I have also had the opportunity to work with the FBI, Multi-Jurisdictional Task Forces, and the U.S. Attorney's Office in prosecuting these cases. In addition to improving trial skills, I've gained tremendous insight into the war on drugs and battling the dealers."

"The most positive thing for me has been being able to go through the TOP GUN course. That experience increased my level of confidence in the court room and has made me a better trial attorney. Drugs are personal to me because of what they've done to my family. I might not have been able to prosecute drug cases without SWAT."

Finally, as part of the survey, deputy prosecutors were given the opportunity to describe a major achievement. The cases cited ranged from highly significant professionally to highly rewarding personally. Below are six such cases. (Aside from Appendix E, please see Appendix F: Respondent-submitted Press Release and Newspaper Clipping.)

22. Please describe a major SWAT case or accomplishment. If you possess newspaper clippings, you may submit copies in lieu of completing this item.

(1) "In Dec. 1991, we arrested two individuals in WA and one in Oregon, which resulted in the seizure of real property in Oregon and Washington as well as vehicles, cash, and marijuana. The arrests were the result of an intensive undercover investigation which began in July, 1991. We brought down a major stolen property fencing operation, which paid its burglars in marijuana. The case involved a RICO prosecution and brought in approximately \$250,000 in assets, \$30,000 recovery of stolen property, over 900 grams of marijuana and 300 mary plants. The ring leader is in prison convicted of leading organized crime and his accomplice is in prison on 14 counts of trafficking/delivery of marijuana."

(2) "The largest SWAT case I have been involved with, was resolved in April of this year with three principles pleading guilty to delivering two kilos of cocaine. The case began in the Portland, Oregon area where under cover officers arranged to buy the kilos from two people who regularly traveled to Yakima, Washington to supply kilos to the Portland area. After the arrests were made, it was learned that one of the dealers also had outstanding warrants for selling cocaine in Idaho. I also consider it to be a major accomplishment every time we provide the impetus for a single user to evaluate his or her life and leave drugs behind."

(3) "I closed out the most SWAT drug cases in the past year, than any other SWAT deputy in the state. At present I am prosecuting a major marijuana grower/dealer, where the county stands to seize \$250,000 to \$300,000 in assets, to include a large float plane, house, and two new vehicles, plus tax fraud for both state and federal."

(4) "Case: I prosecuted a defendant who delivered 1000 hits of LSD to an undercover deputy sheriff. This defendant also had over 2000 more hits of LSD on his person at the time of his arrest.

Accomplishment: I drafted a county ordinance to set areas that convicted drug offenders are prohibited from entering."

(5) "On August 10, 1992, a 13-year-old girl, [name deleted], bicycled to downtown Pasco with her cousin, [name deleted]. While stopping in the area of Third and Lewis at the Framer's Market, she saw two people, a man and woman, sitting on a bench. The woman had a syringe in her arm and the man had, according to [name deleted], several baggies of white powder in his hand. She approached the man and asked if she could borrow a quarter. The man at first refused but then gave her 25 cents. She immediately called 911 and told police that a drug deal was in progress. She then returned and watched the man she had seen get up and go to the nearby Top Hat Restaurant.

He returned with another man, and she watched as all three persons began sharing drugs and syringes. By then, a Franklin County Sheriff's Deputy had arrived. He and a Pasco Police Officer detained the men and searched them. They found cocaine on both persons.

[Name deleted] testified at a suppression hearing on October 13, 1992. The Court denied defendant's motion to suppress, and both men were found guilty. [Name deleted] stated that she recognized the white powder as drugs through the DARE classes she had taken in junior high school.

While this case does not involve a large amount of drugs or an exceptional prison term, I think it is refreshing and hopeful that at least some children are taking the drug problem in our county seriously."

(6) "I have had several cases which I consider to be an accomplishment. The most prominent example is a case where I assisted in the investigation of a local cocaine distribution ring. This included discussing investigation strategies and writing search warrants and body wire applications. The investigation lasted over three months and was concluded by simultaneous execution of four search warrants. The investigation led to the arrest of 11 individuals and the seizure of \$69,000 in cash and over \$100,000 in other assets. The leader of the organization was prosecuted for leading organized crime. I also assisted in preparing for trial. The defendant was convicted and sentenced to 25 1/2 years in prison. I am currently assigned to handle the appeal. I am also the attorney of record for the county in a joint civil RICO action with the Attorney General's Office against this individual."

Stage three: A Comparative Analysis.

The Sourcebook of Criminal Justice Statistics: 1991, published by the U.S. Department of Justice, Bureau of Justice Statistics (BJS), compiles data on felony convictions in state courts. The most recent data reported in the 1991 Sourcebook, are for calendar year 1988 and cover a 300-county region. The "drug trafficking" offense category is defined in the Sourcebook as "...manufacturing, distributing, selling, smuggling, or 'possession with intent to sell'. Includes attempts" (page 774). Despite the felony-only factor in the Sourcebook statistics, some meaningful comparisons can be made between these data and the data compiled by the Pierce County Prosecuting Attorney's Office. These Washington State data were compiled by the Pierce County Prosecuting Attorney's Office for the August 1, 1991, through July 30, 1992, period (Fiscal Year 1992).

The rate of conviction through trial or plea of individuals involved in drug trafficking, both within Washington State and across the nation, is somewhat variable (See Table 18).

Table 18

Nationwide and Washington State Conviction through Trial or by Plea

	Trial		Plea	
	N	%	N	%
Nationwide	9,248	8	102,702	92
Washington State	156	15	856	85

Note. In 1988, 111,950 individuals were convicted nationwide in 300 counties on drug trafficking charges. In Washington State, 1,012 individuals were convicted of drug-related charges through SWAT deputy prosecutor efforts in 13 counties in 1992.

The above table shows that proportionately, almost twice as many individuals were convicted through trial activities in Washington state than in the 300-county comparison group. Also, proportionately fewer offenders were convicted through pleas in the state than in the comparison group.

Since the SWAT program is organized around county jurisdictions, comparison with a smaller county sample may be more meaningful than comparison with national level data. The Sourcebook contains data originally reported in the U.S. Department of Justice, Bureau of

Justice Statistics, publication, Felony Defendants in Large Urban Counties; 1988. Although primarily concerned with felony convictions in 75 counties, it is reported in this publication that tabled data also include misdemeanor drug-related adjudication outcomes (see Table 19).

Table 19

Washington State 13 SWAT Covered Counties vs. 75 U.S. Counties: Conviction Rate

Counties	Total Convicted	
	N	%
75 Nationwide	8,519	77
13 Washington	1,012	90

Note. The number of defendants for the BJS-reported 75 counties equals 11,065 for 1988. The number of defendants for SWAT-covered counties equals 1,120 for 1992.

Comparison with this smaller database reveals that 90 percent of those individuals prosecuted by SWAT deputy prosecutors were convicted. This compares quite favorably with the 77 percent conviction rate in the 75-county comparison group.

The majority of the convictions in the Washington State SWAT 13-county region and the 75-county comparison group were obtained through plea arrangements (see Table 20).

Table 20

Washington State 13 SWAT Covered Counties vs. 75 U.S. Counties: Conviction through Plea Rate

Counties	N	Percent Pleas	
		of total	of convictions
75 Nationwide	7,965	72	93
13 Washington	856	76	85

Note. See notation for Table 19.

The percentage of convictions through pleas is fairly close between groups. Four percentage points separate the two groups as a proportion of the overall number of defendants. A larger proportion of convictions through pleas was obtained in the 75-county comparison group than in the Washington State SWAT counties (i.e. 93 percent and 85 percent respectively).

Actual court trials are both the most time consuming and problematic procedure when it comes to obtaining a guilty verdict. It would appear that the SWAT deputy prosecutors are more successful in obtaining guilty verdicts through this process than are the prosecutors in the 75-county comparison group (see Table 21).

Table 21

Washington State 13 SWAT covered Counties vs. 75 U.S. Counties: Conviction through Trial Rate

Counties	N	Percent Trials	
		of total	of convictions
75 Nationwide	554	5	7
13 Washington	156	14	15

Note. See notation for Table 19.

The above table indicates that the conviction through trial rate for SWAT deputy prosecutors, as a proportion of the overall number of defendants, was almost 300 percent greater than the comparison group (i.e., five percent and 14 percent respectively). Also, the proportion of individuals actually convicted through prosecutorial trial activities was more than twice as great among SWAT-covered counties than the 75 county comparison group (i.e., 15 percent and seven percent respectively).

SUMMARY

SUMMARY

Swat Prosecutor Performance

Over the three years of BJA funding covered in this report, the number of **deputy prosecutors** assigned to SWAT duty increased from six to 22. Currently in its fourth year, 23 deputy prosecutors are involved with the SWAT program. During this three-year period, the number of **individuals prosecuted** and the number of **related charges** filed increased significantly above the first-year figures, then decreased. This spike in performance during the second year of operation can be attributed to two factors: first, a 233 percent increase in the number of deputy prosecutors (from six in 1990 to 20 in 1991) and second, an increased utilization of this prosecutorial resource by law enforcement agencies.

The reduction in apparent performance during the third year can, in part, be attributed to familiarity by the law enforcement referring agencies. In other words, knowing the value and capacity of the SWAT program, law enforcement agencies tapered the referral rate to the processing rate. It should also be noted that during the second and third year the number of SWAT counties and deputy prosecutors remained relatively constant. Further, despite a reduction in number of individuals prosecuted and number of related charges filed, the average number of charges filed per individual increased by 33 percent, from 1.3 to 1.6 charges per offender. During the first year of funding the average number of charges filed was 1.2.

When looking at the number of **offenders actually convicted** over the three year period, a relationship virtually the inverse of that found to exist between defendant and violation was uncovered. During the second year of funding (1991), a proportionately smaller percent of individuals were being convicted than during the first year of funding. This reduction in conviction ratio coincides with the large increase in the number of defendants referred for SWAT prosecution noted in the preceding paragraph. Once the number of referrals dropped to a more manageable level, the proportion of convictions increased substantially and, in the third year of funding (1992), 90 percent of those individuals prosecuted by SWAT deputy prosecutors were convicted.

When looking at the performance figures for the two most recent years (1991 and 1992), it was found that along with the reduction in referrals and the increase in conviction rate, an increase in the proportion of actual trials resulted. This makes sense; trials are both time consuming and labor intensive and if one is operating under the pressure of a backlog (as can be inferred from the large number of cases in 1991) it may be necessary to forego the lengthy trial process and settle for a plea arrangement for the sake of expediency.

The increase in the proportion of trials from one year to the next did not necessarily translate into an increase in the overall conviction through trial rate. The conviction through trial rate, as a proportion of the overall conviction rate, decreased by 25 percent between 1991 and 1992. This is not surprising since the sheer volume of the earlier year referrals would tend to inflate related performance figures. The remaining per year conviction rate was made up of plea agreements. When looking at SWAT 1992 performance figures and comparing them to two separate national databases, it was found that the proportion of convictions obtained through trial activities was approximately twice as great within the SWAT as the comparison group.

Once the decision is made to take a defendant to trial, the chances of obtaining a conviction would appear to be very high. In 1991, nine out of every 10 individuals brought to trial were found guilty of some level of offense. At the end of 1992, this ratio increased to 9.5 out of every 10 individuals. The conviction rate over the two-year 1991-1992 period was 92.5 percent of individuals actually brought to trial.

Individuals found guilty of either the primary or lesser offense, through either trial or plea arrangement, received various court imposed sentences. In total, over the three-year period, the courts handed down sentences equalling 3,396.84 years in either county jails or state prisons as the result of SWAT deputy prosecutor activities. Also, the amount of fines imposed by the courts totalled \$2,185,954.29 over the same period.

SWAT Outcomes

Respondent-identified goals and objectives were concerned largely with the process of prosecution. Most saw the primary goal of the SWAT program as providing needed resources for deputy prosecutor personnel. Few respondents mentioned reducing drug trafficking or drug use. Perhaps this makes sense since prosecutors are at the tail end of the interdiction and intervention chain. Nonetheless, the basic premise underlying interdiction is that removal of drug-involved individuals from society or the imposition of other negative sanctions impedes drug use and/or availability. Another basic premise behind interdiction is, of course, punishment; i.e., the "just desserts" school of jurisprudence. With exception, these prosecution drug related goals were seldom mentioned by respondents. It should be noted that all respondents stated that their SWAT program has been effective in meeting their goals and objectives.

This concern with additional resources was also reflected in responses offered as part of the query regarding the continuing need for the SWAT program. Not surprisingly, no individuals stated that a continued need for SWAT does not exist. Further, when asked

about modifying the current focus of the SWAT program, no respondent stated that such a modification was necessary. In short, respondents felt that the focus was where it should be, but that additional resources are necessary to optimize performance.

Two-thirds of the respondents noted that their SWAT has identified a **main target area**, and most reported that this target has remained fairly constant. Some reported targeting any and all drug-involved persons, others target felons, and some pursue drug dealers more vigorously than drug users. Most respondents, even those who stated that their SWAT does not have a main target area, recorded that all dealers, users, and manufacturers are targeted equally.

Drugs Removed from Circulation

Regardless of actual case disposition, large quantities of **illegal drugs** were removed from the streets through law enforcement activities which resulted in SWAT referral and prosecution. During the three-year period, 106,842.8 grams of cocaine, in powder and rock form, were removed from circulation. In addition, 2826.3 grams of heroin, 5322 "hits" (i.e., doses) of LSD, 3818.3 grams of other drugs in pill or powder form, and 36,940.5 ounces of marijuana were confiscated by law enforcement agencies. In just three drug categories (cocaine, heroin, and marijuana), \$32,552,436 street value worth of drugs has been removed from circulation by SWAT-related law enforcement agency activities.

Personnel and Training Issues

Contributing to the preceding performance figures is SWAT deputy prosecutor **experience** itself. There appears to be a correlation between length of SWAT assignment and the increase in the number of charges filed. In addition, **training**, provided both in-house and statewide, sought to impart the specialized skills and techniques necessary for successful drug prosecution activities. This training covered many areas and search and seizure laws, asset seizure and forfeiture, RICO, and Stay Out of Drug Area orders, were common training areas. Virtually all who responded noted that the training received has enabled them to more effectively function in their SWAT roles.

All participants rated SWAT participation as having a positive **impact on their career**. The reasons for this assessment varied and many individuals indicated that the continual in-depth exposure and focused/specialized training made them better prosecutors. Also, in responding to this item, some more socially relevant responses were offered. This item appeared to offer the respondents the opportunity to address that which appeared to be lacking in their responses to their perception of SWAT goals. Many stated that they have become better prosecutors and the impact of this skill

development was presented as the ability to "assist my community," to gain "insight into the war on drugs and battling the dealers," to get "drugs off the streets," and as "rewarding as it fulfills a great need in our society."

Systems Issues, Case Assignments, and Interagency Coordination

Case assignments, whether in the immediate or neighboring jurisdiction, were found to be made, for the most part, according to availability. The assignment itself may be made after an internal review process. Most respondents indicated an eagerness to provide assistance to neighboring, out-of-county, jurisdictions. Many respondents noted that either such requests have not been made, or that the current caseload restricts such involvement. Regardless, over the three-year period, more than 700 hours of assistance has been provided to neighboring counties.

Directly related to length of SWAT involvement is the **rotation pattern/system** of deputy prosecutors. Although some respondents noted that such a system does exist, upon review of narrative data, it appears that overall, the system is fairly open-ended. This open-ended system also appears to be the primary means of recruitment. Most individuals were assigned according to various flexible criteria, though a few obtained their position through a more formalized system of position recruitment and application.

Most deputy prosecutors noted that they do not meet on a scheduled basis with the local elected prosecuting attorney. It was found, with exception, that in the less populated counties, such **meetings** with the elected prosecutor were more common. In the more populated counties more supervisory layers exist, and the deputy prosecutor may be organizationally more removed from the elected prosecutor.

All respondents who were members of a SWAT with more than one deputy prosecutor, reported that they meet on a regular basis with their co-worker(s). Scheduled formal meetings as well as daily ad hoc meetings were reported as the norm. This combination of types of meetings was also found to exist when it came to working with other law enforcement agencies.

Almost two-thirds of the respondents stated they have received cases referred through a **Multi-Jurisdictional Drug Enforcement Task Force**. When reported, the proportion of Multi-Jurisdictional Drug Enforcement Task Force originated cases which made up the respondent caseload, ranged from 25 percent to 90 percent. No respondent who had the opportunity to assess task force case preparedness recorded a negative comment. Recommendations offered to enhance deputy prosecutor and task force coordination issues related to co-training and co-investigation/case preparation.

A few respondents offered some **areas of potential change**. One-half

of the responses were related to areas previously identified (i.e., training and coordination). The other half indicated revisions in the computerized data collection and reporting system as change areas. The main functions of this system are four-fold: first, to provide a consistent means of collecting case-related data; second, to facilitate statistical analysis and reporting; third, to transport data on a weekly basis to a centralized database; and fourth, to provide an intelligence resource database to assist with case investigation and preparation. (See Appendix G for select descriptions of these four areas as contained in the Policies and Procedures Manual.)

A wide assortment of case examples were presented attesting not only to a relatively large volume of cases, but also to thorough case preparation and extraordinary sentencing. Coordination with various federal, state, and local agencies; involvement with assorted drug types; misdemeanor to RICO-level case complexities; and seizures of large amounts of assets, were common references. Many cases involved multiple crimes, for example drug dealing and prostitution, and multiple jurisdictions, both in-state and out-of-state.

A common thread found throughout many of the referenced cases was the willingness to take a risk; to try for tougher, more substantial sentences. This multi-agency, multi-systems cooperation and risk-taking concept was a reoccurring theme throughout the deputy prosecutor offered case examples.

**CONCLUSIONS
AND
RECOMMENDATIONS**

CONCLUSIONS AND RECOMMENDATIONS

The SWAT program, over the three years of BJA funding covered in this report, has experienced increased levels of effectiveness. Certain effectiveness indicators are:

- o The ratio of defendants prosecuted to number of charges filed has increased over the years.
- o The conviction through trial or plea rate has consistently increased over these three years.
- o Once brought to trial, the conviction through trial rate is such that a defendant has only a one in ten chance of being acquitted.
- o Cumulatively, over the three years, sentences totalling 3,400 years in jail or prisons and over \$2 million in fines, have been handed down by the courts in SWAT-prosecuted cases.
- o Close to \$33 million street worth of cocaine, heroin, and marijuana has been removed from circulation by law enforcement agencies which resulted in SWAT case preparation and prosecution.

The SWAT deputy prosecutors play a large role in initial case preparation and have wide ranging responsibilities in the actual prosecution of offenders. They have received extensive training as SWAT members and often come to the SWAT with years of prosecutorial experience.

Coordination with the BJA-funded Multi-Jurisdictional Drug Enforcement Task Forces, and other law enforcement agencies, was a continual process and often involved the provision of technical assistance and direction on the part of the deputy prosecutors. Respondents noted that, although coordination levels are high, if anything, such activities should be intensified.

SWAT deputy prosecutors, if anything, were optimistic regarding accomplishing programmatic objectives. Further, they relayed a sense of pride in their assignment and past performance. Regardless, two areas were identified, in varying degree, as deficit areas:

- o Resources related to personnel. Many respondents recorded not just a continuing demand, but a growing need, for more prosecutors.

- o Resources related to training. Although many deputy prosecutors have received specialized training, some have not. Mostly this is due to personnel turnover and funding patterns, but also in part to a lack of such instruction on a consistent and on-going basis, on the statewide level (specifically, the Top Gun training).

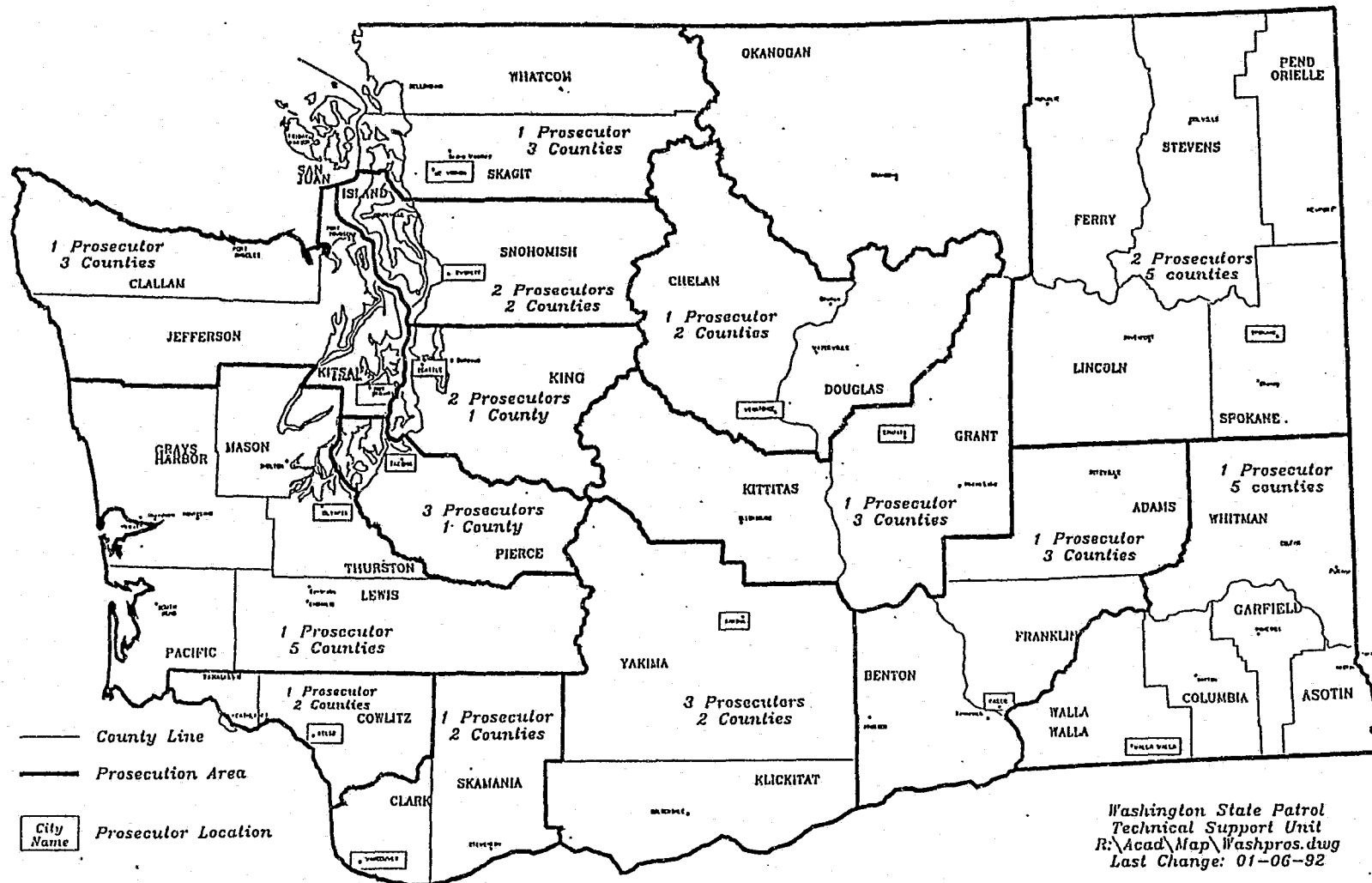
Enhanced inter-agency coordination, increased resources, and timely more specialized training, are areas which respondents stated are necessary to not just maintain the current effectiveness levels, but also to respond to a growing and adapting illegal drug problem.

Based on these observations the following recommendations were formulated:

- o In order to provide timely technical assistance and legal expertise, SWAT deputy prosecutors should initiate coordination efforts with local BJA funded Multi-Jurisdictional Drug Enforcement Task Forces.
- o In order to keep pace with law enforcement drug interdiction activities, localized personnel resource needs should be identified and the means sought which would address these needs.
- o The highly specialized training necessary to prosecute drug offenders should be provided to newly assigned deputy prosecutors either immediately prior to duty commencement or as soon as possible thereafter.

APPENDIX A
MAP OF WASHINGTON STATE
WITH SWAT JURISDICTIONAL
BOUNDARIES

DRUG PROSECUTION ASSISTANCE PROGRAM



APPENDIX B

WASHINGTON STATE

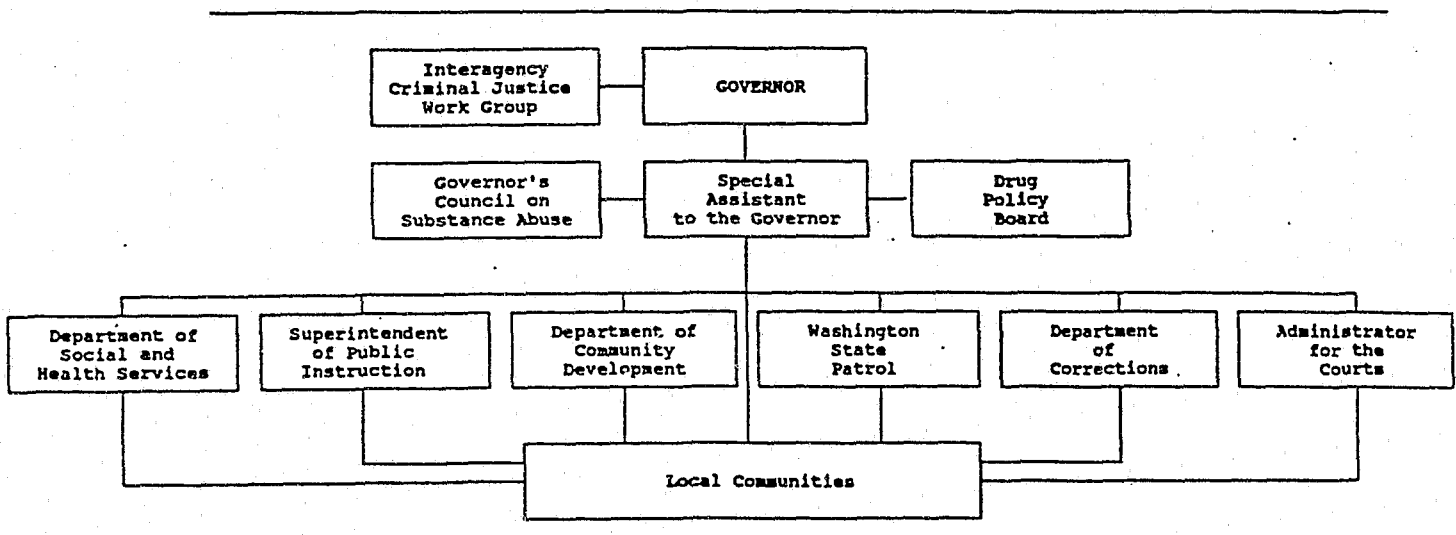
DRUG CONTROL STRATEGY

A. OVERVIEW

Washington State's response to drug abuse issues is a coordinated effort between nonprofit organizations, businesses, education, law enforcement, and community leaders. Resources from federal, state, local, and tribal governments are used to provide the foundation for communities to implement drug supply and demand reduction programs. The federal government plays an integral role in the state's response to drug abuse issues through funding provided by the U.S. Departments of Education, Health and Human Services, and Justice. Significant amounts of federal funding are allocated to state agencies to provide resources to local communities based upon a demonstrated need and commitment to implementing comprehensive local anti-drug strategies.

1. Special Assistant for Drug Abuse Issues

In 1988, Washington State Governor Booth Gardner appointed a Special Assistant for Substance Abuse Issues who reports directly to him. The special assistant is responsible for implementing the state's Drug Control Policy. The Washington State Drug Control Policy is developed by the coordinated efforts of the Governor's Council on Substance Abuse, which addresses issues related to the demand for illegal substances and the Drug Policy Board, which addresses issues related to the supply of illegal substances. The Special Assistant is also responsible for coordinating efforts among various state agencies including the Department of Community Development, the Department of Social and Health Services, the Office of Superintendent of Public Instruction, the Washington State Patrol, the Administrator for the Courts, and the Department of Corrections. Chart 5 illustrates the relationship among the key agencies implementing the strategy.



2. Policy and Advisory Committees

Two boards assist in developing and implementing the state anti-drug strategy. The Governor's Council on Substance Abuse is comprised of experts in the fields of education, treatment, criminal justice, and health (see Appendix C). The state's Drug Policy Board consists of representatives of local law enforcement agencies, general purpose local governments, federal drug law enforcement agencies, legislators, and state agency administrators (see Appendix D).

In assessing the state's strategy, the Drug Policy Board examined the level of resources dedicated to curtailing both the demand for and supply of illegal substances. Based on the assessment (see Appendix A), the Drug Policy Board recommends that a significant portion of the U.S. Bureau of Justice Assistance funding be targeted toward criminal justice efforts to reduce the supply of drugs.

B. **STRATEGY FOR ADDRESSING THE PROBLEM**

Washington State's goal of a drug-free state parallels and supports the national goal of a drug-free America. The seven priorities of the National Drug Control Strategy are incorporated into the state's strategy. Washington's 1992 overall strategy is to proceed with a comprehensive approach addressing each of the elements of the drug problem. Demand is reduced by community-wide prevention and treatment programs, and supply is reduced by interdiction and prosecution.

The Department of Community Development administers two programs to implement the anti-drug strategy. These programs are the Community Mobilization Against Substance Abuse, and the Washington State Substance Abuse Reduction Program, which includes funding provided by the U.S. Bureau of Justice Assistance. These programs are supported by federal, state, and local resources.

1. Demand Reduction

The Community Mobilization Against Substance Abuse program received national attention for its innovative design which provides an avenue for every segment of the community to be involved in the war against drugs. The program raises public awareness so that all community members may help reduce the use of drugs through prevention, education, and treatment. It unifies the anti-drug efforts of parents, youth, educators, treatment experts, law enforcement officials, local governments, businesses, and community leaders. The fundamental premise of this strategy is that communities know what their specific substance abuse problems are and how they can address these issues most effectively.

The Community Mobilization Against Substance Abuse program reinforces and brings together not only individual communities, but all the communities in a county or region. It is estimated that over \$8 million in state and federal resources will be allocated for the Community Mobilization Against Substance Abuse program during the 1991-93 biennium. An additional \$2.6 million in local resources is used to support this effort. These funds will continue to be used by regional coalitions for activities to strengthen local cooperation and to pursue effective, innovative approaches to reduce the demand for substance abuse. This strategy is further reinforced by efforts of the Department of Social and Health Services, the Department of Health, and the Office of the Superintendent of Public Instruction to provide and foster prevention and treatment of substance abuse problems.

2. Supply Reduction

The Washington State Substance Abuse Reduction Program incorporates law enforcement and adjudication efforts. This portion of the strategy is funded by local, state, and federal resources, including the Bureau of Justice Assistance Drug Control and System Improvement Formula Grant resources. Its objectives are to reduce the supply of drugs by disrupting supply systems, increase the risk and degree of punishment, reduce the economic attractiveness of trafficking through asset forfeiture, and hold traffickers and drug abusers accountable for their actions. Programs designed to address law enforcement and criminal justice issues that cross jurisdictional boundaries are given the highest funding priority.

The Washington State Substance Abuse Reduction Program continues to focus on the reduction of drugs through improvements in the criminal justice system which include resources for the prosecution of drug cases and resources dedicated to the defense of drug cases. Washington State's 1992 expenditure plan also includes resources to focus on crime laboratory analysis, clandestine drug laboratories, law enforcement training, technical assistance and asset seizure, demonstration projects for urban areas, and the statewide coordination of multi-jurisdictional task forces.

The Drug Policy Board's strategy for reducing substance abuse through law enforcement efforts is described in Appendix E. The strategy does not outline measurable objectives because the Board believes that the state's strategy will only be effective through the involvement of each individual community. It recognizes that each community's goals and objectives vary based on their specific needs. Local jurisdictions are required to develop goals and objectives based on their specific needs. This information is submitted to the Department of Community Development in quantified goals and objective statements through the contracting process.

3. 1992 Funding Priorities

The priorities for implementing the Drug Policy Board's Drug Control Strategy include multi-jurisdictional task force funding, drug prosecution, drug defense, crime laboratory enhancement, clandestine laboratory enhancement, and urban area demonstration projects. It also includes statewide task force coordination training and technical assistance, and narcotics task force units. The urban areas demonstration projects will focus on innovative ways for law enforcement to become involved in the war against drugs. It is intended that the demonstration projects will partially satisfy the need to have major metropolitan area funding.

4. User Accountability

In 1989, the Washington State Legislature passed the Omnibus Controlled Substance and Alcohol Abuse Act which provides law enforcement with the tools needed to effectively hold drug users accountable. It also provides for increased sentencing for serious drug offenders as well as sentencing for first-time drug offenders. Similar to federal legislation, it allows for the seizure and forfeiture of property if the property has been used in violating drug laws, or if it has been acquired with the proceeds of drug transactions. The 1989 Omnibus Controlled Substance and Alcohol Abuse Act also provides for law enforcement agencies to internally authorize the interception of drug conversations through one-party consent. This measure allows chief law enforcement officers the same flexibility as federal agents to intercept drug conversations. It is a recognition by the Legislature that law enforcement officers need flexibility to investigate drug crimes by becoming well-acquainted with violent, well-organized, and often very ingenious criminals.

C. COORDINATION OF STATE AND LOCAL EFFORTS WITH FEDERAL AGENCIES

State and local law enforcement agencies recognize the need to coordinate narcotics investigative strategies with federal agencies. Coordinated investigative efforts are the most effective way to impact major drug trafficking. Since local and state law enforcement agencies have limited resources to investigate major traffickers, increased coordination between federal, state, and local agencies provides law enforcement with the resources needed to apprehend upper level narcotics violators.

Current cooperative efforts include local and state participation in four regional Drug Enforcement Administration Task Forces. The Washington State Patrol has assigned detectives to the Drug Enforcement Administration office in Seattle to provide assistance to local law enforcement agencies in seizing drug trafficker's assets. This program returns significant resources back to local agencies. State and local narcotics investigations involve cooperative efforts with the Internal

Revenue Service, U.S. Postal Inspector's Office, U.S. Customs Services, and the Federal Bureau of Investigation. An example of local resource coordination between a Narcotics Task Force and a Community Mobilization Against Substance Abuse Program contractor (the Together! program) is exhibited in Appendix F.

Washington is also involved in several efforts to coordinate with local, federal, and multi-state investigations. The state coordinates with border states to investigate and apprehend drug offenders. The Washington State Patrol participates in a joint cooperative narcotics enforcement program with Idaho, Oregon, and appropriate federal agencies. In addition, the Washington State Patrol manages the Drug Enforcement Agency Marijuana Program. This program is also coordinated with the State of Oregon. The Drug Enforcement Agency Marijuana Program provides financial assistance to counties to enhance their marijuana eradication efforts. Several federally funded local task forces provide office space to, and receive technical assistance from, the Immigration and Naturalization Services and the National Guard.

In addition to investigative coordination, Washington also includes federal agencies in developing the statewide supply reduction Drug Control Strategy. The Drug Policy Board, which develops the statewide strategy, includes representatives from the Drug Enforcement Agency. The Drug Enforcement Agency also provides training and technical assistance to Washington's multi-jurisdictional task force commanders. The state continues to be committed to maximizing resources through the coordination of local, state, and federal efforts.

D. EVALUATION OF THE STRATEGY

Evaluating Washington's strategy is essential to assessing the effectiveness of anti-drug programs. The Department of Community Development has conducted an extensive applicant search and is now in the process of hiring an evaluator for the programs funded by the Drug Control and System Improvement Formula Grant. It is anticipated that an evaluator will be hired by February 1, 1992. The evaluator will examine research materials prepared by the Criminal Justice Statistical Association, drug consortium members, and other state drug control contacts to develop Washington's evaluation.

Several techniques will be implemented to assess the anti-drug program's effectiveness. Research methodologies include an analysis of data generated from automated criminal justice reports, development of mail and telephone surveys, interviews, and statistical sampling procedures to be used in conjunction with research design. Since the evaluation is still in the development phase, the Department of Community Development does not have conclusive information on the effectiveness of the state's strategy. It is anticipated that this information will be available during 1992. Initial evaluation results will be included in Washington's annual report to the U.S. Bureau of Justice Assistance.

The Department of Community Development is also coordinating with the Governor's Office on Substance Abuse Issues, the Office of Financial Management (Statistical Analysis Center), the Office of Superintendent of Public Instruction, the Department of Social and Health Services, the Washington State Patrol's Research and Analysis Unit, and the Drug Policy Board in the design and implementation of an evaluation of the statewide anti-drug strategy.

NARCOTICS CONTROL PROGRAM GOALS

POLICY:

The State Narcotics Control Program should provide for a unified program which makes the most effective use of limited federal, state, and local resources in order to make the greatest possible long-term impact on the problem of drug trafficking and consumption in the state of Washington.

GOAL:

Reduce trafficking and consumption of controlled substances through a coordinated statewide law enforcement effort.

SUBGOALS:

Establish and execute a program of coordinated regional task forces, including prosecutors, to apprehend traffickers and consumers of controlled substances in a manner consistent with state, local, and tribal priorities.

Prosecute drug traffickers and consumers apprehended by task force operations and other local anti-drug law enforcement efforts, including asset forfeiture.

Adjudicate task force cases and other local anti-drug law enforcement cases in a timely and thorough manner.

Provide support and coordination to cooperative local anti-drug law enforcement efforts against drug traffickers.

Encourage the establishment and enhancement of drug treatment, prevention and education programs with state and local resources.

APPENDIX C

WASHINGTON STATE

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APPENDIX D

STATE-WIDE DRUG PROSECUTION

ASSISTANCE PROGRAM

SURVEY

STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM SURVEY

The following items are intended to provide evaluation information for the Bureau of Justice Assistance funded State Drug Prosecution Assistance Program (SWAT). Please note, certain items may be reported verbatim in the final report, so if in a specific item you wish to remain anonymous, do not use an identifier (the converse is also true).

Respondent: _____

SWAT Program: _____

BACKGROUND AND TRAINING

1. As a SWAT deputy prosecuting attorney, briefly describe your role and responsibilities.

- 2a. How long have you been a deputy prosecutor?

- 2b. How long have you been a deputy prosecutor with SWAT?

3. How did you become involved with the SWAT program?

4. Please identify any of the following which you received training in after joining the SWAT?

- | | |
|---|--|
| <input type="checkbox"/> drug case investigations | <input type="checkbox"/> drug search and seizure law |
| <input type="checkbox"/> drug trial techniques | <input type="checkbox"/> SWAT brief bank maintenance |
| <input type="checkbox"/> computerized case disposition system | <input type="checkbox"/> time log |
| <input type="checkbox"/> asset seizure/forfeiture | |
| <input type="checkbox"/> Other(s): _____ | |

5. Do you feel that this training was sufficient to prepare you for your duties?

Yes No

If "No," please explain why not; what are the deficiencies; what are your recommendations?

STRUCTURE

6. As you know it, what is the normal rotation pattern of SWAT deputy prosecutors?

7. How are case assignments made:

- In "Home" area?

- In neighboring counties/jurisdictions ("Away")?

8. Do you meet with the elected local prosecutor on a regularly scheduled basis?

Yes No

If "Yes," how often; If "No," why not?

9. If there is/are more than one deputy prosecutor in your SWAT program: Do deputy prosecutors meet as a group to discuss/strategize SWAT related activities on a regular basis?

Yes No N/A

If "Yes," how often; If "No," why not?

10. Do you participate in regularly scheduled meetings with other law enforcement agencies?

Yes No

If "Yes," what are these other agencies and how often do you meet with them?

11. Is there a set policy or procedure regarding sharing information with other prosecutors, law enforcement agencies, etc.?

Yes No

If "Yes," please briefly describe.

GOALS AND OBJECTIVES

12. As you understand it, what are the general goals and objectives of the SWAT program?

13. Have these goals and objectives changed during your tenure with the program?

Yes No

If "Yes," how have they changed?

14. Do you feel your SWAT program has been successful in achieving the current goals and objectives?

Yes No

If "Yes," how so; if "No," why not and what can be done to further the chances of achieving these goals and objectives?

15. Has your SWAT program identified a main target area?

Yes No

If "Yes," please describe this area; if "No," why not?

16. Has this target area(s) remained fairly constant?

Yes No N/A

Please explain.

TASK FORCE COORDINATION

17. Since you have been with SWAT, have you received any cases referred for prosecution through the Multi-Jurisdictional Drug Enforcement Task Force in your area?

Yes No

If "No," why not?

If "Yes," (a) what is the proportion of overall cases received from task forces, and (b) how was the general level of case preparation?

18. Any recommendations regarding future direction of SWAT and Task Force coordination?

Yes No

Regardless of answer, please explain.

FUTURE DIRECTION AND MISCELLANEOUS INFORMATION

19. Regarding the future of the SWAT program: Do you foresee a continued need?

Yes No

If "Yes," should the focus be shifted/modified and if so, would additional resources be needed?

If "No," why not?

20. Are there any changes (other than those possibly identified in #19) you would like to see implemented?

Yes No

If "Yes," what are they and why are they necessary?

21. Related to your own career, do you see SWAT duty as a positive or negative experience.

Positive Negative

Please explain.

OPTIONAL ANECDOTAL INFORMATION

22. Please describe a major SWAT case or accomplishment. If you possess newspaper clippings, you may submit copies in lieu of completing this item.

Thank you for your time in completing this survey. Please return by October 9, 1992 to:

Patrick M. Moran, Ed.D.
Department of Community Development
906 Columbia Street Southwest
Post Office Box 48300
Olympia, WA 98504-8300

APPENDIX E

SURVEY NARRATIVE RESPONSES

STATEWIDE DRUG PROSECUTION ASSISTANCE PROGRAM SURVEY NARRATIVE RESPONSES

1. As a SWAT deputy prosecuting attorney, briefly describe your role and responsibilities.

As a deputy prosecutor, I am responsible for providing legal advice to law enforcement, educating officers on legal concepts, provide assistance and legal advice for investigations, and handle felony drug prosecution from intake through trial and sentencing. Also, I handle the cases through the appellate process and educate the public through cases and other means. (11)

My responsibilities include police training, assisting in pre-filing case investigation, and handling the criminal cases from filing through trial. I also handle appeals on any drug cases in which I am involved. (12)

We prosecute a variety of drug cases from the pretrial state through sentencing. We meet regularly to discuss issues relevant to effective drug prosecution. Additionally we answer questions from various law enforcement agencies and review warrants. (13)

Prosecute exclusively drug cases. Handle all pre-trial, post trial, and sentencing issues related to each case. Meet on a bi and tri-monthly basis to discuss and resolve current drug legal issues. (i.e. drug loitering laws, audio/video taping, merger issues on multi-count information, jury instructions) (14)

Handle felony trial caseload in three counties. Provide advice on charging/trials/legal issues in other drug cases in the counties. Handle appeals in drug cases, if any, when assigned. (15)

Manage felony drug cases in Snohomish County and provide approval/advice on search warrants, if requested by law enforcement agencies. (16)

As a SWAT deputy, while primarily responsible for prosecuting exclusively drug cases in my "home" county, I am additionally responsible for providing prosecutorial and technical assistance to four assigned neighboring counties drug cases, as needed. I am responsible for maintaining a detailed record of my case load, the disposition of each case, a detailed account of my activities while away from the home county on SWAT business. (17)

My role is to prosecute drug cases, primarily for Spokane county, and to provide assistance to Lincoln, Stevens, Pend Oreille and Ferry Counties on their drug cases. (18)

Filing charges on drug cases, handling court hearing and trials on those cases. Providing assistance and advice to the officers investigating all types of drug offenses. (19)

My chief duties are to take assigned drug cases and complete prosecution. I do the negotiations, motions and trials. (22)

As a SWAT deputy, my role is to handle all kinds of drug cases from charging through sentencing. As Grant Administrator, my role with the SWAT program is more expansive. (23)

As a SWAT deputy I am responsible for the negotiation, motion, plea, trial and sentencing of felony level violations of the Uniform Controlled Substance ACT (RCW 69.50) (24)

My role as SWAT attorney is that of prosecuting drug felony cases generated by different law enforcement agencies. The responsibilities of the SWAT attorney include screening a case to make charging and bail decisions, pre-trial motions, and trial of drug felony cases. The SWAT attorney also handles plea offers and appeals, including personal restraint petitions, that arise from felony cases handled in superior court. Further, the SWAT prosecutor attempts to advise the officer with whom he works about developments in both search and seizure and narcotics laws. (26)

I answer questions and provide legal assistance to various drug task forces during their investigations. I review cases and determine whether and what type of charges should be filed. I handle all stages of the criminal prosecution, from omnibus to suppression hearings, to trials, and finally appeals. (27)

My responsibilities as a SWAT deputy are defined by being a fulltime felony drug prosecutor. At the preliminary stages, I make myself available for search warrants and wire applications during and after business hours. I evaluate reports submitted for charging and coordinate with law enforcement to have cases as complete as possible before charging. Once a charged case is assigned to me for prosecution, I may meet with law enforcement and witnesses involved in order to prepare the case for hearings and/or trial. I research and write legal memoranda on a variety of issues but primarily dealing with search and seizure. I appear at change of plea hearings and usually at sentencing. I maintain the computer data collection records for the cases to which I am assigned. Although circumstances have not yet arisen, I will be responsible for all appeals resulting from cases to which I have been assigned. I am available to provide any of these functions for Jefferson and Clallam Counties. (28)

Review police reports (and instruct them - police). File appropriate drug charges. If case cannot be resolved, go to trial. Handle any appeals, etc. (also, motion to suppress). Coordinate with other counties in my area. (29)

My primary duty is to prosecute drug cases which includes screening, charging and litigation cases through trial and appeal. I am responsible for providing assistance in these respects to other counties in my area. In addition, I assist law enforcement in drug

investigation by reviewing legal documents such as search warrants. I also handle civil forfeiture matters in drug cases. I also maintain the required statistics on the SWAT computer. (30)

My primary responsibility as a SWAT deputy is the prosecution of drug cases. My duties include screening, charging investigating, and litigating drug cases. In addition, I handle civil forfeiture matters arising from drug prosecution. I am also responsible for providing assistance with drug prosecution neighboring counties. (31)

I am responsible for all aspects of all drug cases in Skagit County, including charging, search warrant assistance, plea bargaining, litigation, appeals, and forfeitures. I provide assistance "on demand" in Whatcom and San Juan Counties. (32)

3. How did you become involved with the SWAT program?

I was assigned to the drug unit by the prosecutor and Chief Criminal Deputy Prosecutor. (11)

I was assigned to the unit by the Chief Criminal Deputy, Dennis Hunter. (12)

The King County Prosecutor's Office has a regular rotation schedule for all its deputies. Upon rotating into the Special Drug Unit, I was selected to be a SWAT deputy for approximately nine months. (13)

Upon rotating into the special Drug Unit I was designated a SWAT deputy. (14)

I had requested transfer to the Drug Unit early on in my tenure. Several months after being given the assignment I was transferred to the SWAT program. (15)

Assigned to be in the drug unit. (16)

After the Washington State legislature dedicated \$730,000 in federal pass-through monies from the federal Anti-drug Act of 1988 to the SWAT program in August of 1990, my county was funded an additional slot for a SWAT deputy. I was assigned to the SWAT program as the new SWAT deputy under the federal grant. (17)

I was assigned by the chief criminal deputy as part of a periodic rotation (was previously in our Fraud Unit). (18)

My first involvement was attending some of the original meetings at the request of our prosecutor. More recently, I was asked to fill an open SWAT position. (19)

I was transferred into our drug unit and assigned to the SWAT slot. (22)

I was asked by John Ladenburg to take over the job of Grant Administrator. (23)

I was reassigned from the Drug/Vice Unit to the SWAT position. (24)

The elected prosecutor of Franklin County applied for the requisite SWAT funding. I was the next deputy prosecutor, in order of seniority, who was in line for the job. I had previously handled some narcotics cases in juvenile court. (26)

The position was posted as a new position within the office. I was interested, applied and was hired. (27)

A second grant was made available to the Kitsap County Prosecutor's Office in early summer of 1992. I applied for the position and was selected for it by the elected prosecutor. (28)

Applied for position in November 1990. (29)

I was hired to fill a SWAT position with Thurston County. (30)

I was hired to fill a SWAT deputy position in Thurston County. (31)

My supervisor and boss, Mike Richert, the elected prosecutor for this county, requested that I take this position. I accepted. (32)

5. Do you feel that this training was sufficient to prepare you for your duties?

If "No," please explain why not; what are the deficiencies; what are your recommendations?

While the training to date has been excellent, I believe there are so many areas that have yet to be covered, a wide spectrum of subjects, from learning about the different kinds of drugs, drug terminology how drugs are used, to trial preparation and the trial itself. (17)

I had to educate myself. I don't fault the program. I'm used to educating myself. (30)

6. As you know it, what is the normal rotation pattern of SWAT deputy prosecutors?

There is no set rotation pattern for SWAT deputies. Normal rotation in office in general is 12 months but dependent upon office needs, influx of new personnel, staffing needs for CAIC, and shortages in staff caused by employees terminating employment. (11)

Our office seems to utilize an informal general rotation of attorneys every 18 months. (12)

There are approximately one hundred deputies in the King County Prosecutor's Office Criminal Division. Twenty deputies rotate to the Special Drug Unit for a period of 6 to 12 months. Two of those deputies are selected to serve as SWAT deputies for 6 to 12 months. (13)

SWAT deputies have generally been with the office from 6 months to 1 year prior to rotating on to the special drug unit and being assigned as a SWAT deputy. The normal tenure of the position is 9 months. (14)

I am unaware of what the rotation pattern is. (15)

D/K (16)

Unknown (17)

This is not known to me. (18)

Since the inception of the SWAT program, we have tried to keep the same deputies prosecuting drug cases to build our level of experience and expertise. (19)

It depends on the person, but usually about a year and a half on the average. (22)

It is consistent with the normal office rotation. There is no set policy of movement between different units. When administration wants to move people around it does. (23)

I do not know. Our office rotates D.P. A.'s on a regular basis. (24)

As I know it, in our office, there is no rotation pattern at present. Our office has a total of eight deputy prosecutors, two of which are assigned to handle drug felonies. (26)

It is not clear what is meant by "normal rotation pattern." The SWAT deputies in Kitsap do not rotate into and out of the program like King County, if that is the question being asked. (27)

SWAT deputies in Kitsap County are permanently assigned. (28)

I am "it" here. Some larger counties rotate drug deputies into other office areas. (29)

We do not have a fixed rotation in Thurston County. (30)

We do not have a fixed rotation in Thurston County. (31)

I believe we are planning on a two year rotation. (32)

7. How are case assignments made:

In "Home" area?

There are six superior court judges and case assignments are made along those lines with each deputy taking responsibility for two judges and the remaining two judges cases being split between the two DPAs. (11)

Our county has 6 criminal departments, we divide cases by department. (12)

The cases are initially filed by the Drug Filing Unit. They are then reviewed by the head of the Special Drug Unit and sent to our Early Plea Unit for negotiations. If a trial is set, the cases are then sent to a Special Drug Unit supervisor, who will review the cases and assign them to the trial deputies. (13)

First, the drug cases are filed by a Special Drug Unit Filing Deputy; Second, the case is then reviewed by the head of the Special Drug Unit; Third, after the defendant has been arraigned the Early Plea Unit reviews the case for plea purposes; Fourth, the Drug Unit supervisor then receives and reviews the case for assignment to a deputy. (14)

The county is divided by police agency. I handle all cases that are investigated by the Snohomish County Sheriff's Office, Narcotics Enforcement Team. (15)

By agency. (16)

Cases are assigned by the Drug Unit Supervisor. (17)

Cases are assigned by the supervisor of our Drug Unit. (18)

On a rotating basis, unless it is a case where one particular deputy participated in the investigation from early on. (19)

Most have been in home area, because of our large case load. (22)

Case assignment for SWAT deputies are made in conformance with the procedure for the rest of the drug unit. Cases are evenly distributed between members at the time of charging. (23)

We handle case only from our own county. (24)

In the "home" area, the case assignments are made 50/50, each drug deputy shares half

the caseload. (26)

The prosecutor assigns cases. Drug and drug related cases are assigned to SWAT deputies. (27)

Assigned by elected prosecutor. (28)

All drug cases come to me, except misdemeanor amounts which go to our District Court Deputy. (29)

Cases are assigned by the non-SWAT Lead Drug Deputy. Once a case is assigned, it stays with that deputy through trial and appeal. (30)

Cases are assigned by the non-SWAT lead drug deputy. Once a case is assigned to a deputy, that deputy is responsible for the case through trial and appeal. (31)

I do all "drug cases". This includes mixed cases, where there are multiple counts, some of which are not drug offenses. (32)

In neighboring counties/jurisdictions ("Away")?

Presently, all cases are handled by Dana Field and Dennis Hunter, the Chief Criminal Deputy, but we anticipate a division of these cases in the future. (11)

I have been handling all Skamania matters in conjunction with Dennis Hunter. However, we will begin to divide these cases between myself and other SWAT deputy. (12)

SWAT deputies have prosecuted drug cases in other jurisdictions. Given the heavy caseload within the county, however, SWAT deputies recently have been prosecuting cases primarily in the "Home" area. (13)

Because of the heavy workload in the county, I have not done any "away" cases. In the past a SWAT deputy has prosecuted out of county cases. (14)

The elected prosecutor sends the cases he wants me to handle. (15)

By a need basis. Neighboring counties will call for assistance. Myself and the other SWAT deputy split the cases up between ourselves. (17)

Myself and the other SWAT deputy here are taking turns. She took the most recent case because it involved people she had a case on in Spokane. (18)

We have not had any request made yet. But in the event of a request, the assignment would probably go to the deputy with a clear calendar. (19)

In any neighboring counties, the SWAT deputy is the designated attorney who handles their drug cases. (26)

On a case by case basis depending on need and case complexity. (27)

Assigned by local deputy prosecutors in conjunction with SWAT deputy. (28)

The prosecutors contact me to check availability, etc. I review police reports, or case file if a case is already filed. If they "plead" case out, my services may not be needed. (29)

In Lewis County, cases are assigned by the non-SWAT drug deputy or the prosecuting attorney. (30)

In Lewis County, cases are assigned by the non-SWAT drug deputy or the prosecuting attorney. (31)

In San Juan County I handle all drug cases. In Whatcom I provide assistance as needed. (32)

8. Do you meet with the elected local prosecutor on a regularly scheduled basis?

If "Yes," how often; If "No," why not?

"Yes"...

Monthly meeting. Also, he has an open door policy for meetings as necessary. (11)

We have monthly meeting and access informally whenever we desire. (12)

It depends. I meet with him as needed to keep him fully briefed on SWAT information. (23)

As to how often, every Monday morning at 8:30 a.m., and then at least two tot three times the remainder of the week. (26)

We meet and talk on a regular basis. These are no "scheduled" meetings. They can be as often as daily or as infrequent as bi-weekly. (27)

Meetings not scheduled but held regularly. (28)

I see him every day. (29)

Two to three times weekly. (32)

"No"...

The senior supervising deputy meets regularly with the elected local prosecutor to discuss drug related issues. The senior supervising deputy will then meet with all drug trial deputies on a regular basis. Given the size of the King County Prosecutor's Office this is the most efficient way to distribute information. (13)

The head of the Special Drug Unit, Al Matthews, meets with the elected prosecutor and chief of the criminal division on a regular basis. Information and projects that effect the Special Drug Unit and SWAT deputies are relayed during meetings and posting. The size of the office mandates a decentralization of authority. (14)

We communicate as necessary, often several times per month. At the start of this assignment I contacted each prosecutor and requested details on what each one expected of me. I also send copies of big decisions for review. (15)

Scheduling conflicts. (16)

To date there has been no need to meet on a regular bases, however, the prosecutor is always informed of our activities and cases. (17)

There does not seem to be a need for direct regular contact. (18)

We do not have a regularly scheduled meeting, but he is available to meet with us whenever the need arises. (19)

No, because the in-change deputy meets with him and reports back to the other two deputies. (22)

I do meet daily with both Ed Murphy, senior SWAT deputy and Steve Merrival, Drug Unit supervisor. (24)

I see the prosecutors regularly, but we do not have scheduled meetings. Several counties have not requested assistance, but we do periodically correspond by letter. (30)

The elected prosecutor is available and I see the prosecutor regularly; however, there are no regularly scheduled meetings. (31)

9. **If there is more than one deputy prosecutor in your SWAT program: Do deputy prosecutors meet as a group to discuss/strategize SWAT related activities on a regular basis?**

If "Yes," how often; If "No," why not?

Meetings of a formal nature are weekly and also have daily contact. (11)

We meet weekly. (12)

The special drug unit deputies meet two-three times a month to discuss a variety of drug related issues. (13)

The Special Drug Unit has 20 deputies that work exclusively on Drug related cases. Two of the 20 deputies are designated SWAT deputies. The unit meets on a bi/tri-monthly basis. All current ruling relates to drug cases are posted in the drug unit and the case lead notes are distributed among deputies. (14)

Daily. (16)

Myself and the other SWAT deputy share an office, which makes it very convenient to share ideas and discuss case strategies, etc. The Drug Unit as a whole, meets with the unit supervisor once a week. (17)

Myself and the other SWAT deputy share an office and discuss SWAT activities every few days. Our Drug Unit meets weekly. (18)

We discuss our drug cases on a regular (almost daily) basis. (19)

Sometimes on a daily bases, but usually on a weekly bases. (22)

Not real often with just SWAT. We do meet often to discuss particular cases and share ideas. There is free exchange of information on how to handle cases, and we all assist each other. (23)

Jim Swannee and I meet daily to discuss cases and issues. (24)

Again, these are not regularly "scheduled" We usually meet daily, depending on case load and needs. (27)

Typically daily. (28)

Walla Walla has only one deputy (me) as SWAT deputy. (29)

We have just received a second SWAT deputy. The SWAT deputies share an office and are, therefore, able to discuss cases and SWAT activities regularly. (30)

We have 2 SWAT deputies. The SWAT deputies share an office; thus, we are able to discuss cases, etc. on a regular basis. (31)

10. Do you participate in regularly scheduled meetings with other law enforcement agencies?

If "Yes," what are these other agencies and how often do you meet with them?

Weekly. (11)

We meet weekly. (12)

All county narcotics enforcement agencies meet monthly and all prosecutors from the Drug Unit, SWAT and non-SWAT, attend. (15)

Monthly, with all major narcotics agencies in county. (16)

The other SWAT deputy in my county has been assigned from our Drug Unit to meet with our local City Police Drug Task Force to keep abreast of the drug and gang activity. The SWAT deputy then reports back to the rest of the drug unit. (17)

I meet weekly with the Spokane police gang task force. (18)

Tacoma Police Department, Pierce County Sheriff's, S.I.L Unit (every Monday) and Unit meeting. (22)

Tacoma Police Department, Pierce County Sheriff's Department. Meet regularly on an informal basis to discuss cases, and prepare for trial. (23)

Tacoma Police, Pierce County Sheriff. I have also visited most all the smaller police Department's in Pierce County. (24)

I generally meet with the local Drug Enforcement Task Force at least three times a week. I also confer with individual police and detectives from other agencies as required to discuss problems and cases which arise in the narcotics field. Some of these meetings are scheduled, and some are impromptu. The other agencies include the Pasco Police Department and the Franklin County Sheriff's Office. (26)

We attempt to meet regularly with the WESTNET task force. We have set up weekly meetings. With the Kitsap County CRUSH task force, we meet as needed, sometimes twice or more per week. (27)

Meetings are not scheduled but are held on an as-needed basis; agencies include West Sound Narcotics Enforcement Task Force and Kitsap County Special Investigations Unit. (28)

At least once every two weeks with Thurston County Narcotics Task Force detectives.

Many times we meet with detectives more often during ongoing investigations. (30)

On a weekly or bi-monthly basis with Thurston County Narcotics Task Force (TNT) detectives. (31)

I attend a chief's meeting every two to three months. I attend a "task force" meeting every two months. The chief's meetings are attended by the chiefs of all local law enforcement agencies. The task force meetings are attended by assistant chiefs. (32)

11. Is there a set policy or procedure regarding sharing information with other prosecutors, law enforcement agencies, etc.?

If "Yes," please briefly describe.

The Drug Case Development Deputy assigned to each agency works closely with both prosecutor and law enforcement to share information, and assist in developing drug cases. (13)

There is a deputy assigned to the Seattle Police Department and King County Police as a liaison to relay information regarding projects/program. The deputies review and discuss with officers the writing and execution of search warrants, modes of case development and current legal issues. Information is then discussed and relayed at the Special Drug Unit meetings. (14)

Brief Bank and phone calls on certain defendants that surface in other counties. Many of our hispanic defendants have contacts or connections with Yakima. (22)

Brief Bank and telephone calls, criminal history records. (23)

If we find that a defendant is also pending trial/sentence in another county we coordinate with the county. (24)

As to sharing information with other prosecutors, our office endeavors to make full use of the WAPA computer line. As a rule, since our task force is bi-county, as is our judicial district, with Benton County, our office will correlate cases on persons who are charged with drug felonies in both Benton and Franklin Counties. I also speak at least once or twice month with the Walla Walla SWAT deputy prosecutor, Jim Reiersen. We generally discuss pending cases, evidentiary problems we may have, and new cases that have been recently decided, specifically in the narcotics field. (26)

It is not a written policy, however, if two task forces are working on the same target we share the information. We share information with other prosecutors in the office on a routine basis. (27)

We do not have a set policy regarding information sharing. However, the SWAT deputies frequently provide information to other deputy prosecutors about witnesses or defendants with whom we have dealt. (28)

Whatever they need, I give it. I share my expertise when called upon. (29)

12. **As you understand it, what are the general goals and objectives of the SWAT program?**

This unit is to be an impact unit which is designed to aggressively pursue prosecutions of persons dealing drugs in the community and send them to the Department of Institutions. The side effect is increased and community awareness of the drug problem. (11)

Through aggressive investigation and prosecution and the increased expertise developed by the specialized focus to increase the impact on drug crimes. (12)

To effectively prosecute drug cases; to work closely with law enforcement and other drug deputies in developing strategies and tactics which attack the drug problem. Additionally SWAT deputies provide updated information on current drug related legal issues. (13)

To successfully prosecute drug offenses. To maintain an open dialogue with other deputies regarding current legal issues, police procedure and practices and judicial trends as they effect drug cases. (14)

To provided specialized drug prosecutors to smaller counties who cannot afford them for reasons of budget or volume of drug cases. This has the effect of raising the quality of the prosecution of drug cases. (15)

Prosecute felony drug case. (16)

To provide a cohesive statewide effort to combat the drug problem at a prosecutorial level, the primary objective being to increase the number of deputy prosecutors statewide dedicated exclusively to the prosecution of drug violations. (17)

To provide prosecutorial resources to handle the increase in drug arrests brought on by the "war on drugs" so that the efforts of law enforcement aren't wasted. (18)

To aggressively prosecute all levels of drug offenses from the buyers on the street to the people who sell large quantities of drugs. (19)

To concentrate resources in the enforcement and prosecution of drug laws. To have the flexibility to assist other counties if they need help in prosecution of major drug cases, as well as share information. (22)

To provide resources to individuals counties to allow them to fully prosecute drug offenders as they see fit. (23)

To add additional DPA to the war on drugs by providing funding to employ DPA and staff. (24)

The general goal of the SWAT deputy prosecutor is to assist in trying and convicting drug traffickers and users. The objectives, at least in Franklin County, have been to target mid-level to street-level cocaine and heroin dealers. Our county does not have sufficient budgetary base to spend the funds necessary to target major drug suppliers; i.e., those persons delivering at the multi-kilogram level. (26)

To provide prosecution assistance on drug cases where it was lacking before. Prosecutors were often overwhelmed when task forces were funded and brought cases to be prosecuted. Through this grant, we gain special knowledge and expertise and are more effective in drug prosecutions. (27)

To provide the resources for deputy prosecutors to be full-time drug prosecutors. Prosecutors thereby gain an expertise which enable them to more effectively and efficiently develop and prosecute drug and drug-related cases. (28)

Concentrate on drug cases and have ability to move in to assist a county that has limited resources. (29)

To assist counties in the investigation and prosecution of drug offenders. (30)

To assist counties in the investigation and prosecution of drug offenders. (31)

To prosecute, in all ways possible, the proliferation of drug related activities, particularly distribution. (32)

14. Do you feel your SWAT program has been successful in achieving the current goals and objectives?

If "Yes," how so?

Through specialized knowledge obtained through training and practical experience both police and prosecutor efficiency has been increased. (12)

By focusing exclusively on drug cases for an extended period of time, SWAT deputies develop legal expertise, experience, and strong rapport with law enforcement. With the legal expertise and experience, SWAT deputies are extremely successful prosecutor's. The strong rapport with law enforcement enable SWAT deputies to be more effective. (13)

Certain legal issues are exclusive to the successful prosecution of drug cases. By being updated and knowledgeable on current issues it reduces the element of surprise and increases the opportunity to educate the court to the issues. (14)

High rate of successful prosecutions. (16)

With the increase of the two SWAT deputies in our county, not only are we better able to handle the home county's drug cases, but also to provide effective assistance for the four neighboring counties' drug cases. (17)

We have been able to staff our office at a realistic level and have also been able to provide assistance to the other counties whenever requested. (18)

With the SWAT deputies we have had enough prosecutors to prosecute all types of drug offenses and we have not had to limit prosecution due to a lack of resources. (19)

Yes, because law enforcement knows we will prosecute, and work with them. They target more man power and funds into apprehension and our case load has increased. (22)

Counties have been able to divert more resources to prosecute drug offenders. (23)

The additional DPA have greatly assisted in the prosecution of drug felons. (24)

Our crime rate has dropped about 30 percent in the past year. Some of that decrease is due to fewer drug arrests. Our conviction rate, either by plea or trial, is close to 90 percent. With our office having two attorneys to handle drug felony cases, the plea offers are stiffer and the sentences are longer. As for keeping the drug trafficking rate controlled, our county is making some progress. One of the main goals of our office and the Pasco Police Department has been to clean up downtown Pasco and attempt to curb, if not eliminate, the narcotics dealing that occurs there during the evening and night hours. This has been done to a considerable extent, although there are still problem areas. (see #15) (26)

By funding prosecutors to solely try narcotics related cases we are available at all times to answer legal questions for task force members. We have gained experience in this areas and our success rate at trial has improved. (27)

By enabling local law enforcement to consistently work with the same prosecutors, a more comprehensive and coordinated effort toward combatting illegal narcotics. In turn, SWAT deputies gain suspect information and legal knowledge which improves the quality of prosecution. (28)

I have traveled to all four other counties in my area, and have gone to their courts on

cases, except Whitman. (29)

We have significantly enhanced our ability to litigate drug cases in Thurston County and also assisted in several cases in Lewis County. We have also been able to pursue our civil cases more aggressively. (30)

The SWAT program has greatly increased Thurston County's ability to litigate drug cases. (31)

I feel that I am able to focus exclusively on drug cases in a way that was impossible before the implementation of SWAT. In our office, our elected prosecutor was responsible for drug prosecution. That was just one of his many jobs. (32)

15. Has your SWAT program identified a main target area?

If "Yes," please describe this area;

Dealers. (11)

Mid to upper-level dealers. (12)

Street-level drug activities in the Seattle, King County area, as well as the more sophisticated activities at fairly high-level in the drug hierarchy. (13)

Street-level drug activities in the Seattle/King County area-particular focus on school zone areas. (14)

There appears to be no need to target a prosecution area. (15)

No need to target one main area. (16)

Because of the large geographic areas involved (five counties total), and the divergence in social and economic cultures within our home county and four neighboring counties. (17)

Or main area of focus is to protect the drug free zones around schools and in parks. (19)

Unknown, however, we tend to prosecute dealers, harder than just a user. (22)

We prosecute all drug offenders arrested by police, whether they be those in possession of small amounts, or those dealing in large quantities. We have not targeted for prosecution a particular area, but work closely with police. (23)

Certain areas of Tacoma are known for high levels of narcotic activity. (24)

One of the chief problem areas has been the area of Third and Fourth Streets and Lewis Street, in downtown Pasco. There are several local bars and a small park in that area, and street-level narcotics dealing takes place there quite often in the evening. On a larger scale, the whole area of East Pasco, especially in some of the parks, such as Kurtzman Park, sees a good deal of drug trafficking. This area has been targeted several times in the past by our multi-jurisdictional task force. (26)

All drug dealers, users, and manufacturers should be successfully prosecuted, no matter what their level in the drug hierarchy. (27)

The policy of this office is to vigorously prosecute all felony drug offenders, no matter their level of involvement in the hierarchy and no matter the quantities involved. (28)

Walla Walla. Also, Asotin County. There is a new appointed prosecutor there who is currently involved in preparation on a murder case and will be concentrating on drug cases after that is completed very likely. I have met with Mr. Lutes, and believe we will be able to work easily. (29)

I'm not sure what is meant by a target area other than pursuing all drug cases as aggressively as possible. (30)

In conjunction with the local task force, we have tried to target marijuana growing operations, which have sometimes been extensive in Skagit County. (32)

17. **Since you have been with SWAT, have you received any cases referred for prosecution through the Multi-Jurisdictional Drug Enforcement Task Force in your area?**

If "No", why not?

If "Yes", (a) what is the proportion of overall cases received from task forces, and (b) how was the general level of case preparation?

"No"...

There is another prosecutor assigned to those cases. (See #7) (15)

There's another prosecutor assigned to those cases. (16)

Cases from this task force are specifically assigned to one drug deputy in the drug unit. (17)

Our office has a deputy assigned to handle cases from the task force. The other counties have not asked us to do any task force cases. (Many seem to end up going federal) (18)

We have a deputy assigned to work specifically with the task force. (19)

"Yes"...

Unknown, I inherited cases from both patrol arrests and task force, but do not have a number breakdown at this time. Also, it appears that the task force is involved in patrol cases from the outset. These cases, although not instigated by the task force, contain some involvement of an unknown level. (11)

If this questions refers to Clark-Skamania TF we receive approximately 50% of our cases from them. If this questions refers to other TF referrals, I am not involved in those decisions generally, but believe we have received two cases from those type of referrals. (12)

Twenty-five percent of my cases have come from the various task forces. They are generally very well prepared. (13)

a) 1/6 of my case have been received from multi-jurisdictional task forces. b) The level of preparation ranges from good to excellent. (14)

I have prosecuted cases from UNET in Chehalis. UNET cases are very organized and well prepared. (24)

a)I receive approximately 75 percent of my caseload from our multi-jurisdiction task force. The other 25 percent are generated by the Pasco Police Department, the Franklin County Sheriff's Office, and the Connell Police Department.

b)The general level of case preparation is good and is improving. Our offices rotate through the Task Force every two years, so there is some lag time before the officers are prepared to handle controlled narcotics buys.

In the past six to eight months, a good portion of our cases have been either hand-to-hand deliveries to an undercover officer, or there has been good corroboration on the cases, such as recovered by money, search warrant leading to find of narcotics, and good surveillance. (26)

For eight months in 1992, 15 of my 67 cases were from the WESTNET task force. For the most part, the general level of case preparation was good. (27)

Although I have not worked with the West Sound Narcotics Enforcement Team on very many cases, I have prepared two cases for trial with them. I found WESTNET detectives to be very cooperative and professional. (28)

There is currently a Whitman County case involving two brothers (Laplante) which goes to trial 10/26/92 which I may assist Jim Kaufman in. It (my understanding) was investigated by task forces (Idaho/Washington). (29)

Approximately 75% of our drug caseload is drug unit (T.N.T.) generated. The level of preparation is excellent. (30)

Approximately 75% of our current caseload is received from the Thurston County Narcotics Task Force. The general level of case preparation is excellent. (31)

It estimated 85-90 percent of cases are from the task force. Case preparation is generally very good to excellent. (32)

18. Any recommendations regarding future direction of SWAT and Task Force coordination?

These seems to be adequate direction and polices from SWAT and task force and adequate coordinations.

As law enforcement tactics and successful prosecution have successfully battled drug dealing, the dealers have become more sophisticated in response. SWAT deputies and law enforcement need continual training to learn about the new drug dealing techniques and effectively respond. The dealers are desperate and we need to keep up the assault.

Training sessions that include prosecutors and narcotics officers to review trial techniques, report writing and case preparation. (14)

Having no contact with the task force, I have no suggestions. (15)

Perhaps more information should be supplied to the neighboring counties that we will assist them on their drug cases as need, that we are available. (17)

Nothing specific - there should be as much cooperation as possible so we don't work in different directions. (18)

It would be helpful if once a year SWAT deputies could meet for a day or two to discuss SWAT activities and case prosecution. However, most deputies case load is such that this is not practical. Note - The SWAT CLE in May 1991 was the best CLE I have gone to. It was efficient, educational and a lot of work. (22)

The task force in our area (TNET) is staffed with two attorneys from our office, who are funded by task force monies. They handle cases generated by police officers who are members of the task force. SWAT handles cases generated by all other police agencies.

They are separate entities. (23)

In our county, there is a deputy prosecutor assigned directly to the task force and one SWAT deputy. The SWAT deputy, as noted above, handles nearly half of the task force case load. I plan to present the task force in the near future with an updated synopsis on search and seizure and forfeiture law, with emphasis on satisfying search warrant requirements.

As to future directions, it is our hope to continue to emphasize the detection and apprehension of more mid-level drug dealers. Our office and the task force have lately been using some informants who have entry to his level of dealer. A mid-level dealer is one that sells large quantities of drugs, generally ounces of cocaine, to street dealers. Our office expects to have the SWAT deputy help coordinate such efforts. (26)

Require more coordination regarding planned drug sweeps. (27)

SWAT deputies encourage and would willingly participate in case development at a stage prior to seeing reports for the first time at charging. (28)

Meetings and coordination. I plan to meet soon with task force at Asotin, Washington, to show video tape I obtained from King County Prosecutor's Office on "Street drug Crimes". More work on implementing telephonic search warrants, so evidence is seized in a timely manner. (29)

I find little uniformity between prosecutions between Skagit and Whatcom Counties. I'm not sure, but uniformity might be a goal for the future. Uniformity - meaning some type of standardization of techniques. (I don't have a clear idea here.) (32)

19. Regarding the future of the SWAT program: Do you foresee a continued need?

Focus appropriate at this time. (11)

Additional resources are always desirable and would allow us to engage in more lengthy case development/investigation resulting in a better chance of catching upper-level targets. Also, our equipment (police) is outdated and needs replacement. (12)

The King County Prosecutor's Office has developed a policy of no reduction of the charges (except for serious proof problem) in the office. As a result of the heavy case load, each prosecutor is assigned two to three cases a week. The drug dealers are getting more sophisticated, so we need to be able to effectively respond. (13)

The program provides a needed supplement to the hardpressed Special Drug Unit. There is a policy of "no reduction" of charges, except for proof problems, in the office. Because of this each deputy is assigned at least two felony drug cases a week. (14)

I see no reason to shift the focus. (15)

The focus is currently on an appropriate area. (16)

The focus of the program is excellent. Perhaps more resources for additional training. (17)

The focus and resources for this area seem to be just about right. (18)

I do not see a need to shift the focus. I feel that we are making progress by targeting both the users that provide the money and the sellers that take it. (19)

The need for more man power (prosecutors) but, with the present economy it is not practical. The need to enforce is there, however you need enforcement people, prosecutors and a place to put those convicted (i.e., more prison room). (22)

I think the focus in Pierce County, because we are combating so many different kinds of drugs, should be as it is. We should prosecute all cases brought to us by different agencies. (23)

We need more DPAs. I sometimes work one full day on the weekend doing case preparation. Through August 31, I have been assigned 144 felony drug cases. (24)

Our office foresees a continued need for the SWAT program. The number of felony crimes that either involve drugs directly or are drug-related is very large. If anything, the program should be enlarged and more prosecutors added to counties where they are most needed. I understand that Kitsap County recently received an additional SWAT deputy.

As to resources, our office would like to see more emphasis on the bigger dealers. To do that, more money, as always, is needed. I also feel that the Top Gun SWAT seminars should be run at least once or twice a year. The coordination between prosecutors and law enforcement personnel is important. For instance, in the last Top Gun seminar, it might have been helpful to have the prosecutors accompany the officers in executing a search warrant. (26)

The number of drug cases and drug related homicides have increased in our area. As prosecutors we are trying to keep up with this increased load. The number of police officers investigating these cases has increased; I would anticipate needing to increase the number of prosecutors. (27)

Kitsap County is uniquely situated in that it is near the major metropolitan centers of Seattle and Tacoma but still is very rural in nature. Consequently, drug trafficking and drug related crimes are prevalent. Local police agencies have responded to this problem

in part by adding officers and devoting resources to task forces and special investigatory units. A like effort should be made by prosecutors' offices to more speedily and efficiently remove criminals from the community and process offenders through the criminal justice system. (28)

It is my understanding as more funding is obtained--other counties are having SWAT deputies placed in them. (29)

I do not see that a change in focus is needed. Our primary need is for manpower to prosecute drug cases, in that our felony unit is at maximum without drug cases. I foresee our caseload increasing in the future. (30)

There is a continued need for the SWAT program, especially since the caseload likely will continue to increase. I do not think the current focus should be shifted. (31)

I don't think this focus should be shifted. We're still, at least in Skagit County, pursuing the original goals. (32)

20. Are there any changes (other than those possibly identified in #19) you would like to see implemented?

If "Yes," what are they and why are they necessary?

Additional training in complex RICO litigation and money laundering. (12)

More training. I would like to see two seminars a year on drug prosecution. (24)

Computer program should be updated to include statistics that each county keeps. For example, cases should be able to be distinguished by law enforcement agency. (27)

Regular (possibly twice a year) meetings of SWAT deputies statewide would facilitate communication between the counties, would provide a good networking opportunity for drug prosecutors, and would provide a forum for the exchange of policies and procedures. (28)

More data in computer system we have installed so word or phrase can be inserted and data obtained more easily. Now you have to spend time going through file after file -- so it's quicker to spend time in library or to call another SWAT deputy. (29)

The computer system is inadequate to reflect what SWAT deputies do. A considerable amount of time is spent assisting during investigations, civil forfeiture actions, and non-compliance actions which cannot be logged in the computer as it is currently set up. (30)

21. **Related to your own career, do you see SWAT duty as a positive or negative experience.**

Positive

I have the ability to have an impact on criminal offenders that is not controlled entirely by the Sentencing Reform Act, which is too lenient on criminal offenders. I can assist the community by attempting to purge the community of the dealers known to law enforcement and deter new dealers coming in. (11)

I have had the opportunity to develop my skills in a specialized area and been fortunate to be involved in increasingly complex cases. The expertise I have developed is invaluable. (12)

Through the SWAT program, I have had the opportunity to handle fairly sophisticated multiple defendant cases with large quantities of controlled substances. I have also had the opportunity to work with the FBI, Multi-Jurisdictional Task Forces, and the U.S. Attorney's Office in Prosecuting these cases. In addition to improving trial skills, I've gained tremendous insight into the war on drugs and battling the dealers. (13)

By allowing focus on drug cases you are better able to level the field of experience when dealing with opposing counsel that has more years of experience, due to the expertise gained. It allows for better evaluation of the case knowing the officers involved and their practices and presentations. I'm on the "cutting edge" of recent case law on statutory changes. (14)

Working with outside prosecutors broadens my experience base and exposes me to alternative methods of prosecution. These things make me a better prosecutor. (15)

A very positive experience. Not only do I have better understanding of drugs, illegal drug activity, but most importantly the drug laws, search and seizure laws, etc. The TOP GUN course was the best training I have received to date. I have also enjoyed the excellent cooperation between the different county prosecutor's offices and law enforcement agencies. (17)

The most positive thing for me has been being able to go through the TOP GUN course. That experience increased my level of confidence in the court room and has made me a better trial attorney. Drugs are personal to me because of what they've done to my family. I might not have been able to prosecute drug cases without SWAT. (18)

It has provided excellent training and the opportunity to focus and develop expertise in prosecuting drug cases. (19)

It allows you to work close with law enforcement officers, work regularly with evidence rules and gain trial experience. There is also positive contact with other prosecutors in other counties. (22)

It offers a support system for the DPAs who are prosecuting these cases, not only in our office but statewide. It has also given me an opportunity develop more of the administrative skills as Grant Administrator. (23)

A very good program with outstanding coordination. (24)

I see the SWAT duty as a positive experience. I have gained a good deal of trial experience in this position. I have also absorbed a good deal of search and seizure/narcotics case law.

On the whole, I would view working as SWAT deputy as an excellent practical earning situation regarding the handling of drug felony trials. (26)

I am available for officers to answer drug/legal questions at all times. Since I specialize in this area, I have the knowledge to quickly respond to these questions. My suggestions on how to improve investigations to gain convictions have been adopted by the various drug task forces. I feel very comfortable in the working relationship that has been established with these task forces and I believe they feel the same way. My conviction rate has benefitted as I have learned new trial techniques for cases that presented problems in the past. (27)

Although my tenure as a SWAT deputy has been brief, I have profited from the experience in many ways. First, the ability to specialize in drug prosecutions allows development of an area of expertise and encourages the establishment of good working relationships with local narcotics detectives. Second, I have found the contact with deputy prosecutors and law enforcement in other counties valuable in that it provides access to additional polices and procedures which may be beneficial in Kitsap County or other counties. Additionally, I have frequently utilized the brief bank for research assistance on a variety of issues. Finally, the data collection requirement have been a good source to determine local trends and statistics. (28)

I've handled cases from beginning to end -- seen legal issues -- researched them -- argued them, etc. Also, prepared appeal brief. In a larger office, many prosecutors only do one job. I can be more effective knowing how entire system operates. (29)

We have to establish our drug unit as an aggressive unit in terms of litigation. From this standpoint, it is a very positive experience. Getting drugs off the streets is also a rewarding aspect of the SWAT position. (30)

Professionally, the duty is positive as it allows me to engage in aggressive litigation with

an emphasis on thorough case preparation. Personally, the duty is rewarding as it fulfills a great need in our current society. (31)

I've had the opportunity to specialize. I've had the chance to learn search and seizure. I've had the chance to work with some very professional people. (32)

22. Please describe a major SWAT case or accomplishment. If you possess newspaper clippings, you may submit copies in lieu of completing this item.

In Dec. 1991, we arrested two individuals in WA and one in Oregon, which resulted in the seizure of real property in Oregon and Washington as well as vehicles, cash, and marijuana. The arrests were the result of an intensive undercover investigation which began in July, 1991. We brought down a major stolen property fencing operation, which paid its burglars in marijuana. The case involved a RICO prosecution and brought in approximately \$250,000 in assets, \$30,000 recovery of stolen property, over 900 grams of marijuana and 300 mary plants. The ring leader is in prison convicted of leading organized crime and his accomplice is in prison on 14 counts of trafficking/delivery of marijuana. (12)

Operation Hardfall was an extremely successful joint operation involving the Seattle Police, the FBI and King County Prosecutor's Office. The conviction rate has been 100 percent. (13)

Operation Hardfall is a joint operation between the FBI (see attached press release) and Seattle Police Department. At this time there is 100 percent conviction rate of the adults who have been charged. (14)

See attachment. (15)

Successfully convicted defendants as charged with resulted in an 88-116 month prison range. Defendant not sentenced yet. (16)

I currently have a trial pending on three co-defendants charged with possession of a controlled substance (cocaine) with intent to deliver in our neighboring county of Lincoln County. There was approximately a half pound of cocaine seized. I also currently have a trial pending in Lincoln County on possession of a controlled substance, LSD. This is the largest amount of LSD that the Washington State patrol has seen in it's Spokane crime lab (cubed LSD). (17)

The largest SWAT case I have been involved with, was resolved in April of this year with three principles pleading guilty to delivering two kilos of cocaine. The case began in the Portland, Oregon area where under cover officers arranged to buy the kilos from two people who regularly traveled to Yakima, Washington to supply kilos to the Portland

area. After the arrests were made, it was learned that one of the dealers also had outstanding warrants for selling cocaine in Idaho. I also consider it to be a major accomplishment every time we provide the impetus for a single user to evaluate his or her life and leave drugs behind. (19)

I closed out the most SWAT drug cases the in the past year, than any other SWAT deputy in the state. At present I am prosecuting a major marijuana grower/dealer, where the county stands to seize \$250,000 to \$300,000 in assets, to include a large float plane, house, and two new vehicles, plus tax fraud for both state and federal. (22).

To date, I have had seven jury trials in 1992. Six have been found guilty as charged and one was found guilty of lesser charges, after the jury voted 11-1 to convict as charged. (23)

Case: I prosecuted a defendant who delivered 1000 hits of LSD to an undercover deputy sheriff. This defendant also had over 2000 more hits of LSD on his person at the time of his arrest.

Accomplishment: I drafted a county ordinance to set areas that convicted drug offenders are prohibited from entering. (24)

On August 10, 1992, a 13-year-old girl, [name deleted], bicycled to downtown pasco with her cousin, [name deleted]. While stopping in the area of Third and Lewis at the Framer's Market, she saw two people, a man and woman, sitting on a bench. The woman had a syringe in her arm and the man had, according to [name deleted], several baggies of white powder in his hand. She approached the man and asked if she could borrow a quarter. The man at first refused but then gave her 25 cents. She immediately called 911 and told police that a drug deal was in progress. She then returned and watched the man she had seen get up and go to the nearby Top Hat Restaurant. He returned with another man, and she watched as all three persons began sharing drugs and syringes. By then, a Franklin County Sheriff's Deputy had arrived. He and a Pasco Police Officer detained the man and searched them. They found cocaine on both persons.

[Name deleted] testified at a suppression hearing on October 13, 1992. The Court denied defendant's motion to suppress, and both men were found guilty. [Name deleted] stated that she recognized the white powder as drugs through the DARE classes she had taken in junior high school.

While this case does not involve a large amount of drugs or an exceptional prison term, I think it is refreshing and hopeful that at least some children are taking the drug problem in our county seriously. (26)

After an eight day trial, I successfully convicted Robert R. Chaney, a high level crack cocaine dealer. Chaney lived in Tacoma and delivered cocaine to a large number of crack houses in Bremerton. Many of these crack houses have been shut down because I successfully convicted many of his dealers too (Jolynn Phillips, Kathy Webb, Lonnie

Wade, to name a few). He was sent away for ten years.

I also successfully convicted Theresa Deno after several days in trial. Deno has been a major cocaine dealer in this county for years. In 1988, she was prosecuted for delivering cocaine and was given an exceptional sentence below the standard range. I prosecuted her on five counts of delivering cocaine. She was found guilty by a jury. The judge gave her another exceptional sentence -- this time above the standard range. She was sentenced to sixteen years in prison. (27)

I have been a SWAT deputy less than six months and so have not yet had the opportunity to be deeply involved in the development of major cases. However, of the cases to which I have been assigned during my tenure, eight defendants have pled as charged, eight defendants' cases are pending, and one defendant has gone to trial. (28)

Asotin County case. See attached findings and stipulation of facts. I was able to get almost \$10,000 cash and a truck forfeited to Asotin County, even though I thought state would lose the appeal on what the judge ruled regarding the failure to bring defendants to trial within speedy trial time.

Garfield County case. (Torrez). We brought intent to deliver marijuana case (involving crime by inmate in Garfield County Jail) to trial--but Judge took case away from jury.

Walla Walla County case. (Hutchkins), involving approximately one pound of marijuana. I took it to trial to prove "intent" to deliver, rather than allowing plea to "more than 40 grams". Jury verdict was guilty! (29)

I have had several cases which I consider to be an accomplishment. The most prominent example is a case where I assisted in the investigation of a local cocaine distribution ring. This included discussing investigation strategies and writing search warrants and body wire applications. The investigation lasted over three months and was concluded by simultaneous execution of four search warrants. The investigation led to the arrest of 11 individuals and the seizure of \$69,000 in cash and over \$100,000 in other assets. The leader of the organization was prosecuted for leading organized crime. I also assisted in preparing for trial. The defendant was convicted and sentenced to 25 1/2 years in prison. I am currently assigned to handle the appeal. I am also the attorney of record for the county in a joint civil RICO action with the Attorney General's Office against this individual. (30)

APPENDIX F

RESPONDENT SUBMITTED

PRESS RELEASE,

NEWSPAPER CLIPPING AND

STIPULATION AS TO FACTS



Norman B. Rice, Mayor

NEWS RELEASE

FOR IMMEDIATE RELEASE
Wednesday, April 15, 1992

FOR INFORMATION, CONTACT:
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**SIX-MONTH UNDERCOVER INVESTIGATION
NETS 94 CRACK DEALERS**

Seattle Mayor Norm Rice, King County Prosecutor Norm Maleng and Seattle Police Chief Patrick Fitzsimons Wednesday announced the results of a six-month undercover narcotics investigation, aimed at reducing street sales of crack cocaine in Seattle neighborhoods.

The investigation, which utilized an undercover informant who purchased drugs from street dealers in a car equipped with a special hidden video camera, has resulted in charges against 94 alleged drug dealers. The charges stem from 139 separate purchases of crack cocaine over a 10 week period. The investigation also resulted in the sale of two illegal weapons to the undercover informant.

The investigation, which was conducted in all four Seattle precincts, was coordinated and directed by the Seattle Police Department, with assistance from the King County Prosecutor's Office, the Federal Bureau of Investigation, and the Office of the United States Attorney in Seattle.

"I said when I ran for Mayor that I was going to draw a line around our schools and our neighborhoods, and any pusher who crossed that line was going to jail for a long time," said Rice. "This undercover operation is just one part of our ongoing effort to eradicate drug dealing from our community. We will continue to use every tool we've got to catch and punish the pushers who prey on our kids, and to provide positive alternatives to drugs for our young people."

"Drug dealing in King County will not be tolerated anywhere at any time, period," said Maleng. "Our community has suffered enough from the violence, death, and despair that follows crack cocaine. This drug kills people, one way or another, and it must be stopped; it's that simple."

Planning of the undercover operation began in October 1991. The first undercover purchases occurred in January of

1992, and continued through March. Now that the undercover operation has concluded and the cases have been filed, Seattle Police officers began making arrests Wednesday, and will be moving quickly to arrest as many of the suspects as quickly as possible.

Of the 94 suspects, at least 89 have previous criminal convictions, according to Washington State records. As a group, the suspects have over 500 previous convictions, including 215 felony convictions for crimes such as narcotics, assault, illegal weapons, burglary, robbery and rape.

Fitzsimons noted that 91 of the 139 purchases occurred within 1000 feet of a Seattle school, which means the suspects would face the potential of double penalties if convicted. All but one of the purchases occurred within court-designated "Stay Out of Drug Areas" (SODA), locations given special attention by the courts, based on a history of illegal drug activity and resident complaints.

"We conducted this undercover operation in every area of the City, from West Seattle to Aurora Avenue, from Southeast Seattle to the University District," said Fitzsimons. "We focused our efforts on areas where we've received numerous complaints from the community about open drug dealing on the street corners that makes it impossible for people to feel safe in their own neighborhood."

Eighty-nine of the suspects will be subject to County prosecution. The remaining five will be subject to federal prosecution, due to the quantities of narcotics sold, multiple purchases, or weapons involved. All but one of the federal suspects will be subject to a mandatory minimum term of at least five years in federal prison, where there is no probation or parole.

Under County prosecution, first-time adult offenders would be subject to jail sentences ranging from 21 to 27 months. Suspects with prior convictions for narcotics offenses would be subject to potentially longer sentences. If the offense occurred within a drug free school zone, prosecutors will seek an additional 24 months of jail time upon conviction.

Sixty-one of the suspects are adults; 33 are juveniles under the age of 18. In general, juvenile suspects are subject to less severe penalties than adults, but juvenile sentences vary as a function of age at the time of offense and prior criminal record. A first-time 17-year-old offender would face 21 to 28 weeks in custody, while a 16-year-old first offender would be subject to 13 to 16 weeks.

Nearly all of the juvenile suspects charged in the undercover operation have prior felony convictions, however, and one-third have such extensive records that they would be subject to the maximum sentence of 150 weeks.

City police officers directed the undercover operation, relying on complaints from neighborhood residents about street drug dealing. The program was made possible by resources from the Federal Bureau of Investigation, which provided special agent support, the undercover informant, the hidden video camera technology, and money for drug purchases.

The City's investigation is modeled after several similar efforts conducted in San Diego, using an undercover informant and a special vehicle equipped with hidden video recording equipment. The most recent San Diego effort resulted in charges against 115 individuals and 115 guilty pleas. The video and eyewitness evidence was so conclusive that none of the cases ever went to trial.

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Man guilty of brokering prostitution and cocaine

By **SCOTT NORTH**
Herald Writer

9/18/92

The owner of a topless housekeeping business arranged to have cocaine and a prostitute sent to the hotel room of an undercover detective who had posed as a customer, a Snohomish County Superior Court jury ruled Thursday.

Jurors deliberated for about two hours before finding Marcus Aaron Torres, 25, guilty of one count each of delivery of a controlled substance and second-degree promotion of prostitution in the March incident.

Torres is to be sentenced Nov. 4.

Under the state Sentencing Reform Act, he faces about 2½ years behind bars, Snohomish County deputy prosecutor Scott Olson said.

Prosecutors charged that Torres profited from arranging for one of his former employees to meet with the detective for the purpose of selling him drugs and sex.

"The evidence showed he was guilty" and jurors were obviously listening, Olson said.

Torres appeared shaken as he left the courtroom with his attorney, Royce Ferguson.

"Of course we are disappointed and Mark doesn't agree with the

verdict, but he is a man and will accept it," Ferguson said.

The attorney said he is also disappointed with how officials handled the case.

Torres' business, Divest Housekeeping, made money by arranging for women to go to homes and perform domestic duties topless for a fee.

During Torres' two-day trial, Ferguson attempted to show that his client had been targeted by police because he had embarrassed local officials by starting a topless business that skirted many local laws regulating adult entertainment.

Ferguson said his investigation of the allegations against his client showed law officers "went after the guy who exposed the female breast and put him in prison" while the drug trafficker who supplied the cocaine remained free.

The woman who testified against Torres has already pleaded guilty to delivery of cocaine. She cooperated with prosecutors with the understanding they would recommend a lenient sentence in connection with her drug-trafficking conviction, according to court papers.

She is to be sentenced later this month.

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MAR 30 1992

CLERK DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF ASOTIN

1	THE STATE OF WASHINGTON,)	
2)	
3)	
4)	
5)	NO. 91-1 00070 2
6	Plaintiff,)	91-1 00071 1
7)	
8	vs.)	STIPULATION AS TO
9)	FACTS SUFFICIENT FOR
10)	FINDING OF GUILT
11	KIM H. BEDWELL,)	
12	GLADYS P. BEDWELL,)	
13)	
14	Defendants.)	

COMES NOW the parties to this action and stipulate to the following facts:

1. On January 31, 1991, Kim H. Bedwell, the defendant, used a 1990 Toyota pickup, VIN #J54VN13G6L0015077, Idaho license no. N42105, in Asotin County, Washington, to carry a controlled substance (marihuana), which he then unlawfully delivered to a police informant at or near the Albertson's parking lot, 400 Bridge Street, Clarkston, Washington. This act was the basis for Count II of the charges in the above entitled case. The defendant received \$160 in U.S. currency for the approximate 11.8 grams of marihuana delivered.
2. Between January 1, 1991, and September 18, 1991, Kim H. Bedwell, the defendant, did manufacture (by planting and cultivating) a controlled substance, marihuana, at or near 1540 Elm Street, Clarkston, Washington. This act was the basis for Count IV of the charges in the above entitled case.
3. On September 18, 1991, a search warrant was executed at 1540 Elm Street, Clarkston, Washington, by Asotin County Sheriff's Office. The residence was the home of Kim H. and Gladys P. Bedwell. They paid electric bills for that residence. A large amount of equipment used to grow marihuana was seized, as well as a large amount of cultivated marihuana having a street value of more than \$1,000. Additionally, the sum of \$9,167.96 and the Toyota pickup were also seized.

STIPULATION AS TO
FACTS SUFFICIENT FOR
FINDING OF GUILT

C. ALAN GRIDER
ASOTIN COUNTY PROSECUTING ATTORNEY
P.O. BOX 220
ASOTIN, WASHINGTON 99402
(509) 243-4161

- 1 4. Kim H. Bedwell was subsequently charged with five (5) counts
2 of violating the Uniformed Controlled Substance Act, and
3 Gladys P. Bedwell was charged with two (2) counts. The State
4 of Washington has agreed to recommend to the court that:
- 5 a. all charges against Gladys P. Bedwell, cause no. 91-1
6 00071-1, be dismissed with prejudice; and
 - 7 b. counts I, III, and V against Kim H. Bedwell be dismissed
8 with prejudice.
- 9
- 10 5. Kim H. Bedwell and Gladys P. Bedwell both agree to relinquish
11 any and all claim to:
- 12 a. all equipment, tools, etc., seized September 18, 1991, at
13 1540 Elm Street, Clarkston, Washington, used in illegal
14 manufacture of marihuana;
 - 15 b. the \$9,167.96 in U.S. currency seized on September 18,
16 1991, at 1540 Elm Street, Clarkston, Washington;
 - 17 c. the 1990 Toyota pickup, VIN #J54VN13G6L0015077, seized on
18 September 18, 1991, registered in the name of Kim H.
19 Bedwell.

20 The \$9,167.96 in U.S. currency was proceeds from the illegal
21 manufacturing of a controlled substance: marihuana. The 1990
22 Toyota pickup truck was used to illegally transport a
23 controlled substance for sale: marihuana.

- 24 6. The Potlatch Federal Credit Union of Lewiston, Idaho,
25 withdraws its November 22, 1991, notice of claim on said 1990
pickup described above and relinquishes its lien on it. This
is evidenced by the attached document, Appendix A. Kim H.
Bedwell and Gladys P. Bedwell agree to sign over any and all
interest on said vehicle's title to the Asotin County
Sheriff's Office.
7. Regardless of the outcome of any appeal on the criminal
charges in this case, Kim H. Bedwell and Gladys P. Bedwell
agree to relinquish any claim to ownership of the 1990 Toyota
pickup, the \$9,167.96 in U.S. currency, and all items seized
at 1540 Elm Street, Clarkston, Washington, commonly used to
manufacture marihuana.

This stipulation is entered into not for the purpose of
defendant's admission of guilt, but for the purpose of entering a
finding of guilt based on a stipulation as to facts sufficient to
support such a finding, and with the understanding that the

1 defendant is doing so to preserve any rights he may have to appeal
2 the decision of the court of March 23, 1992, regarding the denial
of defendant's motion to dismiss.

3 Dated this 30th day of March, 1992.

4
5
6 JAMES R. REIERSON
Special Deputy Prosecuting
7 Attorney
WSBA #20032

8 Douglas L. Musher
9 DOUGLAS L. MUSHETZ
Attorney for defendants

10
11 Kim H. Bedwell
12 KIM H. BEDWELL
Defendant

13 Gladys P. Bedwell
14 GLADYS P. BEDWELL
Defendant

15 Scott Yellman
16 WSBA # 20423

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27 STIPULATION AS TO
FACTS SUFFICIENT FOR
28 FINDING OF GUILT

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APPENDIX G

SWAT POLICIES AND PROCEDURES

MANUAL:

SELECT PAGES

STATEWIDE DRUG PROSECUTION ASSISTANCE PROGRAM

POLICY: Project Case File Management

EFFECTIVE DATE: July 1, 1992

PURPOSE: Assist SWAT Deputies with in complying with statistical maintenance requirements which include Project Case Files.

POLICY STATEMENT:

The following procedure should be utilized when entering data into the SWAT Computer System.

NOTE: Only include closed cases in your database. Do not include any case in which there is data missing. If a defendant has been completely adjudicated and a bench warrant has been issued prior to sentencing, do NOT include the case until the sentence has been given. No cases should be entered without all necessary information included.

DATA PERFECT:

1. Read the manual supplied by MBA, Inc.
2. Remember the functions of the following keys:
 - a. **ENTER:** This key enters what you have just done into memory and in Data Perfect allows you to move the cursor to the next data category.
 - b. **ESC:** This is the "escape" key. It allows you to move the cursor backwards to the previous data category. Shift/Tab will accomplish the same.
 - c. **F7:** This key returns you to previous screen.
 - d. **F9:** This key allows new data into memory.
 - e. **F10:** This key saves new data entered into memory.
 - f. **F1:** This key cancels your last selection.
 - g. **F8:** This key allows you to see what is in a particular area that is not displayed on the primary screen. The appropriate location for use of this key is indicated by a "box."

STATEWIDE DRUG PROSECUTION ASSISTANCE PROGRAM

POLICY: Weekly Export Procedure

EFFECTIVE DATE: July 1, 1992

PURPOSE: Explain the procedure by which statistical data located in participating county databases is provided to the Centralized Database in Pierce County.

POLICY STATEMENT:

Each participating county is required under contract provisions and program procedures to provide Pierce County with statistical data on a weekly basis. This information will be exported and transmitted via modem procured for SWAT computer systems. The statistical data will be prepared for transmission on every Thursday prior to close of business. Should exporting requirements fall on a Thursday holiday (Thanksgiving 1991), counties will export the data on Wednesday. Should personnel responsible for preparing the statistical data for export not be available to complete these tasks (vacation, leave, or sick days), another should be assigned the task or arrangements should be made with the Assistant Grant Administrator to export the data PRIOR TO the period of non-availability.

Employ the following procedures for Export:

- A. Power up the computer.
- B. Turn on the modem.
- C. Select "A" from the Main Shell Menu for Data Perfect.
- D. At "WSDP," press ENTER.
- E. At "Password," type the name of your county and then press ENTER.
- F. While the cursor is highlighting "Weekly Time Log," hold the "ALT" and "SHIFT" keys down and then press F10. A message will appear at the bottom of the screen that reads, "Shell macro:" The cursor will be next to this message. Type the word, "Export" and then press ENTER.
- G. The screen will begin to jump around as the computer creates six files that contain the database of your program. You may receive a message that reads, "Report in progress."

STATEWIDE DRUG PROSECUTION ASSISTANCE PROGRAM

POLICY: SWAT Record Keeping

EFFECTIVE DATE: July 1, 1992

PURPOSE: Specify the record keeping responsibilities of SWAT project deputies.

POLICY STATEMENT:

- A. Project deputies have been provided with personal computers and a record keeping program to assist them with the handling of SWAT cases, both from a case status and time management perspective.
- B. Each project deputy (or designee) shall be responsible for keeping a computerized record of all case disposition data. (See Project Case Management Policy for details). In addition, Data Perfect contains a separate category for keeping time records.
- C. Each project deputy (or designee) shall be responsible for keeping a computerized record of the time that they spend on cases generated or originating from assigned neighboring counties. This data will be kept in the Weekly Time Log program.
- D. SWAT deputies do not have to keep daily time records when working on cases originating from their hiring county. However, when a deputy assists another county with a drug case, the deputy must maintain detailed daily records of those activities. Records must be maintained on any work done by the deputy for another county.
- E. Weekly Time Log:
 1. Read the Weekly Time Log explanation in the MBA Computer Services Manual. The typewriter keys are utilized in the Weekly Time Log function in the same manner as in the Project Case Program. DON'T FORGET TO LOOK AT THE UPPER PART OF THE SCREEN FOR ASSISTANCE IF YOU HAVE QUESTIONS ABOUT THE PROGRAM.
 2. After you have selected the Data Perfect program from the Main Shell Menu (selection) screen, press ENTER when you see WSDP. Type in your password (county name) and press ENTER.
 3. You will see the Data Perfect menu. Position the cursor over Weekly Time Log and press ENTER.
 4. You will then see the Weekly Time Log Screen with the cursor positioned over

STATEWIDE DRUG PROSECUTION ASSISTANCE PROGRAM

POLICY: SWAT Information Banks

EFFECTIVE DATE: 1 July 1992

PURPOSE: Explain the purpose of the information banks and the procedure for their utilization.

POLICY STATEMENT:

I. Information Banks:

- A. The program objective relevant to SWAT Information Bank centers on SWAT Administration's desire to provide service to county participants. As a result of this objective, SWAT Administration has established briefs, research, forms, and jury instruction banks in the SWAT computer. These banks pool the intellectual resources of the SWAT program and allow participants to draw on the strengths of each other.
- B. In order for the Information Banks to develop, each county participant has a responsibility to contribute information. This responsibility originates from the program objectives in the funding applications of all program participants. Each county has committed to contributing to this objective of the SWAT program.
- C. All program participants are requested to contribute all briefs, research, forms, and jury instructions used in the course of drug prosecutions. Similarly, when modifications are made to existing material in the SWAT Information Bank, those modifications are requested for inclusion.

NOTE: Closeup may compete with the shell menu system for memory space. If there is insufficient memory to run your menu system and Word Perfect, remove Closeup Customer from memory prior to using the Information Banks.

II. Information Bank Use:

- A. Select the letter corresponding to the information desired.
- B. Progress through the menus by selecting the letter corresponding to the information desired.
- C. At the end of the menu path, Word Perfect 5.1 will be loaded and the screen will clear. The document number, page number, line number, and position number