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**Police Narcotics Control:  
Patterns and  
Strategies**

by  
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## ABSTRACT

This report presents the findings of a year-and-a-half study of drug law enforcement in six narcotics units across the United States. The research was designed to identify the perceived drug problems of the urban area narcotics units studied; to determine the goals and objectives of the units with respect to that defined enforcement problem; and to gather from official records, interviews, and observations, the specific means and strategies used to achieve these goals. Once this model of the enforcement process was articulated, the researchers sought to see how the organizational structure maintained control over key operational areas such as evidence, money, informants, agent recruitment, and agent training.

The researchers found that, in general, narcotics enforcement activities are investigator-centered rather than organization-centered. The implications for narcotics enforcement of the organization-centered mode of control versus the investigator-centered mode are explored with reference to such activities as goal setting; monitoring and measuring enforcement impacts; budgeting; recordkeeping; targeting strategies; personnel recruitment and training; inter-organizational and intra-organizational relations; and the use and control of informants.

The researchers assert that the organizational capacity to control the actions of investigators is an important feature of effective narcotics enforcement. While organizational control reduces the freedom of the investigator to choose, work, and close his cases within his own frame of reference, it also results in an increased capacity to achieve organizational purposes and goals.

The report concludes with a set of selected recommendations for the organization and operation of narcotics enforcement.



## PREFACE

It is hoped that this report will have a wide audience, ranging from persons actively involved in narcotics enforcement to those who need to know about the problems and issues in narcotics enforcement. This latter group will no doubt include policy-makers and those allocating resources for enforcement programs. In an effort to make this document useful to a wide spectrum of readers, a detailed table of contents has been developed. This is intended to facilitate the rapid identification of specific topics of interest within the report so that they may be selectively read. Of course, we would hope that the report is read in its entirety by interested persons. However, we realize that busy administrators and decisionmakers often have limited time and, by necessity, specially focused concerns. We hope that this report will also serve the interests of such persons.

Chapter VI of the report contains selected recommendations for the organization, activities, and enforcement strategies of a narcotics unit. The recommendations are keyed to the report sections in which the issues to which the recommendations refer are discussed. This chapter also serves as a quick review of many salient features of the report.

## ACKNOWLEDGMENTS

This research was supported by a grant (No. 76-NI-99-0109) from the Police Division of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration. Special thanks to David Farmer and Kay Monte of the Police Division for their encouragement and support for this project. David Farmer, Director of the Police Division, kept in contact with the project researchers, despite a busy administrative schedule, and offered valuable suggestions and advice at various stages of the project. Kay Monte, the Project Monitor, was especially responsive to our several requests for assistance and information. She maintained a high level of interest and involvement in project activities, provided guidance and advice when it was needed, and was particularly helpful and understanding when busy project schedules required alteration. Without this interest and support, the project would not have been as rewarding and productive as the research team felt it was.

Many thanks to the Police Chiefs, the Vice and Narcotics Division Commanders, and the men and women of the narcotics units who made this research study possible. These persons will go unnamed, since the site locations and the study participants are to remain confidential. Without exception, the cooperation and interest shown by these units was excellent. Toward the conclusion of the project representatives for each of the units met to review a draft of the final report and made many valuable suggestions. For this help, the researchers are grateful. I hope that this document will be a fair representation of the activities and problems the units shared with the research team in the fieldwork.

A word of thanks to Ray Galvin of the Planning and Research Division of the San Francisco Police Department and to Jon Kindice, formerly the Chief of Police in Durham, North Carolina. Their reviews and insightful comments on the pilot study report and the final report draft were invaluable.

A project of this magnitude, with its heavy fieldwork schedule, its demand for almost constant travel, and the need to manage large amounts of qualitative data (interviews and field observation notes) requires a great deal of support. This help came from Jo Cohen and Pat Kerr of the RTI staff. Jo Cohen did a first-rate job of reviewing the interview transcripts and doing content analysis and coding of the material for the final report. When the field data collection schedule became harried, she joined the researchers in the field and gathered unit record information, which she subsequently analyzed. Pat Kerr, from the beginning of the project, has taken care of an enormous number of "little things" that needed to be done. By her attending to these matters, the research team could better focus on the problems of field data collection without having to assume the full burden of everyday project demands and difficulties. My profound thanks, then, to Jo Cohen and Pat Kerr for their enthusiastic help throughout the project.

As the reader will note, this is a lengthy report. The document went through several drafts which entailed a great deal of organization, care, and work for the typist. Many thanks then to Brenda Young who kept the materials in order, turned out copy at top speed, and remained in good humor throughout it all. Additional thanks to the typists who gave Brenda support: Debbie Travis, Jacki Epperson, and Cindy Atkins.

As the final draft of the report was readied, Barbara Earls and Judy Linn provided a wide range of valuable editorial services to bring the document to its final form. Throughout the project Judy Linn supplied, on short notice, needed editing for a variety of interim documents. My thanks and appreciation to the editors for their help.

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## I. RESEARCH SETTING

### A. Introduction

Although the near public hysteria that surrounded the drug problem in the late 1960's and the early 1970's has now somewhat subsided, the drug problem in many ways remains with us. There is evidence, for example, that the use of many drugs is increasing among the young, and that the use of heroin is no longer restricted to large urban areas (Hearing of the Subcommittee, 1975). The professionals active in the field of drug education, treatment, and enforcement continue to encounter problems associated with widespread drug use and abuse. The potential that law enforcement has for impacting upon and regulating the illicit market in drugs continues to be problematic in spite of the recent infusion of Federal, State and local money into the enforcement effort. The Federal budget for 1977 showed more than 780 million dollars devoted to enforcement at the Federal level alone.

This report summarizes the findings of a year and a half study of drug law enforcement in six units across the United States. The research was designed to identify the perceived drug problems in the local areas; to determine the goals and objectives of the department with respect to that defined enforcement problem; and to gather from official records, interviews and observations, the specific means or strategies used to achieve these goals. Once this model of the enforcement process was articulated, we sought to see how the organizational structure maintained control over key operational areas such as evidence, money, informants, recruitment, and training. From this we sought to develop policy to guide enforcement. One goal of this research was to see what, if any, were the gaps between the stated and official aims of the units with regard to the enforcement

problem and the actual operating practices, and to explain any discrepancies discovered. We were also attuned to identifying various practical problems in each of the six units, and to making suggestions of alternatives where possible. We sought, then, the intentions, strategies and the constraints on these strategies of enforcement as they were defined by local units. In addition, we made some attempt to generalize these problems across the six sites and to identify common factors, be they problems or solutions.

It is apparent from our review of the literature that the field of drug law enforcement is full of proscriptive manuals that lay out "ideal" practices, brief descriptions of particular enforcement programs, and many semi-autobiographical works, but very few empirical studies of the problems and practices of the police in this problematic area (see bibliography for the studies of McDonald, 1973, and DeFleur, 1975). We have attempted in this report to stay close to the ongoing process and to report what happens as best we understood it, and to provide both details of operations and general logical points about the process that would appear to be general and analytically useful in future research and operations.

As we argue below, we believe the study has implications for other regulatory problems assigned to the police such as those that are typically the responsibility of the vice units, as well as for other investigative work (such as intelligence, the detective division, and internal affairs, all units who attempt to gather intelligence about potential or actual crime where a complaint may not yet be evident). This study, then, intends to provide some insights into and understanding of the problems and solutions to drug enforcement specifically, and, more generally, for police investigative techniques and organizational patterns.

## B. Statement of the Problem

There are important differences to be found between the attempt to regulate a market by sanctions and the attempt to eradicate it completely. When one tries to regulate, political negotiation is permitted, lobbying flourishes, agents of control and agents of the market-producers and distributors can, in theory at least, exchange positions (and they often do), and pressures upon the regulatory agents are focused throughout the structure of the agency from top to bottom. When, on the other hand, the attempt is made to eradicate a market, political negotiation is not permitted because the regulated groups are discredited or are already denied such access to political power because of their class position, lobbying is not allowed, and interchange between agents of control and the controllers is prohibited by law. Pressures tend to accumulate at the bottom of the regulatory/eradication structure or agency because the other options for influence are denied. It is the agents themselves, the lower participants in the agency, against whom the greatest pressure is placed, and where the "invitational edge" is most tempting. The attempt to regulate/eradicate a market has a series of predictable consequences which can be understood as relevant to this six city study of policy narcotics enforcement.\*

Since the early part of this century, the use, distribution and possession of opiates has been illegal, and the attempt has been made to eradicate the market principally, although not exclusively, by

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\* This argument is developed by P. K. Manning and L. J. Redlinger, 1976, and by the same authors, "Working bases for corruption: Some consequences of narcotic law enforcement," in Trebach (ed.), 1978.

means of the criminal law and law enforcement agencies.\* This control approach can be contrasted with other modes of control such as therapy\*\* and international political-economic control of the market flow of the goods.<sup>†</sup> In effect, the United States has chosen to eradicate or make criminal the opiate business,<sup>††</sup> and a number of important social patterns, anticipated and unanticipated, have thereby been produced.

These anticipated and unanticipated consequences are direct and indirect results of attempting to eradicate an economic activity with criminal sanctions.<sup>#</sup> In the following research report we are exploring enforcement patterns to determine the most effective way for policy agencies to operate, given their historical commitment to eradication, given the present drug problem in the United States, and given the decision that the control of opiates is to be mandated by law to law enforcement agencies. Following is a list of the central constraints and problems facing police

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\* For the history of this movement to make opiates an illicit commodity, see D. Musto, 1973; R. King, 1974; A. Lindesmith, 1965; and T. Duster, 1970.

\*\* The English therapeutic approach is outlined in H. F. Judson, 1975; P. Bean, 1974; and E. Schur, 1962.

<sup>†</sup> See the discussion on international control over drugs in Musto and King, op. cit.; J. D. Heller, 1973b; Manning, 1976; Bruun, Pan and Rexed, 1975.

<sup>††</sup> The evidence that dealing in opiates is a business which seems to follow the marketing, distribution, costs, and profit patterns associated with other illicit markets can be found in Heller, 1973b; and the empirical studies of E. Preble and J. Casey, March 1969; J. Koch and S. Grupp, 1973; L. J. Kedlinger, 1970; and Kedlinger, 1975 and 1975a. See also M. Moore, 1970 and 1976. F. Ianni, 1974; E. M. Brecher et al., 1972; Rottenberg, 1968; Fernandes, 1969; and Erickson, 1969.

<sup>#</sup> H. Packer, 1968; Kadish, 1967; Kaplan, 1971; Hellman, 1975; Ball and Friedman, 1965; Stigler, 1970; and Becker, 1976.

agencies in their enforcement of drug laws.

1. The potential for police corruption is high because the high profits and risks of illicit business, and the limited access to other forms of influence, make dealers and users focus their attention on the police agencies whom they attempt to bribe, influence, or control directly or indirectly.\*

2. The control of drugs is very expensive, relative to other police functions, because public assistance in the form of information is more difficult and expensive to acquire (informants and special employees must be paid); rewards are paid; drugs are bought; and larger and larger numbers of officers are being hired to enforce drug laws in large cities.\*\*

3. Control over the discretion of officers is very difficult because of the nature of victimless crimes, the problems of setting and effecting policy, and the unpredictable occurrence of the elements of the crime such that an arrest can be made.†

4. Enforcing vice crimes, because the laws against them are rarely a product of total consensus in the community or differentially supported by community segments, is always potentially the source of an adversary relationship between the police and community groups with whom

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\* See P. K. Manning and L. J. Redlinger, op. cit., as well as E. Schur, 1962; The Knapp Commission Report, 1972; P. Maas, 1974; N. Pileggi, November 19, 1973, and September 1973.

\*\* The components of such costs are discussed further below. See also P. K. Manning, November 1975.

† Some of the problems of unpredictability in police work are considered in P. K. Manning, 1977c. Narcotics as problematic police work is considered by J. Skolnick, 1975, and P. Maas, 1974. See Redlinger, Appendix B to this report.

they might otherwise enjoy nonconflicting interchanges.\* The problem of substance control is then made more complex by public disagreements.

5. Legal control over agents is problematic, and the circumstances of arrest are often such that there is great temptation to perjury, violation of the exclusionary rule, misuse of informants, discretionary dropping, overlooking and altering charges, and other violations of procedural and/or legal rules.\*\*

### C. Policy Issues

Drug law enforcement represents a difficult and complex area for policing and for police policy for the reasons presented above: it is crime which grows from the application of criminal sanctions to eradicate a market. Such enforcement is expensive, corrupting, creates conflicts between police and the public, and involves difficult-to-control discretion by officers. Finally, as further pointed out, the crime itself is difficult to police for substantive and procedural reasons. It is likely that the same facts that make it difficult as an area for policing activities also make it a difficult area in which to set policy.

#### 1. Policy Setting and Victimless Crimes

One can argue that it is possible to develop guidelines for the effective policing of substance control and by analogy, guidelines for setting policy for policing other "victimless crimes," e.g., prostitution

\*On the adversary consequences of enforcing vice crime, see J.Q. Wilson, 1968, and J. Rubinstein, 1973, Chapter 9, concerning the seriousness of the use of drugs in general, and the division of public opinion over the effects and danger of various types of drugs. The differences in positive attitudes between heroin, tranquilizers, and marijuana use is suggestive of other attitude differences within the public, cf. N. Zinburg and J. Robertson, 1972, Chapter 2; P. Rossi, et al., April 1974.

\*\* See Hellman (1975) and Marx (1974) for excellent overviews.



and gambling. The following points, although they are drawn from narcotics control, have parallels in victimless crimes.

- a. It is a "victimless" crime in the sense that users and sellers of heroin do not file "complaints" to the police. That is, what is subsequently labelled a crime occurs only when there is both a tacit and explicit agreement between parties on the nature of the transaction.
- b. Information is needed to enforce narcotics laws, and in most instances, agents do not rely on voluntary information for enforcement. One way, of course, that users and dealers become known to police is through third party informing (a neighbor becomes suspicious of the activities next door). Still another way of obtaining information is through inadvertant observation; for example, a traffic officer stops a vehicle in which drugs are discovered (a great number of arrests for drugs and particularly for marijuana occur in this manner). Finally, and crucially, narcotics agents actively seek information. They can obtain information through the use of undercover officers, or they can obtain information from an "informant" who is most often actively involved in using heroin. In some instances, informants will make "buys" from dealers under surveillance in exchange for a reduction or modification of criminal charges pending against them.
- c. Narcotics agents make crime happen. Even with confidential information, the police have only allegations of crime, and their presence often greatly reduces the visibility of the crime they are legally required to regulate. Agents have no legally substantial evidence until they can be positive that a dealer is actively "holding" drugs, search the dealer's premises, and obtain "contraband." To acquire enough to obtain a search warrant, agents will have informants, or undercover officers, make buys and thereby encourage potential criminals to commit crimes.
- d. One of the major reasons that the police are dependent upon informants is the separation between them and the "crimes" that are occurring. In a simple manner, we can see this separation as one that is social, in the sense that the action is not within their sphere of interaction, but they must make it so, by seeking out the elements that make crime. Ecologically - spatially -- the officers are removed from the crime and the criminal, and thus, they must retroactively act upon the criminal; they cannot stop the crime. But in order to stop the criminal, they must have information. Since they are ecologically and socially removed, they must have some "contact" to the situation. In a phenomenological sense they are socially removed in that they are not present at the action which would be a crime. (This argument is relevant only to non-buy-bust situations, or where observations-transactions-arrest occurs simultaneously).

- e. The enforcement of drug laws is constrained by limitations of a procedural sort such as those on search and seizure of evidence, the use of informants,\*\* testimony and enforcement techniques.<sup>†</sup>

2. Policy for Narcotics Enforcement

It has long been noted that the police have not developed well-stated, written, public policies to guide their actions in problematic situations, and that they hesitate to make public their policies, written or unwritten, even if they have made an effort to develop them. The President's Crime Commission wrote:

There are two alternative ways in which police can respond to the difficult problems currently confronting them: (1) The first is to continue, as has been true in the past, with police making important decisions, but doing so by a process which can fairly be described as "unarticulated improvisation." This is a comfortable approach, requiring neither the police nor the community to face squarely the difficult social issues which are involved, at least until a crisis - like the current "social revolution" - necessitates drastic change. (2) The second alternative is to recognize the importance of the administrative policymaking function of police and to take appropriate steps to make this a process which is systematic, intelligent, articulate, and responsive to external controls appropriate in a democratic society; a process which anticipates social problems and adapts to meet them before a crisis situation arises.

Of the two, the latter is not only preferable; it is essential if major progress in policing is to be made, particularly in the large, congested urban areas. (1967:18)

This sentiment is echoed in important articles by G. Caplan, "The Case for Rule-Making by Law Enforcement Agencies," pp. 56-70 and by G. Alprin and J.V. Wilson, "Controlling Police Conduct: Alternatives to the Exclusionary Rule," pp. 44-55, both in J. Weistart (ed.), Police Practices, (Dobbs Ferry, N.Y.: Oceana Publications).

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\* D. Oaks, 1970.

\*\* M. Rebell, 1972.

<sup>†</sup> "Judicial Control of Secret Agents," 1967. For a general overview of these issues, see J. D. Heller, 1973a.

Because there is such public dissensus and public ignorance about the actual operation of narcotics enforcement units, police have been under no pressure to form policy or to make any extant policy public. It would appear that this is not altogether a matter of a desire for insulation from public criticism. It is clear that narcotics enforcement depends upon and indeed requires a degree of secrecy in respect to the targets of enforcement, the strategies of enforcement, the deployment of officers, and most certainly, in the serving of search and arrest warrants. It is possible that revelation of these facets of narcotics enforcement would diminish and perhaps neutralize the slight advantage now available to officers through the use of secrecy, surprise, and skill in interpersonal relations with informants and suspects.

There is yet another reason that policy regarding narcotics enforcement must be developed. As Redlinger points out (Appendix C), law enforcement is in varying degrees selective and discretionary. In part, this is because there are not enough resources to investigate all complaints, to undertake every investigation that might be initiated, and to allocate officers to every problem. This is no less true in the vice-narcotics area. It is clearly impossible to investigate all information that comes to the attention of the unit; not all investigations can be carried out to the logical end (money and time do not permit this even where other leads may still be available for further investigation); and not all investigations can be done completely. With the shrinking tax base in most cities and the fact that police budgets suffer from inflation and reduction in absolute levels, these resource limitations will continue to have an important effect on enforcement. Narcotics crime investigations, as we have pointed out, are more often

than not initiated by the officer, and there are always cases to be made. It was thought in the units studied that there were always more than enough cases to do, although one may not always be able to undertake precisely the kind and level of case one wished. There was a sense then of abundant cases, if not an "overload." An important implication of these limited resources and the perception of more than abundant case possibilities is the need, from an administrative standpoint, to set some sort of policy or guidelines for investigation. In short, some sort of priorities will be needed to direct officers' attention to targets, drugs and persons.

Narcotics enforcement policy has for the most part been unwritten and unexplicated, even though it may be well understood by officers and police administrators involved in narcotics control. The absence of written policy may not be an obvious detriment in day-to-day, crisis-oriented policing, but it most certainly has a number of consequences. Absence of policy may have some positive effects in protecting police agencies from criticism if they should fail to meet their own expectations or goals, and in protecting their operations from exposure to criminals, but it has a number of negative or dysfunctional consequences as well. Some of the consequences are: (1) Resources are allocated for investigations without a measure of success or failure against which to measure results. (2) There are typically no clear guidelines concerning the initiation and termination of any given investigations. (3) Departmental and individual goals are left undefined, and can be in conflict within a department. (For example, some investigators may be engaged in short-term investigations while others are working on long-term investigations. If one is to be effective, the other may be ineffective since arrests have a negative impact on long-term

investigations prior to a closing operation, while arrests are a necessity in short-term street work.) (4) Goals, strategies and tactics are not made clear. As a result, equipment and training relevant to them are not systematically acquired. Consequently, even if money is available for equipment, e.g., cameras, electronic equipment, it might not be widely used because training has not been undertaken. (5) Money is expended at the discretion of investigators and sergeants, and no measures of cost-effectiveness are developed or applied. Hopefully, then, this report on the activities of six narcotics units will provide insights into these policy issues and suggest modifications for salient areas of concern.

### 3. The Interrelationships of Market, Regulatory Mechanisms and Administrations

In the previous section, we have noted that historical decisions in this country to regulate the use of drugs by criminal sanctions (in larger part, although other options are also employed from time to time, cf. Hughes, 1972), and to build up procedural protections through the law have led to a number of dilemmas for policing. It is clear, for example, that the notion of "victimless crime" is very misleading for not only are there victims of drug use within the community itself and in terms of the loss of productivity of citizens, there are other victims in the legitimate sector of the community (see, for example, Schelling, 1967). This combination has placed the police in a difficult operational position (see below, and Manning and Redlinger, 1976; Trebach, 1978) for they must regulate a market about which they have limited information, i.e., any organization in a market will employ secrecy to protect its interests in making a profit and maximizing control over the market, but an illegal organization

will not only employ secrecy, but cannot be made to provide information regularly because of its status under license (see Manning and Redlinger, 1976; Redlinger, 1977; and Moore, 1976). This means further that police organizations must construct an imagery of the markets they wish to control based upon relatively less data than will organizations regulating licit markets. The classic arguments advanced by organizational theorists and others thus hold for the police, and are perhaps particularly for the police to the extent that they not only perceive themselves to be operating in a turbulent, changing, dynamic uncertain environment, but, that they have little capacity to actually monitor the environment itself. The administrative problem discussed below can be seen as a political-economic problem of administration of regulations under low information conditions, political sensitivity to the outputs of the regulatory process, and limited resources. In order to examine the six cities in which we have studied this law-enforcement process, we need to see the problem within an organizational and political context. This is the focus of the following section.

Under certain conditions, people act in line with canons of formal rationality, attempting to align their actions by formal stated or written rules in order to achieve designated ends (Weber, 1947:184-186). However, as Weber implied and as organizational theorists such as Thompson (1967), Kaufman (1960), Silverman (1971), and Wildavsky (1974) have shown, organizations with an ambiguous technology operating in an unpredictable environment will be characterized by substantive rationality, behavior 'which reveals intelligent insight into the inter-relations of events in a given



situation" (Mannheim, 1949:53; Weber, 1947:184 ff.). In order to assess substantive rationality, one must have notions of the standards by which behavior is judged, and of the context or understanding of cause and effects that obtain within the organizational setting.

Thompson argues persuasively that organizations can be arrayed by the extent to which the standards of desirability are either ambiguous or crystallized and the degree to which their knowledge of cause and effect relationships in the environment is either complete or incomplete (Thompson, 1967). The classic example of crystallized standards is found in the case of an auto plant where levels of production are set and performance is judged against profits. With a given number of workers, working a given number of hours with the required equipment and materials, a predictable output can be expected. Knowledge of cause and effects is relatively complete, and minute adjustments in input are revealed in altered output figures. On the other hand, ambiguous standards may exist as is often the case in people-processing organizations (J. Q. Wilson; 1968; Goffman, 1961; Hasenfeld and English (eds.), 1974) and they certainly maintain incomplete, contradictory, or unarticulated notions of cause and effect (cf., Lemert, 1972; Stoll, 1968; Strauss et al., 1964).

Narcotics law enforcement units do not operate with unequivocal standards of desirability. Differences exist in the perception of the danger to society involved in victimless crimes; drugs are perceived as having differing effects meanings, danger-criminogenic potential and as being of different concern to their significant public audiences (for example, marijuana versus heroin); it is not clear whether dealers, users or both should be the target of enforcement, given that users may be dissuaded from further

use if deterred early (Green and DuPont, 1974; Hughes et al., 1972), and some dealers supply large numbers of users; public awareness and levels of concern about the drug problem shift temporally and volatily (DeFleur, 1975); and costs and time constraints must be weighed against the ethics of absolutism surrounding drug use (Gusfield, 1975). Internally, indices of success, competent work and failure vary (cf., below, and Skolnick, 1975; Manning, 1977c). Cause and effect notions are equally unclear. Does arresting persons deter them from recidivism, or should arrests be used as "harassment?" (Heller, 1973b). Can information received from informants on dealing-using activities be trusted; is it legally actionable (i.e., can a case be made worthy of arrest)? To what extent do arrests, seizures and cases brought to court indicate measures of impact on the dealing-using system (see Hearing of the Subcommittee, 1975; Mandel, 1969; Lindesmith, 1965)?

Narcotics law enforcement units face uncertain environments. In part because the use of a number of categories of drugs has been made illegal, we have no accurate figures, nationally or locally, on the number of users, their location, patterns of consumption, preferences, and on the market system of use. (For a rare exception, see Redlinger, 1975). In part again as a result of the illegality, but also because of the means-oriented nature of police work itself (cf., J. Q. Wilson, 1968), the systemic relations between the actions of enforcement (and treatment) and the dynamics of the using-dealing system are not well understood, and certainly are not adequately empirically monitored. It is difficult, in other words, to determine in advance on the basis of formal rules, guidelines, the law, the targets, tactics and potential pay-off of any given case or bit of information received. Following Thompson's perspective, organizations such as

narcotics enforcement units, faced with uncertain, shifting environments (where demands and pressures change) will have flexible, contradictory, tacit or unwritten rules.

This combination of an ambiguous environment, shifting internal rules and definitions of goal attainment (standards of desirability) creates uncertainty for actors responding to concrete rewards (Roy, 1953; Skolnick, 1975). Other organizational theorists have suggested that actors faced with uncertainty while attempting to succeed, or produce, will develop "educated guesses" (Wildavsky, 1974), "strategies" (Silverman, 1971; Crozier, 1964) and rules-of-thumb-good-for-all-practical purposes (Sudnow, 1965). These accommodations, or "working bases" (Trebach, 1978) for dealing with uncertainty or ambiguity, may differ from public statements of goals and intentions, thus creating a public pro forma description of activities and a privately sanctioned set of working rules.\* Modes developed for the resolutions of uncertainties may account for the often-mentioned gap between the publicly stated goals of narcotics enforcement and their operational or de facto goals and procedures (see Hearing of the Subcommittee, 1975, especially pp. 16; 46-55; Skolnick, 1975; Hellman, 1975).

Narcotics officers confront the problem discussed in Knight's essay "Risk, Uncertainty and Profit," in which he argues that for knowledge to envision the future, one must make an assumption that the world is made up of things which under the same circumstances behave in the same way.

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\* Parallels may be found in Goffman's distinctions between front and back stage (1959); Sykes' description of the accommodations made between prison guards and inmates (1958); and Douglas' (1971) discussion of American social order as based on sharp public/private distinctions in expectations for conduct.

The practical problem of inference or prediction in a particular situation centers around...what things are we dealing with, and what are the circumstances which condition their action? From knowledge of these two sets of facts it must be possible to say what behavior is expected. The chief logical problem...lies in the conception of a 'thing,' for it is obvious that the 'circumstances' which condition the behavior of any particular thing are composed of other things and their behavior...But workable knowledge of the world requires much more than the assumption that the world is made up of units which maintain an unvarying identity over time (Knight, 1965:205 [originally published, 1921]).

Thus, when events are classifiable as similar and in some sense "unchanging," one can estimate the risk associated with their appearance or nonappearance. On the other hand, when the estimates of their appearance are subjective and "unmeasureable" they are uncertain. The main argument of Knight's work is that social life is characterized by uncertainties with which we deal by practical, intuitive, or socially validated judgments. Uncertainty in the classic sense used by Knight is the fact of life for narcotics officers. Uncertainty permeates the ambience because one must rely on others' information; because even if the information is generally accurate (X deals in heroin) it can be situationally wrong (when a search warrant raid is mounted, X is not holding dope); substances may not be seized, those seized may not be controlled substances or may be of insufficient quantity or quality to sustain a charge; evidence may be excluded in court; prosecutors may refuse to prosecute; other agents may take a case (information may not be shared across squads or even with partners, and rarely with other local, State or Federal units); informants may not be able to deliver what they promise (buys, names, introductions, etc.); informants lie, etc. The apparent information often provided the public may be either wrong, unverifiable, an "educated guess," or more importantly may not be legally actionable information:

that is, court-relevant information which will be credible with prosecutors, juries and judges and which will lead to conviction.

#### 4. Uncertainty and the Enforcement of Narcotics Laws

We have noted above that vice crimes, and narcotics crimes in particular, possess features which differentiate them in terms of their investigative potential from other forms of crime (cf., Wilson and McLaren, 1972: Ch. 17; J.Q. Wilson, 1968: Ch. 1; Dix, 1975; Hellman, 1975; Kaplan, 1971; Heller, 1973b; Oaks, 1970). These features are arrayed in Figure I-1, and some of the organizational modes by which police attempt to monitor and control investigators are listed below these generic features. The generic features of the crime itself make these, at best, only partial solutions to the problem of guidance and direction of the enforcement effort in the units studied.

Note that because narcotics agents must "work forward" from information on a potential violator, rather than "backward" from alleged or established facts of crime (e.g., in murder, a body must exist; a crime must be established or "founded" prior to investigation, etc.), the selection of targets is highly discretionary, the scope of a case is infinitely expandable (every buyer has a seller, etc., on up or down the dealing hierarchy) and uncertainty results between the effort and time expended and the "payoff" it might yield. Furthermore, clearance is problematic since cases are typically not assigned to officers, but built by them with their partners or on their own from information they alone possess. It should be noted, however, that within organizations characterized as investigator-centered (see Figure I-1), there are still some assignments made, especially to schools and diversion or pharmacy squads (who investigate the diversion of licit drugs into

Figure I-1

Features of Narcotics Enforcement and Modes of Organizational Control

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Narcotics Crimes in General

1. Crimes are private transactions, usually not evident (no complainants).
2. Agents are often ecologically distant from crime; must "make crime happen."
3. Agents do not rely wholly on voluntary information, but must obtain it through informants. Conditions for working off cases not put in writing a priori nor its approval required before a "deal" is made between an investigator and an informant.
4. Selection of targets is discretionary and cases are infinitely expandable.
5. Calls to narcotics units not tape recorded (i.e., cannot be independently monitored).
6. Sergeants are usually not aware of the precise number of informants or cases of any investigator.
7. Relationships between time, effort, money and arrests are unknown; activity sheets are only a partial record of time/effort.

Investigator-Centered<sup>a</sup>

1. No initial information can be verified independently - nothing in writing required upon receipt of information.
2. Few cases are assigned (these are "special assignments").
3. No cases are officially "opened" or "closed."
4. Number, type, promise, and estimated "pay-off" of cases known almost exclusively by an investigator (or partners).
5. Arrests, charges, seizures, search warrants served and buys indicate investigators' activities only after the fact.
6. No clearance rate can be calculated since:
  - A. Crimes are not "founded" independently investigated after an allegation.
  - B. Cases are in effect self-initiated, self-defined and self-closed.
7. Informants are known only by investigators, not evaluated by supervisors, and may not be placed in official files nor given an official number.

Organization-Centered

1. Some information (clues) is recorded on special investigative forms.
2. Cases are routinely assigned.
3. Assigned cases must be closed within a specified time.
4. Frequent check is made on the number, type, and promise of cases (e.g., squad or section meetings).
5. Prior approval by supervisors of buys and raids required.
6. Partial clearance rate can be calculated (for assigned cases).
7. Informants require Sergeants approval, and Sergeants meet informants. Performance of informants is evaluated and a central file is kept with records of payments and performance.

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<sup>a</sup>Some squads may vary from this model e.g., diversion, schools or squads on special "big case" assignments.

illicit markets). Even where assignments are made, calls are not recorded, making it impossible to independently verify the clues officers receive. Much activity is not reported if it does not lead to an arrest, buy, or long-term surveillance, and in general sergeants are ignorant of the precise number of cases (potential or otherwise), informants and "clues" (leads to potential cases) being presently worked by investigators under their supervision. (See Greenwood, Petersilia and Chaiken, 1977, for similar findings in detective work in general.)

Columns under "investigator-centered" and "organization-centered" contain attributes of degrees of supervision possible in different organizations. Thus, although in the large city police department files are maintained on dealers and users, on previously arrested users/ dealers, on informants (a category which overlaps with the first two), nicknames, motor vehicle data, etc., and officers in some cases keep detailed personal notebooks, activity reports and case files, the information problem is not so much one of the amount of available information, but of legally actionable information.

Because of these uncertainties which are seen and defined as features of the socially validated moral environment in which the narcotics officer works, the narcotics units studied are faced with operational dilemmas. Because they are under pressure to produce, i.e., to demonstrate to their relevant audiences that they are achieving, yet see their environment as uncertain, they are forced to make decisions in the context of uncertainty (see in addition to Knight, 1965; Goffman, 1967). Every decision made by an investigator concerning the pursuit of an investigation involves a calculus of uncertainty. It is necessary to initiate investigations on the

basis of often rather limited knowledge; officers must make decisions concerning the possible "payoff" of a given bit of information with reference to the significance of apprehending the violator (the user, possessor or distributor of narcotics). The transmission of organizational policy, or canons of desirability or the attempt to bring order to the situationally nuanced strategic action of discrete police units (squads of 5-7 men under a sergeant, or the individual officer), is least problematic when communication flows both up and down the line, and where the understandings of the fringe meanings of axial policy-related terms are shared.\* Supervisory guidance, however, is not

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\* This unwritten guidance is complemented structurally by several other aspects of narcotics investigation which make it very difficult to control either through police rulemaking or judicial controls:

1. The freedom to choose targets is rationalized in the law by the interpretation of the courts of the entrapment defense that the burden is on the defense to prove that the participant in the crime was not predisposed to participate regardless of the agents' actions (Hampton and Russell, 411 U.S. 423, 1973 and the review by Dix, 1975). That is, "police methods however improper cannot alone establish the defense of entrapment." (Judicial control of secret agents, Yale Law Review, 1967:995).
2. Warrants do not require the identification of the informant who provided the information unless this information is necessary for the defendant to prepare his defense (U.S. v. Rovario 353 US 53) nor do they require the conditions which attest to his reliability and credibility. These are normally established within police departments, and subject to no judicial review "...law enforcement agents zealously guard the anonymity of their 'professional informants,' making it impossible for courts or magistrates to judge informer credibility first-hand." (Heller, 1973a:875).
3. Legalistic ignorance of the scope of the problem of guidance contributes to the absence of guidelines. Why, for example, assume as does Dix (1975) that surveillance is not "random" or essentially random in the sense that results cannot be predicted and one's knowledge a priori is not believed to be superior? He assumes that surveillance is not random, and that therefore resistance to guidelines comes from a fear of inflexible application of the guidelines by the courts, or a belief in the superior wisdom of the "ad hoc" judgments of the command personnel. Since command personnel do not guide investigation-targeting, and surveillance is substantially random, Dix is very wrong. He may be very right about resistance to guidelines, however.



written, but provided by informal interaction based on unrevealed or "invisible" meanings: key domains are unexplicated by written rules.\*

Although to an outside observer the day-to-day operations of any narcotics unit appear to be rather unstructured (especially one who might assume that critical decision points and domains would (and should) be fully bureaucratized), in fact, they are not.\*\*

Torn from the context of certain assumptions, behavioral routines, and taken-for-granted matters that competent narcotics officers should be expected to know and practice, key guiding terms and rules become ambiguous. From the occupational perspective of the officer they are not. The most critical decisions concerning the pursuit of narcotics cases are not based on explicit written policy and specific, substantively and factually based administrative direction. Rather, they result from independent discretionary actions taken by investigators in line with their tacit understandings and interpretations (Manning, 1977c). Implicit in this formulation is the assumption that such understandings are context-bound, i.e., specific to the given organizational situation in which they were nurtured and became

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\* By key domains in narcotics enforcement, we refer to the following areas in which decisions must be made and where such decisions will pattern the outcomes that the units produce: level of enforcement; targets (either given drugs or level of the market); allocation of personnel, automobiles, monies, or other equipment; choice of investigative techniques; number, and types of warrants used; the extent of a search; the allocation of individuals to categories of charge (associated with both federal, state and local ordinances in most cases); the conditions under which an arrest and/or charge will or must be made; negotiations with informants. General orders, departmental procedures, ad hoc advisors, and oral directives are given in all departments, but they are of less directive significance than the informal face-to-face interactions that occur between sergeants and their squads. It is through that channel that formal outlines of the possible are verbally articulated.

\*\* Another interpretation of this situation is that the written rules, where present (in procedural manuals), are not referred to, except to punish judgment errors after the fact.

meaningfully organized. An analysis of these understandings and assumptions requires a detailed description of activities within the organizations.

The report is organized into chapters. The remaining sections of this chapter deal with the site selection and characteristics, some aspects of the command structure of the six units, research entrée and activities on site (details of the research methods and practices are found in Appendix A). The organization of the report reflects our view that the organization's structure is the basis for its strategies, and conversely, along with the nature of the laws they enforce and the nature of the environment, that certain organizational capacities patterned by personnel, resources and information, limit or constrain the enforcement effort. Chapter II discusses written and unwritten goals and objectives as well as the principal sources of goals. Budgets are the subject of Chapter III, and the data provided therein suggest some of the dimensions along which units of similar size and function vary. Chapter IV discusses the unit's organizational characteristics, structure and function, under the headings of: perceived problems, targets, strategies and practices, personnel (recruitment, training, evaluation and rotation), inter- and intra-organizational relations, equipment, records and recordkeeping and evidence processing. These are means by which an organization attempts to achieve a set of goals, and are variable across the units. Thus, we are able to show that their capacity to impact upon various segments of the market is differential. Information which is probably the most important of all the elements required for enforcement, is discussed in Chapter V. Information is something which changes the meaning of the world for the organization or the individual who possesses it. The extent that it is shared, it is a more general organizational resource, and to that degree, it increases the capacity of

the organization to collectively achieve any ends. The chapter on informants, therefore, is critical because in large part it is not possible to enforce drug laws without them. To use them well is to increase the probabilities of regulating the market effectively. Finally, in Chapter VI, the elements of a narcotics unit are reviewed and some policy recommendations are made. Appendix A details the research methodology used in the study; Appendix B discusses the planning and implementation of the Bay City buy programs; Appendix C is a paper on police discretion; and Appendices D and E contain a literature review and a bibliography.

#### D. The Case Study Approach

The research was designed to be an exploration of drug enforcement patterns in several selected sites. The previous research done in this area had been single department studies (e.g., the work of Skolnick, 1975; McDonald, 1973; DeFleur, 1975), and these descriptions do not answer the question of the generality of the practices across departments, and are restricted to data on one or two strategies of enforcement. We were interested in discovering any distinctive features of the sites and organizations chosen that might qualify or make less than general our analysis as well as features that were universal and patterns that could be found in many, if not all, units. We were not only interested in the stated goals and targets of drug enforcement, but also those conditions that made it possible to achieve these stated goals. When goals were not being achieved, we were interested in accounting for the discrepancy between stated and actual achievements. Of principal interest was identifying factors or groups of variables which might account for the inability of the organization to achieve its stated goals. To the extent that these factors were found in all units, for example, one could infer that they might be representative

kinds of problems of this mode of enforcement as a type.

Given the limited amount of previous research available at the time the research was initiated, we concluded that a pilot study should be mobilized to explore the feasibility of a larger study using additional sites. On the basis of criteria (see research methodology section), we selected a site and later constructed a data-gathering guide. This guide included observational data, official records and manuals, and interviews with key personnel inside (command personnel as well as agents) and outside (Chief and/or Deputy Chief and attorneys in the Prosecutor's Office) of the drug unit itself.

We considered a variety of methods and decided upon a fieldwork case study which would closely analyze a few selected cases in depth. We did not feel, on the other hand, that survey methods (i.e., questionnaires) would gather the data we needed, given our theoretical framework. We wanted to contrast stated and actual behavior, rather than gather only attitudinal reports of behavior; we did not feel that this kind of police work, which is inherently secretive, deceptive and often carried out in undercover roles, could be studied adequately without close observation of actual practices in the field and office. We were not certain of the precise types of questions that could be asked of officers and felt that an exploration of the permissible limits was needed. In addition, we felt that a close analysis of the organization as a functioning whole was needed. Individual questionnaire data does not get at organizational functioning as well as individual reports of these activities.

The fieldwork approach using case study methods is well known in the social sciences especially in sociology and anthropology. Matilda Riley in Sociological Research: A Case Approach argues that a case approach

permits greater detail and allows observations of actors in a wide variety of roles (not exclusively in organizational roles); that it facilitates gathering data on latent patterns of behavior (or contradictions between various thoughts and actions) that those observed may not be aware of themselves; that it allows analysis of processes and patterns of behavior (such as raids, investigations, or meetings) as they unfold; and finally, that the case approach allows the researchers to fit together the facts of the organization and to see it as a functioning whole (Riley, 1963: 69-70). These advantages of the case study method tend to increase its validity. The multiple data gathering techniques used (e.g., historical analysis, interviews, document analysis, and field observations) also assist in establishing the reliability of findings because we are able as a result to triangulate a finding from several kinds of data, gathered at different points in time by three different researchers.

Other advantages of utilizing case studies of six units came in part from the capacity it has for illuminating concomitant variation. We, in effect, held constant the selective criteria while examining other variables--e.g., personnel, expense money (for buys and informant payments, etc.); vehicles and other resources, informant use and development; personnel recruitment and training; and strategies and evaluation of enforcement. One can look at differences across sites using the case materials and attempt to account for them. Similarities can also be found in the unit characteristics. By close examination of both behaviors and reported behavior (stated aims and intentions), discrepancies can be identified and explained. Different levels of knowledge about different units was obtained, in part, because of the differing size of the units, the number

of organizations in the area about which data had to be gathered, and the available comparable data maintained in the unit itself. There were wide variations in the extent to which formal records were kept on past cases, on ongoing investigations, on expenses, and on evidence and buys made. The data-gathering guide developed assisted in routinizing and systematizing the material sought across the sites and the researchers.

As Riley has pointed out however, there are limitations to our approach as well (1963:70-75). These are more serious when one is studying only a single case, as she discusses, but are relevant to evaluation of our findings. First, we played a role ourselves in the settings when we were there: we participated in activities, such as raids, surveillances, testing equipment and planning meetings. It is difficult to assess to what extent we produced effects in the setting, but it is likely that they were somewhat proportional to the number of researchers on scene expressed as a ratio to the total number of agents in the unit. Second, there can be problems with reliability in a single case study done by a single person. However, the use of several observers at more than one time reduces this effect. Third, because of the small number of cases involved, generality is affected. The selective systematic sampling of units using a sampling frame governed by the theoretic questions we had posed meant that we were able to look closely at some types of organizations.

One of the questions often asked about case studies is the extent of the generality of the findings to other sites. Several points should be made here concerning this matter. The units selected were chosen to reflect certain types of units, rather than to reflect narcotics enforcement in general. In the United States, the mean size of the municipal police department is quite small (about ten officers), and most departments

do not have a specialized drug unit, but may only assign such investigations to detectives or patrol officers. The units selected are among the larger departments in the nation. We had, of course, made this size one of our criteria for selection. Large police departments in cities of a quarter of a million persons or more are the locales in which most specialized narcotics work takes place at the local level and where the administrative and operational problems we had targeted for investigation are both extant and salient. Thus, the pattern of our findings should have relevance for other large police departments, although the strength of the logical links we have portrayed may vary. In addition, the central problems of managing agent discretion, targeting, resource allocation, recruitment, evaluation and training, and informant recruitment, use and evaluation must be effectively dealt with by a drug unit of any size. By treating the units as integrated and functional wholes having determinant relations between interconnected parts, we were able to analyze the relative salience of these problems within and across the six sites. By inference, these problems, in kind, if not in degree, are found in all units, and the attempts that have been made to solve or deal with these problems are likely to be generic as well.

#### E. Research Setting

##### 1. Site Selection

While a discussion of site selection may be found in Appendix A (Research Methodology for Study), the selection criteria will be briefly discussed here. Four criteria were utilized in the site selections. They were the size of the city, the involvement of the city in narcotics trafficking, size of the narcotics unit and the geographic distribution

of the cities. Cities with populations of 150,000 to 900,000 were considered for study.\* Related to the size of the city is the size of the police force (that is, number of sworn officers), which is in turn roughly related to the size of the narcotics squad.\*\* In these moderate to large sized cities one could expect to find narcotics units ranging in size from ten to thirty people. Given that, at least two of the three researchers planned to work in each unit and it was felt that this unit manpower range was optimal for a two man field team. In addition to the size of the city the role of the city in narcotics trafficking was important. Cities which were primary entry points, "border cities," and/or major transit centers or distribution points for opiate drugs were of interest. Hopefully such cities would display a reasonably stable pattern of trafficking and enforcement. Finally, we were interested in having the sample cities geographically distributed throughout the United States so as to represent major regions of the country which also met the above mentioned criteria.

## 2. Site Characteristics

Following is a brief description of each study site.† Dollarville is a large city located in the southwest United States. While it is

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\* Our six cities ranged in population from 180,000 to 870,000 according to the 1976 estimated census population for the central city. One city was 180,000; two cities were 300,000, one city was 400,000; one city was 500,000; and one city was 870,000.

\*\* The size of the city was grossly related to the number of narcotics agents that city had. In general, the larger the city, the more agents there were and the smaller the city, the fewer agents there were. The proportion of narcotics agents to sworn officers was not related to size of city. Most units had manpower constituting approximately 2% of the sworn officers for that city although this varied from a high of 3.5% to a low of 1.3% (this low occurred in the largest city).

† Although there are many factual matters included in these portraits, we are reporting in large part the perceived situation or problem with drugs in the sites as it was told to us by members of the six drug units.



not exceptionally close to any border, its international airport puts it in the drug trafficking pattern from foreign as well as domestic sources. Apparently, however, much of the drug traffic comes into Dollarville by automobile. This is facilitated because Dollarville lies at the intersection of major east-west and north-south interstate highways.

Desert City lies to the west of Dollarville in the southwest United States. Desert City lies close the Mexican border and much of the drug trafficking in Desert City is distribution activity. That is to say, drugs are brought in from Mexico to Desert City and distributed throughout the United States from there. While Desert City has an airport, apparently much of the air trafficking in drugs takes place at a larger and busier airport a hundred miles or so northwest of Desert City. Desert City lies in the Sun Belt, an area into which many persons from the northeastern United States are settling. With a rapidly growing population new connections for drug trafficking are increasingly developed and maintained with other parts of the United States, particularly the major urban areas of the midwest and northeast.

Gotham Minor is a moderately large city in the northeastern United States. It is situated near the Canadian border and lies at the crossroads of major east-west and north-south interstate highways. In terms of narcotics distribution channels, the Gotham Minor narcotics unit reports that there are major narcotics networks emanating to and from Canada and to and from a large metropolitan east coast city. Since this network works in an east-west and north-south fashion, Gotham Minor has become a focal point for narcotics being shipped and distributed from other "import" areas. The Gotham Minor narcotics unit reports that the major drug dealers operate

from the larger nearby metropolitan areas where they deal to lesser dealers who return to Gotham Minor for distribution in the city itself. Most of Gotham Minor's narcotics problems are transportation/import-export problems rather than local major dealer problems.

Columbia is a large city in the northwestern United States. It has both a major airport and a shipping port. The location of Columbia makes it a convenient center for drug trafficking from Mexico as well as from southeast Asia. Drugs can be brought in by air, ship, or automobile. While Columbia does not appear to be a major primary importation center (drugs brought in by air more than likely would be brought in to airports of larger cities to the north and south of Columbia; drugs brought in by ship would more than likely come into the larger port city several hundred miles north of Columbia; and drugs brought by car have passed through several major metropolitan areas south of Columbia on their trip north from Mexico) it is a secondary point in the drug trafficking network. Apparently many of the drugs reaching Columbia are moved on to distribution throughout the United States - mainly to large urban areas in the midwest and east.

Bay City lies on the west coast of the United States between Columbia and the Mexican border (there are several hundred miles between Bay City and Columbia as well as between Bay City and Mexico). Bay City has a large black population which provides a significant part of the market for drugs. Black drug dealers in Bay City seem to have very good drug trafficking connections in the large west coast cities as well as in the major urban areas of the midwest and east. The area is densely populated and satellite to several other densely populated urban areas. It is not uncommon for Bay City narcotics enforcement to drive out major dealers as well as users to

surrounding areas only to have them return when the efforts of nearby narcotics enforcement units in turn drive out the drug action and displace it back into Bay City.

Southern City is a large city in the southeastern United States which serves as a transportation hub for the south. Major roadways running north and south as well as east and west intersect in Southern City. The city's major airport connects Southern City with large metropolitan areas throughout the United States. In addition, one can fly directly to the Caribbean from Southern City. Southern City's central role as a transportation center for the southern region makes it an ideal distribution point for narcotics trafficking. Police intelligence sources indicate that a larger proportion of narcotics pass through Southern City than stay in the city for eventual sales. Despite those indications, Southern City, like most large metropolitan areas, has a large amount of local drug trafficking. Therefore, Southern City has a double narcotics problem of local trafficking and of being a distribution point for nationwide trafficking.

### 3. Narcotics Units' Characteristics Command Structure

While each narcotics unit had a slightly different place in the configuration of its police department's organizational chart, they all shared some common features. All the units were part of a larger unit called a section or division which was most commonly called the vice or vice control section or division. Officers or investigators working narcotics or prostitution/gambling, had the same commander. Often the units worked closely together sharing manpower, information, and other resources.

Although the organizational chart's chain of command often did not reflect it, the chief of police was more often than not in direct communication

with the commander of the vice section (which includes narcotics). In Dollarville, Desert City, Gotham Minor, and Columbia the head of the vice section periodically reported directly to the police chief. In Gotham Minor the vice section head was required to report to the chief on a daily basis. In Bay City, the head of the vice section reported to a bureau chief who in turn reported to the police chief. In Southern City the vice section head reported to the deputy director heading the division who in turn reported to the police chief equivalent. One salient reason for a chief maintaining close contact with a vice group is a concern for reducing the risk of corruption. Vice enforcement is, as we argue above, vulnerable to corruptive practices.

#### 4. Division of Labor

Figure I-2 shows how the units studied allocate their personnel. None of the watches officially extend beyond 3 a.m. The hours noted in the figure do not represent the hours actually worked by the officers. The units are flexible in their work hours. Although most of the time the units will follow the "normal" shift hours, often they begin earlier or work later on special cases. The agents in a narcotics unit are practically always "on call" (whether they receive overtime pay or not) for duty time. Where there are two or more shifts, the first shift is an office shift which processes records and other papers and works drug diversion activities while the second shift does "street work" (undercover buys and the like). The exception to this is in City F where the morning and evening shifts both work the streets. The paperwork and recordkeeping not routinely done by the agents is handled by the unit's secretary, lieutenant and day sergeant (these two split their time between the office and the street with the sergeant spending proportionately more time on the street than the lieutenant).

Figure I-2  
Units' Division of Labor

| City | Central City<br>Size Popula-<br>tion Range | Number<br>of<br>Watches | Number of<br>Agents and<br>Sergeants | Number of Agents<br>Per Watch | Number of<br>Sergeants | Number of<br>Shifts                 | Speciality<br>Groups    |
|------|--|-------------------------|--------------------------------------|-------------------------------|------------------------|-------------------------------------|-------------------------|
| A    | 1  | 4                       | 26                                   | 5 and 6<br>5 and 6            | 4                      | 3<br>8am-4pm<br>4pm-12am<br>6pm-2am | Diversion <sup>a</sup>  |
| B    | 5  | 2                       | 18                                   | 6 and 10                      | 2                      | 2<br>8am-4pm<br>12am-8pm            | Conspiracy <sup>b</sup> |
| C    | 6  | 1                       | 8                                    | 7                             | 1                      | 1<br>9am-5pm                        | Diversion <sup>c</sup>  |
| D    | 3  | 2                       | 17                                   | 5 and 11                      | 1                      | 2<br>8am-4pm<br>7pm-3am             | Diversion <sup>d</sup>  |
| E    | 4  | 2                       | 12                                   | 2 and 9                       | 1                      | 2<br>8am-4pm<br>10am-6pm            | Diversion <sup>e</sup>  |
| F    | 2  | 2                       | 20                                   | 8                             | 4 <sup>f</sup>         | 2<br>8am-4pm<br>4pm-12pm            | None                    |

<sup>a</sup>The diversion unit checks on the diversion of legal prescription drugs from the legal market. Such things are involved as users stealing script pads from physicians, forging prescriptions, and illegal activities of pharmacists and physicians.

<sup>b</sup>The day watch ran the conspiracy cases while the second watch did the street buying.

<sup>c</sup>This diversion unit was a one agent operation.

<sup>d</sup>The day watch was involved in the diversion activities as well as general recordkeeping. The night watch did the street work.

<sup>e</sup>The diversion program was run the 8am-4pm shift. Two agents on the 10am-6pm shift were responsible for the buy program.

<sup>f</sup>Three of the sergeants shared the evening watch, two sergeants at a time.

The number of agents working together as field agents at one time varies from 6 to 10 depending on the site. At least one sergeant is responsible for this working group. The sergeant in turn is responsible to a lieutenant or a captain for the activities of unit shift. Usually the number of agents working a shift is an even number (not counting the shift sergeant) so that agents will work with partners. Working partners varies from site to site. In some sites partners are officially assigned, in other sites partners are informally formed, and in other sites partners are neither formally or informally encouraged or discouraged. In the latter type of site informal partners usually develop since agents often need someone to back them up and be a witness for buys, meeting with informants, and other activities.

The specialty groups within a unit, in particular the drug diversion investigators, normally only have one, two, or three agents assigned to an activity. Working diversion is usually done during the daytime when pharmacies and physicians' offices are open and the agent can contact them. Conspiracy units also usually work the day shift since they are corroborating information from various legitimate and illegitimate persons and organizations and sifting through new information to build their case(s). One conspiracy unit that we observed had approximately six agents working conspiracy cases which represented a major commitment on the part of the unit. One large buy program we observed had two agents responsible for coordinating information on who was selling drugs, the number of buys made from that person, and responsibility for estimating the level of the market at which the particular drug dealer was operating (ascertaining the dealer's market level allowed priorities to be set for making buys and a case on the dealer with the goal of ascending in the market structure as far as was practicable).

## 5. Racial, Ethnic, Sex Composition

The race and sex composition of each unit visited was predominately white and male. There was recognition by each unit that minority group agents (blacks, Chicanos, etc.) could in most cases best penetrate the drug markets of that minority and that female agents facilitated narcotics undercover activities for male agents in any drug market as well as being able to make buys on their own. Despite the advantages of having agents with particular race and sex characteristics, the units in the sites we studied did not or were unable to recruit many officers with these particular characteristics. One site, with a predominately black population, had six black agents in its unit three of whom were in command level positions as working sergeants. However, this unit, at the time of the study, did not have a female agent, although a few years prior the unit had had a female agent. Since that time they had found it difficult to recruit qualified females for narcotics work. Another site which also had a large black and Mexican American population had two black male agents and one black female agent, but no Mexican American agents. The unit was, at the time of the study, making a concerted effort to recruit more female, black and Mexican American agents. Two sites had two male Mexican American agents apiece. Both sites had a large Mexican American population as well as significant black populations. While neither site had black agents, one site had a white female agent. Command personnel in both sites stated that they hoped to recruit more Mexican American and black agents. In particular both sites were trying to recruit female officers of any ethnic background, but especially Mexican American or black agents were sought. Another site had one full-time white female agent and one part-time female agent borrowed

from uniformed patrol. This unit had one male Indian agent but no black agents. Finally, a site with a high black population but no Mexican Americans had no black or female agents. This narcotics unit was constituted exclusively of white males. Very often they found their lack of black agents a hindrance in that making buys and surveillance work in the black community was somewhat difficult. (This unit had had a white female agent some years prior to the study but had not replaced her at the time of the study).

Matching agents to undercover assignments by race appears to maximize the success of the undercover activity particularly in cases where black dealers will only deal with other blacks. In cases of this sort the narcotics unit may "borrow" a black uniformed patrolman to go undercover and work the deal with a white narcotics agent or the borrowing may come from another narcotics unit staffed with black agents. While white agents can and do make cases on blacks it is highly likely that their ability to penetrate the black drug market in any depth is made somewhat difficult if not impossible by the fact that they are white and therefore perhaps the 'man.'

Female agents appear to be able to move with apparent ease in the drug scene. A female is typically viewed with less suspicion than are her male counterparts. Teaming a female agent with a male agent gives the male entrée to a variety of situations in which suspicion is reduced by the presence of the female partner. Perhaps the success of female agents can be, in large part, attributed to the fact that there are very few female agents and therefore the person trafficking in drugs may not suspect that a female is a police officer.

Whatever explains the success of blacks dealing with blacks, Mexican Americans dealing with Mexican Americans, and the role of women in enforcement,



these agents are difficult to recruit in part because police forces have very few persons in these "minority" categories from which to choose. This is compounded by the fact that not all these officers have the interest and potential to work narcotics. Many will simply not apply. One salient reason that is often given for the reluctance to work narcotics is that they are frequently known by the minority community as police officers. The risks and hazards of working undercover in such a community are obvious to the minority agent.

#### 6. Entrée and Cooperation

How entrée was gained to each site is discussed in detail in Appendix A. However, it is worth noting that in two of the six sites there were no prior personnel relationships between the department and the researchers and no sponsorship was involved. Access to the other four sites was based on a preestablished relationship between one of the researchers and a member of the police department involved. Despite the varied entry modes, no differences were noted from site to site with regard to the level of cooperation. All sites were fully cooperative and supportive of the study both at the administrative level and, after a period of "warming up," at the narcotics unit level itself.

#### 7. Researcher Division of Labor on Site

Three researchers were involved in the project to do onsite interviewing, observation, and collecting relevant documents and records. One researcher was responsible for making contact with a particular unit and arranging a four to six week period which could be spent with the unit for data gathering purposes (this responsibility was shared across the six sites by the three researchers). Typically, at least two researchers

worked a site at one time. At some point the third researcher appeared at the site for a brief period of time. On two occasions, only one researcher was on the site with the second researcher briefly overlapping the effort. Additional information about the researchers' activities on-site is found in Appendix A.

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## II. GOALS AND OBJECTIVES

### A. Introduction

In this section we identify and discuss the goals and objectives of the six units, try to show how they are arrived at and defined, and to determine which drugs were defined as being of primary importance in the units. It appears that the process of goal-setting is primarily one of "reading" public opinion, media, and jury results, as well as refining and understanding information gained in the enforcement process itself. These sources of information and opinion become part of the perceived pressure to produce, and these production pressures are then translated in turn by investigators into "outputs" (usually defined in terms of arrests), and subsequently rationalized by administrators using rhetorical formulations. Because the goals and objectives of the units are not linked clearly into performance indicators and investigators are not closely supervised to achieve them, stated or formal goals are displaced or converted, and operative goals become dominant. The means of enforcement--arrests, seizures, and search warrants--are often converted into ends. In this chapter we outline the stated goals of the units so that in the following chapter we can show through budgetary analyses some of the constraints on the attainment of the stated goals.

In Chapter IV we proceed to analyze the structure and characteristics of each of the organizations to further explicate the constraints that exist as a result of the structure of enforcement--personnel training and evaluation, equipment, records and recordkeeping, and the processing of evidence. These factors, along with the use and control of informants, constitute the principle sources of gaps between stated and operative

goals. Put another way, if these constraints were reduced, one could expect a higher probability of achieving the stated goals, and likewise fewer discrepancies between the stated and achieved goals.

#### B. Goals and Objectives

The research proposed to identify goals and to describe or explain reasons to account for any gap between these statements and the operative goals of the unit. We define goals as being any long-range end which an interviewee specified as being essential to narcotics enforcement in the unit. Objectives are defined as approximate or short-range goals. It was difficult to identify these goals and objectives in spite of the fact that every interview covered that subject. Perhaps the difficulty in obtaining these precise statements arose because: (1) goals, even when written, are not available in a form that is easily accessible to investigators; (2) the word "goals" is not one commonly used in narcotics units; and (3) differences exist between investigators' perceptions of the operations of the unit and the administrator's views of its operations.

It appears that the stated goals of the unit are a formal or symbolic statement of the idealized ends that are hoped for by administrators of the units. In this section, we attempt to define these goals, and to trace out their sources. In subsequent sections (under targeting, strategies and practices), we show how organizational structure and division of labor makes possible to varying degrees the actual achievement of these symbolic ends. Budget, in addition, is the basis from which these probabilities ultimately derive. All of the units had goals, in that administrators assumed that their unit had a purpose, a rationale, and an overall place within the structure of the police department. In this sense all the units had a "mission," whether the goals were written or not. Further, throughout this

report, we assert that the organizational capacity to control the actions of investigators is an important feature of effective narcotics enforcement. Organizational control reduces the freedom of the investigator to choose, work, and close his targets within his own frame of reference. If he does so, he need not consider any collective organizational purposes.

In addition, when officers are left to resolve the uncertainties in the work through the maximization of their own advantage (which may mean working or avoiding working), they will build up practices which tend to be practical resolutions to the perceived pressures to produce. These become the ways in which they deal with the gaps between the stated goals--which are often abstract, unstated, or irrelevant in their eyes--and the view that they have which is to do a "good job" within the limits of the law. In the most direct sense, they hope "to lock up the bad guy and take away his dope." Since this can be a rewarding way of operating, it has great appeal. However, if one is attempting, for example, to maximize the worth of seizures, then somewhat longer investigations may be desired, and patience may become more valuable than the number of arrests.

1. Written Objectives and Programs: Columbia, Bay City and Southern City

Columbia, Bay City and Southern City had written objectives for at least some aspects of their programs. Columbia had a formal statement of objectives, accompanied by a list of performance indicators which became a part of the Chief's management and budgeting plan for the Department for the year (see Exhibit II-1). In addition, the unit received quarterly a copy of data on the performance indicators so that progress could be measured in each of the areas (for example, public appearances, search warrants served, arrests, and value of drugs seized) for which data

Exhibit II-1.  
Columbia's Mission Statement

The mission statement is a format for the writing of yearly objectives and attaching performance indicators to them. Once these are established for the year by conference between the Chief and the Heads of Divisions in the Department, they become the basis for a quarterly review. Each quarter, the Division receives a quarterly performance report which compares the performance to date (through that quarter) with the projected levels for each of the objectives. This is done through the department. An example of this quarterly report is also attached. Also included in this attachment is a page from the Departmental Annual Report which lists accomplishments of the Division for 1976.

Mission Statement  
1976 - 1977

The mission of the Special Investigations Division is promotion of the livability and safety of the City's citizens through the enforcement of laws and provision of educational programs relating to prostitution, gambling, obscenity, pornography, and illegal drug use, possession and/or sale.

Objective Statement

I. Administrative Objective Statement

The Administration of the Special Investigation Division will provide accountability and increased efficiency by modifying authority structures and utilizing objective satisfying methods.

II. Programs of the Administration

- A. Enhance coordination by formalizing objective statements and coordinating standard operational procedures to meet those goals.

Performance Indicator: Redo S.O.P. by May 1, 1977,  
Distribute June.

- B. Improve recordkeeping by updating files consistent with actual management and operational needs.

Performance Indicator: Formalize records methods.

Exhibit II-1 (con.)

Objective Statement

I. Narcotics Division Statement

The Narcotics Division, through enforcement of the laws and education of the public, will lower the amount of illegal drug use in the Columbia area.

II. Programs of Narcotics Division

- A. Decrease availability of drugs by arresting \_\_\_\_ sellers during FY 76/77

Performance Indicator: Number of arrests for sale (Gen'l CAID & CAID)<sup>a</sup>

- B. Decrease availability of drugs by seizure of # \_\_\_\_ of illegal drugs during FY 76/77.

Performance Indicator: Amount of seizure in street dollars CAID possession<sup>a</sup>

- C. Decrease availability and compromise drug transactions by service of \_\_\_\_ warrants during FY 76/77.

Performance Indicator: Number of warrants served.

- D. Attempt long term intervention and limiting of illegal drug use by educating public and legislature through \_\_\_\_ public or media appearances.

Performance Indicator: Number of appearance audience numbers

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<sup>a</sup> Criminal Activity In Drugs.

were gathered. In addition, the Captain in charge roughly assessed his success by comparing the ratio between dollars that were not recovered (money that was allowed to "ride" or "walk" in order to pursue an investigation further or which was used to make an informant reliable) and the seized value of drugs. In Bay City, a series of buy programs were developed and implemented and were guided by firm objectives (see Appendix B for discussion of the details of these operations). These provided important guidance for the unit's activities in that domain. Southern City had also developed a set of objectives for its programs under the control of a newly appointed Major in charge of the division.

2. Unwritten Objectives: Gotham Minor, Desert City and Dollarville

In these three units, although they are different in many other ways, they were similar in that there were no written objectives in the unit. In Desert City, a newly appointed Lieutenant was in the process of forming a new set of objectives and policies which were largely the codification of unit activities. In Gotham Minor, the size of the unit was small, and much direction came in the form of face-to-face discussions between the officers and the Captain and Sergeant in charge. Dollarville also operated with tacit goals, although recent rapid turnovers in administrative and operative personnel made any formal policy difficult to construct and enforce.

It should be emphasized, as we do when discussing the actual structure of the units, that these written goals are only a partial indication of what the unit can and does do. There are two important aspects to this, whether the unit has written goals or not. The first is the organizational structure and the division of labor within them. This is an important basis for achieving any set of goals. For example, if an organization states

that it attempts to control the flow of licit drugs in the illicit market, and has no investigators assigned to that work, it cannot have much impact in this area. A second constraint is what the unit commanders perceive to be the pressures of the environment, the perceived demands of the Chief, the media, public opinion, and the like. As we have discussed, since goals are often not set in writing, and because of the limited knowledge about the actual shape of the market, the number of users, and the level and kind of flow-through and use traffic, much of what is done must be based on partial knowledge and educated guesses. This does not mean that without accurate knowledge, nothing should be or can be done, given the established uncertainty of the work. However, policy is based on these perceptions and the practices of enforcement that have been built up, not on extensive and accurate knowledge of the environment. This fact makes the unit quite vulnerable to changing public pressures and the like, but it is the more individually centered organizations without written policies that are more subject to changes in public demands and pressures. Let us now examine the sources of these perceptions and goals.

C. Two Principal Sources of Goals: Assumptions in Narcotic Law Enforcement and External Influences

Whether goals are written or not, determining the actual level of drug use in the city, the problem areas, and the impact of enforcement is problematic. Whether or not the heroin problem is actually growing in any city is most difficult to discern; even more difficult is the documentation concerning cocaine. We discovered early that when we asked about the problem of drugs in the city, that command personnel would say that they were just "holding back the tide." They felt that regardless of the actual problem, as measured by whatever means, budget, personnel,

and legal limitations made it unlikely that they would directly and significantly reduce the market on any long-term basis. We found in interviews that perceptions and overall understandings of the drug market were crucial in the ways that the administrators outlined their operational efforts. These perceptions colored rationales both for doing the work of enforcement, and for organizing particular styles of enforcement within the constraints of manpower, budget, and legality. These perceptions of command and investigative staff provide one indication for acting upon the illicit trade. The organization's role structure or division of labor, and its actual enforcement practice provide two additional measures.

1. The Implicit Propositions of Narcotics Law Enforcement

In noting contrasts between the stated and formal goals of the units studied and their practices, we are working from a constructed model of the effects of narcotics enforcement that is derived from interviews with command personnel (see Figures II-1 and II-2). It is the model or abstraction that might fit the data that researchers have gathered, although only some of the kinds of data (those in Figure II-1) are actually acquired by the departments studied. Police departments studied did not have information on the following items which would be essential if such a model were used to assess the effects of enforcement: closely monitored, ongoing measures of the demand and/or supply of focal drugs; changes in the number, location, use levels, and drugs of choice of "addict" populations; associations between crime and drugs either in the sense of how many criminals use various sorts of drugs, or how many drug users commit crimes (of what kind?) as a result of their use; the impact of arrests on use, crime, demand or supply; and the dealing structure in the area.



Figure II-1. Implicit Propositions Underlying  
Narcotics Law Enforcement<sup>a</sup>

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A. The Drug System

1. Heroin is highly addictive and morally reprehensible (although some dealers are both smart and good businessmen).
2. The demand for heroin is inelastic. The user consumes at a relatively constant level from day to day and will pay more to maintain a "high."
3. The drug use system is closed and based upon opiates as a model of use, effects, spread and marketing and distribution patterns. Therefore, a decrease in the amount of heroin available will yield:
  - a. an increase in demand for heroin.
  - b. An increase in price ("retail") of heroin on the street. Indices for 3a and 3b: police buys (number, modes, purity, size) estimated value, quality and size of seizures addicts' reports of drugs used; cost of habit; availability of drug; dealers' reports and health of users (e.g., hepatitis)
  - c. decrease in quality (purity) of heroin.
  - d. reduction in the active addict population ("users" or "junkies").

Indices of 3c: seizure data  
police buy data  
addict reports

Indices of 3d: overdose deaths  
(Baden-Letteri formulae;  
see Josephson and  
Carroll (eds.) 1974  
addicts' reports (either  
in jail or in treatment,  
DuPont, 1972);  
surveys of self-reported  
use (Chambers, 1974);  
extrapolations from in-  
treatment population  
(Greene and DuPont, 1974)  
Redlinger method (1975a).

B. Consequences and Correlates of Enforcement and Use

1. Heroin users commit crimes, especially property crimes. They account for a variable but a large (varies from city to city) estimated proportion of crime known to the police.

Indices: Nalline tests on jailed populations  
Addict reports of ways they support their habits  
Surveys of users with criminal records  
Police experience and interviews with arrested users

2. More police personnel, money and equipment (e.g., automobiles, electronic apparatus, cameras) will increase arrests.

Figure II-1. (con.)

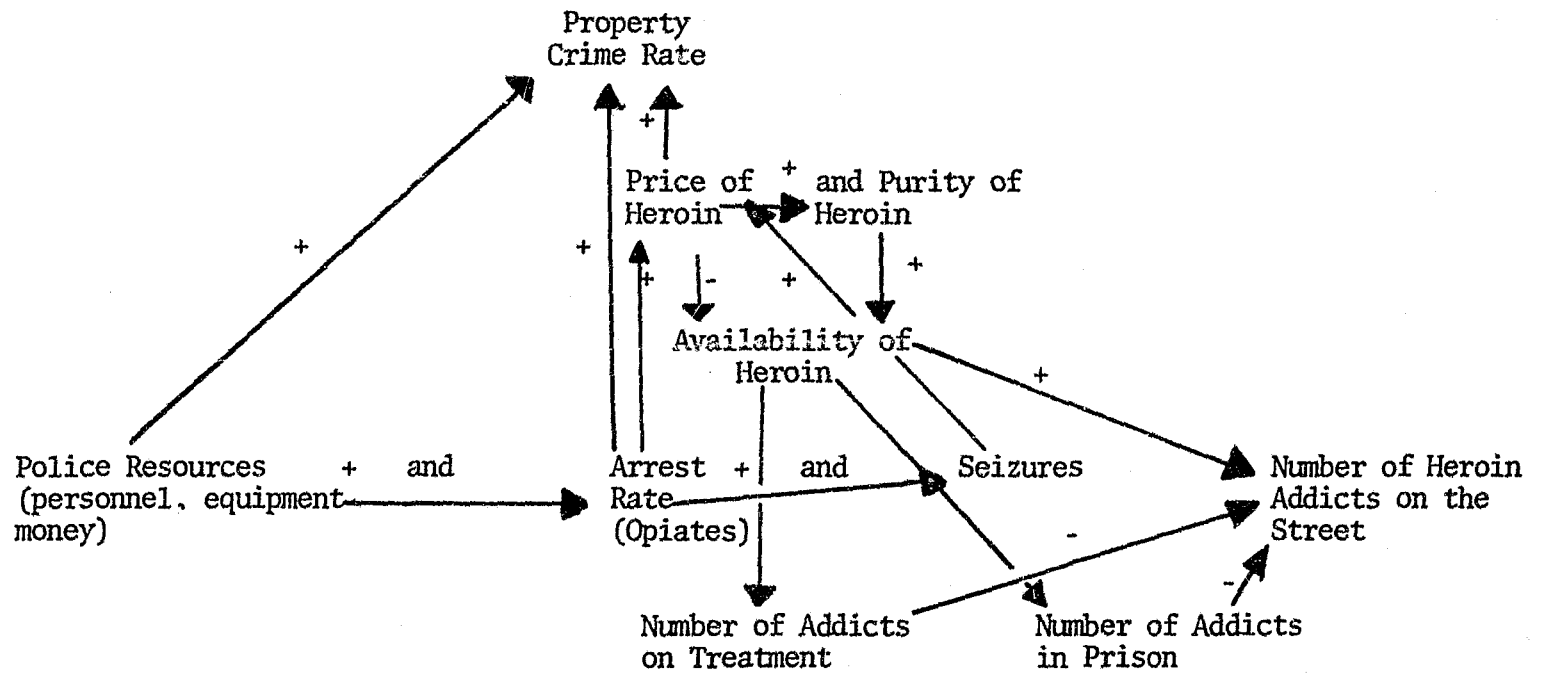
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3. Arrests reduce crime in general and particularly effect crime associated with or caused by heroin use.
  4. Arrests and associated seizures disrupt the dealing system and thus decrease the amount of heroin available on the street (follows logic of a 3a - 3d cycle).
  5. Decreased availability of heroin reduces the addict population.

Indices: increased size of treatment population  
addicts move from "copping" areas (Hughes, 1977)  
increased "cold turkey" pattern of cessation of use

6. Police control action in the form of buys, arrests and seizures have no stimulative effects on the drug use/dealing system, nor do they induce use, maintain the system, or infuse significant amounts of money into drug markets.
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<sup>a</sup>Drawn from interviews with command personnel and agents in two narcotics enforcement units; reviews of historic literature (King, 1974; Musto, 1973; Lindesmith, 1965); enforcement agencies' documents (DEA literature; Drug Abuse Task Force, 1975); public testimony (Hearing of the Subcommittee, 1975); scientific literature on drug control (writings of Levin et al., 1975; Moore, 1977) and sociological analyses of drug enforcement practices (Skolnick, 1975; DeFleur, 1975; Manning and Redlinger, 1976b, 1978).

Figure II-2. Causal (or Path) Model of the Impact of Police Action on the Dealing-Using System Based on the Implicit Assumptions Listed in Figure II-1.<sup>a</sup>



<sup>a</sup>Modified from Levin, Roberts and Hirsch, 1975: 58.

Perhaps the reason that these are not gathered and monitored closely is that a system of implicit propositions "makes sense" of the activities of narcotics units. This model is not a formally written, shared, articulated plan--it is a tacit, and invisible organizing agenda for enforcement. The data, if gathered, are not used to test the model or individual aspects of it, but rather to affirm it ritualistically. These "hidden assumptions" should be borne in mind in the ensuing discussion of targets, strategies, and practices, because they organize narcotics enforcement. The model serves to make sense of the work, and explains in large part why officers are able to continue to enforce the laws in spite of their personal reservations, the criticisms they receive from the public, and the unending nature of the struggle against the flow of drugs.

It is possible, it should be pointed out, that such an articulated model is not needed in order to disrupt markets, make arrests, or control drug-related crimes. There may not be need to evaluate the performance of units against such a rational model, given the costs of so doing, the immense recordkeeping that would have to accompany it, and the remaining problems of evaluation of the performance of individual officers. The value of written plans lies in the routine nature of the action that can be anticipated when all parties share knowledge, goals, and aims, and work toward them. But such routinization depends on an environment that can be understood and anticipated, and assumes that a high degree of uncertainty does not make unwritten policy (shared, but unstated) more desirable. Thus, it is clear that there are some advantages to unwritten policies and to working with a fairly simple and proximal notion of the environment. On the other hand, one cannot know to what degree these unstated assumptions are empirical fact (as it is now believed) unless some monitoring is undertaken. The

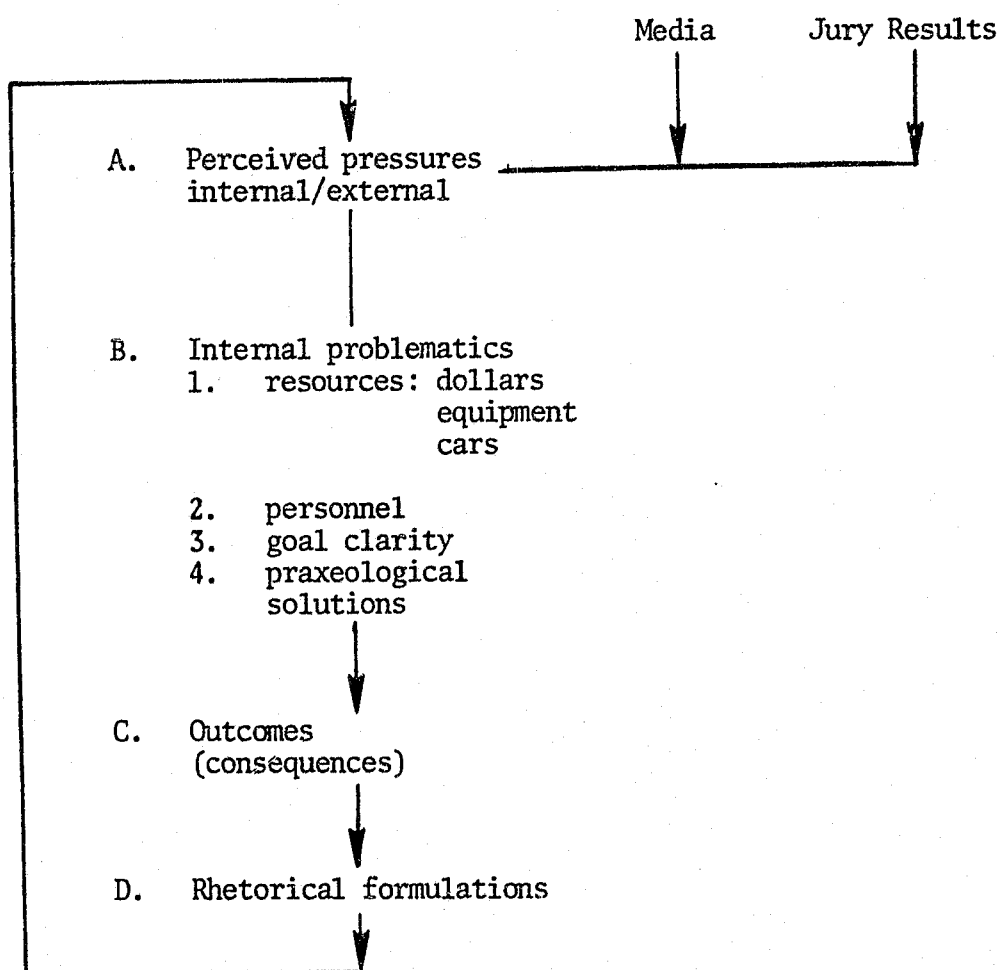
advantage of written goals and objectives is that one can assess accomplishments against them and change strategies and tactics accordingly.

## 2. Perceived Flows of Influence From the External Environment

In our interviews with the command personnel, we also attempted to extract a model of their perceptions of how the media, public pressures, and key events in the community altered, shaped, or otherwise determined the enforcement policies or practices in their units. Refined, and logically abstracted, the flows of influence are at least tentatively possible explanations for the ways in which the units respond to and reflect "public opinion." Since in the area of vice, it was thought that public opinion is an important influence, it is worthwhile to explore models in connection with the discussion of goals.

Figure II-3 shows some of the flows of influence and behavior which can be associated with the identified outcomes (arrests, seizures, buys of drugs, and payments for information) of narcotics law enforcement. The chart is a logical system, and one can enter at any point and exit at any other. For purposes for exposition, we will commence with the perceived pressures (A) acting upon any narcotics unit. The rhetorical formulations of the unit itself (D), especially in terms of press releases to the media (e.g., "big busts," large sized seizures, coordinated raids, shoot-outs) will tend to produce a self-defined milieu in which the public expects such results, assesses the control of drugs on the bases of these dramatic actions, and blurs the distinctions between arrest, charge, conviction, types of drugs, and the various modalities of control utilized. The media, in turn, have independent effects in that they make events public, thus giving those aspects publicized the semblance of reality, and reifying the activities of the drug unit. The unit may in addition take into account

Figure II-3. Flows of Influence and Behavior Associated with Outcomes of Narcotics Enforcement.



the willingness of prosecutors to prosecute or charge certain types of cases (e.g., marijuana only in sizes below one ounce), or of juries to convict (marijuana or pills cases are not likely to yield as many convictions as are heroin cases, for example). Other external pressures may originate from ad hoc community groups demanding a level or kind of enforcement. Grand jury pressures, bribes, and competition and cooperation between agencies all affect the method of enforcement. External sources of funding which may have implicit expectations for increases in numbers of arrests, size of seizures, or better "quality cases" provide an additional form of subtle pressure. These externally generated sources are complemented, as it were, by internally created pressures inherent in the systematic pursuit of drug violators. These pressures result from the need to cultivate, maintain, protect, and "work" informants. Since they are the sine qua non of narcotics enforcement, informants may be protected from arrest, given payments and consideration, paid in drugs, and may be the cause of obstruction of justice or violations of the law by agents in the interest of making cases. Evaluation modes, if they become an aspect of the self-evaluation system of the individual, can be a source of internal pressure: aspirants for raises and promotions may produce, expecting such rewards. Moral and ideological commitments to eradicate drugs, as well as administratively conceived "dope drives" can produce pressures as can individually based motivations to "do a good job." The interaction effects of internal and external pressures are complex and vary among the units studied, but they can be traced out in terms of the use and allocation of available resources (B) such as money, equipment, cars, personnel, and clarification and articulation of goals and in

the praxeological resolutions evidenced within the unit (i.e., how the problematics of the environment are made manageable and are resolved through action choices). Patterns of outcome (C) hinge directly on these forms of resolution, but further are the bases on which certain symbolic or rhetorical formulations (D) are rationalized or made legitimate.

We have tried to show in this argument that the perceived external and internal pressures and assumptions about the effects of enforcement have important consequences on drug law enforcement. It is clear, furthermore, that the internal processing of information is very critical when a type of vice crime, especially drug law violations, does not become a public issue. When this is not the case, the capacity of the organization to control the discretionary actions of agents becomes critical. In line with this position, we now outline the drugs targeted, as a secondary form of control (after large public issues and externally sourced pressures for enforcement).

#### D. Targeted Drugs

The term "targets" is taken from military language and connotes systematic planning, identification, rationalization of choice, and some estimate of the consequences of eliminating or neutralizing a target for the capacity of the enemy to persist. There are other meanings of targets, e.g., that which is the operational focus of the unit or of an individual investigator; a stated target that is nonetheless not an operational target; a target chosen in order to ease public concern or demands (short-term alleviation of pressure); a case assigned on this basis for investigation, either as a result of public outcry or concern, or private demand (e.g., phone calls asking police to "do something" about activity in a neighborhood or location).



All units face political pressures, and the concern of all narcotics units is with reducing public concern and outcry which might be embarrassing to the unit or to the department. The operating rule in all units was to respond to demands, public or private, which might lead to embarrassing incidents should they become more public.\* Thus, all the unit commanders pointed out when discussing goals of the units and the process of targeting that the unit had to deal with the public's concerns and to respond to citizens' requests even though they rarely led to what they considered a "good case." In two of the units, Dollarville and Bay City, there was particular sensitivity to the demands of the public, and to being responsive to the public's concerns. This position was publicly taken by the Chief in Bay City and reiterated in our interviews with him. In Dollarville and Columbia there were, at the time of the research, ongoing political law enforcement issues that involved the units studied, even though they were strictly speaking "vice and prostitution issues." Details of the issues aside (one involved cleaning up prostitutes in one part of the city, and the other involved allegations of child pornography and public concern about pornography and sex in massage parlors and "reading rooms"); these were responded to with personnel and equipment over a several-month period in order to reduce public concern. The point is, however, that short-term crises are not easily resisted in any of these units; they are vulnerable to public and to political outcries, e.g., city council, citizens groups, and the like.

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\*The problem is of course being able to identify these kinds of events and to preplan modes of response to them.

It should be noted that heroin is consensually defined as being a community threat, and thus enforcement in this area is always viewed as a source of community support (see Table II-1). Arrests for the less condemned drugs, especially marijuana, were least likely to generate public support; enforcement or investigations related to these drugs were viewed unofficially by all units as something that one did if one had to, but preferred to only if it was thought to be a lead to a "big seizure." Vice crimes, since they were enforced by the same unit in three of the sites, were likely to pull personnel from the drug unit when the commander decided he needed personnel (e.g., for a gambling raid or a series of arrests for prostitution). This political context always makes targeting particular drugs a problematic exercise.

The cities are ranked in Table II-1 by their size. This is a very crude indicator of the size of the drug market in the city, and it may well be misleading because of the different positions that the cities have in the chains of drug flow throughout the country. Recall also (c.f., Figure I-2) that the relationship between the size of the city and the size of the unit is not a pure linear relationship (although in general, as the city size increases, so does the size of the unit<sup>\*</sup>). This at least suggests that public concern, tax base of the city, and variables other than city size per se may determine the size of the unit and drug priority. All command personnel did state that heroin was the primary drug of concern, and that they felt obligated to emphasize heroin control in their activities

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\* Essentially, one city accounts for the nonlinearity of the city size and drug unit relationship. This city has, for its size, a higher proportion of agents and other resources for narcotics enforcement, perhaps due to the heavy trafficking of drugs in and through the area in which the city is located.

Table II-1

City Size, Targeted Drugs, and Stated Level of Attack

| Rank Size<br>of City<br>(as index of market) | Target<br>Drug --<br>1st Priority | Stated<br>Level of<br>Attack |
|--|-----------------------------------|------------------------------|
| Dollarville                                  | Heroin                            | Low                          |
| Southern City                                | Heroin                            | Mixed, High                  |
| Columbia                                     | Heroin                            | Mixed, High                  |
| Bay City                                     | Heroin                            | Mixed                        |
| Desert City                                  | Heroin                            | High                         |
| Gotham Minor                                 | Heroin                            | Low                          |

and public statements. Cocaine, marijuana and PCP were mentioned as secondary drugs of concern.

Also note in Table II-1 that in addition to the first-priority drug being heroin in all six units, there were different stated levels of attack upon the problem of heroin in the cities studied. In Dollarville and Gotham Minor, the administrators did not feel that with their personnel and budgetary support they could do other than arrest and disrupt dealing at the lowest or street level. To do otherwise would have required additional funds and equipment, and they did not have it and did not expect to obtain it in the near future. Three units attempted to move into higher levels of the market as they defined it in their cities. Southern City had two other units working in the area with personnel from the City Department, and they had decided rather consciously to primarily work the street and to leave higher level investigations to the MANS units and the DEA unit. They did work some larger cases, however, and were in a budgetary position to expend more funds than either Gotham Minor or Dollarville to work up the market. Columbia, in addition, was able to mount a mixed attack both because of the division of labor within the unit and its budget. Bay City also mounted a mixed level of attack and utilized buy programs extensively. Desert City, among all the units, was most directed toward the higher levels in the market. This was in part due to the public concern in the area with the large-scale movement of marijuana and heroin across the nearby Mexican border. In many respects, all units maintained some flexibility in the cases they mounted, but all were constrained in a variety of ways from "working up" and consistently making larger cases.

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### III. BUDGET: CONSTRAINTS AND PROBLEMS

#### A. Incremental Budgeting

All of the units studied utilized a system of incremental budgeting. That is, expenditures for the past year were used as a base for the calculation of current fiscal year expenditures and, in general, there was little examination of the assumptions behind various budget expenditures. When assumptions were examined, they always involved a new acquisition which needed justification before it would be funded. However, since narcotics units and their budgeting process exist within a larger framework, it is unfair to ask of them what their department and municipality does not do: examine budget allocations from the standpoint of goals and objectives that are clearly explicated. Under these conditions, where the goals and the operations necessary to reach the goals are "understood" tacitly but not explicated, it is often the case that they are not realistic in light of the final amount of money allocated. Stated in another manner, narcotics units and the departments within which they reside (as well as most of the municipalities) establish their budgets first and then determine what they can accomplish on that budget, what goals and objectives can be attained. This process almost always leaves a gap between publicly stated goals and objectives and the achievements that result because of the solutions to the resource allocation problem. That is, while units would like to enforce all the drug laws, they do not have the resources to do so, and they must engage in selective enforcement. The decisions about selective enforcement become a unit decision within the budgetary constraints, and if not made explicitly by command and supervisory personnel, the decisions are made by investigators working in the field.

This is in contrast to a budgeting system that is "zero base" and forces examination of operative goals in light of expenditures. Rather than evaluating workloads, responsibilities and goals after budgets are set, "zero-base" concepts aim at establishing such evaluation as an integral aspect of the budgeting process itself. Commanders, city officials, and others involved are thus required to justify the entire budget not just the incremental aspects of it. The question is not "why should we spend more money on this," but "why should we spend any money at all?" This process forces examination of the various ways in which objectives can be reasonably reached within the fiscal framework provided. Different allocations of resources result in different activity levels and achievements, and each level is specified as a way to do enforcement. Each mode or way of enforcement has a variable cost, and can be seen as a total "decision package" (see Phyrre, 1973). Thus, while enforcement is most likely to be selective, the selection is based on a management decision rather than a result of the budgeting process; rather than being implied, decisions are explicit and lead to more precise uses of resources. That is not to say that all zero-base systems are the best ways to allocate resources, nor are all incremental systems deficient. It is to point out that even incremental systems need periodic evaluation to examine the underlying rationales for activities.

In this chapter, it is our purpose to examine some of the problems and constraints the allocation of resources places on narcotics units. As noted above, these restraints on activity result from budgetary restrictions rather than from being a part of them, and thus sometimes lead to unintended consequences while formally demanding an unachievable level of performance. The problem is compounded by accounting procedures, and procedures for unit activity. Thus, for example, expenditures can be totally evaluated in terms



of the number of arrests, the amounts of narcotics seized, etc., but not in terms of specific enforcement efforts, and the costs for different types of case making. Furthermore, enforcement activity cannot be viewed in light of overall departmental strategies to control and prevent crime. Finally, such pressures for unachievable performances given available resources, leads to morale problems because it is at the enforcement level where pressures are felt most acutely.

B. Declining Resource Base

As McPheters and Stronge (1974) point out, per capita police expenditures are significantly and positively related to the perceived need for such services, the overall budget constraints facing policy makers, and the community's demand for law enforcement services. Related to this last variable is the community's tolerance for particular types of crime. In general, the community is taken to mean the municipality over which the police have jurisdiction; however, when examining particular types of crime, particular areas within the municipality are often the "concerned areas" of the community and demand the most services from law enforcement.\* Frequently, the community's "taste" for law enforcement is translated to the police through the political process. That is, the local political process becomes a most potent force in accounting for the particular tastes of the municipality for law enforcement and alternatively particular types of crime.

In any event, however, community tastes affect the degree to which there are budgetary constraints, and the effects are most often negative.

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\* Stated in another manner, crime and thus the need for police services occurs most often in areas which provide the least revenue so that these areas get more services than they pay for, while other areas get less (see Weicher, 1971).

Because of the financing of municipal services in general and policing in particular by taxes, any decrease in the tax base almost always results in a decrease in the municipal services provided. As Weicher (1971) notes, those who do not wish to increasingly subsidize police efforts to contain crime, will move and alter the tax base. Most often this represents the "middle classes" who have a low tolerance for crime, in general, who subsidize police services through taxes, but who also do not wish to have such a tax burden placed upon them. Thus, they move, the tax base falters, and as revenue decreases, the "taste" for enforcement services also decreases and by fiat an increase in community tolerance for particular types of offenses. It should be pointed out that people may move from a community for other "quality of life" reasons than crime, but once they move they affect the tax base and the result is similar to the one briefly outlined above.

Decreasing police budgets can be seen as an indication of increased community tolerance for crime and a decreased demand for services. The question that must be solved by police administrators is not whether to cut back, but what to cut back. Administrators caught with declining budgetary bases need to reduce or shift services, and narcotics enforcement is one area which suffers. In some cities, narcotics enforcement suffers proportionally to all other units, while in others it is reduced more severely. Indeed, in some cities such as Dollarville, which is not experiencing a declining tax base, allocations for police services may increase, but allocation for narcotics enforcement proportionally decreases as administrators respond to perceived needs for services and set enforcement priorities. Often the "perceived need for services" is measured by an incremental rise of the current crime rate over the rate for the previous year; however, in a few instances shifting priorities within the department determines

allocation outcomes. In any event, decreasing allocations for narcotics enforcement represents an increased tolerance for drug law violations.

Nowhere are the differing perceptions of the relative importance of narcotic enforcement between the narcotics personnel and the administration more apparent than with regard to the budget. In general, narcotics officers and their supervisors and commanders perceive a greater need for police services in this area than do higher level police administrators. Of course, even when police administrators agree, they are limited by the resources they have to allocate. Narcotics officers come to "see" what resources "it will take" to do the job correctly and what they "see" is almost always greater than what administrators have to allocate or desire to allocate. In addition, narcotics investigators often do not have unit-wide or department-wide goals in mind when they view their resource problem, and as a result fail to understand how their personal problem is related generically. Even when they do not understand, however, declining resources have a dampening effect on enforcement activities.\*

Since salaries constitute the primary expenditure in narcotics units and cannot be reduced without significant problems, four ways arise that administrators can reduce enforcement effort. First, they can freeze salaries (Gotham Minor). Second, they can "freeze" positions as they become open (Desert City). Third, they can reduce or cut out altogether the amount of overtime paid to officers (Desert City, Southern City, Gotham Minor), and fourth, they can reduce the amounts of money provided for professional services (informant and buy money, officer expenses) and

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\* In general, too, investigators and some administrators believe that specialist enforcement activities like narcotics are the best way to go about providing services without any substantial comparative base reflecting alternative modes, their costs and their effects.

equipment (Dollarville, Bay City). In the units studied, all of these techniques have been used by administrators. In effect, then, local departments are "losing the war on narcotics" through shrinking resources and forces. The frustration is maximized by the interaction of incremental type budgeting and declining resources. As each unit asks for more, there is less to give. However, before discussing each of these constraints, we will examine the budgets of the six units studied.

### C. Computing Unit Budgets

Computing annual budgets for the units studied proved to be a most difficult task. Not only do the units use different categories for expenditures but, in addition, budgeting was dissimilar across departments. Some expenses such as telephone, power, light were specifically budgeted to the unit (e.g., Dollarville) while in others they were part of common departmental costs (e.g., Gotham Minor) and could not be broken out. While one unit's fiscal year ran from July to June, another began and ended in October. Thus, the "yearly" budgets are in effect for different periods of time. In addition, the narcotics unit budgets could not be figured precisely because they were all administratively combined with vice under the administrative umbrella of the "Vice Control Division," or "Organized Crime Division."\*

Table III-1 represents the annual estimated budgets for the units studied. While the categories appear comparable, they are not and this

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\* The combination of administrative and budgetary functions of narcotics units with Vice and other units results from historical organization of the units as one administrative entity. While there are departments that have separate units, it is virtually impossible to compare their activities to those where units are administratively combined. Thus, there is a paucity of data and analysis on whether this type of organizational difference causes any variation in services to the community, the efficiency of those services to the community, and the efficiency of those services and their effectiveness.

**CONTINUED**

**1 OF 6**

Table III-1  
Comparison of Annual Budgets for the Six Units

| Category   | Desert City           | Bay City             | Gotham Minor         | Southern City        | Dollarville                 | Columbia |
|--|-----------------------|----------------------|----------------------|----------------------|-----------------------------|----------|
| Salaries:  |                       |                      |                      |                      |                             |          |
| dollar value   | 460,213 <sup>ai</sup> | 246,239 <sup>g</sup> | 114,479 <sup>m</sup> | 287,562 <sup>t</sup> | 488,746 <sup>cc</sup>       | 365,172  |
| % of total   | 83.0                  | 83.2                 | 91.8                 | 89.3                 | 91.6                        | 72.1     |
| Overtime   |                       |                      |                      |                      |                             |          |
| dollar value   | 11,910 <sup>b</sup>   | 27,514 <sup>h</sup>  | 2,101 <sup>n</sup>   | 0 <sup>u</sup>       | 18,386 <sup>dd</sup>        | 56,731   |
| % of total   | 2.2                   | 9.3                  | 1.7                  | 0                    | 3.5                         | 11.2     |
| Office and miscellaneous supplies  |                       |                      |                      |                      |                             |          |
| dollar value   | 1,750 <sup>c</sup>    | 1,316                | 297                  | 0 <sup>v</sup>       | 3,096                       | 3,072    |
| % of total   | .3                    | .4                   | .2                   | 0                    | .6                          | .6       |
| Telephone, power, light, travel  |                       |                      |                      |                      |                             |          |
| dollar value   | 750 <sup>d</sup>      | 2,663 <sup>i</sup>   | 1,723 <sup>o</sup>   | 0 <sup>w</sup>       | 8,284                       | -        |
| % of total   | .1                    | .9                   | 1.4                  | 0                    | 1.6                         | -        |
| Professional services  |                       |                      |                      |                      |                             |          |
| dollar value   | 37,980 <sup>e</sup>   | 12,788 <sup>j</sup>  | 2,581 <sup>p</sup>   | 24,796 <sup>x</sup>  | 12,321 <sup>ee&amp;ff</sup> | 50,407   |
| % of total   | 6.8                   | 4.3                  | 2.1                  | 7.7                  | 2.3                         | 10.0     |
| Membership dues and registration   |                       |                      |                      |                      |                             |          |
| dollar value   | 0                     | 25                   | 0                    | 0 <sup>y</sup>       | 15                          | -        |
| % of total   | 0                     | .01                  | 0                    | 0                    | .00                         | -        |
| Petty cash   |                       |                      |                      |                      |                             |          |
| dollar value   | 0                     | 0                    | 0 <sup>q</sup>       | 0 <sup>z</sup>       | 500                         | -        |
| % of total   | 0                     | 0                    | 0                    | 0                    | .1                          | -        |
| Communications equip. photographic, protective audiovisual, misc. equip. |                       |                      |                      |                      |                             |          |
| dollar value   | 9,777                 | 2,703 <sup>k</sup>   | 0 <sup>r</sup>       | 0 <sup>aa</sup>      | 2,156                       | 693      |
| % of total   | 1.8                   | .9                   | 0                    | 0                    | .4                          | .1       |
| Undercover cars  |                       |                      |                      |                      |                             |          |
| dollar value   | 32,088 <sup>f</sup>   | 2,850 <sup>l</sup>   | 3,546 <sup>s</sup>   | 9,787 <sup>bb</sup>  | 0                           | 30,635   |
| % of total   | 5.8                   | 1.0                  | 2.8                  | 3.0                  | 0                           | 6.0      |
| Total  |                       |                      |                      |                      |                             |          |
| dollar value   | 554,468               | 296,098              | 124,727              | 322,145              | 533,504                     | 506,710  |
| % of total   | 100.0                 | 100.01 <sup>+</sup>  | 100.0                | 100.0                | 100.0                       | 100.0    |

FOOTNOTES TO TABLE III-1

- a. Includes  $\frac{1}{2}$  salary for Captain over Division in which MANS is housed; includes longevity, extra time, fringe benefits.
- b. Includes departmental overtime and estimated overtime for the sheriff's deputies. Does not include court overtime.
- c. Includes monies for purchases of books and periodicals.
- d. Power, light and telephone paid by Departmental General Fund and not included. Telephone expenditures for "cool phones" part of Professional Services.
- e. Includes expenditures for maintenance of "pad," cool phones, investigator expenses, buy money, informant payments. However, does not include any cooperative funds available to the unit from Strike Force for buys, expenses for payments.
- f. Does not include vehicle maintenance charges for nonundercover cars.
- g. Includes  $\frac{1}{2}$  VCD Commander's salary; salaries of one clerk/typist and one Administrative officer in addition to Narcotics Section officers. Included in salaries are regular salary, holiday pay, educational incentive pay, on-duty injury payments, and uniform allowance.
- h. Includes only departmental overtime and not court overtime. Includes civilian overtime.
- i. Power and light charged to Departmental General Services fund. Telephone, while also charged to the General Services Fund, is included here as an estimated portion used by Narcotics Section.
- j. Includes investigator expenses, buy money, informant payments. Estimated here as .75 of total VCD monies allocated for this category.
- k. Charged to General Services, but estimated portion used by Narcotics Section included here.
- l. Technically, VCD has no undercover vehicles. However, a couple of vehicles resemble undercover vehicles. Cars used are plain police cars. Vehicles used as undercover cars are rented by need. Included here are the monies apportioned for rental vehicles. Plain car costs not included.
- m. Includes  $\frac{1}{2}$  salaries for the Captain and the secretary of the Organized Crime Division (Vice and Narcotics). Salaries for six agents and one Sergeant. Salary figures include longevity pay, uniform allowance, and holiday pay.
- n. Includes court time as well as overtime.

- o. Includes lighting and heating. Telephone is charged to Police Department's general fund. No travel was charged for 1976.
- p. Includes investigators' expenses, buy money, and informant payments.
- q. Petty cash is drawn from investigation expense fund.
- r. No equipment was purchased by Narcotics in 1976.
- s. Includes gas, oil, tires, and maintenance for cars in 1976.
- t. Includes 1/4 of the salary of the director of the Vice Control Section, 1/3 of the salary of the head of the Vice Control Unit, and the salary of the secretary of the City Narcotics Squad. The salaries (plus \$125 annual uniform pay) for the lieutenant, four sergeants, and 15 investigators in the City Narcotics Squad form the bulk of the category.
- u. Overtime is not reimbursed with pay. Comp time is allowed to accrue up to ten days (or 80 hours).
- v. These are charged to the General Fund through requisitions whose summary was unavailable.
- w. These are charged to the General Fund for the entire police headquarters building. This budget item is not broken down. The squad had no travel charged to it in 1976.
- x. Based on data taken from 1976 sales cases, \$19,625 was used for buy money (which "walked" or "rode") and the remaining \$5,171 was used for informant payments. The 1977 budget is vastly different in this category. The city has provided \$38,000 and DEA has made \$42,000 available for a total of \$80,000. As of October approximately \$50,000 had been spent.
- y. Membership dues are not reimbursed.
- z. Equipment is charged to the General Fund. All equipment (with the exception of two shotguns) is kept by the Property Divisions and must be checked out by Narcotics.
- aa. This is charged to the General Fund. Miscellaneous small items (e.g., keys) are reimbursed from personal purchases.
- bb. There are seven undercover cars operative for the 1976 budget year.
- cc. Includes 1/2 of the salaries of the director of the VCD, the VCD Administrative Sergeant and the clerk/typist pool as well as the salaries (plus incentive pay) for the lieutenant, 4 sergeants, and 23 investigators. At the time of the data gathering, however, there were only 22 investigators on board.
- dd. Includes court time as well as simple overtime pay for work after one's shift time has expired.



- ee. Includes investigator expenses, sergeants expenses (if any), money used to make buys, and informant fees.
- ff. The Administrative Sergeant indicated that the sum spent may be low "because they are all new here." However, it is also low because of an administrative policy aimed at reducing the numbers of paid informants; although not official policy, the unit did not during the year (partially a function of the newness of the investigators) engage in any in-depth undercover work that involved significant expenditures for money. The amounts of money to be spent in making buys is administratively set to as little as possible to make a fileable felony case.
- + Does not add up to 100 percent due to rounding.

fact is testified to by the inordinate number of footnotes to the individual categories. Thus, any analysis of the data must be an individual case analysis. However, as will be seen, most of the major issues, and constraints arising from budgetary problems have arisen in all of the six units, and their individual responses provide us with valuable information on the effects of budgetary problems and solutions.

D. Budget Appropriations and Operative Enforcement Priorities

Narcotics units, as we have noted previously, must set enforcement priorities in light of shrinking resources and dwindling manpower. Five of the units studied had problems with their manpower and/or fiscal allocations. For example, even though Desert City allocates the most money of all the departments studied to narcotic enforcement, the unit has experienced a reduction in manpower over the last few years. The cutback in manpower resulted directly from budgetary problems city-wide as a past commander of the unit explains:

R: Is there any other way the budget affected your administration?

D: Yea, the fact that there was a drastic cutback that is still occurring throughout the city in available funds. The point I'm talking to you about now is manpower. Like in any business your biggest expense is salary, there's manpower. Okay, as an agent was lost for any reason from the unit, there was a policy from the tower, that said in essence, no positions will be refilled. In short, a position that opens up is frozen.

R: That's why you've got a hole over there, right now.

D: Yea, and that's why we're down from what we were. At one point that was counting South Desert personnel, Desert City PD and SO, Adidas County Sheriff personnel, we were authorized 24 people. Okay, South Desert experienced the same kind of problem. Their positions were frozen. And when people resigned, when people retired, whatever, if they lost a officer, that slot was frozen and they could not bring another officer into the department. So we had two people from South Desert, they first pulled one back and as I recall it was only like 3 months later, they pulled the second man back. So I lost 2 people out of the unit, that I never got back from South Desert, because of budget problems.

Not our budget problems, not Desert City budget problems, but South Desert budget problems.

R: Which is not a very big place anyway?

D: True, okay but Desert City is experiencing the same problem. So I lost Reynolds out of the unit. And could not replace him. Who else? There was another and I can't think of his name right now, that I lost. That position is frozen.

R: That's two.

D: So manpowerwise and then the three, correction two dog trainers were sent down to uniform. So really my authorization dropped from 24 to 22 legally.

R: Right, with the two dog trainers.

D: Moved out of the section.

R: And then two other people.

D: Yea, at least two others. We start with all 22...We ended up with 17.

R: I see, Okay, so that's just sort of a general budget effect problem.

D: Right.

R: That's hit this whole area, as I understand it.

D: Yea, it didn't hit just the unit. It hit the police department, it hit the parks department, it hit the entire city government.

Both Bay City and Dollarville also were under authorized strength, and while Bay City was experiencing an overall reduction departmentally, Dollarville was not experiencing fiscal cutbacks. In fact, in Dollarville there has been over the past several years an increase in the departmental budget. However, at the same time there has been a proportional decrease in the allocations to the Vice Control Division indicating a shift in administration policy. As Table III-2 indicates, the proportional share of the VCD of the annual budget has been declining since 1974. The most striking shift occurs between fiscal years 1975-76 and 1976-77: while the overall department budget was increased approximately 44%, the VCD budget was increased

Table III-2

Proportion of Dollarville Budget Allocated  
to Vice Control Division

| Fiscal Year | VCD Budget | % of Total | Dollarville Budget | % Salaries |
|-------------|------------|------------|--------------------|------------|
| 1974-75     | \$ 800,808 | 2.5        | 32,315,314         | 94.2       |
| 1975-76     | 832,136    | 2.4        | 34,806,355         | 94.2       |
| 1976-77     | 1,098,669  | 2.2        | 50,166,333         | 86.1       |

only 32%. Thus, overall the VCD (and the narcotics section within it) has less resources to work with than in prior years.

The Dollarville narcotics unit's estimated share of the VCD budget constitutes fifty-eight percent (58%) of the total budget. Even so, the enforcement practices that this allocation allows are, by their very nature, restrictive on the overall narcotic unit's attempt to disrupt the illicit market(s) and imprison dealers. For the fiscal year of 1975-76, the estimated dollar total for the narcotics units was \$534,014.29 of which \$488,746.08 were salaries. Only 2.3 percent of the yearly budget was utilized for "special services." There were several reasons for this minimal amount, each of which affects the manner in which enforcement can be carried out. First, an unwritten but binding administrative policy is that, given the budget allocations, a minimum amount of money should be spent to make a "buy" from a dealer. The Lieutenant in charge of the unit describes the relationship between enforcement level and budget in the following way:

Well, budget influences our delivery cases in that when we initiate an undercover operation where I've got undercover officers on the streets, we're restricted on the amount of drugs we can buy...Consequently, we, --- our efforts are aimed at the street dealers and if we can get to the second and third level dealer where we are having to buy a half-piece or half-ounce or a spoon, we stretch our budget to do this. We have to begin to utilize DEA money and State money. We've worked out an arrangement with them where if our undercover officers can penetrate a major dealer where we're buying pieces or an ounce, well, you know, if we go out and spend \$1,500 for an ounce of heroin, he's not going to get any more time in State Court than if we buy 1 capsule, and we've proved this in all the juries. If he deals dope, he's a dope dealer. So the budget does play a major role in our priorities.

For Dollarville's narcotics unit, there is a second related effect. Since cost-effective enforcement can be taken to mean that a limited expenditure should produce a felony conviction, then because of this interpretation, enforcement of the marijuana laws is not as cost-effective as

heroin enforcement. That is, in the State, possession of less than two ounces of marijuana is a misdemeanor, and since juries and judges frequently give probation to small-time marijuana dealers, to get a felony conviction on a marijuana dealer, one must buy more than one or two ounces and to do so must spend more than \$20 (see Table III-3). But a heroin sale case can be made for as little as \$12, and since it is a "better" case, more cost-effective, removes a more "serious" offender, there is more of a press towards enforcing the heroin laws than the marijuana laws.

Similarly, but for opposite reasons, cocaine enforcement is difficult because of budgetary concerns. Even though cocaine cases are "good" cases, a standard buy of cocaine is a "gram" which can run from \$55-\$95. Even if a buy can be made for half that amount, the outlay of cash must be greater than for a heroin buy. Adding, of course, to the difficulty of making cocaine cases are the lack of viable informants. Regarding LSD, and other "pill" forms, buys for single tabs are not too common, but can be arranged. From a purely cost effective point of view, buys of LSD, amphetamines, and selected barbiturates are the "cheapest" felony cases; yet, these drugs are not the highest priority drugs. However, amphetamines are higher priority than LSD. A third effect of the budgetary problem focuses undercover work at the lower market levels because letting money "walk" at the higher levels would be prohibitive; when such penetration is achieved, however, Federal or State money must be utilized. In such cases, the case is still made in State court but the State or Federal laboratories do the analysis of the drugs seized. Thus, in fact, the budgetary problem focuses intervention toward the lower market levels. Some of the effects on the Dollarville unit are listed in Table III-4.

Table III-3

Examples of Comparative Prices for Standard Lots  
of Illicit Drugs, Dollarville, 12/76

| Quantity                    | Drug                      | Price                |
|-----------------------------|---------------------------|----------------------|
| 1 capsule (#5) <sup>a</sup> | Heroin                    | \$12.00 <sup>e</sup> |
| 1 "lid" <sup>b</sup>        | Marijuana                 | 10.00                |
| 1 "gram" <sup>c</sup>       | Cocaine                   | 70.00                |
| 1 "hit" <sup>d</sup>        | LSD                       | 5.00                 |
| 1 tab                       | Amphetamine<br>(Preludin) | 2.00                 |

<sup>a</sup>One #5 capsule holds approximately one grain of heroin, which is usually 2-4% heroin and the remainder is adulterants.

<sup>b</sup>A "lid" varies in composition from 20 to 28 grams. Similarly, when the quality of marijuana varies such as "Columbian" the price increases.

<sup>c</sup>A gram of cocaine may be "weight" but usually is "short" from 1/10 as much as 1/2 of a gram.

<sup>d</sup>A hit contains anywhere from 0 micrograms to 250 micrograms of LSD with a reasonable average being about 110 micrograms.

<sup>e</sup>May vary up to 10% for a unit, e.g., 1 cap heroin may vary from \$10.80 to \$13.20.

Table III-4

Implementation Effects of Budgetary Problems  
Dollarville Narcotics Unit

| Budget Category                  | Written Policy | Unwritten Policy | Implementation Effects   |
|----------------------------------|----------------|------------------|--|
| Salaries + Incentive pay         | Yes            | No               | 1. no salary differences with rest of investigative officers; only differences in incentive pay.   |
| Overtime                         | Yes            | Yes              | <ol style="list-style-type: none"> <li>1. informal policy takes precedence;</li> <li>2. tight budget leads to experimentation in shift arrangements to lessen amounts paid out.</li> <li>3. informal policy is that under usual working conditions, officers chose compensatory time rather than overtime.</li> <li>4. no control available on court time, but attempts are made to limit the number of officers needed to testify.</li> </ol>                             |
| Office to Miscellaneous Supplies | Yes            | Yes              | 1. indirect efforts on type of support services available.   |
| Telephone, Power, Light & Travel | Yes            | Yes              | 1. a partial determinant of no special telephone services for informants, all city numbers into narcotics unit.  |
| Miscellaneous Special Services   | Yes            | Yes              | <ol style="list-style-type: none"> <li>1. minimal use of paid informants; thus, generally must concentrate on lower levels</li> <li>2. greater lateral market penetration as result<sup>a</sup></li> <li>3. buys made at low level and very little funds can be left to "walk"</li> <li>4. use of controlled buy tactics; search warrant</li> <li>5. use of jailed arrestees as "flipped" informant pool</li> <li>6. officers use their own money and equipment</li> </ol> |



Table III-4

(Continued)

| Budget Category   | Written Policy | Unwritten Policy | Implementation Effects   |
|---|----------------|------------------|--|
| Membership Dues   | Yes            | Unknown          | Unknown  |
| Petty Cash  | Unknown        | Yes              | Unknown  |
| Communications Equipment, Audio-visual, Photographic Protective Equipment, etc. | Yes            | Yes              | 1. limited number of binoculars for surveillance <sup>b</sup><br>2. limited number of body mikes |

<sup>a</sup>Lateral market penetration results from the inability to "buy" up the market to the next highest dealing chain. While the unit members can move from the street peddler who buys grams and sells capsules, to the small gram dealer and, in some instances, to the piece buyer and seller, most of the de facto enforcement is focused laterally at the low level dealer/user. When they can move above this level, usually as a result of undercover work, they must gain State or Federal assistance. The vast majority of seizures made by the unit are of small quantities of opiates (based on our analysis of seizures over a one-year period). The effects of lateral penetration at this level have never been adequately explained (for a partial view see Redlinger, 1975).

<sup>b</sup>There were two pairs of binoculars available to the VCD, although one pair was broken. Officers have been known to use their own equipment.

For Southern City, there is some relationship between the goals and objectives (see Chapter IV) and budgetary allocations; yet they too have experienced problems. Since the focus of the unit is at the lower levels of the narcotics market, they have few needs for equipment of a specialized nature. Moreover, there is a MANS unit working the higher levels. The unit pursues cases at the possession and small sales levels and as noted later, there is pressure to produce a large number of cases. Due to the budgetary squeeze, no overtime is paid at all--unless ordered by the Mayor or Commissioner for emergency work. Moreover, no compensation is given for court time whether the agent is on or off-duty. The overall impact of such policies has been to raise the level of cynicism among the agents. While the agents utilize paid informants more so than other types (see Chapter V) and have in general more informant funds available than some of the other units studied, the department has enforced a policy that all work to be paid for must be done during working hours.

There are other ways utilized to reduce the amount of overtime paid to officers. One way is to not do enforcement outside normal hours, or to try to minimize such enforcement (Southern City, Desert City). The second is to experiment with shift changes trying to match regular duty work to the activity in the narcotics market (Bay City, Desert City), and the third is to have variable accounting systems for overtime so that overtime is paid for in time, not money (Desert City, Gotham Minor). All of these have been used extensively by Desert City.

The Desert City narcotics unit has experienced a severe reduction in the amount of overtime money available. This coupled with the expectation by some of the unit's members for overtime pay for time worked, has lead to some disillusionment. The reduction in funds resulted from city tax base

problems, a reorganization of the department and the loss of Federal funds.

A previous commander of the unit describes the events:

C: When I first went into the unit and the unit was part of the detective division, there was a block of overtime money available for that division. Okay, the detectives as such, were not utilizing that overtime money, they did not have a need to utilize it. The money was there for, available to anyone under 2031, which is the account number for the detective division. Since the unit was part of that division under the same account number, we could work a lot more cases because we had the overtime money available. If a case was going good and it was quitting time you didn't worry about quitting time. You continued on with the case, brought the case down. Even if it went into, you know, 12, 13 hours for everybody in the unit, you had the funds available to do it. In addition to that, we were under a Federal grant at that time, which provided us with a large block of buy-informant money. Buy money and informant people money. Since we had that block of money it was very easy to pay informants, it was very easy to go out and buy drugs.

Then the Federal grant was not renewed (the unit had had it for three years) and there was a reorganization of units within the department. The unit was moved out of the Detective division and into a newly created division which resulted in the disappearance of the majority of overtime funds:

C: All of a sudden the overtime funds are not available. Since the overtime funds are not available a cutback had to be made. Okay, since there was a problem identifying what will we cut back on, what will we do, what won't we do, etc. As the commander I put out a policy, I guess you would call it. That in essence stated, anytime you got a deal coming down, I have to be thoroughly briefed on it. If it's going to go into overtime I will make the decision, on whether it will continue and how long it will continue into overtime. Therefore, on almost every deal of any magnitude I was out there with them, on it. And one of the main reasons, I would go out there was to say okay, this is enough, we're not gonna expend any more overtime money. However, the impression that you first get is okay, you know, we're gonna lose all kinds of cases, however we found that that's not necessarily true. Many times when the doper was citing, you know, we got to meet at 10 o'clock at such and such a bar. If you just tell him outright, you know, hey I've got the bucks and I'm not gonna meet you at 10 o'clock. Now tomorrow morning at 10 a.m. I'll meet you, but not tonight at 10 p.m. And frequently, in fact most of the time, instead of blowing us off and telling us to get lost, they didn't want to deal with us, they would come around and meet us at the time we wanted. And a lot of it we were able to bring down on, on duty time. The hassle with the problem, though, is

that if you do the flash at 10 a.m. then they're going to say, okay at 2 this afternoon we'll show you the load. Okay, then you go to meet them at 2 and they don't show and then you get in touch with them again and here it is 6 o'clock and all of a sudden, it's off and it's running and they lead you to where the load is, by the time you get to where the load is you're one hour into overtime. And it's now 7 o'clock, you arrest them, you seize the load, you bring it to the station. By the time you get them booked into jail and all the paperwork done on them, you're now at 8 o'clock and you've got 1000 pounds of grass that you've got to mark and box up. By the time you're finished it's 10 p.m. So you still have some overtime problem, however, you can minimize some of it. A good portion of it you can minimize.

Desert City attempted to further minimize overtime paid by matching regular work activities with the perceived activities of dealers. The pattern of cases was analyzed and it was determined when "peak hours" were, then shifts were altered to "fit" the pattern:

- R: Let me ask you two questions. Was the shift organization the same? In other words, you have guys that work 8 to 4 and you have guys who work 12 to 8, technically, on paper. Did you create that?
- C: No, we changed it several times. When I first went in we had the office crew which was, like I say about 4 people, working the 8 to 4 shift. And we had the undercover officers, which was the bulk of the manpower, working from 10 a.m. to 6 p.m. Okay then we ran into overtime problems, etc., I identified that there is very little if anything that ever occurs between 10 a.m. and noon. The first two hours, then everybody goes out to lunch, so nothing occurs there. And it appeared that we were running into overtime too often and had people on duty when we didn't need them. I discussed it with the sergeants, one sergeant somewhat concurred, the other sergeant felt no we shouldn't stand the 10 to 6. At which point to be perfectly honest, I mandated no, I cannot justify utilizing the personnel this way and we will go to a different shift and the shift for the undercover agents then was changed from 2 p.m. to 10 p.m. They had been on a 10 a.m. to 6 p.m. they then, the new shift was 2 p.m. to 10 p.m. This functioned extremely well for the better part of a year. And then all of a sudden things changed, all of a sudden the people we were dealing with were no longer attempting to set up meetings, etc., in the evening. All of a sudden we were having to bring the guys in earlier in the day to accomplish what we had been accomplishing between 6 and 10. We then readjusted this, before I left, again. And moved most of the undercover people back to a 10 a.m. to 6 p.m. because that's when the action was occurring. They wanted to meet the people in the morning, do the flashes in the morning, show the drugs at like 2 in the afternoon and actually be ready in 2 in the afternoon to do it.

- R: Was this a change in the dealers or a change in the men?
- C: No, a change in the dealers. The deals started coming down more in the daytime. And what was happening, although we had them on allegedly a 2 p.m. to 10 p.m. shift, two, three days a week we were having them come in at 10 a.m. and work a 10 to 6. And since most of the time we were asking them to change their hours and come in earlier it got to the point that it was more reasonable to put them back on that shift. It was a case of, you know, reacting to the situation. Now none of these shifts were firm. Like the 2 p.m. to 10 p.m. shift we had situations where the subject worked at the mine, for instance, the subject we're investigating or interacting with. This particular subject by the time he would get home from the mines it would be 7:30, 8 o'clock at night. This is the very first opportunity we'd have to contact him. Okay, on a deal like that we would then change the guy's hours again. Have them come in at like 8 p.m. and work through till 4 a.m. That's how we brought down that particular deal.
- R: When you said change those hours you meant reassign him so that he wasn't working on overtime?
- C: Yea, right. We would reassign the hours as the case would dictate. If we need the men from 8 p.m. till 4 in the morning then everybody would work from 8 p.m. till 4 in the morning for a couple of days till that case is over. And then they revert back to the "standard" shift they were on which was the 2 to 10 shift.
- R: But all of this organization was due, really due to the fact that the overtime was cut back.
- C: Yea.
- R: It was a major participating factor.
- C: Yea, that's true. If we had had excessive amounts of money available to us for overtime we'd probably would have always stayed on the 10 to 6 shift, for the undercover agents, even though every night we would have been out there burning up overtime money. We needed something to jar us a little bit, to wake us up to the fact that, maybe it can be done differently. The fact that we ran out of money is the impetus that jarred us and said okay maybe it can be done some other way without such massive expenditures of overtime money.

Finally, Desert City has a system of "comp time," or we should say two systems of compensatory time. The first of these is "city comp" time which after a certain period of time, one must either take or lose. In addition, the department, and the unit have "unit comp time" which is a unit-kept

record of time worked, but not paid in overtime. It is a double accounting system designed in the main to alleviate the problems of losing compensatory time. However, when the narcotics unit lost its overtime money, they began to rely heavily on unit compensatory time. The commander would tell the agents beforehand that a particular deal was going to be done on "unit comp time" and no overtime would be paid: "once we hit this point we've got to go on comp time or we drop the case." During the period when the study team researched Desert City, there were members of the unit that had built up enormous amounts of compensatory time. They were resigned to the fact that they would never take it because it was so much and because to do so would eliminate their contacts with the drug world. Thus, the unit was working many more hours than it was being paid for, and there is little doubt that this had negative effects on some of the unit members.

Gotham Minor also utilized a system of comp time in light of their overtime pay problems. In general, Gotham Minor has an "austerity budget." Salaries for 1977 were frozen at 1976 levels and very little monies are provided for investigative work. Like Desert City, Gotham Minor keeps two sets of compensatory times: official and "K" time. When emergency conditions occur, such as being called in to work Sunday, the unit Commander will request overtime pay or official compensatory time. In other instances, the investigator earns "K" time (calculated at time and a half). Each investigator is allowed to take one week of "K" time off with the Captain's approval. While this amounts to a one-week paid vacation, it also is much less compensation for the time actually worked. In this way, the "austerity budget" is bolstered and any potential abuses in overtime pay are controlled.

In Bay City, the overtime pay constituted 9.3 percent of their budgetary outlay, and this did not include court overtime which is paid out of a

separate fund. While this outlay was seen as a problem, it was virtually necessitated by the lack of manpower. The unit was under strength and in order to adequately perform, officers worked long hours. A Sergeant comments:

S: Although the overtime is, is killing the division. But that's because we don't have the manpower, and we do have a volume of cases.

R: Do you get any flack about that?

S: No, as long as it's justifiable overtime, where the guys are working and if, if we can change hours because we've got something going at night we'll do it but if you got so much going throughout the day, that day that you can't change hours, then we'll have to work it on overtime. But we try to keep it down ... necessary for safety and control.

The unit has very little equipment, but it has more now than it had previously. The Vice Control Division of Bay City (within which the narcotic unit is housed) has just recently placed greater emphasis on narcotics enforcement. With the arrival of the present Commander, the priorities were reversed such that narcotics enforcement takes precedence. Thus, narcotics is receiving a greater share of the resources even though resources are declining. During the research team's visit, the unit got approval for the acquisition of undercover cars since until then, they had only an old van and one other vehicle.

#### E. Concluding Observations

Given the overall declining fiscal base with which narcotics units have to operate, they must reexamine the goals and the strategies they use to achieve those goals. The essential policy question to be asked is, "what do we want narcotics enforcement to accomplish and how many resources must be invested to achieve those ends?" For example, where there appears to be a connection between street dealers and heroin addicts and property

offenses (e.g., Bay City), one of the goals of narcotics enforcement is aimed at this level of the market structure. However, resource use should be monitored to determine the optimal amounts of resource input for return, for it must be presumed that at some point additional activity reaps only marginal returns. Administrators of narcotics units must look at the implications of their fiscal affairs for their operative enforcement policies. Where the goals are out of line with resources available, adjustments should be made. This is done at a unit level, or managerial level, rather than by individual investigators. In addition, units need to examine why they have adopted the enforcement strategies they use, how these relate to their stated goals, and alert themselves to the possibility of more cost effective strategies given overall departmental goals.



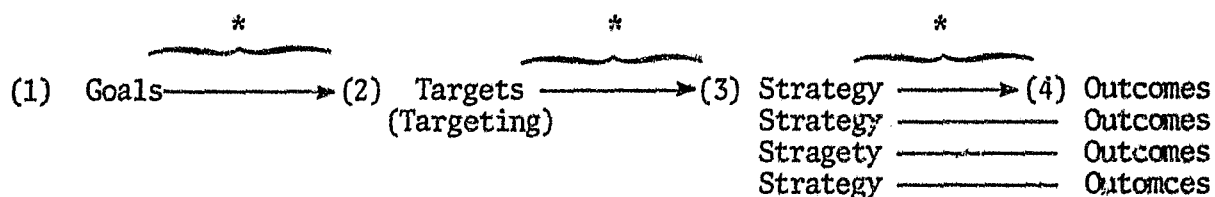
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#### IV. UNIT ORGANIZATIONAL CHARACTERISTICS AND ACTIVITIES

##### A. Targeting as a Primary Organizational Constraint

In Chapter II we described the goals and objectives of the six units, showing that some had written objectives while others did not. We also argued that the sources of goals and the targeted or focal drugs in the units were established in large part by "reading" the political climate of the city and responding to various citizen demands for service. In this section we intend to show how these goals are translated into action. Our view is that no matter what are said to be the stated goals, a more accurate measure is policy in action. As we have previously noted, the relationships between the stated goals and the actual operative goals is likely to be problematic. There is always some gap between stated and operative goals, and these gaps are made reasonable by practices that smooth out and make acceptable what is done in the unit. An everyday routine emerges. Thus, we use a metaphor that places praxis between stated goals and targets, and between targets and strategies. As the diagram below shows, practice bridges formal statements and the achievement of those formal statements. Our view of the relationships between goals, targets, strategies and practices is as follows:



\* Areas determined by practice.

In examining the statements of goals, these practices are critical in understanding what occurs in the units. On the other hand, there are organizational constraints on the achievement of any stated goal: practice cannot attain a goal for which the organization is not organized. For example, the degree to which each of the organizations is able to monitor and process information is quite variable, given their widely discrepant levels of clerical staffing. There must be an interplay, as we try to show below in our discussion of modes of targeting, between strategy and structure.

1. Strategies or Modes of Targeting

There are four modes of targeting discovered in our research. The first is the proactive, or militaristic mode where targets are assigned on the basis of information gathered systematically on expected problems, persons or areas. It is anticipated action, or concentration on the basis of a priori information characterizing the group of interest. This is a parallel to the Drug Enforcement Agency's use of the term 'Major Violator' to target (e.g., persons who deal in an ounce or more of heroin). The second mode is that of agent/informant targeting, where the agent in conjunction with the informant, sets the priorities, targets, and mode of investigation and then proceeds to arrest persons. A third mode is the citizen-targeting mode where basically the organization responds to calls for assistance, albeit in terms of the organization's capacities and interests and their understandings of the potential of such an investigation.

A fourth mode is the patrol-targeting strategy. In all the units studied, patrol officers made drug arrests routinely, so this is an organizational strategy. Since we do not discuss the patrol-targeting strategy in detail for each of the six units, some general remarks about its uses

can be made here. In all organizations, patrol officers make the vast majority of all drug arrests, usually incident to routine traffic stops. There are a number of functions which patrol units served with regard to narcotics enforcement in all the six sites, and some functions that were restricted to one or two sites.

These general functions can be briefly listed. To greater or lesser degrees, all units used patrol officers for assistance on search warrant raids, for transporting prisoners, for security on the raid site, and for some surveillance. Patrol officers may be asked to check a suspect in a bar or in a neighborhood because police believe that drug dealers do not fear or suspect patrol cars as much as undercover agents or unmarked cars in their areas. In Bay City, where there is a State law allowing arrest of persons who are under the influence of opiates (and a 90-day detention), there is more frequent interaction than in other places between patrol officers and the drug unit. As is mentioned in the section on recruitment, these contacts can be a means by which officers are identified as possible candidates for working narcotics.

The degree of cooperation between the drug unit and patrol is variable and somewhat ambivalent for the following reasons, which tend to reduce cooperation. Drug officers are protective of their special domain of enforcement and their freedom to explore cases. They do not always welcome "go-getters" in patrol who seek to make cases routinely in narcotics and in effect to "steal" cases from the drug unit. They do not want to see a developed capacity for drug investigation spring up in intelligence, in juvenile, or in patrol. This would mean a countervailing organizational location of drug knowledge and capacity, which could be threatening to the

resources and opportunities of the drug agents and their unit. This distrust is somewhat reciprocated by patrol. Routine arrest reports are not read systematically in the units and checked out with patrol officers, nor are intelligence reports. This means that patrol and narcotics units do not routinely cooperate on programs, functions, or objectives, but only on an ad hoc, case-by-case basis. In this sense, then, we argue that patrol is essentially an independent mode of enforcement not controlled to any appreciable degree by the command of the drug unit. This is ironic in light of the proportion of the arrests that they make, and the resources, for enforcement located in the patrol division of any department. This empirical finding does not mean that in an organizationally centered agency, cooperation could not be developed and mutual programs and strategies could not be articulated and implemented. Such programs could only increase the overall arrest output of the department, and the informational input to both organizational segments.

As Table IV-1 shows, these modes are arrayed from the highest degree of organizational control over agent-discretion down to the least (the patrol mode). One can argue that at one end there are predetermined targets around which mobilization of resources occurs, and decisions regarding the type, length, promise and outcomes desired can be made by administrators, and at the other, if one assumes that patrol is essentially a random hunt with regard to the probability of uncovering drugs in a citizen's vehicle or on his/her person, the organizational control is very small indeed. Let us now discuss these four modes with examples from the units studied.

Mode A is proactive targeting. It resembles more closely the military conception of operation: the targets are chosen a priori on the basis of

Table IV-1

Modes of Targeting and Specialization of Units

|                            | Cities                   |                                     |                           |                                |               |               |
|----------------------------|--------------------------|-------------------------------------|---------------------------|--------------------------------|---------------|---------------|
|                            | Dollarville <sup>a</sup> | Desert City <sup>b</sup>            | Gotham Minor <sup>c</sup> | Columbia <sup>d</sup>          | Bay City      | Southern City |
| <u>Mode A</u>              |                          |                                     |                           |                                |               |               |
| Predetermined              | Rarely                   | Very Frequent<br>(Conspiracy Squad) | Rarely                    | Infrequent                     | Frequent      | Rarely        |
| <u>Mode B</u>              |                          |                                     |                           |                                |               |               |
| Agent/Informant-Determined | Very Frequent            | Very Frequent<br>(Undercover Shift) | Very Frequent             | Very Frequent<br>(Night Shift) | Very Frequent | Very Frequent |
| <u>Mode C</u>              |                          |                                     |                           |                                |               |               |
| Citizen-Determined         | Rarely <sup>e</sup>      | Frequent (Day Work)                 | Frequent                  | Frequent<br>(Day Work)         | Very Frequent | Rarely        |
| <u>Mode D</u>              |                          |                                     |                           |                                |               |               |
| Patrol-Determined          | USED IN ALL DEPARTMENTS  |                                     |                           |                                |               |               |

<sup>a</sup>Diversion is rotated responsibility carried out by officers in one squad (2). One squad (5-7) officers processes cases on days on a rotated basis.

<sup>b</sup>Day work squad does conspiracies, paperwork (case processing, intelligence, post office, airport and customs liaison.)

<sup>c</sup>One officer (1) specialized by choice in diversion-pharmacies.

<sup>d</sup>Day work (5) does phone calls, schools, pharmacies-diversion, and court liaison.

<sup>e</sup>Usually handled by uniform division.

intelligence, information received in the course of other investigations, or from reliable sources in the community (e.g., physicians, dentists, pharmacies). An example that is detailed in part in our discussion below of Bay City, and in the note on Bay City's buy program, is instructive of the kinds of proactive targeting that can be done. In 1976-77, Bay City had a series of goals and targets that were specifically linked to the expenditure of funds:

- a. Street heroin Dealer Buy Programs: Goals -- to reduce the number of street dealers, increase price and affect rates of other crimes to arrests.\*
- b. Major Dealer Apprehension Grant: Goals -- to arrest as many large dealers as possible and to identify major dealing organizations.\*\*
- c. The 11550 Program: Goals -- to use the health and safety codes to remove any and all "addicts under the influence" from the streets, and thereby reduce the addicts and related crime problems.

In Dollarville, Columbia, and Gotham Minor there were developed pharmacy or diversion squads, and although they largely worked on a reactive basis (on the basis of complaints brought to them by citizens), they also kept files of suspects and pictures, and developed systems of warning when

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\* While after the program it appeared that heroin was still readily available, the price was higher, and the "level of paranoia" was greater, meaning that connections were harder to find, harder to deal with. What must be kept in mind is that one of the main reasons the buy program is initiated is to affect other crimes (burglaries, etc.).

\*\* The largest seizure made was from a major organization and yielded 4.6 pounds of heroin.

prescription blanks had been stolen, and in effect had a set of possible perpetrators and locations to which they directed their attention prospectively. The narcotics units in Desert City and Bay City had conspiracy squads which tried to identify dealing organizations in their areas, name and obtain pictures of them and develop intelligence on their activities through informants, pen registers, surveillance, pictures and records (phone, utility bills, trips). This was the responsibility of several members of the Day Work Unit. In Columbia another approach to targeting was taken on two occasions in the last three years: an area of the city was identified as a "hot spot," and a testifying informant was set up with a supervising agent in a buy program. Two programs yielded 78 and 36 indictments and convictions respectively. The third program was terminated after a few weeks' operation because it was decided that it was not working or producing enough buys to warrant continuation of the salary of the informant. On the other hand, as Table IV-1 indicates, other officers in these targeting units operate on the basis of informant guidance to targets (for example, undercover officers in Columbia). All units, in fact, work through informants for guidance to targets. The majority of all the arrests made in all the units came from informant-based work rather than from intelligence, proactive targeting, or diversion-pharmacy.

Mode B is the agent/informant-determinant mode where the investigator works whatever an informant develops, i.e., he leaves it to the informant to choose a target, develop the situation, and then the investigator makes the final decision about how the case will be closed (by arrest warrant, buy/bust, or by search warrant-raid). To some degree, even this option may be



denied the officer because if he trusts the informant, he will accept his word for the best way to close the case. This pattern was the dominant one in Columbia, Southern City, Gotham Minor, and Dollarville, although in each city other modes of proceeding were also found (see Table IV-1). The operational procedure of allowing the informant to pick the target means that to a considerable degree the informant has also set the priorities and the goals of the unit in sequential, or in aggregate effect. To an important degree, a competent officer can control and restrict the actions and choices of an informant by careful interviewing and interrogating to "pick the brain" of the informant and make him reveal information on targets or areas that an officer wishes to work; by control of the money given for buys, for information, or miscellaneous services; by careful choice of the informants worked; by selection of the cases worked once information is obtained; and by checking information and ideas with partners, other members of the unit, or supervisors. In effect, then, the working of informants is a kind of intervening variable in any scheme of targeting, for regardless of resources (independent variables in this scheme), the outcomes (dependent variables such as seizures, arrests, and the quality of cases made) will be importantly patterned by the quality of information elicited from informants and how it is subsequently utilized. For this and other reasons, any simple equation of resources and outcomes is not likely to be very accurate.

A third mode of targeting, Mode C, is the citizen-determined or politically determined mode. Although it is possible that a department or unit can develop a policy of responding to all citizen calls, and to serving the public in this way in a serious and responsible fashion, more often the handling of citizen calls tends to be ad hoc, and are handled on a case-by-

case basis. Since these calls are not uniform but are unpredictable in their content, meaning, arrival times, and promise, it is very difficult for any unit to set a policy about them internally and to implement that policy. Some units, such as in Bay City, have all such calls routinely handled by the patrol division. Others attempt to make assignment of the known calls (see Table IV-2). Certainly, in all the units, cases are assigned to investigators, sometimes from higher command personnel outside the unit, but these are exceptions to the routine even in departments where it occurs (see Table IV-2). The perception in the unit is that very little can be done in such citizen-call cases because the information is rarely legally actionable, or the callers may not be known or are thought to be untrustworthy as informants in these matters. On the other hand, because of their sense of obligation to the public, or the feeling that something of benefit may come from such a call (it does happen frequently enough to make it a known possibility), or because of unit policy, units do attempt to allocate investigators to these calls. This mode can be briefly described as one in which the unit identifies targets on the basis of citizen complaints. These are usually calls made to the unit, although they can be made in person, in letters, or all three. There are three kinds of these calls. Typically these calls are dealt with in an ad hoc fashion and are seen by investigators in the unit as usually unimportant in terms of their enforcement goals and objectives. At some sites, however, this perception was not shared by administrative personnel. The first is the politically "risky," or important call, such as when a city council member asks that the unit investigate a house where "a lot of activity has been going on." This may have been reported to the city councilman by one of his constituents who lives next door. The second type is also one that must be responded to because of the potential embarrassment

Table IV-2

Indices of Organizational Capacity to Monitor Information Received

|  | Southern<br>City        | Gotham<br>Minor                       | Bay<br>City   | Colum-<br>bia  | Desert<br>City       | Dollar-<br>ville   |
|--|-------------------------|---------------------------------------|---|--|----------------------|--|
| A. Clerical Staff                            |                         |                                       |   |  |                      |  |
| 1. Persons avail-<br>able by time<br>periods | 8-4 <sup>b</sup><br>(1) | 9-5 <sup>b</sup><br>(.5) <sup>a</sup> | 8-4 <sup>b</sup> (1)<br>4-12 <sup>c</sup> (.5) <sup>a</sup> | 7-3 <sup>b</sup> (1)<br>7:30 -<br>3:30 <sup>b</sup> (1)<br>8-4 <sup>b</sup> (1)<br>4-12 <sup>c</sup> (1) | 9-5 <sup>b</sup> (1) | 9-5 <sup>b</sup> (1.5) <sup>a</sup><br>4-12 <sup>c</sup> (1) |
| B. Calls Recorded<br>on Paper                | Sometimes               | Routinely,<br>given to<br>Sergeant    | Routinely,<br>given to<br>Sergeant                          | Routinely,<br>given to<br>Sergeant   | No                   | Sometimes  |
| C. Cases Assigned<br>to Investigation        | Rarely                  | Regularly                             | Regularly   | Sometimes  | Not at all           | Rarely   |
| D. Closure time<br>given                     | No                      | Yes (2 weeks)                         | Yes (2 to 3<br>weeks)                                       | No   | No                   | No   |

<sup>a</sup>.5 indicates a person whose duties were divided between vice and narcotics.

<sup>b</sup>Time period runs a.m. to p.m.

<sup>c</sup>Time period is p.m. only.

of public outcry that might attend not having done something. These are the complaints of important businesspersons in town about "kids smoking 'dope' in front of their businesses," or "whores soliciting people in 'nice' parts of town," or influential citizens who call to complain about "dirty" movies or the like. Since in large part there is very little that can be done, but something must be done, units do send out investigators or have them "look into this" and make a report to the head of the unit. Although this takes great amounts of time, and energy, and is rarely productive of even an arrest, the unit feels that this must be done.

A third and the most frequent type of citizen targeting occurs when a citizen calls in to complain about a possible dealer on a street corner, a son or daughter who is smoking dope, or marijuana plants in the window of a neighbor's house. These citizen calls are the most frequent and common of the three types, and are handled quite differently from unit to unit. In fact, the extent to which units actually attend to these citizen calls is quite different, even though there is concern expressed about them by all unit commanders.

The capacity to monitor these calls is one indicator of an organization-centered operation. Three variables bear on this, as Table IV-2 as well as Tables IV-3 and IV-4 show. The first is whether or not there are clerk-typists or phone answerers employed on the unit. This was true in all units, with the range being from one to four. However, with the exception of two units, they worked a regular 9:00 - 5:00 pattern (or the equivalent). The second variable is the extent to which the flow of information was standardized. Although all units had mailboxes for officers (for court subpoenas, etc.), only two had a formal procedure for allocating phone messages (Gotham Minor and Columbia). This brings us to the third variable:

Table IV-3

Types of Specialized Functions  
and Squads<sup>a</sup> Within Units Studied

|  | Dollarville        | Desert City        | Bay City           | Southern City      | Gotham Minor        | Columbia               |
|--|--------------------|--------------------|--------------------|--------------------|---------------------|------------------------|
| Search warrant/<br>informant/raid                    | yes                | yes                | yes                | yes                | yes                 | yes                    |
| Undercover<br>"light"                                | yes                | yes                | yes                | yes                | yes                 | yes                    |
| Undercover <sub>b</sub><br>"deep"                    | no                 | no                 | no                 | no                 | no                  | no                     |
| Buy program <sup>c</sup>                             | no                 | yes                | yes                | yes                | no                  | yes                    |
| Diversion  | yes                | no                 | no                 | no                 | yes                 | yes                    |
| Conspiracy   | no                 | yes                | yes                | no                 | no                  | no                     |
| Airport/Post<br>Office/Customs                       | no                 | yes                | no                 | yes                | no                  | day shift <sup>d</sup> |
| School   | no                 | no                 | no                 | no                 | yes                 | yes                    |
| Civilian<br>Clerical/<br>Administration <sup>e</sup> | (2) <sub>yes</sub> | (2) <sub>yes</sub> | (2) <sub>yes</sub> | (1) <sub>yes</sub> | (.5) <sub>yes</sub> | (2) <sub>yes</sub>     |
| Sworn<br>Administration <sup>e</sup>                 | (1) <sub>yes</sub> | (1) <sub>yes</sub> | (1) <sub>yes</sub> | (2) <sub>yes</sub> | (2) <sub>yes</sub>  | (1.5) <sub>yes</sub>   |

<sup>a</sup> "Squad" in this context means two or more people who perform these activities, not necessarily as a group, more as a grouping or team gathered for a set of tasks, operation, or program.

<sup>b</sup> This involves setting up an agent in a domicile with a false identity. He or she may not appear at the station, and will stay in this role for at least three months. The difference between deep cover and a buy program is the more permanent nature of the assignment of the people to narcotics in the case of a buy program.

<sup>c</sup> A buy program is defined here as two or more people engaging dealers on a daily basis and attempting to purchase the targeted drug. In addition, buy programs are targeted at a specific ecological area. For example, buy programs often aim at parks, or at sections of cities that involved citizen complaints. In some cases, it is aimed at reducing other kinds of crime through arresting or "putting the heat" on persons or groups within the drug market who are assumed to commit other crimes.

<sup>d</sup> While not specifically designated to perform these duties, the day shift of Columbia would be assigned responsibility for investigating these matters should they come to the attention of the unit.

<sup>e</sup> Numbers in parentheses indicate the number of persons assigned these duties.

Table IV-4

Shifts and Rotations in Six Cities

| Shift Pattern                                  | Southern<br>City | Bay<br>City | Gotham<br>Minor | Dollar-<br>ville | Columbia           | Desert<br>City |
|--|------------------|-------------|-----------------|------------------|--------------------|----------------|
| Daywork - Monday - Friday:                     |                  |             |                 |                  |                    |                |
| 9:00 a.m. - 5:00 p.m.                          | 1 Sgt.,          | 1 Sgt.      | 1 Sgt.          | 3 Sgts.          | 1 Sgt.             | 1 Sgt.         |
| or   | 1 Lt.            | 1 Lt.       | 1 Cpt.          | 1 Lt.            | 1 Cpt.             | 1 Lt.          |
| 8:00 a.m. - 4:00 p.m.                          | 8 Officers       | 9 Officers  | 6 Officers      | Officers         | Officers           | Officers       |
| Afternoons - Monday-Friday:                    |                  |             |                 |                  |                    |                |
| 4:00 p.m. - 12:00 p.m.                         | 2-3 Sgts.        | -           | -               | 1 Sgt.           | -                  | 1 Sgt.         |
|  | 8 Officers       |             |                 | Officers         |                    | Officers       |
| Nights - Sunday-Thursday Nights:               |                  |             |                 |                  |                    |                |
| 7:00 p.m. - 3:00 a.m.                          | -                | -           | -               | -                | 1 Sgt.<br>Officers | -              |
| Rotation of squads<br>(days/afternoons/nights) | Yes              | No          | No              | Yes              | No                 | No             |

the extent to which there is control over the flow of information and the capacity to track it through the system. In the two units where there was a routine collection procedure, they were given to the Sergeant (i.e., calls that did not come to a particular investigator). In Gotham Minor the Sergeant assigned these cases to certain officers using Inter-Departmental Memos (IDM's), and they were required to respond in writing within a few weeks to the Sergeant concerning the disposition of this investigation. In Columbia, on the other hand, the day Sergeant would take these calls if no member of the day crew was in the office. The Sergeant would jot down relevant facts, if any, on any convenient piece of paper, would write the notes up, and then neatly paste them into a book at the front of the office where officers were supposed to read. They were expected to investigate these cases, but in general few looked at the book, so rarely were any actually investigated. On the other hand, if the call came directly to the Captain of the unit, or the comparable head of any unit, they would take the call and try to explain to the caller the constraints on the police, the fact that more evidence was needed, etc. These "dispositions" were never written down or recorded.

Perhaps another way of approaching the issue of targets and targeting is to examine the stated unit priorities in terms of (a) the drugs of focus and (b) the level of the market to which attention will be given (see Table IV-5). Several qualifications must be made initially, even in this respect. Firstly, under the Mode B approach described above as being dominant in four units (Columbia, Gotham Minor, Dollarville and Southern City and the undercover squad in Desert City), where the informant determines what is worked, then the concept of "drugs of focus" and level of the market is only a retrospective characterization based upon statistical profiles. That is, rates of arrest for marijuana can be seen as an index not of marijuana as a stated drug

Table IV-5

Modes of Targeting, Level, Scope and Impact on Market  
and Degree of Organizational Control

| Modes of Targeting           | Level, Scope and Impact on Market | Degree of Organizational Control of Choice of Targets |
|------------------------------|-----------------------------------|---|
| A. Militaristic/Intelligence | High, Wide, Great (dealer focus)  | High  |
| B. Agent/Informant           | Low, Narrow, Little               | Low   |
| C. Citizen-Determined        |                                   | Medium-High   |
| 1. "Big Issue"               | Variable, Narrow Variable         | None  |
| 2. Citizen Response          | Low, Narrow, Little               | Low   |
| D. Patrol                    | Low, Narrow, Negligible           | None  |



focus, but as what drug the informant is able to buy, or introduce the officer into. Secondly, under the Mode B approach, the extent to which goals are actually set is problematic, since regardless of what higher command staff say are stated goals, the operative or de facto goals are determined by "what the snitch can do." Thirdly, the degree to which the organization is specialized with regard to tasks and roles and special training used, then there will be greater likelihood of focused drug dealers, targets and higher levels. On these grounds alone, Dollarville, Columbia, Bay City and Desert City are more likely to have differential goals and expectations for performance. Fourthly, the use of particular strategies to achieve these goals changes temporarily, and their use can vary. For example, deep undercover work is used in Dollarville and Columbia infrequently. Thus, a strategy can vary from ongoing to never-used. Fifthly, as we have repeatedly emphasized, the capacity of the organization to achieve its stated goals is a function not only of intentions but of the organizational capacity to achieve or implement these goals. Policy is created or enacted at the lowest level of the organization; until that happens, all else is intention.

It should be pointed out in this context also that there is always a temporal dimension to the use of these strategies, and they virtually always involve an informant at one point or another. The reasons for this are a part of the character of narcotics crimes - they involve market transaction between parties who must be either observed in the act, proven to have bought or sold drugs, or actually have sold them to an informant or officer. Thus, the degree to which one relies on informants depends on the point in the investigation one wants to examine; even the most preplanned targeting, e.g., of a well-known dealer in town, will still require the

acquisition of an informant to "get next" to him. This was done successfully on several occasions in Columbia, but the opportunity for example in one case came from the careful interrogation of an informant, a chance arrest and "flipping" of one of the associates of the dealer and his subsequent betrayal of his friend and employer. Very rarely are arrests made by long investigations, planned targets and infiltration; on the other hand, many do result from luck or chance. Some chance cases are large seizures. For example in Columbia, a nine-pound seizure of heroin was made on the basis of a lead given by a person arrested on another charge who agreed to help the investigators. In effect, a series of fortuitous events which were well capitalized upon by competent officers produced the seizure. These kinds of very satisfying outcomes tend to reinforce the belief that one can never tell when a good case will come along, that drug enforcement is a matter of luck in many cases, and that in effect, you have to attribute much success to luck or chance.

As Table IV-1 shows, all three modes can coexist and do in the six sites studied. This difference in mode of work, in kinds of cases received and investigated, is correlated, as mentioned in the section on evaluation, with such things as age, race or ethnicity, and years or time in the unit. In general, where office crews are permanent, they tend to be older, white, males (there were two exceptions to this -- in Desert City, a Latin and a young deputy were in the conspiracy group and in Columbia a woman worked the day shift). This creates not only friction about different targets and priorities, rewards, and styles of investigation (e.g., conspiracy vs. street work), but morale problems as well. Older officers, although they have accumulated a great deal of knowledge and ability, are not always deferred to by the younger ones who sometimes see them as "burned out" and "paper-pushers."

## 2. Practices of the Units

Since the organization of targeting in the six units was outlined analytically in terms of the modalities of targeting, and the relationships between those modes and the degree of specialization obtained in the units was described, it is perhaps useful to describe the actual practices of four of the units. Dollarville and Southern City are both units in which the informant determined mode is dominant (Mode B, Table IV-1). Bay City, on the other hand, is a unit in which specialization of function leads to the use of several different kinds of targeting processes. Gotham Minor operates on a citizen-responsiveness targeting mode more than other units studied. Let us briefly describe the operations of each of these four units.

### Dollarville

The vice commander was asked about targeting and how he established targets. He said that targeting is based almost entirely on intelligence. "A person may tell us that this guy is a major dealer -- one, two, three ounces -- or whatever. We may also ask what does he do, where does he go, who does he associate with? We might use the IRS reports to check out whether he has made out any tax returns. We'll ask about his car, we'll look into his car payments, we'll look into his furnishings in his house, how many Cadillacs he has and whether he throws money around."\*

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\*The commander gave in an interview an example of how one could infer from a lifestyle certain action implications that might be the basis for an investigation. He described the lifestyle of a man who runs a small grocery store:

When we looked at his living style, he had a Cadillac, a \$150,000 house on a lake, he had a boat, he also had a house in town. And we looked at the traffic in and out of his grocery store. He claimed that he had worked in security in grocery stores and he knew that if you had \$20,000 turnover a week and you had a 33 percent markup and you were getting about \$6,000 plus from that you had to pay salaries

However, targets may be set in response to perceptions of public and support for the activities of the unit, not on any a priori basis of danger to the community, seriousness of addiction, level of traffic, or relationship of drug use to crime. Nor are the objectives measured in a systematic fashion, compared against previous years, any absolute criteria, or against other units (for example). The meanings and uses of the goals, objectives and targets shift situationally and is based on certain practical constraints within which the unit must operate. Thus, the commander discussed the actual use of the targets list:

We developed a long-range plan, you might even call it a 5-year plan, where we try to mark off a target if we can get them--that is, if we put them in the penitentiary. We found we just can't label a person and then keep him on the list; it is a matter of time, money and manpower. It took a long time to try to persuade the squad not to pursue a particular person in this town that I didn't think was a major dealer and they did. But basically, it was a personality thing. They wanted to get him. They really wanted to go after him. It had very little to do with the level at which he dealt. So we pissed away all that time and energy on him, and I think I finally convinced them to stop.

Interviews with the lieutenant of the unit revealed that a targeting exercise took place in late 1975 or early 1976, and that it was done with the expertise of the previous group of investigators in mind. The present group is rather inexperienced, with the senior investigator having been on the unit

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of people, then you may take out about \$1,000-\$1,200 yourself. So, if this grocery store had about that kind of turnover, and maybe \$10,000 worth of goods on the shelf, then he couldn't live the lifestyle that he lived as such. But on the other hand, if you found out that the same guy had \$150,000 trust that came in every 6 months as a result of having a wealthy father, then scratch him--he's no longer a target. In general, you might want to have a look at his house--whether or not he is selling to people who are buying and selling in ounces, who are his lieutenants, or whether or not you got 20-30 street-level junkies going in and out.

In the first case, you have a dealer who is dealing to others--his principal aim is dealing to others, whereas in the second case you have someone who is dealing primarily to street junkies.

less than one year. (Two of the sergeants and the lieutenant had previous narcotics experience.) In effect, then, the present group is not pursuing these targeted individuals. As the lieutenant stated, the unit now "works on major dealers and ones they can possibly work on with other units."

In other words, the actual choices of targets are made by sergeants and investigators. The extent to which sergeants are able to constrain their squads to work on a given target, either collectively or individually, is the most important single variable in narcotics enforcement. Further, most sergeants do not make such attempts, rather they allow officers some freedom in the choice of cases, because individual rationales and justifications for the work become important for the maintenance of morale and for group cohesion.

In summary, the objectives of the unit are unwritten and are vague responses to police (the Commander in this case) perceptions of the public concern with types of drugs and types of violators. This sense of objectives is communicated indirectly to the officers by the Lieutenant who has developed an operational list of targets. However, these targets and the rationale for pursuing them change. Sergeants are not constrained to work only on these targets; agents continue to do what works for them, and the situational rationales for action vary from unit to unit and from officer to officer.

. Southern City

While the recent draft of the department's Standard Operating Procedures (S.O.P.) Manual lists goals and objectives for the city narcotics unit, they are fairly nonspecific. Until the formal draft of the S.O.P. was written, there were no stated formal goals for the unit.

Perhaps the goals of the city narcotics unit were a reflection of the division of labor that developed between the three enforcement units in the area: the city, MANS and DEA units.

...we do not as a rule, target any particular organization or individual; we work the streets; we try to make a buy...we don't try to work up the organization that much.

We do have a definite goal. We work more on the street level... the Metro Unit (MANS) is supposed to work on the buying level a little more than we do... DEA is supposed to take the upper level, levels one and two (major dealers and distributors). The Metro Unit does more in the area of buying and less than the city unit in the area of possession.

In many ways the city unit is left with the residual drug enforcement task of policing the streets. In response to that situation each agent has the goal of "getting the dope and the people off the street that are doing the drug dealing." They "try to control the use and sale of drugs on the street, recognizing that it can never be totally stopped."

Essentially, then, the city unit pursues a demand reduction policy of making possession cases.

...in reality we try to emphasize that they have got to do a pretty good number of possession cases also, because nobody else is doing them.

The focus of their enforcement is on the street level. Their preference for enforcement is, a supply reduction policy in which sales cases are made and there is an attempt to work up the drug distribution system to the big traffickers and dealers.

...I agree, I'd rather have a sales case than a possession case since the defendant can get more time on a sale case. The disadvantage to this approach is that the unit makes a lot less cases since sales cases take more time.

Since the chain of command, it is claimed, puts some pressure on (perhaps indirectly) for making a lot of arrests and since they are interested in the quality of the arrests, the unit must turn to possession cases to keep their unit performance numbers balanced.

The unit recognizes its role as handling complaints from citizens, assisting uniform officers, and the like.

A city narcotics squad has to be different than a Metro squad. The city squad is not meant to attack narcotics at its highest level. The mission of the city squad is (for cynical emphasis) "to deal with every crank that's on the telephone." Their job is to appease citizens, politicians, and do their job at that level for community safety.

The notion of narcotics enforcement for community safety touches on another reason for and goal of that enforcement, to reduce crime, specifically burglary and robbery. The unit is certain that narcotics enforcement reduces other crimes. It is likely that the crimes that they are concerned about, outside of the tautological crime of drug trafficking, involve users attempting to get money to buy drugs. Therefore, the activity of the city unit in making possession cases against users and user/dealers (the demand reduction policy) is intended to directly impact on the street level. This is consistent with their concern with the relationship between drugs and crime.

The enforcement priorities of the unit appear to be set by the drugs that are "heavy" or a "problem" in town at a given time. One unit member stated that heroin at present was not one of the "heavies." Cocaine, Quaaludes, and Valium were "heavies" at that time however. The Lieutenant sets the enforcement priorities and annually writes a memorandum stating the unit goals for the next fiscal year. The memorandum is posted for the entire unit to see. The 1977 goals for the unit are listed below.

1. (To achieve) a fifteen percent increase in enforcement in possession cases.
2. To maintain the same effectiveness in enforcement surrounding sales cases, placing the emphasis on the dealers.
3. To put into effect a program of in-service training in order to upgrade all personnel.
4. To show a further increase in convictions in narcotics cases, thus putting emphasis on convictions and not arrests.

5. To put together a program of training to familiarize and teach the Field Operations personnel to identify and prosecute narcotics cases.

Due to the perceived hazards of doing search warrants and making possession cases (i.e., complaints from those arrested and a subsequent investigation by internal affairs), the unit appeared to emphasize sales cases for this period. The hand-to-hand sale cases tend to produce better quality cases (as measured by convictions) than do possession cases. Thus, the emphasis on sales cases reinforced the goal of putting emphasis on convictions and not arrests. During that same period an in-service training program was carried out by the unit.

The current enforcement strategy for the city unit focuses on specific types of drugs rather than on individual dealers. Cocaine and heroin are the two biggest priorities with phencyclidine (PCP) fast becoming a "problem" drug. Those in the unit estimated that within a year the priorities will become: (1) heroin; (2) PCP; and (3) cocaine.

. Gotham Minor

Historically, the goals of the unit were seemingly to carry out a regular police function of reducing crime. In the early 1960's the drug unit was developed in Gotham Minor in response to dramatic increases in burglaries, robberies, shoplifting, and check forgery which were all thought to be related to an increased incidence of drug use. In Gotham Minor, the sharp increase in these crimes drew attention to the drug problem.

Today, there are no formal goals or objectives for the narcotics unit other than the highly general mission of "arresting drug violators." The unit Sergeant is not certain who, if anyone, sets enforcement priorities on drugs.



I think the guys set their own priorities off the top of their head. Each man has an individual priority to...

My policy is that if a complaint comes in or information comes in, that we should do an investigation.

The Sergeant's comment on being responsive to complaints implies that the unit would pursue cases involving small amounts of marijuana.\* While this was sometimes the case, the priorities were said to be heroin and cocaine. The bulk of narcotics arrests for the narcotics unit in 1976 were for marijuana. Perhaps this was due to the restrictive budget of the unit which was a severe limiting factor in their ability to make buy cases against the larger dealers of more expensive drugs, such as heroin and cocaine. An investigator reported the following:

We're not buying pot unless it's absolutely necessary to make a case on somebody.

The County, the D.A., and the Chief consider marijuana to be a low priority. They don't want us wasting time with pot, when there's heroin and cocaine out there.

In addition, as was mentioned above, cases are assigned to officers to deal with or clear within a set time period. These cases are monitored by the Sergeant, and he keeps a book on his desk in which the cases opened and closed for a given time are entered, along with who had been given the assignment, what the nature of the information or complaint was, and the contact person to call. There was also a section for "comments" in which the Sergeant could make suggestions concerning the approach to take to the case. These cases were not considered very productive by the officers, but

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\* In fact, this occurred when the Sergeant assigned two investigators to follow up a complaint that marijuana plants were growing in the front yard of a particular house. A researcher accompanied the two investigators who pulled four marijuana plants out of the front yard. No one knew who they belonged to so the investigator had to bag the plants, submit them to the police lab, and do the paperwork. Being responsive to such complaints is time consuming, but it is good for police public relations.

the system of allocation and control, associated with an organization-centered operation, did insure that most of them were disposed of within the set time period (see Table IV-2).

The Chief must give permission for search warrants to be served. The major purpose of this requirement is to allow the Chief to make a decision about the search warrant's potential for igniting a race riot in the black areas of town. While the researchers were working with the unit the Chief stopped a search warrant, which had been signed by a judge, from being served. He felt that given the time of year and the location of the dwelling to be entered, the risk of a race riot was too great. The extent of control the Chief exercised over the narcotics and vice units was extensive. The control the Chief exercised was, if anything, an inconvenience at times rather than a deterrent to narcotics investigation.

Control of diversion of prescription drugs into illegal channels had two major foci--the theft of prescription pads from a doctor's office and the forging of prescriptions from the stolen prescription sheets. The second emphasis was on physicians who for their own profit and based on non-medical considerations knowingly supplied narcotics users with large supplies of prescription drugs. The Gotham Minor unit has arranged a way of dealing with stolen and forged prescriptions. The success of the program rests primarily with the pharmacists and their willingness to cooperate with the narcotics unit. When it is known that a physician's prescription pad has been stolen or that particular types of prescription forgeries are occurring, the pharmacists are alerted. A list of pharmacists has been drawn up which, once the message to them is set in motion, acts like a chain letter whereby a single pharmacist calls two or three of his fellow pharmacists who in turn call two or three other pharmacists until the

geometric progression of calls alerts all the pharmacists in the Gotham Minor area. The narcotics unit has developed a sign which is placed in each pharmacy which indicates that all controlled substance prescriptions will be verified by phone before being filled. In reality, the phone call to the physician is left to the pharmacist's discretion. However, when he is given a prescription that is on the stolen or forged list or if he suspects the prescription is not legitimate, he may call the physician involved or he can call the police at a special number set up by the narcotics unit with the Gotham Minor Police Headquarters. Soon a uniform patrol car appears at the pharmacy and the suspect is taken into custody. Later the narcotics unit does a follow-up investigation on the case.

In the case of a physician indiscriminately writing prescriptions for drug users, the only current weapon the narcotics unit has is moral suasion. They contact the physician (the few physicians who do this in the Gotham Minor area are well known by the pharmacists and the narcotics unit) and indicate to him that he is writing excessive prescriptions and that he is writing them for known drug users. He is requested to discontinue doing this and it is further suggested that if he continues, he is running the risk of having the privilege of prescribing drugs and perhaps practicing medicine revoked (there is little actual chance of that happening). Typically, the physician does not heed the warning and no sanctions are brought against him by his professional colleagues (medical societies argue for the right to self-regulate and claim to be self-regulating), or by the law (which is, based on current law, helpless to do so).

. Bay City

The three cases earlier, plus the case of Bay City, point to some of the persistent problems units have in setting goals and producing

from these goals specific targets. For goals to be met--no matter how evaluated--there must be a steady supply of intelligence about new targets. Unless the goal is quite specific, or conversely quite vague, intelligence is needed. Yet, it is in this area where narcotics units have problems. In Bay City, this problem is well recognized, and one of the changes the commander would like to make is to establish one or two full-time intelligence officers. While currently an intelligence file exists, the unit's manpower problems are so acute that intelligence officers are a "luxury." In Bay City there is, in embryo, an adequate conception of coordinate intelligence function.\* The unit is moving toward this, but is hampered by manpower problems which are reflective, as are their equipment problems, of their departmental budgetary problem.

Regarding goals and targeting, there is a coordinated effort by the department as a whole and by the unit to aim at varying levels of the local market. In addition, the unit participates in a regionwide effort to attack the market. According to the VCD commander, and the Sergeant in charge of the Narcotics section, the top focal priority is heroin, followed by cocaine, amphetamines, other Schedule II drugs, such as LSD, Schedule III drugs (various barbiturates), and marijuana.

While at one time there was a formal division in the section between the agents working major dealers and those working street dealers, manpower problems have necessitated a more cooperative effort. While the agents working major dealers continue to do so, they are also available for other assignments.

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\* The intelligence officers, if they existed, would be responsible for maintaining intelligence files, debriefing agents about their cases and other information, correlating information, developing leads, setting targets, and in general for turning information and intelligence into a coordinate unit effort.

- R: Sergeant, what do you see as the goals of the narcotics unit or the vice control division in terms of drugs, the priorities?
- S: Ah, I think we're more closely oriented to try to suppress the major traffickers than we are the street dealers, although the two go hand in hand. You have to stay on top of your street dealer to maintain informants, to keep cases going. To, to get to the guys that are actually supplying the stuff on somewhat a wholesale basis.
- R: There's some sort of division in a narcotics section between guys who do major dealers and street level?
- S: There was at one time. They had a street crew and a major crew. But ah, there weren't enough people to do both. So everybody did, we'd do everything we just kind of prioritize on a daily basis. You've got a major violators you can work, and you can expend the manpower and fund on, you do, and when things slack off then you got out and just go wild on the street dealers, although we've run several buy programs, which works out nicely. You get an officer on loan that's unknown to the people on the street. And assign a couple of narcotics officers to work with him and ah, he'll go out and make as many buys as he can, they'll direct him to the area, try to direct him to certain people. He'll make the buy then he'll come back you know, make a photo identification then the ah, the buy team guys will write up the paper and process everything. So it keeps everything, kind of a expertise in the chain of evidence. That worked good, they, I think the last buy program had 70 some odd buys involved. And the grand jury handled about 45 of 'em. And they brought back the true bills on all, all that went to the jury. The cases in municipal court were very successful too, so it, it worked.

While the study team was there, there wasn't a program operating but the unit was planning to initiate one within the next month or so. The Sergeant's description of how the unit operated daily was, during the time the research team was there, quite accurate. When there was a search warrant raid to be run, those officers working on major dealers would contribute their manpower to the raid, and then when all the processing work was done, they would go back and continue their own work on "major dealers." A major dealer was defined in the unit as anyone who could do (distribute) multi-ounces. During the course of the research, there was one officer assigned by the commander of the VCD to work exclusively on one targeted dealer who had been causing the unit and the department a considerable

amount of trouble. The dealer was utilizing public housing projects as places to deal, and within the context of what is legally allowable, the unit could not effectively stop this operation. The agent was told to "drop everything" and concentrate on developing intelligence, evidence and cases on this dealer.

The Bay City unit and the Department have a set of coordinated programs to attack varying levels of the narcotics market. Coupled with a county-wide, newly formed, federally funded task force that will principally concentrate its efforts on areas outside of Bay City, and with Federal efforts in the area, the unit hopes to be able to increase the pressure on the narcotics market. While not expressly articulated in writing as a unified effort, it is clear that the Chief and the Commander of the VCD think of the various programs as a unified effort. However, one must keep in mind that the unit is hampered by the lack of equipment, manpower and money. As noted previously, there is a perceived need for intelligence officers who would gather, analyze and disseminate information about the narcotics organizations, their linkages and their perceived weak spots.\* The following programs regularly comprise the unit's and the department's efforts to reduce supply and inhibit demand and keep pressure on the market.

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\* While there are officers in the intelligence section of the department who have as part of their duties the task of developing some narcotics related information, the unit does not appear to profit from their activity in cost-effective terms. First, there appeared to be a limited amount of information gathered; second, the target groups of the unit did not appear to be the focus of the intelligence officers; third, there appeared to be little information transfer, and what was transferred as might be inferred was not necessarily valuable to the unit. Clearly this is an area the department should examine in light of the unit's needs for intelligence.

(1) The "11550 program": The substance of Section 11550 of the Health and Safety Code (H&S) is as follows:

No Person shall use, or be under the influence of any controlled substance..or..narcotic drug..excepting when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail. Opium and opium derivatives (including heroin) are among the controlled substances and narcotic drugs prescribed by the Section.\*

All patrolmen in the department are trained to detect 11550 violations. The department and the unit see a need for this type of pressure on the user because of the relationships first of the user to the market itself and

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\* Other statutes that can be applied are listed in the department's training manual and include:

- 647(f) PC Under the influence of intoxicating liquor, any drug, toluene, any poison or combination of above in a public place (M)
- 11364 H&S Possession of narcotic paraphernalia (M)
- 11453 H&S Provides for required examination by physician of addict/habitual user of controlled substances in Schedule I, II, III (M)
- 4143(a) B&P Possession of hypodermic needle/syringe (M)
- 4390 B&P Forgery, altering, issuing, uttering and possession of any drugs by prescription. (M)
- 4390.5 B&P False representation as prescriber to obtain drugs (M or F)
- 23101 VC Driving under the influence of intoxicating liquor or combination of liquor and any drug, with injury (F)
- 23102 VC Similar drunk driving, no injury (M)
- 23105 VC Similar driving under the influence of a drug, no injury (M)
- 23106 VC Similar driving while under the influence, causing injury (F)

second the relationship of the user to other criminal activity. In 1976, the Bay City department analyzed a random sample of 11550 violators. Using records provided by an online system, the study revealed that 87 percent of the study subjects had recorded criminal activity other than the 11550 violation (209 of 241 violators). Of the 241 violators, 179 or 74.3 percent had records for: robbery, burglary, larceny, weapons, and other drug offenses. Arrests per violator per violation are presented in Table IV-6. The Bay City program is not unique in that within the State, there are other departments that have initiated such a program, and each has reported some success with reductions of property crimes.

While patrolmen usually make the most of the 11550 arrests, narcotics agents (and sometimes vice agents) account for some cases.

(2) Street Heroin Dealer Buy Programs: These programs have a two-fold objective. Part of their effect is to raise the price of heroin, reduce the quality, and make "connecting" a bit more difficult. In other words, they wish to raise the overall (utility) difficulty of securing heroin "on the street." The "street" does not mean just dealers who stand on the street per se, but in general dealers who seek in amounts below one ounce, or below multiple grams lots. The second effect, which is coupled with the enforcement of the 11550 Health and Safety code and related offenses, is to reduce the levels of other types of crime in the Bay City area.

In the past 18 months, the unit has initiated and completed six buy programs (see Appendix B). While the study team was at the site, however, the unit was between buy programs and was gearing up for one near the end of the year. For the six buy programs, there were over 400 arrests of street dealers. Arrangements with the District Attorney allow all cases



Table IV-6

Analysis of Corpus Records for 179 Violators of  
Health and Safety Code 11550: Other Arrests

| Type of Offense | Arrests per Suspect | Total Arrests |
|-----------------|---------------------|---------------|
| Robbery         | .41                 | 73            |
| Burglary        | .93                 | 166           |
| Larceny         | 2.90                | 519           |
| Weapons         | .78                 | 139           |
| Other Drugs     | <u>2.98</u>         | <u>534</u>    |
| TOTALS          | 8.00                | 1,431         |

SOURCE: Bay City Training Bulletin, 1977.

to be heard before the County Grand Jury which facilitates trial dates being set and, in addition, saves the unit some overtime costs. The majority of the cases are indicted in Superior Court while the remainder are tried in Municipal Court. The unit will continue this program and will be aided in supporting it through the help of the newly-formed, federally-funded, county task force. In another section, a general overview of the organization of a buy program is presented.

Both the above programs have lead to a reduction in the property crimes rate (7½ percent drop) and a .42 percent reduction in the "overdose" rate.

(3) Major Dealer Apprehension Program: This program originally started under a grant, but is now part of the ongoing activity of the unit. There are three officers (out of ten) currently working on "major dealers" (those who buy and sell at least multiple ounces). This activity has lead to the identification of major heroin dealers who are targeted. Information about their dealings is then systematically collected and enforcement efforts are directed specifically at them. At the beginning of the grant there were five major dealing organizations known to the unit,

During the life of the grant, each of these organizations has been affected monetarily by seizures or disrupted by arrests. The result appears to be a dissolution of the five organizations into a loosely knit organization of many main characters (Yearly Summary 1976).

Currently, the unit targets dealers and develops information on them. Because of the manpower problems alluded to earlier, the officers working on these cases often aid in running search warrants, making buys, etc.

This is, for example, in direct contrast to the "conspiracy unit" at Desert City who were specifically involved in making conspiracy cases against major

traffickers. However, it should be noted that the State conspiracy laws in Desert City's State are considerably stronger than those governing Bay City and as a result, other types of the cases must virtually be made at a State level.

(4) Informant-Based Activity: This activity undertaken by the officers is a "usual" part of the narcotics effort. This effort has a two-fold purpose. First, to locate informants who can provide information on some of the targeted major dealers, and second, to develop warrants of dealers; preferably major dealers. On the average, the unit initiated and ran 7.25 warrants per month (or .80 warrants per agent per month). In addition, the unit routinely provides assistance to other narcotics agencies in the area, makes buys for the task force, does surveillance, serves warrants, etc.

(5) Responses to Complainants: One of the programmatic objectives of the unit is to provide timely response to citizen complainants of narcotics activity. Thus, not only does the unit have a system for processing and accounting for these complaints, but additionally, they desire to make quick responses to the most serious ones. While securing an arrest is one objective, the main goal is to demonstrate a positive concern by the unit for the citizens and their worries.

(6) Bay City Street Buy Programs: The Bay City program involves the placement of a buy officer in semideep undercover work for a period of time ranging from 60-120 days. Usually the buy officer works with an informant or informants who provide introductions into the dealing scene, but on some occasions the officer is able to work alone. The following is an account of one of the buy programs provided to us by two of the agents who participated in the program. It should be noted that most of

the buy programs involved one or two buy officers and the officers running the programs are seasoned agents of the unit who provide the back-up assistance, paperwork, care and custody of the evidence, etc., for the buy officer (who usually is chosen for the temporary assignment out of the department). The following account involves a larger project which serves as a prototype for the buy program.

The project was a joint effort by members of the Bay City Police Department's Vice Control Division, Criminal Investigation Division and Patrol Division. Participants during the street heroin buy program included members of all three divisions. A follow-up program was also initiated with pressure being put on heroin addicts by members of the Narcotic Detail.

The project purpose was implementation of a narcotic enforcement program aimed at the street level heroin dealer and user. The street level enforcement program was implemented on September 22, 1975, and expired on November 30, 1975. The length of the program was short, due to manpower and budget considerations and the time span needed to evaluate the results of the program. A three-week heroin buy program began on September 22, 1975. This program included the use of several undercover officers whose sole purpose, for a three-week period, was to make purchases of heroin from street dealers in Bay City. The street dealers sell their product on a daily basis from various street locations in the city. The proposal submitted to the Commander of the Vice Division by narcotic officers involved in the project called for a buy program lasting for a period of sixty days. The Chief of Police limited the program to a three-week period due to the aforementioned budget limitations and to have the greatest impact in a short period of time. A target of one hundred heroin purchases from as many dealers was set for the three-week period. The target was reached at

the end of the period with many of the dealers having sold on two or more occasions to the undercover officers. It was decided that as many of the dealers as possible would be taken into custody on the same day to obtain the greatest impact from the program. The arrests were made on October 10, 1975, and resulted in the arrests of 115 persons, with approximately 35 arrest warrants remaining to be served. The majority of the remaining suspects were arrested during the following three-week period. In addition to the buy program the narcotic detail, during the remainder of October 1975 and throughout November applied constant pressure on street level heroin dealers and users. This effort resulted in the arrests of 53 persons for possession of heroin and addicts under the influence of heroin.

B. Personnel Organization: Recruitment, Training, Production, Failure, Evaluation and Rotation

In this section, we discuss seven aspects of personnel organization or development that are persistently problematic in all large organizations: rules of entry or recruitment, modes of training, continuing education, production and activity, failure, format evaluation and rotational policies. The discussion is based on a stage or life-cycle model which attempts to capture the salient features of each step of a movement into, through, and out of the organization. The first step is obviously entry, while the final stage is exit. Clearly, a person could cycle through one or more of the steps more than once, could exit prior to the final stage, etc. There are also characteristics found in each unit, probably the result of the running adjustments they have made to concrete historical problems and events. We attempt to discuss these as well as the more generalizable features we discovered. Analytic distinctions, such as the stages of this model, facilitate generalization based on data from all six sites. It is

productive, we argue, to search for both similarities and differences, and this can be best accomplished by using the stage model. Perhaps the most important distinctions we discovered, and note below, are those between organizations that use a chronological system of taking persons who apply as openings are available; Bay City that uses a test-system for competitive entry; and those that recruit for special programs and activities such as buy programs. The chronological system often uses personalistic (the person chosen is known to the officers making the choice and the choice is based on the personal relationship) or individualistic (based on the personal qualities of the person rather than what the officer knows or has done in the past) criteria for choosing new recruits. As one can see most apparently in Bay City, the rules change governing entry, and the organization reflects differing rules of entry in its composition. These are officers in the unit who have been recruited under quite different rules, and as a result are evaluated and considered for rotation out under different rules as well. Finally, the overall impact of the policies, their interrelationships and relative costs are highlighted by such an approach. The data for this analysis are based upon the six sites; in addition, we make comparisons with other units we have observed.

1. Rules of Entry: Recruitment Modes

- . Bay City

Varying entry rules with competitive entry at present. The old system involved the use of a waiting list. Historically, there has always been a greater demand for positions in V.C.D. than positions available. This condition resulted in the establishment of a "list" of applicants. Equity was determined through chronology: i.e., the person whose application was in the longest was at the top of the list and was given the first

vacancy. This was in spite of the desires of the Commander, the marginality of the applicants records, etc. It was not uncommon for unit members to report that they had made their applications two or three years prior to being "accepted." This situation was deemed totally inadequate by the current Commander who viewed it as (among other things) inefficient and organizationally as a loss of control over entry. As a result, and as a result of some pressures from minority officers, the system was altered. The pressure from the minority officers occurred prior to the current Commander's judgment. There was no turnover policy, thus, officers were entrenched in V.C.D. and the applicants were waiting inordinately long until turnover resulted. Since nearly all the officers in V.C.D. were of the "majority" race, criticism arose. It was argued that "select spots" in the department were being denied to the officers. Moreover, several of the older officers who were there had not been performing, had not performed well for several years. The result was a small purge of some of the older officers, bringing on some change -- change that was somewhat coincident with the new chief. A new system was introduced and kept a chronology, but set up two groups. One group was the core officer group and consisted of approximately 4-5 officers. These officers were considered the best narcs; producers, knowledgeable and hard working. They were -- as long as they continued to produce -- virtually assured of staying in V.C.D. The other group were those being routed in for one year. These officers (about 6 per year in the narcotics section) were from the chronological list, but in addition the chronology had been somewhat altered to include some black officers. The system was to work as follows: the core members would be paired with the rotaters, and the rotaters would be evaluated critically over the year. In theory

most would be rotated out at the end of the year, but the one(s) who met the core criteria would be retained and added to the core. Also any core officer who was not producing, in theory, would be removed. One of the core officers during this time moved from narc work to being a filing officer because he was "burned out" thus creating a position (one of the filing officers has disappeared). How long this system was in operation is not clear. There were written formal communications on it etc., but at the time of the fieldwork, a new policy was being worked out that was considered superior to both of the previous ones. It was to establish greater control over recruitment, retain the producers, and allow for phase-outs.

By creating the system which required prior knowledge of narcotics law, procedure and practice, Bay City made a step toward the rationalization of its recruitment rules, and moved further away from the chronological system (which attempts to create equity by treating all applicants equally in terms of skill, knowledge and background - the civil service model). The previous rotational and chronological rules were used primarily in recruitment for temporary duty assignments. The three entry systems are outlined below.

Comparisons of three systems of entry criteria, Bay City:

- I. Chronological - Minimum production rules and standards in prior career.
- II. Rotational/Chronological/Minority - Minimum previous acceptable performance in prior career, constant evaluation in temporary assignment.
- III. Test Basis/Competitive - High previous performance record; evidence of college or other course work in area; test evidence on knowledge of law (constant evaluation of temporary person).



What should be understood is that even under the new system some of the core (II) system remains. The best veterans continue to "teach" new recruits. However, because of the work of one sergeant, the materials used to teach the recruits are now more systematic. The older veterans and the Sergeant both evaluate the recruits.

Also, over the past years, the systematization and schooling has become increasingly prevalent:

1. The old veterans were given a desk and told to make cases, but were given no instruction.
2. Then some training of new recruits was undertaken by veterans.
3. Then they began to send new officers to schools as those schools became available.
4. Finally, they adopted a prestudy mode of recruitment. That is, they moved the focus of learning about vice work from postrecruitment to prerecruitment. That was an attempt to establish higher standards. The result of prerecruitment learning was to grant greater V.C.D. control over its personnel and the quality of their knowledge.

All new agents are now recruited as positions open. There is a single serial type recruitment pattern throughout all three systems. The exception was the rotational system which allowed for greater turnover.

The foregoing description and analysis does not concern the recruitment of buy officers for the buy program. This is a different type of assignment and the requirements applied are quite different. It was not the case in Bay City while we were there that buy officers who performed well were immediately transferred into the regular unit (as in Dollarville).

Buy officers were selected for their "credibility factors." This is a way of saying that they are selected by sex/race, degree to which they are not known as police officers, and one additional factor, their trainability. The latter factor refers to the capacity of the buy program coordinators (regular narcs) to train them. The buy program coordinators, the Sergeant and the VCD Commander all are involved in the selection process. This includes:

1. file review,
2. contacts with current and previous supervisors or training officers if buy officers come out of the academy,
3. race,
4. sex,
5. knowledge of area and area's knowledge of them,
6. interview with officer.

Buy officers do not go into "deep" undercover, but the buy program coordinators do perform the majority of the paperwork functions for them. They must buy and hand over the dope to the coordinators who also back them up. After approximately a three-month period, the round-up occurs, the officers testify, and they return to their previous duties. The Bay City buy programs are aimed at street and lower level dealers and addicts, based on the perceived effect of these programs on property crimes rates as well as disruption of the lower levels of the market.

#### Desert City

Personalistic, with organizational review. When a vacancy occurs (for whatever reasons), the Sergeants and Lieutenants as well as the Captain over the division discuss the needs of the unit, and then begin making a search. While there is a file of applicants or persons who have

requested transfers into the unit there is no formal rule which indicates that they must be accepted. However, there are a series of justifications which must be performed when some officers are passed over for others. That is, it must be demonstrated that the person(s) selected are the best. This was best pointed out by the rotation of the female officer out of narcotics and the problems of selecting a replacement. When the final selection by the Lieutenant was not the most senior applicant (in terms of chronology of applications and years on the force) the division Commander requested for the Chief a detailed justification for why the other officer was desired. In the male cases, the typical pattern involved the potential recruit coming to the attention of the sergeants, or current agents who recommend him. Then there is a "background check" which involves looking at the file and talking with current and previous supervisors. Finally, the officer is approached about working narcotics. He is verbally "stressed" in an interview to indicate his ability to keep cool in stressful street and undercover situations. His wife is also interviewed to assess the strength of the potential agent's family relations and to assess her acceptance of his role as a narcotics agent. Based on these data a decision is made to offer him a position in the narcotics unit. In addition to the officer's immediate superior, the Chief also must sign off on the transfer to the narcotics unit. Another mode which has occurred is that officers are simply transferred in without their personal knowledge of the selection sequence. There are no standard requirements, rules of entry, special skills or rank associated with the position in the unit, and there is no tenure or security from virtually immediate transfer out. This typical pattern for the recruits is for the agents who come from the Desert City police department to the MANS unit to work in the "undercover squad" and not for the sheriff deputies

nor for the "office or conspiracy" squad. The deputies are assigned partially on the basis of their desire to be a narcotics officer, and also (presumably) some other criteria. The office people are all veterans or core people who in the past had been undercover (mostly) but now work conspiracies, airports, and the like.

. Gotham Minor

Personalistic, individualistic, and time-sequenced. Gotham Minor is a small unit (around seven officers), supervised by a Sergeant who was the "original" narcotics officer in the city. He is highly respected by the Chief, and has an important hand in choosing the officers for the unit. There are no written rules or policies about recruitment into the unit, and most of the choices seem to be made within the unit, but are then approved in every case by the Chief, who takes a special interest in the officers hired for this unit. The ways in which officers come to the attention of the Sergeant or the Captain who heads the unit are parallel to those described in Columbia. From the perspective of individual officers, the choice made to transfer them into narcotics often comes as a surprise--- they receive an order to report. In cases described to us in interviews, the officers were speculating about how they were chosen, and there was no single pattern except that they felt that they were "aggressive" or "hardworking" and that they could "put up with the weird hours..." In the Chief's view, the person's family life is important, and he looks for officers who are good family men. This is apparently an attempt to find families who can endure the strain created by the hours, temptations and stresses of the job. The potential agent is interviewed to see how he can handle the work -- for example, he is asked to act out a buy, etc. He is then told to go home and discuss this whole thing with his wife.

. Columbia

Personalistic, individualistic, and time-sequenced with organizational review. In Columbia, there are no written rules concerning entry qualifications. Openings occur periodically, e.g., when officers are transferred out (at the discretion of the Sergeant or the Captain). Since there is a policy of rotation of officers to the various tasks and substations when they join the force, there is a fair opportunity for officers to be known to each other. Some officers work vice or narcotics during this rotation period, and some come directly into narcotics because of special attributes (e.g., young, female, blonde). When the time comes for recruiting officers, supervisors may sit down informally and trade names of persons, or the Sergeant may begin to ask around among sergeants in the three precincts, looking for people who are "go-getters," "self-starters," "highly motivated," and the like. This could be considered a semiformal mode of recruitment since it starts at the top and proceeds as a search at the same level and then down. In other cases, individuals in the unit bring names to the attention of supervisors, or sergeants; or meet officers in the course of their duties whom they remember as being competent and interested. Another general mode is that of happenstance: officers making a uniform-patrol arrest may come to the unit for help in writing up the charge, disposing of the evidence, questioning the arrestees, and so on. These officers may catch the attention of the narcotics unit's members. In the department, there are always at least a few people who are known to want to join the unit, and who try to or do make drug arrests frequently, or initiate investigations. These persons may be referred to the narcotic sergeants, or they may try to talk with the sergeants themselves. This is recruitment by self-selection and is often complemented by the attention received on the unit, or

a sergeant's or command personnel's interest. Once a name is selected, the person's present Sergeant is consulted, and then his Lieutenant or the command of the Precinct. If it is approved at this level (and the officer himself approves), then the name will go forward from the Captain to the Deputy Chief, through the Precinct and the transfer is requested.

• Southern City

Multiple criteria, individualistic. In Southern City, there are really three systems of recruitment for city officers: the City Squad, the DEA Task Force and the MANS unit. The city unit provides both the DEA Task Force and a multi-county MANS unit with narcotics officers and a sergeant. The assignment to DEA and MANS is temporary duty away from the city unit. This "loan" of agents greatly facilitates interagency cooperation and enforcement activities. The DEA Task Force is considered a very desirable position because it means Federal benefits, including a personal car (for on the job use) as well as a \$250.00 a month raise and the opportunity for overtime pay. In addition, DEA officers have separate quarters, offices in a modern office building, secretarial and clerical assistance, and substantially more funds to support their operations. The criteria for transfer to this unit, which were set by the Sergeant in charge who was formerly with the city unit, utilizes a patrimonial mode of recruitment. He picks the persons, with the agreement of the city department, and maintains control over selection and thus has the power of reward for officers he likes. There are no written rules or criteria for transfer in or out of the DEA unit, and thus the Sergeant has, for practical purposes, complete control. The MANS force is run similarly to the DEA unit vis-à-vis the city unit. The city unit works on the parallels noted in Columbia, with special emphasis attached to the officers who were friends or previously

worked under the present Lieutenant on his other assignments. There are no written criteria for hiring; officers are frequently transferred in after having made a request, and there is an understanding that they can be dismissed on the same basis. In the sense that Desert City has separate routes and sources of officers, so does Southern City, and thus the unit utilizes a multiple criteria, but has an individualistically-oriented system of recruitment.

## 2. Modes of Training

In a case study of Dollarville we posited two types of training models and indicated their implications (Figure IV-1). In the following section, we elaborate these modes, indicate the training patterns for each of the six sites, and compare them to the model. Finally, we suggest some of the cost and decision factors involved in formulating a training policy.

### . Dollarville

In this unit a strictly apprenticeship mode was replaced by a formal training mode. Resulting from two related "corruption" scandals, there was almost a total turnover in the unit. The Commander of the unit had, with his sergeants, the task of training a whole class of neophytes. As a result, Dollarville went to a formalized training model. The school was such a success that it was "institutionalized" and repeated for area narcotics agents from smaller departments. However, the Dollarville formal school exists "on top of" an apprentice model that still functions. Because the formal model depends upon a known quantity of agents being trained, a lowered rate of turnover results in the formalized training being cost ineffective. The Dollarville school run for area narcotics agents included some of their own newer agents. However, in terms of day-to-day workings in

Figure IV-1. Selected Characteristics of Training Models

| Apprentice Model   | "Formal" Model   |
|--|--|
| 1. Dyadic in nature; neophyte individually taught in informal "on the job" settings; instructor "tutorial" | 1. Formal in nature; <sup>a</sup> neophytes are batched and taught in formal classroom type setting; instructor "professional"             |
| 2. Particularistic understanding upon tutor's perceptions and actions                                      | 2. General understanding based upon a course of instruction and usually a series of teachers who are specialists in their areas            |
| 3. Particularistic understandings of who to arrest, where to arrest, ways to question, etc.                | 3. General knowledge about unit procedure enforcement targets; in general, group cohesion on procedure                                     |
| 4. Particularistic interpretations of official positions on strategy                                       | 4. Official position presented and sanctioned by class   |
| 5. "Examination" based upon tutor's perception   | 5. Examination given to whole class enabling a ranking of class  |
| 6. Overall, a low rate of turnover among pupils which necessitates a lower rate of induction into learning | 6. Higher rates of turnover possible allowing greater induction of pupils into learning  |
| 7. Pupils learn informal norms and "system" as well as particularized formal view                          | 7. Minimizes learning of informal system, but creates the cohort basis for the generation of an informal system                            |
| 8. Reduces the potential for unit-wide standardization; regional-wide standardization                      | 8. Increases the potential for unit-wide standardization; creates potential for regional standardization so that units can share knowledge |
| 9. Lower efficiency in the use of manpower; more labor intensive   | 9. Greater efficiency in the use of manpower   |
| 10. Requires a lower rate of turnover in unit as a whole; single investigators can be replaced             | 10. Requires a higher rate of turnover for training to be efficient  |

<sup>a</sup> Formal training demands a coherent presentation of department goals, objectives and strategies; whereas, the apprenticeship model need not make such demands. In addition, formal training demands that procedures be more formally written out, be codified; whereas, a more informal procedure can be used in the apprenticeship model. The type of training has an effect on the types of arrests made, the procedures used, the level of cohesion in the unit, and whether the targets of enforcement are unit-determined or partner-determined.



"tactics" the apprenticeship system was functional. This is not to say that the attempts of Dollarville to institute a formalized mode are not successful. It is to point out that the contingencies surrounding the use of such a mode make it unlikely that many departments unable or unwilling to change their rotation policies will be able to institute this mode. The mode indeed may be best suited to a real instruction in terms of strategies, and perhaps could lead to the coordination of metropolitan and areal goals for enforcement.

. Bay City

In the last several years, Bay City experienced a movement from a highly individualistic mode of operation to a greater systematization of operations. This movement is reflected in their training modes. Only a few years ago, new recruits were "given a desk and told to make cases" without any training whatsoever. If they wished help, the best mode was to attach themselves to some veterans and learn by watching and asking questions. The veterans had their own systems and means. Thus, at this stage, the unit was, practically speaking, without a formal training mode.

The movement from this "pattern" to a more formalized training pattern was the result of personnel changes. Recruits were paired with older more experienced officers who trained by the apprenticeship method. However, with the result of the "core" system, some of the training materials were formalized, and a few of the core officers and a sergeant became primarily responsible for "training." Still this training was not of a formalized school model; however, and then as now the unit relies on outside training courses given by Bay State or Federal programs. Agents who have not yet "gone to school" are sent to these training schools often after being in the unit for several months. This is in contrast to the Dollarville school

which was given to officers prior to entering as full-time agents. The result of this practice (which is for Bay City still more cost effective than conducting its own school) is that officers often learn very little new material at the school since they have been functioning under a modified apprenticeship mode for several months.

Overall, the current movement in VCD is toward a more organizational approach regarding training; however, currently the apprenticeship model is predominant. The future movement of knowledge about vice and narcotics work as a requirement for transfer places some of the institutional burden on officers wishing to become agents, rather than placing this cost on the applicant and perhaps indirectly on the department as a whole (insofar as the applicant studies the material on duty, which he/she isn't supposed to do). That is, the "cost" of that part of the training is moved to being an entry requirement and placed on the officer. Thus, the unit is "saved" the training time in those areas thus resulting in agents who can more rapidly assume full-time duties. Ideally then, this is organizationally more cost effective.

. Desert City

Because of the split between the undercover squad and the "office," "day," "conspiracy" squad, serial continuity in apprenticeship training was historically lacking. However, the general pattern amongst the unit as a whole is the senior-junior apprenticeship model. New undercover officers are brought into the unit and "trained" by being placed with a more experienced officer. They attend meetings with them, learn to "jive," and in general pursue the informal modes of learning. Some of the more experienced officers do teach at the police academy and thus their abilities to instruct younger officers are somewhat formalized; however, they do not

engage in formalized training. The conspiracy unit or day crew or office crew are all older agents who have been around and in narcotics work off and on for years. Their work, because it is segmentalized from the undercover crew, does not get passed on to the younger undercover officers. Some of these officers have been to continuing education classes in enforcement, but overall there is a lack of organizational transfer between the two groups. When such transfer does occur, it is informal and much more random than appears desirable.

- Columbia

The pattern in this unit is also an "assigned to senior officer" mode. New officers learn in the apprenticeship mode from a more senior officer.\*

- Gotham Minor

No formal training is given, and although the senior officer on the unit is the sergeant (who was the "first narc" in the city -- who began the investigation of narcotics) and he supervises all officers, the remainder of the officers are young, and none had been in the unit more than two years. This meant that new officers were informally placed with partners, but since there were no set partners (with one exception), and no senior or older officers (all officers were in their twenties), the entire unit socialized new members. In some cases, officers were heavily socialized by informants (under the watchful eye of their senior partner).

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\* It should be noted that the partnership -- junior/senior officer mode is a generally adopted one in policing and occurs in many departments as a training modality from post academy beyond. The lack of group cohort mobility between assignments makes formal training modalities appear less cost effective than apprenticeship training modalities which are better suited to single serial replacements.

### . Southern City

In the two smaller units (MANS and DEA), socialization occurs by unit, and by partners. Formal schools are attended by DEA officers, but there are not formal requirements for training in the City Unit. The assignments are to a partner, but partnerships vary in their closeness, and there are a number of officers who do not work with partners. The young officer is thus in many ways "on his own" to pick up ideas from other officers, from a partner if he has one, and from informants and others in the "drug scene." Since higher level supervisors and sergeants have never worked narcotics themselves as officers, they cannot provide "role models," nor can they give much substantive guidance (see Greenwood, Petersilia, Chaiken, 1977: on the same point in detective work).

### 3. Continuing Education

In units with systematic continuing education of officers, there also appears to be a reduced rate of turnover. Put in another manner, those officers in which the organization "invests" additional funds to acquire increments in expertise are less likely to be in insecure spots within the units. Indeed, in units where there are firm fixed rotations for officers, it is less likely that continuing educational slots will be utilized.

Frequent educational endeavors center mostly on either DEA schools (which cover a variety of subjects) or advanced management and administration schools for sergeants and command staff. In any case, from an organizational point of view the additional investments appear to be justified to the extent that the officers so educated are placed in relatively stable and permanent niches.

#### 4. Activity, Production and Informal Evaluation

Any discussion of activity and production must inevitably overlap with the evaluation of performance. It is almost a cliché, based upon the data available, to say that those who produce the most stay the longest, and those that are the most active are the most secure on their jobs. The questions that arise, however, are just what it means to be "active" and "productive."

Although one could use strictly "economic" definitions of productivity and activity, we found that the definitions of activity and productivity varied from site to site. However they did have some common elements. The successful education of a narcotics officer involves learning the specific and general demands of production. In the following section, we examine the types of definitions and production/activities officers performed. The analysis is based not only on officers who were identified as "productive," active and successful; but in addition, on those who were failures. Obviously, the definitions of production and activity when contextualized form the basis for performance evaluations which we discuss in a separate section.

Activity, in the context of narcotics work, means to be engaged in specific goal-oriented, functional "duties." Productivity, as a form of activity, means to be developing information, informants, making cases, assisting other officers, and handling complainant calls for inquiries into suspicious activities. However, both activity in general and productivity specifically are contextualized by the unit's overall view and organizational environment. Context in the interpretation of the meanings of officers' actions is crucially important. Moreover, the officers' activity may be seen differently by different sergeants. The degree to

which this individualization of standards occurs can be quite large, and when this occurs squads may develop particularistic styles of action. In general, if one's activity is not visible and conspicuous, then one's productivity (as an end product of activity) must be so (for a related point see Roth, 1956\*).

. Dollarville

While the most obvious measures of productivity are search warrants and arrests, there are other measures used within the unit. While no formal unit-wide arrest quota exists, one sergeant informally communicated to his officers that to be considered productive they should initiate at least two felony cases a month:

R: How do you go about evaluating them (your men)?

W: I evaluate my men in the area of case productivity, informant developments and the developments of informants, their intelligence gathering. I evaluate them in report writing that they turn in to me and generally in those areas right there (where) you can tell whether or not a man's worth it.

R: Do you have a notion of what would be a minimal acceptable performance?

W: There is no way a man can -- unless he's just laying out on the job, not doing his job at all -- a minimum of activity would be the initiation of at least, of an average of two cases a month.

R: Felony cases or any cases?

W: Felony cases where two separate incidents -- you know it may be that three or four persons are resting on this particular search warrant raid or something and maybe later in the month he might not get but one fellow coming in from Pipeline City with a load of dope. But still that is two separate instances. I am not talking about arresting two people per month.

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\* Roth (1956: 56) is examining "what is an 'activity'" in a tuberculosis hospital argues that "those things tend to be treated as activities which are conspicuous and call attention to the patient and his behavior, and which are relatively easy to define or quantify."

A fileable case consists of a good arrest in which the warrant, or buy/bust, etc., is done with sufficient procedural correctness, the evidence gathered is sufficiently strong, and the prosecuting attorney is most likely to move forward on the case.

This same sergeant indicates that informant development is another critical area of activity. He discusses with the officers their relations with their informants, periodically checks the informant log (in this unit all informants are logged into the informant log, and very few paid informants are utilized), and checks the quality of the information that results:

W: If a guy goes three months without making any new informants that is not necessarily bad, but if a man goes six months without making any informant, he's not doing his job. Normally you can turn an informant within a three-month period without very much problem because you're hitting on everybody -- everybody really is a snitch to you. And you don't, there's no set number, but normally a fellow can work about two or three informants; that's about all one man can handle. If a person has nine or ten informants, he can't ... he can't possibly do everything that's required to corroborate their information, and if he's out there running around on their blind information, he's crazy....

R: You mean it's physically impossible?

W: Well, I've seen people try, but just because they are activity minded, but the quality of production is restricted; they're playing a numbers game just running out here arresting anybody that's in any kind of violation of any type of narcotic law, and many times they just run day and night on cases and they don't make that many good cases -- as far as good seizures. What I mean by a good seizure, I'm talking about an ounce of heroin is a good seizure to us.

He also checks on the intelligence data they gather and their reporting, form the third central area of "activity." While the Sergeant does not encourage daily report writing, he does expect intelligence information to be written down and filed so that other members of the unit can utilize it. All such reports are submitted to the Sergeant and he checks them, asks questions about them, and in general assesses them:

R: So, if someone goes a month without entering an intelligence ...

W: I talk with him, you know, and I ask him what the problem is. Why I'm not seeing any intelligence reports. Sometimes it's a situation where his partner is turning in the reports and actually they were both present at the same time, but just one of them took credit for it.

However, this may not be the case and in instances where the officer is either not gathering or not reporting the information he is warned about the deficient nature of his "performance."

However, the standards used by one Sergeant are not unit-wide, and officers on other squads, or transfers to other squads quickly learn that other Sergeants in the unit have different standards:

R: ...What kinds of, do you have any kind of quotas for your men?

A: No... we don't, I mean they may go out and they may, uh, this week might you know, just everything falls into place and like, uh, seven or eight or nine, ten people, this week, and they may go two or three weeks without arresting anyone.

R: You have four men in your squad, how do you evaluate them?

A: Well, of course job performance is only one, uh, there's lots... their appearance, if they come in every other day half shaven and their hair is getting long over their ears, and uh, when they call in sick quite frequently like you know, their days off are Saturday and Sunday and they either call in Friday or Monday or something like that with their two days off; if they're late comin' in; if they just got a bad attitude about their job or ... there're so many different ways.

R: Yeah, well I just wondered.

A: Performance doesn't necessarily mean how much, how many they put in jail ... that's just one part of it, but it's just not the whole, the whole ball game.

R: Yeah, but which are the most critical elements. I mean, let's say a man is clean shaven, shows up on time, does all of that but just sits around.

A: Course now, if he just sits on his ass, one thing he's not gonna be productive, he's not gonna be placing anybody in jail; if he sits on his ass, he's not gonna have a good attitude, and he's more or less not gonna get along with his fellow workers, and such as that, and you can't say everything is perfect except one little deal, 'cause it all ties in together, and it's gonna rub



off on the other men, and uh, usually if he's not doing anythin', just sittin' on his ass killin' time, he's goin' to be takin' sick days too, and such as that, so you know it more or less works together.

As can be seen from the foregoing, "productivity" and "activity" must have some accountable component even if it is not arrests, cases made, or assists to other officers. The Commander of the unit describes the varying ways he has at his disposal to assess officer activity:

I have the activity reports, the search warrant book, intelligence reports, just the comings and goings for example, say (two officers) were handling an undercover operator for three months. During that span of time they did not make any arrests. None whatsoever. But I can account for their time. And then there's the people who work on surveillance. They may work two weeks on one individual and not turn a peg on anyone else, but if they are successful on that case, I evaluate them based on the quality of the person they successfully made the case against as opposed to say (evaluating them) against any set or squad of officers.

A portion of the variation in informal evaluation standards of productivity arises from the task differentiation of the various squads in the unit; however, even when the supervisors are themselves rotated off to another task, the variation remains. Clearly, the officers working the diversion unit are operating in a different milieu than those working either the jail/day shift and those working afternoons and evenings. In general, the case productivity of the four groups varies. The jail/day squad always has a lower productivity of cases because they are engaged elsewhere, whereas it is expected that case productivity should increase for the afternoon and night shifts. The diversion unit is expected to be visibly making the rounds of pharmacies, checking the schedule rosters, and ensuring pharmacists' cooperation in addition to making "script" cases and gathering intelligence on physicians who sell prescriptions.

. Gotham Minor

There were no formal task delineations on the unit, i.e., no special squad or group devoted to particular types of cases such as pharmacies, conspiracies, etc. Thus, the performance standards were particularistic and contextual. It would appear that since seizures are small, arrests are the main focus of assessment of the unit. The principal focus of concern was arrests made; however, occasional seizures of a large magnitude were commended by letters from the Chief. Since there was no overtime paid, the unit worked principally a day shift (9 a.m. - 5 p.m.) and they worked most search warrant raids as a unit, there were few differentiating mechanisms, and relatively little concern about "production." Some cases were formally assigned by the Sergeant, and a time limit was set for a report on their disposition, a record kept of them.

. Southern City

There were no formal task delineations in the unit and thus no special squads were designated specific tasks or areas. There was no diversion unit (pharmacies and doctors), and no specialized groups who worked, for example, the street, or did undercover work, or conspiracies. This meant rotating shifts as well as rotating days off. Thus, responsibility for areas of investigation were not set. No cases were formally assigned to be worked.

Production was defined in terms of "making cases," and of being a self-starter who did not need supervision:

R: ... anything written on what you are supposed to do?

A: No.

R: Okay, how do you know what you're supposed to do?

A: Well by being a good police detective, aggressive, not needing supervision, not needing somebody breathing down your neck, you know, needing to, you know, do. You know, that type of person doesn't need to be in Narcotics, where he needs somebody to know where he's going to be to make sure he isn't goofing off, you know, to make sure he's not going to take advantage of the freedom that you have with Narcotics. That person --that's why there should be a six-month probationary period, maybe longer.

R: Uh, huh. How do you evaluate a man?

A: Well, I think a good sergeant would be able to evaluate a man.

R: Uh huh. Uh huh.

A: ... You can pretty well tell whether a man is going to need very much supervision just by the questions he asks or how he goes about something, whether or not he's got to be told every move to make or how to go about something. If he needs to be ...

R: Would you say that the people in Narcotics who are really getting by and doing what they should be doing are pretty --they have a lot of initiative, a lot of drive, a lot of self-propelling behavior?

A: Exactly. That's what it takes.

R: That is -- that is -- that's what it takes. And therefore these are people who are going to resent being told what to do?

A: Not really resent being told what to do, but they don't need it. They're not going to need to be told what to do.

In the final reports, arrests and seizures are presented, as are weapons confiscated, and the dollar value of seizures. Operationally, the concern was with arrests and seizures. Court time was the only source of overtime pay, although this was small and considered insignificant by investigators. Since no records are kept on convictions, dispositions, or warrants, these were not meaningful bases of assessing production, although they could be seen as "activity."

. Columbia

There are two basic areas of responsibility, and these are related to the shift pattern in the unit. Day work is carried out by five

officers who are responsible for pharmacies and the medical professions, schools and court liaisons. The day Sergeant is also responsible for all administrative matters not handled by the night Sergeant or the Captain. Principally, this means the money, the overtime, and the records and files (other than seizures and arrests which are compiled by another officer). Overtime is an important source of income in this unit, amounting to over \$56,000 a year (see analysis of budget, Chapter III) and is controlled loosely by the night Sergeant (who has the authority to control the unit) and de facto by the day Sergeant. So, overtime requests are used by the Captain after the fact to assess the production value of the person, e.g., "has he made 50 percent of all our arrests?" (After observing that one officer had applied for 50 percent of the overtime that month). The unit's objectives are set in terms of arrests, seizures, value of seizures, community appearances and inspections made (relevant only to vice). But these are assessed with respect to the unit, rather than particular squads or persons. Further, since no cases are assigned, and all cases are only open or closed after the fact of a buy and/or arrest, it is not possible to monitor individual behavior or performance. Thus, informal peer criteria, as well as arrests and overtime, become the primary interests or bases for self-esteem in the unit.

. Bay City

While the formal evaluations are made yearly, informal evaluations are made constantly. Since the section has a "cadre" of veteran agents and a group of relatively new agents, the modes for informal assessment appear to differ. On one hand the new agents are assessed in terms of their progress, while on the other hand, the old agents are assessed

in terms of their activity, case making, training of new officers, and handling of intelligence. In both cases "transmittals" provide a check on the activity of the agents. Transmittals are a form of complainant information that is received by telephone, from other agencies, or from other units within the department. The transmittals are logged in a file (the "tickler file") and assigned by the Sergeant to agents. In general, the agent has two weeks to act on a transmittal, make an investigation, and fill out a report which makes a recommendation for either continuing the case, closing it, etc. While not watched closely, delinquency on transmittals by officers is taken as an indication of poor production. This is especially true for officers whose activity is contextualized by having a low caseload. Put in general form, the more "cases" one has going, or the greater the number of investigations one is involved in, the lower the number of transmittals one is assigned. Thus, for officers with small caseloads, transmittal delinquency appears more serious than for those who are "actively involved" in several case-making activities. The current Sergeant in charge of the VCD narcotics section describes his activity and productivity evaluation practices in the following:

- R: Besides transmittals, ah, what other ways do you use to evaluate them?
- T: Transmittals, the quality of the cases they're working, the effective use of informants.
- R: How do you go about measuring the quality of a case?

- T: Yeah, when I say the quality of a case, I'm not saying that it has to be the biggest case in town. But how effective the officer was in handling that case. Was everything done? That could've been done to bring that case to a, you now, a successful conclusion.
- R: For example?
- T: Did the guy exhaust all the resources for information? Both within the department and outside the department. Ah, did he get all the players identified? Did he prior to handling the search warrant, did he surveil the place sufficiently to know that there's gonna be dope inside, if that's what he's going after? Ah, if it's a buy situation, did the officer control the guy, did he set up for a post-buy surveillance, to find out where the guy's tripping to? Did he know, did he work on the big thing, did he work as a team over the unit? You know, rather than two guys working at different angles on the same guy, you know, is this officer able to communicate with the other guys in the division, you know? Can he take the pressure? It's a very big thing down here. You know, there's a guy grumpier 'n hell when things don't go right or can he roll with the punches, you know. Cause we're looking for longevity in the man. If a guy can't handle the pressure, he's gonna alienate himself from his workers and screw situations pretty badly. Basically our, you know our, our performance evaluation system is not too good. And they're taking steps now, or they have in the past year or so to correct it. The biggest fault is that there is no unity between leaders. I might think you're an 80, you know say, percentage score you're about an 80. The next supervisor you have (and you may not change your working situation one bit) might think you're a 70, there doesn't seem to be any definition of terms or any set standards between supervisors. We're the ones that are not trained properly in performance rating. We're the big weak spot. It's not the guys.
- R: Yeah, right I understand that. I'm just sorta trying to get the elements down. So one is like, quality of the case, which means, to you at least, it means like of all the possible things about it are covered.
- T: Quality of the investigation.
- R: Yeah, right, quality of the investigation. Alright then, you said how they handle their informants?

T: Is the officer controlling his informant? You now, is he getting the most mileage out of him. Ah, when a case comes up at a later date and you get this information on a guy dealing dope and a location, is the guy going back to his informants and shooting people in there to get buys and get that information for him. Or is he just out there spinning his wheels: Or maybe using one informant and neglecting the other informants.

R: OK, how do you know that? I mean, how would I as a supervisor know whether a guy's using his informants properly?

T: You get to talk to 'em.

R: I mean you do that?

T: Yeah.

R: What kinds of things do you ask 'em?

T: Yeah, yeah, I'm trying to, I'm trying to think, it's ah, it's a very informal, you know, process. More or less just sitting down and, if a guy gets a new case going up, I'll say, hey listen, have you sent anyone in on it? Yeah, I sent someone, well I pretty much know who most of the informants are cause I control the money on several of 'em. How about this guy, can he get in there? No, he can, or he can't, and why, what's the reason, you know. And I'll find out, hey have you talked to anyone else, have they got an informant that maybe can do a little, it's trying to put together a team situation. And, you know.

R: So, really the team thing is what you're striving for?

T: I have to.

R: I mean, when you say team, you mean all nine guys?

T: That's it. Like on Jim's deal for a while there, ah, when he was working that one major violator, everybody was on it. Everybody in the office.

R: That was "Chips?"

T: Yeah, everybody was working.

R: Yeah, that makes sense. So that's, what other kinds of things would, would you use to evaluate your officers? No, do you use. Cause I'm sure you're doing it, you have to do it.

- T: Sure. The basic things, you know. If, if a guy you know, is the guy doing something that's, as simple as when he leaves the office, as he walks out, you know where in the hell he is if you have to get ahold of him. Is he on the air when you need him? Does he take care of your equipment? Does he put it back in when he's done, does he sign it out? Or does he figure, "fuck, if somebody else is paying for it I'm not going to worry about it," you know. Does a guy live in the backseat of a police car and never clean it out, so the next guys have to do it? Is he here on time? You know, if, if not why, you know. Does he think enough in advance to call and say, hey I'll be in court tomorrow, or something like that. Which all, all you know, kind of aligns itself to that team situation. Cause if you haven't got guys you can't do it. If one guy's out there on his own, you know, just all for him and none for the rest of the group he's screwing up the system.
- R: Yeah, right.
- T: And you do play, you know, you do play the, in your own mind, game, comparing one guy against the other, you know. You got one guy that is like, you know, kind of an example of an ace narc, you know. And most guys want to get to that point, you know. He, he documents all his information, if a little piece of information comes in on a case, man, he pulls that case folder out and there's the entry in that case. If \_\_\_\_\_ would die tomorrow, theoretically anybody could pick up his case and take it from then to the end. Because everything is listed there, you know. And that's a big safety factor for a cop, a lot of 'em don't realize it and when you sit down and tell 'em about it they, you know, that's the best cover you've got is that the people you're working with know that you're documenting everything and getting rid of you ain't gonna change things one bit.
- R: Yeah, really. That makes sense.
- T: We have a unique situation, too. We're not dealing with rookie cops. Every guy's supposed to be a decent policeman by the time he gets down here. And if he isn't, ah, he's not gonna be here very long. I, I think probably the key factor for a guy working down here is the man has to be able to communicate. You know with the public, with his fellow workers, with the supervisors. You can see we're very low-keyed in supervision, you know. The supervisor down here to me is a working position.
- R: Yeah, right.
- T: I don't handle the case load but I'm an extra pair of hands whenever they're needed.
- R: Right, but you're, you know, you also, both you and the two Lieutenants have to evaluate these guys?



- T: Oh, yeah.
- R: Uhm, and I'm just really interested in, it's a difficult thing to do anyway, but it seems to me that it's even more difficult in narcotics.
- T: Sure. The guys are on their own a lot. That's the reason. It's not like you're on the district then you've got a guy at the end of a radio every minute you need him. And you can follow him around on every call. You can't do that down here. You have to go with them and ... A good indication is how well a guy controls a search warrant. That'll let you know where a guy's coming from. Does he have safety in mind? Has he planned for it?
- R: When you say controlled search warrant you mean, control a raid?
- T: Yeah, that's his baby, you know, he, he's the man. You know, he'll, he has as much leeway in assigning to me to a position on that raid as any other officer. You know it's like a case agent profile. He is it. And how effectively he does that is a good indication if the guy's got his head on straight. Cause there's a lot of things to take into consideration. And everytime you make a mistake you can figure somebody's gonna get hurt or the case is going to get screwed up. So that's a real good indicator.
- R: Anything else?
- T: Yeah, there's a guy, ah, try to plan for, you know, for his time. There's only so many hours in a day. Or does everything have to go on overtime? How effectively that man can use his time. To his best advantage. Is he able to prioritize his cases, cause he may have several going at once? And you can't do 'em all. They're about the biggest indicators I can think of.
- R: Yeah, and those are the ones that you routinely use?
- T: Yeah.

Interviews with the Commander of the VCD also indicate that case quality, informant use and control, participation in the "teamwork" of the unit are all crucially important. In addition, for the newer officers technical improvement in their work is a necessity if they are to continue as agents. During the period of the fieldwork at VCD one of the new agents was removed from the narcotics section and another was shifted to

the vice section. Both had shown repeated evidence of not adequately meeting the activity and productivity standards. In one case, the officer was not "progressing" in the sense that he was not making cases and informants even after being there seven months; in the case of the dismissal, the officer had a cluster of "inadequacies" that included events not directly connected to VCD; for example, over \$100.00 in traffic tickets which the officer had ignored. But even with VCD, the officer's performance was considered inadequate. As we shall see in a later section, often such dismissals or transfers are not seen as "failures" by the organization, but they are cast in another light.

. Desert City

The MANS squad has two sections within it that are viewed differently in terms of their activities and production. The day/office/conspiracy crew work in areas that are distinctly different from the night/street/undercover crew. While the personnel on both crews are technically subdivided into pairs, the teamwork necessary on the undercover crew makes a different type of organization result. The day/conspiracy crew did not, as a rule, participate in running warrants or going on raids, with the exception of the filing officer who occupied a curious place in the working division of the squad. The filing officer had once been on the undercover crew, still drove an undercover vehicle, and continued when possible to participate in running warrants and the like. His partner had been killed prior to the inception of this field study, and he had moved into the filing officer's assignment. Thus, he too was subject to a performance evaluation that differed from those applied to the other men. The officers on the conspiracy/day crew were for the most part the "veterans" of the squad. One of the veterans describes the crew as follows:

Ed, Fred, myself and Joe -- Fred has probably the least amount of time in the department. I think he has got twelve years. Joe has got twelve years, Ed 16-1/2 years, I've got 17-1/2 years on. I've worked narcotics for roughly 13 years, 13 or 14 years. Ed has worked here since 1967, Fred since '68 or '69. Joe came in here somewhere about '72. We're the old heads. We're, I like to say, the nucleus of the unit. We haven't been rotated out on this 18-month rotation because we're not working the undercover pressure type job and there is an awful lot sitting in the back of our minds that has never been put down on paper.

Besides the veterans, one Deputy from the Sheriff's department is assigned to the day crew; although he is new, he is evaluated along the lines they are. The Sergeant who supervises the day/conspiracy crew was previously the superior for the undercover crew, but switched with the current undercover Sergeant approximately a year and a half ago.

R: You did that up until a year and a half ago?

H: About a year.

R: How come you changed?

H: I got tired of it.

R: Did it affect your home at all?

H: Yes.

R: Your wife?

H: Yes. It affected everything.

R: In what way?

H: The pressures of it. I think you can only do that effectively for only so long. I don't think there's too many people around that can withstand the pressures of the decisions and etc. that you're subjected to on a day-to-day basis.

R: What do you mean?

H: Well, your constant worry is of course, getting your flash roll ripped off, getting somebody shot, getting somebody killed.

R: Getting your ass shot and killed too?

H: Well, I don't know. It's the old story that you think that it'll never happen to me. But you hate to see one of your guys get into it and get hurt. You make the decisions as the undercover supervisor, that you want to know enough, you want to have enough experience behind you that you can make the right decisions that they don't get into the position that they do get hurt. And that's sometimes hard to do. Of course, you live with, I got to the point, to where I was having a nervous stomach. And it was simply because everytime we'd go into a dope deal, I would try to consider every possible avenue and I would always, the narc's paranoia finally got to me I think, where I finally got, look I'd rather not do this deal. And I'd back off at things. And I'd pull my guys back because I didn't want to get anybody hurt. It just wasn't worth it to me to do a big grass deal. I just don't feel like it's worth it to do something that none of the rest of the citizens give a damn about. It just got to where it worried me.

R: When you said a nervous stomach you had ...?

H: An almost ulcer.

R: Were you eating Maalox?

H: Yes I was, heavily.

R: Why don't you give me an idea of what you do now?

H: My prime function now is just direction of the office crew. And what I refer to as the office crew, is not ... we call it the office crew but it really is composed of the people who are actively engaged in the conspiracy investigations. The people who are engaged in the shipment investigations. And of course we have a filing officer who does all our filing.

R: What kinds of things do you do in terms of the supervision of conspiracy, shipment and filing?

H: To be perfectly honest with you, I've got one of the easiest jobs around now. Because I've got well qualified people doing these things. I've got people that know what they're doing. And as far as any supervision in the lines of legal supervision, telling these guys..., I don't have to let them know what they can and cannot do, They know how to complete all the paperwork. So I don't have any problems that way. As far as the conspiracy group goes, I keep a track of where both the conspiracies are going. Where they're at, at any given time. I make suggestions, which we all do. I talk to other agencies.

The difficulties of establishing a unified system for evaluation of the activities of the two crews appears, then, to result from a totally different task orientation of those groups:

H: Their (the two crews) activities are totally different. And their activities are not based on arrests. To be perfectly honest at this point in the, the conspiracy group primarily is based on hope. Because it is hope that we're putting into these conspiracies will in the end prove more beneficial than going out and making a lot of dime buys and taking off people that we're really not really affecting anybody big by doing it. Hopefully, by the conspiracy route we will be able to affect ...

R: If at the end of this year, you and I, we're going to say was the conspiracy team doing it's job, it would be that they made one or two big cases or were involved with it or participated?

H: I don't even think it's going to be based on whether or not they have made a case this year. You now as far as an arrest. I think what it's going to be based on is how much intelligence that we have accumulated. Of course, being how we're going to prosecute these things federally, we're going to, or I will be able to know how far along we are in these cases. I will be able to know whether or not these guys are getting the type of information that they should be getting for successful prosecution. And I'll be able to get this from the U.S. Attorney that's assigned to the case. Or from the DEA agents who are much more familiar with federal conspiracy than of course we are. I can tell if a guy is working or not. As far as results, this is something else. Because none of us know whether or not we're going to have results at this time. But to us that is not important at this time. Because there's got to be a better way. To be perfectly honest with you, we're seeking that better way.

R: In terms of doing enforcement?

H: That's right.

Thus, for the day/conspiracy crew there are multiple and individualized evaluations. The filing officer is "producing" by handling the filing, advocating cases to the D.A.; the conspiracy investigators (who actually "pulled down" (arrested) one of the major heroin importer/distributors in the nation by their efforts shortly thereafter) by their intelligence files; and the airport/officer crew on the basis of their multiple contributions to the unit. This latter partnership works the airports with the postal service and did bookkeeping and auto maintenance chores. However, toward the end of the fieldwork period there was some indication that the new Commander of the MANS unit wanted greater interaction between the day and night

crews. In addition, there were other changes that appeared to be in the process of being implemented that might alter the manner of the evaluation and accounting processes.

The productivity of the undercover crew, as noted previously, was based to a greater extent on team effort. While the case-making of the officers was based on partnerships, the actual running of warrants, and raids, as well as the provision of cover for buy officers, necessitated team efforts. Thus, one of the key factors in activity was being available and willing to go even when there was no overtime available and when the comp time accumulated would obviously never be used. In addition, because of the necessity for being able to produce credible fronts\* several of the officers who did not make as many cases as the others were still thought to be necessary and productive.

Of course, other variables are most unproductive in the evaluation of the activities of the undercover crew. The current Sergeant describes the processes he goes through:

W: I evaluate them every six months. There's a standard evaluation sheet. I wish you hadn't talked about that, I'm overdue.

R: What I was told is that it doesn't happen. Like \_\_\_\_\_ told me, he hasn't been evaluated in a long time.

W: We're supposed to every six months.

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\*The term "front" is taken from Goffman (1959) and refers to that part of a team's performance which "regularly functions in a general and fixed fashion to define the situation for those who observe the performance." While the actors on the team may have in each situation a slightly different performance in narcotics work, overall they contributed to dramas that are supposed to have similar endings (arrest, and seizure of drugs). The duplicity of undercover work demands that team members each be able to "front" credible performances. In the case of the Desert City undercover unit, several officers symbolically, represented credible characters (e.g., tough Chicano heroin addict types, hippie paddy dudes with money, etc.). Overall in any situation, these types could be called upon to render assistance in maintenance of the bonus front by those involved primarily in the deal.

R: That's really the only evaluation you do. Do you even evaluate these guys informally in your own mind?

W: Yes, constantly.

R: You've been undercover, now for three or four years?

W: Probably two years.

R: Have you ever gotten rid of anybody?

W: Yes.

R: Could you tell me about it? I'm interested in what made you decide.

W: They were getting ... they were developing tunnel vision. Just could see one thing, couldn't see the overall. Dopers are a bad guy, and when you arrest them you've got to chastise them. I don't believe in it and I got rid of them.

R: But it wasn't because they were not performing?

W: Well yeah, a couple of them on top, they were just not ... they'd be put with a partner and the partner would do everything. The guy would be standing around, he just couldn't rap. They guy was a good cop, nothing wrong with him as a cop, excellent cop, good backup man. But he just wasn't suited for this job. There are two of them one from the SO and one from our department.

R: You've got to have real facility.

W: You've got to be able to sit down and rap with the people. You've got to think like they do, unfortunately some of our people think too much like they do.

R: You mean the guys you have now?

W: No, not the guys I have now.

Thus informally the evaluation procedures tend to be individualized. While some officers are not actually making any cases, they are considered productive; while others who are making cases are thought to be "hyper." Other factors, such as their ability to buy dope, or to "get along" with others are also considered in informal evaluations.

**CONTINUED**

**2 OF 6**



## 5. The Fate of "Failures"

In the vast majority of cases where agents are dismissed, transferred or reassigned the judgment that is made is that "they are not cut out for the work." The predominant explanation focuses not on their personal inability to perform the role as much as the poor organizational fit between the unique requirements of the position and the person. For example, the Commander in charge of the Dollarville unit explained that while the unit's personnel was pretty stable, there were some changes to be made:

R: So the unit's pretty stable.

S: It's pretty stable. I told 'em give me a year, those that I drafted over here, give us a year and do the best job possible and then if they want to transfer.

R: So this February, you're going to give everyone the option or just some of them?

S: Well, some of 'em if they want it, and then I've got some people here that probably need to go somewhere else, you know, it's not a disgrace not to be able to work drug enforcement, not everybody's cut out.

R: You mean, there are people who aren't producin'?

S: Well, I've got some that aren't producing as well as I feel they should.

R: What would that...what's the discrepancy here?

S: Well, I want a self-starter, someone that can initiate his own investigations and not sit back and wait to be told or be directed, uh, this particular activity differs from other enforcement or investigative activity, in that we're not responding to offenses that have occurred.

R: Uh-hum.

S: That, uh, we, we initiate our own investigations that cases that are made, are made by the originating officer on his own initiative on activities and the best way to do this is thru informants, and it's not an 8-hour-a-day job.

R: No, un-uh.

S: Uh, and if a man wants to work 8 hours and go home, fine, I'll find him a place where he can do this, but, uh, it's not unusual for me to have to hold 'em over, call 'em back, and, uh, it's not unusual for the man to do it on his own, you know.

The VCD Commander states the explanation in a similar fashion:

When they first came down here they go to the first available school. This year the first available one will be the state narcotics school, next September I think. We will be hosting a DEA narcotics school here in November and we will pick up a lot of guys then. Ah, I'll give them training too, I'll give them the personal field training that we do here in the unit, on-the-job training with experienced officers, but then I'll expect them to start producing something. And if they can't, and, you know I don't even look at it as, as any kind of stigma because they can't cause some guys just simply cannot do this kind of work. They may be great patrolmen, but they can't do this work. We need guys who are self-starters, who have initiative, we can't afford someone who is going to be a follower, or someone who can't get out there and develop cases. Ah, this doesn't mean they aren't fine officers, it is just that the work isn't what they do best.

These types of responses were obtained at each site. While there were a minority of officers who committed intolerable actions and were dismissed, or who did not produce at all, the vast majority of officers, even when they committed untoward actions or did not produce were explained as being "not cut out" for the job or "a good cop in other circumstances." Questions arise about a good person job fit, the rotation of officers, and the need for means to continue to maintain high motivation of current staff. The last question is directly affected by the outcomes of cases, i.e., the court decisions and the cooperation of judges and attorneys. In most units, the transfer policies of the department can be seen as mitigating against the creation of an ideal unit. It is for this reason, that the units seek to create transfer policies either officially or unofficially that allow them more control over the recruitment process. Similarly, as discussed below, organizations seek to have unofficial and/or official rules which allow

them to control their rotation or rates of turnover amongst staff. When official rules do not allow for such control, they frequently become eroded by informal rules. Moreover, in some units the use of "temporary assignment" policies allows the personnel so assigned to serve at the whim of the Commander; as long as they produce they stay around.

#### 6. Formal Evaluation

The problem of evaluation of the performance of police officers continues to be problematic whether it occurs in patrol, detective work, or narcotics (c.f. Greenwood, Petersilia and Chaiken, 1977; Manning, 1977c). As Skolnick (1975) has written, the police comment often upon their concern for upgrading their standards, but it is never clear what those standards are. Typically, the arrests made, or vice stops (c.f. Rubinstein, 1973), have been used in patrol at the operational level, while the clearance rate is the dominant concern of detective work (Skolnick, 1975: 167ff). In narcotics work, as Manning has argued (1977a), the criteria of performance (a) vary from unit to unit at the formal level, e.g., some units emphasize seizures, others arrests, while others use general terms like "making cases;" (b) vary from unit to unit at the informal or operational level; (c) are highly contextual in the sense that key terms such as "major violator" mean different things to different people in different circumstances; (d) are not written; (e) are less important than informal evaluations of peers, sergeants and partners; (f) are known in significant cases where their absence is noted, e.g., where a person is transferred out for a foul-up, or violation of some procedure. More specifically, it should be noted that the message of most transfers is that they are not made on the basis of "failure to produce" which is said to be the abiding concern of supervisors, but because the officer "couldn't get along...", "made trouble," or for

violation of a departmental regulation or public embarrassment. There is no apparent connection in operational terms between formal evaluation and exit from the unit; rather, those who stay are said to be "producing."

Training modes and the evaluation systems are linked in the sense that units with more formalized training also routinely employ more formalized means of evaluation. In general, however, one must distinguish the formal criteria and the operational criteria of evaluation, and recognize that the latter are invariably contextually applied (see below). A second general point about evaluation is that formal evaluation is seen as irrelevant in the narcotics units studied: (a) It is usually based on forms used throughout the police department, forms designed primarily for the evaluation of patrol officers. (b) Narcotics units are based on face-to-face interaction, on the similarity of function between sergeants and officers, and on daily contact concerning the work. (This is, in general, not the case in patrol where more distant relations are maintained, where sergeants do not interact on an informal basis with officers extensively while on duty (Tifft, 1975)). (c) Evaluation in most police departments is less trusted than the word of peers, of immediate supervisors, and especially of officers who have worked with the person closely or frequently (e.g., a partner). (d) Promotion is not based on evaluation, nor are raises, tenure (there is no official tenure in any of the units studied), or reputation as a competent officer. In other words, no formal rewards flow from evaluations. If the evaluations are very low, supervisors are asked to justify them in writing, and the reasons then advanced are the "real reasons" considered, rather than the formal evaluation scores themselves. (e) Officers do not take evaluations seriously, but do strain to do a "good job" and are concerned about the evaluations of their work by sergeants and

peers. (f) The patrimonial nature of entry and exit, that is the control of these matters exercised by the unit head and/or his most trusted sergeant(s) means that these ongoing paper exercises are rarely revealing of what the important evaluator thinks. (g) In general, ratings are high for most officers, according to supervisors, because it is said that "if they weren't producing, they'd be out of the unit." There are failures and there are those who are rated low on paper, but the "real reasons" for these ratings are not often captured in the categories used in formal evaluation (see Manning, 1977: Chapter 6).

. Columbia

In Columbia, formal evaluations are done biannually, and the officer and the supervisor must sign their agreement to the evaluations given. Discussions with the night shift Sergeant in the unit revealed that formal evaluations were neither considered important, nor actually done:

R: Do you have formal evaluations that you carry out?

A: Yeah, we have an evaluation...We have an evaluation form that we are supposed to do twice a year. (Hands the evaluation sheets to the interviewer.)

R: Oh, here they are.

A: Just worthless. It's a piece of garbage. I haven't done one in over a year. Somebody is going to get on my case pretty soon and then I'm going to have to fill them out.

R: Yeah.

A: ...I don't like them. I think in order to do a proper evaluation form it is going to require more work on my part and I don't mind that if it's meaningful...But to fill out a form because somebody says you have to fill out a form twice a year and then just file it away for nothing is a waste of time.

R: So,...there is an evaluation but it must be of a different kind. I mean you...

A: I evaluate my people in my own mind.

R: I see.

A: Then, when the time comes to do something about it, I do it.

R: So it's face to face, or you have them come in and chat with you or...

A: Yeah. I can't say that I evaluate them daily, or even weekly, or monthly for that matter...But over a period of time, you can see what is happening.

From the perspective of the officers, it was important that they felt they were not doing a bad job, but they did not refer to the evaluations as a source of this kind of information. They viewed the work in much the same way the Sergeant on the night shift did: if there was something wrong, he would be told by the Sergeant. The day shift crew, officers who worked with the pharmacies, courts and prosecutors' office, and the handling of citizen complaints (phone calls, etc.), were essentially on their own (with one exception, they were men of 15+ years experience).

• Gotham Minor

Formal evaluations are done annually. Since the unit is small and the Sergeant is the operational head of the unit, little weight is given to the formal evaluation, and much importance is given to "keeping busy." (During the time we spent in the unit, the Sergeant instructed the officers to stay out of the office as much as possible and to look busy). In addition, the almost daily conversations between the captain in charge of the Organized Crime Division (narcotics, gambling and prostitution) and the Chief, and between the Captain and the Sergeant, established fairly close monitoring of the unit through personal communication channels.

• Southern City

Formal evaluations are carried out annually. However, most of the operational decisions (e.g., the paying of informants, maintaining the

files, making decisions on buy money allocated, and raids) are handled by the Lieutenant, rather than the sergeants in the unit. This means that the Lieutenant is the operational head of the unit, as well as the administrative head. Further, the logic of confidence operates such that the Major in charge of the Narcotics Unit (and the vice unit and several other subunits) gives his Lieutenant complete control over the day-to-day running of the unit. He believes that the Lieutenant will inform him if anything demands the Major's attention. The Lieutenant, in turn, believes that he only has to report or make requests about major problems. In addition, all of the files, records, money and other clerical activities are done from the office of the Lieutenant by the unit secretary-clerk. She draws up the monthly reports so that the officers, unless they read the monthly report sent to the Major and the Director, do not actually know in detail what they have done for the month. In effect then, evaluation at a formal level is not a significant factor in the operation of the unit, and day-to-day evaluation is left to the Lieutenant. His assessment is at all times the critical one in evaluating the performance of "his men."

. Desert City

There is a formal evaluation that is carried out supposedly once every six months. However, both the Commander of the unit, the sergeants, and the men were overdue in their formal evaluations. The evaluation system is partially standardized and allows for a written paragraph or two on the men's performance. One supervisory officer allows that "this evaluation system we got stinks. It's been a thorn in everybody's side for years... It's a very subjective system. It's not as objective as it could be."

. Bay City

There is a formal evaluation based on a rating form that must be utilized once a year for veteran officers. For new officers, evaluations are often done more frequently -- every ninety days. These are aimed at aiding the officer in improving his technical competence. Overall, however, it appears that formal ratings play a small role in the removal of an officer from the VCD.

. Dollarville

Formal evaluations are done annually. Since there are rotations of the men from sergeant to sergeant, from task to task, and from shift to shift, at the end of a six month period the Sergeant in charge does an evaluation. However, just recently the department instituted a new multiple criteria evaluation system that includes a variety of performance characteristics that previously were not factors. In fact, some of these place the outcome of the formal evaluation outside the locus of the unit in that five to ten percent of the final score is based upon gunnery performances on the range.

7. Rotational Policies

The units studied had wide variation in their modes of rotation; indeed, if we were to include the units previously studied by Redlinger (1974) during 1974 and 1975 and by Manning in 1975, we would still find very little overlap in policy. While the following analysis focuses on the six units, it is correct to say that the most common rational policy concerns "promotional rotation." That is, when an officer, Sergeant, Lieutenant, Captain, etc., is promoted, he is rotated out of his current command. In many units the officer who "makes" sergeant is "returned" to patrol.



However, the policies concerning promotion themselves vary from unit to unit. In several, one's score on the Sergeant exam constitutes only a portion of the overall promotional procedure and there are "waiting lists" of people who will be promoted when a "slot" occurs. In one unit studied, there was even a "rank" called "temporary Sergeant" or "temporary Lieutenant" whereby one had some of the distinction of the rank and knew that one was to become permanent when in fact a slot occurred. Thus, from the point of view of narcotics units, rotation by promotion is somewhat of an uncontrollable event. Moreover, when such rotation occurs, especially when there are promotions and retirements, it can cause rotations in all ranks even though persons in some of the ranks have not been promoted.

There are two types of department-wide rotation policies that can affect drug enforcement units. The first, administrative rotation, appears to occur more often than the second, political rotation. Administrative rotation occurred in one unit observed during the current study, and occurred in a unit previously studied by Redlinger. Redlinger, in an unpublished study in 1974 of a large metropolitan narcotics division, defined administrative rotation as "a policy geared toward creating higher level command staff who have knowledge of, and a familiarity with a variety of specialized police functions." The policy when extant is usually applied only to personnel the rank Lieutenant and above. It consists of rotating staff on a predesigned plan so that they will have command knowledge of several units; typically such rotations are every 18-24 months. As noted in the section below, rotations often result in the units' power being centered in Sergeants (who, of course, are on a different rotation system).

"Political rotation" systems are often crisis oriented, and only in one instance did we observe, during the current study, such a rotation policy being used. A working definition of political rotation (Redlinger, 1974) is "the removal and/or transfer of staff for governing reasons not necessarily related to improper performance of duties, but usually related to some social characteristics of the role occupant." Political rotation sometimes occurs when high level command staff wish to have a "more visible" commander for a drug unit, and wish to dramatize that they are "doing something" about the drug problem -- as symbolized by the rotation in of a new commander who will make changes. Or, a political rotation may occur because of internal political troubles between command staff. This last rationale often accompanies some act by the command staff to be rotated that is considered untoward; however, it may not result in demotion. In the case we observed, however, the transfer and demotion of a VCD commander was based upon a series of improper acts.

In the following, we describe the policies, or lack thereof, found in the six units. It should be noted that the absence of a policy usually means that ad hoc crisis maintenance rules are utilized, or that there is a control of rotation by commanders who can with a minimum of documentation rotate staff. However, when unions are strong or civil service regulations are specific, this may not be the case, and it may be almost impossible to rotate an officer.

#### Dollarville

In recent years, the unit had experienced various types of rotations. However, when not in crisis situations, it appears that promotion rotation, and the use of "temporary assignments" are the major modes for personnel change. The latter category has several variants and in this unit they were

applied to both officers regularly assigned and to "buy officers." For regular officers, there was an understood one year commitment to the narcotics unit. Most of the officers had come into the unit after two scandals and were specifically chosen either by the Commander or by the Commander, his Lieutenant, and the newly appointed sergeants. Some of them did not wish to be assigned to narcotics while others had volunteered. Even though there was a one year commitment, at least one officer had been rotated out of the unit prior to completing a year's service. Buy officers were typically utilized by the unit only until the buy program ended; however, at least one officer who was on "temporary assignment" as a buy officer was rotated into a regular spot because of perceived "proficiency," because she was a "she" and was black. That is, the unit has a great demand for a proficient female, black officer who would enable them to penetrate into certain illicit areas heretofore unpenetrable. When such needs arise, the Commander of the unit frequently must make a case for the transfer to the Chief. Sergeants of the unit, all virtually hand-picked by the reform Lieutenant, were also included in the "give me one year" policy; however, it appeared that they would be on another system after the year. The Lieutenant himself was hand-picked by the Chief to reform the unit. Thus, all the officers and Sergeants had been rotated in as a result of a political rotation. Furthermore, the Director of the VCD was rotated out for political reasons.

- Bay City

Higher command staff of the VCD (one Lieutenant) had been rotated in prior to our visit. While we were there, the unit was in the evolutionary process of moving from an investigator centered mode to a more organizationally centered mode. Different rotational policies existed for the "new men" and for the "core" as well as

for the "sergeants." The new men were rotated into the unit for approximately one year during which time their performance was scrutinized (see previous section). If they met certain implicit and explicit standards (see previous section) they might be allowed to stay. On the other hand, the "core" narcotics officers had been in the unit for several years and were proven producers. As noted previously, the types of production had varied, but all were considered valuable and productive -- it is to be assumed that unless promoted, and unless they were to "loaf" they would remain in the unit. The sergeants were rotated into narcotics through the vice squad. That is, when the Sergeant in narcotics was rotated out (for whatever reason) the traditional procedure was to switch the Sergeant from vice to narcotics and put the new Sergeant into the vice squad (which was believed to be a less tough assignment). Finally, the use of a "political type" of rotation occurred in Bay City when one officer was removed for non-production as well as a series of untoward acts and another who was marginally producing was moved to Vice.

. Desert City

This unit had a core set of officers or the "office crew" that appeared to be immune from the otherwise established 18-month rotational policy. The rationale for such immunity was that, in addition to producing, they were not subject to the same stresses that undercover officers were. However, several of the undercover officers had been undercover for periods up to three years, and in general, it was clear that there was a certain administrative laxity concerning the enforcement of the rotational policies. This is illustrated not only by the undercover officers who had been assigned twice as long as they were supposed to, but in addition, by a temporarily assigned officer who was supposed to be there for six months, and who had

been there (at the time of the fieldwork) seven months. In this case, she was replaced by a permanent "temporary" assignment, and the rotation rule was formally invoked as the rationale for moving her out. In fact, the new Lieutenant was in the process of checking the performances of all the personnel under his command and subsequently he restored the rotational policy. The sergeants were rotated, by "request," usually in the department. That is, they normally were left in their current positions unless they wanted transfers. The exception to this rule was when a commander wanted a sergeant removed which usually necessitated some documentation.

Command staff (lieutenants and up) appear to be rotated based upon an administrative model. That is, the narcotics unit has had a different lieutenant at approximately two year intervals. Besides allowing the power to slip to the Sergeants, this policy resulted in a large number of policy changes and absence of formal policy largely because each lieutenant would either make new policies or not make policy at all. Policy that was made frequently had a crisis air to it -- when a rule was broken (an implicit rule) or when some perceived breakdowns occurred, new rules were made. What should be kept in mind is that Administrative Rotation, when coupled with Promotional Rotation, can result in department-wide turnovers that effectively allow the power of policy decision to accrue to sergeants.

- Gotham Minor

The present unit was headed by a captain. The department was in many ways a "community-oriented" department. There had been a series of crises in the city before the appointment of this Chief, and he was appointed during a crisis in the city (a riot was taking place in the city at the time). His sensitivity to community relations was therefore profound. The Chief was notified and had to approve (or his deputy

chief had to approve) all search warrants served in the city. The focal point of this review was the timing of the warrant serving rather than whether the warrant was proper (the judge signing the warrant made this legal decision). The Chief was concerned that serving certain warrants at certain times (e.g., in the black section of town on a hot summer day) might lead to racial strife in the community. He therefore, maintained tight control over these and all other unit matters. The Sergeant who was the operational head of the narcotics unit was highly thought of by the Chief and was put in charge at the Chief's request. The transfer of men into the unit was done on a variety of bases (some were transferred in on the recommendation of their sergeants in patrol, some requested entry), and transfer out was not governed by any firm set of rules. There were no specialized tasks or subunits, and all the filing was done either by the individual investigator, or by the clerk-typist, who worked in the Organized Crime Division (all the processing of arrests was done at the City-County Building).

. Southern City

The unit was headed by a Major whose interest was research and planning; the unit was run by the Lieutenant. The Lieutenant, in turn, had risen very quickly through the ranks to the position of Lieutenant, with, it was said, the firm support of the Chief. The present Chief, however, lost the battle for power with the Deputy Chief and is in fact secondary in control to the police commissioner. The entire department has been under a hiring freeze because it is being sued in racial and sex discrimination cases, and at the present has several positions open. The present set of sergeants were promoted to sergeant when it was strictly an appointed post. Thus, the present administrative positions are held by people appointed under a political regime which is now under fire. The

sergeants can be rotated out at any time, as can the officers. All the principal clerical jobs such as typing search warrants, filing cases, making out monthly and annual reports, handling correspondence, etc., were handled by a civilian clerk. Thus, no police officers were so occupied, and this was not the basis on which they could be given "informal tenure." Nor was there any specialization, e.g., diversion, schools, or the like which could be a basis for informal tenure. As was noted in the section on recruitment in Southern City, the two units housed outside the headquarters, but partially staffed by the city (MANS and the DEA unit), had agents who were promoted, evaluated, and terminated at the discretion of the sergeants of those respective units. The minimum ongoing administrative control of narcotics officers in this respect was that every six months they had to write the Chief for permission to continue to violate the uniform rule, i.e., to wear plain clothes on the job. This permission could have been denied.

. Columbia

The senior officer, a captain, commands both the vice control and narcotics unit, and serves at the pleasure of the Chief. The sergeant in the narcotics (night shift) has virtually full control of the unit. There is a day shift whose personnel and the daytime administrative sergeant are responsible for schools, diversion and court liaison. The officers in this shift, with one exception, have served more than 15 years and are in effect senior and permanent staff for the unit. They also work closely with the four clerks (two of whom work 4:00 p.m.-12:00 a.m.). There is informal tenure for these older officers, as well as for the older officers in the night shift who have served since narcotics enforcement began in the Columbia narcotics unit. The younger officers serve under

tacit rules of staying. Of the recent transfers (in the last two years) they were for "emotional instability," and "excessive overtime" (there was concern that the officer may be living beyond his means and therefore be vulnerable to corruption). Eight officers were lost from the unit because the Metro Drug unit was disbanded. One officer was working in the unit on temporary assignment for a special drug-buying operation utilizing a testifying informant (an informant who would make drug buys and testify in court that he had bought from the person charged).

#### 8. Organizational Implications of Rates of Turnover

As noted in the discussion of rotation policies in Desert City, certain types of policies result in a "slippage" of effective power. This, of course, is not the only result, nor are other policy alternatives without their own effects and implications. The forced rotation of first line supervisors (sergeants) and higher command staff does appear to allow for the growth of the policymaking power of members of the lower echelons. In units that are highly investigator centered, rotation can result in policy being made effectively at the individual investigator level. That is, each investigator, as long as she or he produces, is left to his own devices. Similarly, when sergeants become the locus of policy power within a unit, they can have their squads pursuing divergent aims, or aims which they, and not the unit as a whole, wish pursued. When two sergeants are pursuing divergent aims, or when one has a policy orientation that is different from the other, and especially when the command is either not aware, unwilling, or unable to resolve this divergency, certain organizational tensions inevitably result which effect unit performance.

There is another, more general, way of stating the effects of rotation policies, and this is in terms of rates of turnover. In general, where



there are differential rates of turnover, those whose rate is lowest can be said to have an "advantage" in terms of knowledge of the rules, commitments to informal structure, etc. (Redlinger, 1970; Wheeler and Brim, 1966). This principle can have several results depending upon the context of the organization within which it is found. For example, if those who produce are promoted, and if they are rotated out, those who are left produce the least. If these people form one organizational class within the unit, then their level of production becomes, informally, at least normatively binding. Moreover, they are more likely than not able to establish and maintain an informal structure that can evade and replace official policy, goals, and objectives (see Trebach, 1978). It is for these reasons that some rotation of personnel, some turnover, is desirable especially where those being rotated are not those who are productive and compliant.

One way in which personnel ensure their positions is by becoming the sole sources for valued information. By controlling information, they also can maintain some control over their positional fates. Two examples of this were found in our study. In Desert City, several of the older veterans had careers in narcotics work of up to a decade and showed every indication of remaining there until retirement. This was possible, in part, because they possessed a tremendous amount of undocumented information about the Desert City drug market and its principals. Similarly, in Bay City two of the core officers who were veterans were said to possess complete mental files of the scene, and were valued because they could provide longitudinal knowledge of the market. In one case, however, the agent wrote most of what he knew down in file folders and in both instances, the agents continued to be highly productive.

Where a steady rate of turnover of personnel is desired, narcotics organizations must also develop a structure that allows for continued information transfer. This means that it must be collected, and stored within the organization rather than individuals. An example of what can result when this is not the case is contained within the Dollarville experience. Because of a wholesale dismissal and transfer of almost all of the units' officers and sergeants, it became necessary to reorganize the basis for collecting and storing information. In fact, of course, the dismissals were occasioned by two scandals and the new Lieutenant was mandated to reorganize the unit so it would be scandal free. From an informational point of view, this also meant reorganization of the recruitment, use and retention of informants as well as chains of evidence, relocation of narcotic property section, manner in making cases, etc. The instructive point to be made is that informants become organizational property not individual property. Intelligence information, rather than being filed in personal files, should be organizationally filed. In fact, all case data must become available unit-wide so that the loss of the officer making the case does not necessitate the loss of the investigation. In the Dollarville case, there was a grievous loss of information, but this was the cost of change. Within the new system at Dollarville officers moved from one squad to another are staggered for this very reason: veterans of the task-specific squads always remain to aid the newcomer who becomes the veteran and the older veteran is transferred, etc. Still within this system, it should be made clear that intelligence need be organizationally kept to allow for minimum loss through turnover.

Turnover rates for the various ranks need to be examined in light of their organizational effects. Where unit goals and policies are directly

related to key staff, their rotation may mean significant changes in direction; where they are organizationally grounded the change may not be as great. It appears from this study that turnover rates for first line supervisors are based less on pragmatic planning than on either request and/or promotion. When based upon request, significant sedimentation can occur and this can have unintended results. McNeil and Thompson (1971) considered the organization to have regeneration problems if there was a greater than 50 percent turnover rate per five years; however, it is not clear that such rates are applicable to narcotics units. The rotational policy at Desert City for undercover officers allows a maximum of 18 months on the job based upon psychological assessments. (At this point, we are not yet ready to recommend specific rates of turnover). Units must keep in mind the overall organizational features they desire when establishing turnover; otherwise, they will be unsuccessful in achieving their goals.

### C. Inter-Organizational and Intra-Organizational Relations

#### 1. Inter-Organizational Relations

One of the most common problems in narcotics enforcement is that of coordination of enforcement activities within the local department, with other departments, in the local area (county, State, special units of each) and Federal organizations (e.g., ATF, DEA, FBI, IRS). The problems, as noted in our interviews with officers and command personnel were (site-specific details are provided below): (a) Competition for informants, e.g., Federal agents could pay more to informants than local units, and sometimes local units lost cases and informants in this manner. (b) Competition when joint cases could be worked, e.g., where both DEA and a local department knew they were working on the same persons, but where

cooperative arrangements were nevertheless not made. (c) Lack of shared information on persons, dealing networks, the like, e.g., DEA would not tell local units about suspects dealing in the city that they had learned about from their intelligence units, and vice versa. Of course, it should be remembered that as discussed previously in the information section, some organizations do not have a collective capacity to store and retrieve information since virtually all of the relevant information is kept in the minds and notebooks or on sheets of paper kept by individual investigators. (d) Envy of the equipment of Federal agents and their working conditions, which tended to reduce willingness to share information or cases with them. (e) Past histories of feuds either between the local unit and the Federal unit, or between the heads of the units. This made cooperation difficult and in one case, the head of the local unit ordered his officers not to speak to the local Federal agents. (f) Legal questions surrounding the charges and the courts in which the cases will be prosecuted. (g) Actual jurisdictional disputes arising in chases, raids, or investigations where one unit intrudes on the other's territory (they may or may not have legal jurisdiction, but are viewed as intruders). These are typically between city and county officers, or city and State officers, or between task force officers and county or State officers. (h) Lack of any formalized means of sharing cases, information, money, equipment, personnel or the like: in other words, in every unit studied, these were based on personal relations, especially those maintained by the heads of the units and the relevant sergeants or supervisors. So far as we could discover, there were not formal rules to cover any of the above matters. The only exceptions were actual shared operations, e.g., task forces or units as in Southern City and Desert City. (i) Disagreements about the ways in which publicity,

seizures, and prisoners would be handled should an arrest result from a joint operation. (j) Competing or conflicting agendas, e.g., an officer would be attempting to buy up and follow leads on gun dealers in hopes of developing a drug-dealing case, but ATF officers would arrest the people on gun sales cases. (k) Cases were dropped by the courts without feedback or notification, either before a plea bargaining arrangement was made, or before a charge had been made. (l) Prosecutor's offices would set preferred criteria for cases that they would try, e.g., two buys from a person prior to arrest, but exigent circumstances would arise, the person would be arrested on one buy and the case would be dropped. Prosecutors typically found the paperwork of the narcotics officers to be lacking and often requested supplementary reports to be submitted to insure better court cases. The paperwork to be forwarded to the prosecutor's office was a nuisance to narcotics officers and seemed to seldom suit the needs of the prosecutor. Prosecutors, in an attempt to expedite prosecutions would plea bargain cases which the narcotics officers felt should be given more severe sanctions. Plea bargaining and dropping charges were often interpreted as an affront to the enforcement efforts of the narcotics unit.

## 2. Intra-Organizational Relations

There are three principal intra-organizational relations that are important in any narcotics unit: relations with investigative units, especially burglary, robbery, checks and frauds and to a lesser degree, auto theft; relationships with patrol division; and relationships with vice, gambling, prostitution, pornography (or equivalent units). Several general points can be made about these relationships. First, they are invariably informal rather than formal, and are based on a variety of personal ties and experiences, e.g., one officer knows another one because

they went through the academy together; another relationship is based on experience in the same patrol precinct; another is based on informal ties such as playing on the departmental softball team, working together in the union, or by kinship. Second, a corollary of the above is that no formal policies are observed on the sharing of information beyond as was true in some (not all) units of having posted all uniform unit arrests from the previous (night and afternoon) shifts in the office. Third, the relationships are often effected by ecology. Where the patrol division is close by, or housed in the same building, interpersonal contacts result in the cafeteria, in the halls, and in the offices of the narcotics unit. Where the unit is housed next to or with the vice unit, a double-edged closeness results. That is, although information is traded, and assistance rendered in booking, interrogation, phone messages, and sometimes more involved matters, e.g., raids and operations in gambling and vice, there are demands made on time and personnel that are based upon informal agreements that are not controlled by the command personnel. Detective units, where such personnel demands are less likely to happen, generally mean more shared information on "villains," e.g., one officer will stick his head in the door of the burglary squad office and ask the name of the suspect that was arrested a few nights ago for stolen property in an area where a narcotics case is developing. In one of the units a special building was used which created problems in booking, interrogation, processing evidence and the like, but meant that on booking in the detective area, informal contacts with investigators resulted. The isolation from other units results in some improved sense of security, but loss of contact with other units. Fourth, items a, b, c, d, e, and f above under inter-organizational problems are also true for intra-organizational problems. The most profound of these is the

simple absence of any systematic sharing of records, information, case folders, investigations or the like. These result from and are maintained on a personal basis, as mentioned above because: (a) Cases made and activity are important to the success of individual officers. They do not share information unless they "have to" with other than their sergeant (sometimes) and their partners. (b) There are great psychological pressures (fear, paranoia) to keep one's work secret, as well as the actual problems that might result should informants or drug dealers find out about the investigative activities of the narcotics unit. (c) There are few, if any, rewards, formal or informal, for sharing a case with others, or sharing information with others. In all the units but two, it was impossible to create a case file unless an arrest had been made. A case number might be conferred for purposes of charging a buy against it, but there was in fact no file. (d) Even should individual officers want to place their information in a central file of informants, for example, in three of the six cities, there was in fact no operational informant file. One cannot file information in nonexistent files. (e) Computerization of certain files was accomplished with positive effect in four units, three of which had the terminal(s) in the rooms in which they were housed. Typically, these gave access to NCIC, State records, motor vehicle information and outstanding warrants. Information from city hall, such as payment for utilities (used to establish control over the property) usually required a special call, sometimes to a designated person by another designated person to protect confidentiality of the information. This arrangement was made with the telephone company in three of the units, but was ad hoc in the others.

Fifth, these relationships because they are informal, are not easily controlled by command personnel. Policies and the like are often very difficult to implement because no substantive knowledge of particular

cases is possessed by supervisors. Unless help is requested in obtaining particular information, no one knows help is required. Further, in five of the units specialized information was possessed only by the day Sergeant, or his clerks, or senior officers on the day crew. Thus, the night shifts, other officers, especially the younger undercover officers, did not have it, nor did they often even know how to get it, e.g., many officers did not know how to work the computer -- it was a joke or a mystery to them and they avoided using it or asking for help in learning to use it. Sixth, because there is little sharing of information across units or within the unit, there is no single perception of what the unit does, should do, or can do with the information. It is not, on the whole, shared information.

### 3. Inter- and Intra-Organizational Relations in the Six Units

Given this general outline of problems of inter- and intra-organizational relations, each of the six units can be discussed.

#### . Southern City

Inter-organizational (Federal). The DEA Task Force, staffed from the city unit, is autonomous in every respect except that personnel are drawn from the city unit with their approval, and returned there. There are no rules for entry or exit. Occasional cases are worked because a former partner of one of the present task force members remains in the city unit. There is little evidence of exchange of information, cases, informants, or other relevant materials for successful, corporative work. The MANS unit is equally autonomous, and like the DEA unit is housed separately. There appears to be a constant sharing of information, a few joint cases, and little working friction.



On the State and local level, the Southern City area is composed of at least six different highly active narcotics units each with its own agenda, political source of funding, accountability and authority. The surrounding local units interact frequently with the city unit and the sharing of manpower, resources, and information is accomplished with apparent ease.

Intra-organizational. Occasionally, officers from narcotics will assist burglary detectives (and vice versa), and vice officers. The ecological arrangement increases informal interaction. But the fact that the narcotics unit can only be entered through a smaller clerical office, and that it is closed off for phone calls, meetings and interrogations means that it is not an ideal site for informal conversation with persons from outside the unit.

• Desert City

Inter-organizational (Federal). In many ways, the relationships between DEA, the MANS unit, and the local Strike Force were exceptional: there were shared cases, shared monies used for flashing and making buys (where cases were shared), shared raids, and frequent formal and informal contacts among the agents of both organizations. The general tenor of relationships was one of ready cooperation. Even surveillances were shared. The records show all joint investigations, arrests and seizures for DEA, the Task Force, and the local unit (which is in itself composed of three sheriff's deputies from the county, and the city officers). Joint support of the unit is from the county and the city. This support includes the sharing of personnel, equipment, involves joint funding, and office space. In addition, the five-county task force, housed in the local county sheriff's office also participated in joint raids, planning, flash roll production, cases, and shared equipment and arrest/seizure credit with the local unit. The transactions between these county and five-county units and the local

people were frequent, formal and informal, and cordial. During the observation period, at least five joint operations involving large numbers of personnel, helicopters, automobiles, and money were mounted with apparent ease and good humor. This was a striking contrast to the volatile and changeable relations observed elsewhere.

The relationships with the DEA and Strike Force were a partial result of the mobility of agents from the MANS unit to the other units. Originally, the Strike Force agents had been with MANS and in addition, several of the DEA agents were previously narcotics agents with the local department. Finally, the relationships among the units were strengthened by the similarity of tasks that they were engaged in. The State has a strong conspiracy law and as a result the MANS unit was engaged in working conspiracies in conjunction with DEA. Overall, we found that DEA and U.S. Customs for example, thought very highly of the MANS unit, and thought that this was the way enforcement should be done. The cooperation even extended to supporting trips by MANS personnel to other States where the conspiracy investigations were being pursued (and in fact the investigations were fruitful).

Intra-Organizational. Ironically, the relationships between the MANS unit and Sheriff's Office and Desert City Police Department units were not as consistent nor as productive as those with outside organizations. Even though the MANS unit was organizationally housed within a division that included "Special Investigations" (vice, organized crime, etc.) and was located on the same floor, there were no systematized relations. What relations occurred were personal and included officers who now served in one unit but in the past had served in the other. There was no interchangeable use of personnel, which stands in contrast to the cooperation between MANS

and Federal agencies. Relations with burglary and other units were quite similar in pattern -- personalistic and irregular.

- Columbia

Inter-Organizational (Federal). Relationships with the local DEA are strained because of conflict over a recent case in which both participated, but all credit for an enormous seizure (nine and one-half pounds of heroin) went to the local officers. For a time, there were no communications. At the time of the research, relations were informally fairly close because an officer who had formerly been with the Columbia department had joined DEA, and was working from the local Columbia office. He continued to see the local people at the police club and on other social occasions, was often seen in the local narcotics office, and was normally called for information when it was thought to be needed from the Federal agency. Records are not kept of joint operations, seizures or arrests. There was, until about a year ago, a county metro narcotics force that was housed in the Columbia headquarters. When this was disbanded, it meant a reduction of some eight officers from the force. This reduced the unit to less than one-half its previous level of personnel. Now, the separate counties involved work independently, and there are no formal or informal rules about cooperation between units. The most frequent contact is with the local "county narcs" and officers have been loaned to them for investigations from time to time. In general, the county narcotics officers work the county outside the city limits, and the city narcs work the city although each has authority in the other's territory.

Intra-Organizational relations. Patrol division is not notified on raids, but they are called on to make arrest warrant arrests. There is little formal or informal interchange with uniformed officers unless they

are called to take away prisoners from a raid or a buy/bust. Notice of previous night's drug arrests are posted in the office, but are not read routinely. Detective division personnel are seen primarily on an informal basis. Several guns have been recovered in stolen property cases which have been worked with the task force in burglary (because two of the narcotics officers know one of the officers there and they followed joint leads). Finally, since the vice officers share the same physical office, there are many joint operations (generally, narcs help out vice with interrogation and surveillance but vice people are not asked to work narcotics cases except to provide additional manpower on search warrants).

. Gotham Minor

Inter-Organizational. They had few contacts, if any, with local DEA and limited contact with the State police narcotics unit. Several officers had been detailed recently to work in other counties where there were no narcotics officers, or to assist on investigations. These were responses to calls for assistance made from the local county to the Chief. There were few shared investigations undertaken recently (all were with county or State police), nor were records kept to reflect this.

Intra-Organizational. The bookings for narcotics arrests were made in the city-county building, and there often was informal interaction that took place with detectives while counting evidence, booking prisoners, interrogating them, etc. Since vice and gambling are housed in the same building, which is a mile or two from the city-county building for the purpose of secrecy, there was frequent informal and formal contact (the same captain headed both units) and narcotics officers frequently assisted on gambling investigations, raids, and surveillances. However, vice officers rarely assisted narcotics officers on cases and search warrants.

. Dollarville

Inter-Organizational. During the time of the fieldwork, the relations between the unit and DEA were nonexistent. In the recent past there has been some tension between the unit and the Federal office and as a result, very little contact existed. While the current Commander and the new DEA agent in charge were making overtures to the study team about reestablishing relations, it is not clear that anything has yet happened.

Intra-Organizational. The narcotics unit was contiguously housed with the vice unit under the organizational umbrella of the Vice Control Division. There was frequent contact between officers of the two units, and in a few instances the actual sharing of personnel. Relations with other units within the police department were not as intense and depended upon personal interactions. Since, however, the unit attempted to use "twisted" informants, some interaction was fostered with other units within the department. Furthermore, since the raid procedure stipulated that two uniformed patrol officers should accompany the raid teams, some interaction with patrol was established but this was on an "ad hoc" basis and frequently with little or no advance warning.

. Bay City

Inter-Organizational. The VCD narcotics section had ongoing relations with DEA, other local units and with the newly organized Task Force. In fact, the section's agents appear to be extremely active given their number (and the number that are veteran agents). Agents at Bay City are involved in the Desert City conspiracy cases and there has been interchange between them and DEA; in addition, DEA agents frequently visit the section and discuss some of their doings. Agents from other areawide narcotics agencies have been combined together into a Task Force the commander

of which was drawn from the VCD. In fact, the Commander, a newly appointed Lieutenant, was the Sergeant in charge of the VCD prior to his appointment. Thus, relations are good and VCD agents are active in making buys and participating in the Task Force.

Intra-Organizational. Like Dollarville, the vice section (as well as the gambling and ABC agents) are contiguously housed with the narcotics unit. However, during the period of the fieldwork, the vice agents did not participate in warrants of the section. In one instance some of them were ready to do so, but the raid did not occur. The Intelligence section has two officers who among other things are supposed to work narcotics, but contact between these officers and the VCD is minimal.

#### D. Equipment

The three basic interdependent strategies or activities in narcotics enforcement are surveillance activities, buys, and raids (search warrants). Surveillance can be visual ("eyeball") or electronic; buys can be buy/walks or buy/busts; and raids which can be knock or no-knock (depending on local laws). Each of these tactics or strategies depends heavily on the proper utilization of manpower, money, and equipment. The focus of this discussion will be on the equipment that narcotics units use or would like to use for the above activities.

There are five broad categories into which equipment for narcotics enforcement fall. They are undercover cars, communications equipment, surveillance equipment, office equipment, and raid equipment. Each of these categories of equipment will be discussed below. In addition, the relationship between the enforcement strategy or strategies and the equipment will also be noted. The success of any enforcement strategies are strongly intertwined with sufficient manpower and good investigative work,

an adequate budget, proper equipment, and knowledgeable use of that equipment.

1. Undercover Cars. Automobiles are essential for narcotics work. For those agents who are "working the street" the automobile gets them to the places where they can meet with informants, set up buys, or do surveillance. The car is the primary vehicle for giving the agent the mobility he or she needs to keep up with the often rapidly shifting drug scene. For the agents working in the office, automobiles are needed for investigative work and for giving the "street" agents support on moving surveillances or on raids. The automobiles, whether seized, unmarked police type vehicles, or specially obtained by purchase or rental, are indispensable in narcotics enforcement.

Agents in all sites agreed that they needed more and better undercover cars. Ideally each agent would like to have his own undercover car so that a car would always be available when he needed it and so that he could switch cars from time to time with other agents in order not to be recognized in neighborhoods he had frequented with his assigned car. For units where agents work in teams, it would seem reasonable to have half as many cars available as there are agents since two agents would be using the same car. On occasion, however, when one of the agents would be making a buy alone his partner may need an additional car to back him up. For a given unit then it would seem optimal to have undercover cars that equal from 70 percent to 80 percent of the agents who use them.

Acquiring and maintaining a large number of cars is expensive. On the acquisition side, this cost can be reduced where cars confiscated in narcotics cases are turned over to the custody of the narcotics unit.

In discussing the acquisition and utilization of confiscated cars with unit administrative personnel in each of the six sites, we found that the availability of confiscated vehicles varied widely with local laws, the cooperation of the courts, and resources of the department (e.g., the ability of the department to handle the lien on a confiscated car). If the car is not paid for, for example, the unit finds themselves paying off the balance of the loan to take possession of the car so there is a cost to acquiring the car. Cars bought by the police in fleet purchases reduces the acquisition cost but the cars, although "Plain Janes," are similar to or like detective cars and become quickly identified by the drug people on the street. The need for different undercover cars is attested to in several sites when the researchers were riding with narcotics agents. Small children in neighborhoods where drug dealing was known to occur would yell, "Hello, police" as the car went by and adults hanging on street corners or porches would sneer, curse, gesture, or shout at the car and its occupants. This was more the case for the police fleet "Plain Jane" detective cars that were assigned the narcotics unit than for the confiscated cars. Unfortunately, the plain fleet detective car is rather easy to spot. It is usually a four door sedan, often a pastel color, with blackwall tires, inhabited by one or two males. In one site the inspection sticker is put on the undercover cars by the city garage and there is a city identification number under the hood of the cars. The ultimate giveaway, however, occurred in a site where a replacement tire was discovered to have "Police Special" imprinted on it (fortunately for the agent using the car to make buys, he was the first to notice the unusual tire). However, even in situations where confiscated cars are used by the agents, there



is a tendency for these cars to be quickly "burned" (identified) in the areas in which the agents operate. There is a need then for undercover cars that do not look like "police cars" and for these cars to be periodically changed so that they do not get recognized on the street and get "burned."

Three types of autos are needed for narcotics work - old cars, new cars, and vans or panel trucks. Certain neighborhoods and certain types of narcotics deals are better worked with older model cars (say six to eight years old). This type of car is consonant with the appearance of the agent (i.e., grubby) and the expectations of the drug users and dealers that the agent will be contacting. In other cases, as one agent puts it, "The dirt look is out when you are trying to get to higher level dealers." Another agent supported this view in the following comment:

A: Well, you know, it's kind of unbelievable, when you got to buy a half an ounce of heroin and you got a '69 Dodge that's rusted out and just being held together by bits and pieces. It's kind of unbelievable.

R: Yeah.

A: Where you gonna come up with the money (for the heroin)? So there's a lot of times I've taken my own personal car on buys, just for the simple reason that the buy required a halfway decent looking car, you know. You can't really pretend to be something when you're in a shitty car, you know. It just don't work.

Other units also report that in large heroin deals they borrowed new cars such as Cadillacs from other units which had them rather than to try to do the deal with an older, less credible car (however, in Columbia and Desert City the units had their own "flash" cars). For units having new cars, their ability to be responsive to rapidly developing deals was significantly increased.

The van, in particular, is a highly versatile vehicle for narcotics enforcement. Vans or panel trucks are most useful for lengthy surveillances. They allow one or several agents to "sit on" a place inconspicuously for several hours. Several agents can literally hide themselves in a van or panel truck while that ability is totally lost in a passenger car. Vans and panel trucks are highly useful and deceptive because very few persons involved in narcotics trafficking expect narcotics agents to have such vehicles.

Given the problems of needing newer cars on a regular rotational basis, it was suggested by several units that car rentals would be the most satisfactory solution to having new cars periodically and thereby reducing the opportunity to be "burned." The rental cars could be supplemented by appropriate types of confiscated cars or vans which would be used in ways that would reduce their chances of being burned (e.g., surveillances). Car rentals would have the added advantage of getting rid of a car which developed chronic mechanical difficulties. Since these cars are usually driven hard by the agents, any mechanical problems show up quickly and tend to recur. It was not uncommon to find that twenty percent of the available undercover vehicles at a site were in the garage for repairs at any given time.

Some additional car related problems relating to identifying agents as police were noted by several sites. In several sites the only place that cars could be taken for refueling was the police garage or fuel pumps in the police parking lot. The agents preferred to have a credit card that would permit them to refuel their cars anywhere and thus to take on a more normal appearance. In addition to the refueling problem there was a concern about parking the vehicles. At one site all vehicles were parked in a special lot behind the police station. It would have been a very

simple matter for a narcotics dealer to sit across the street and note who was driving which cars. Although it is rarely done (by most reports) one could monitor the activities of the narcotics unit at their parking lot. Persons and vehicles could be readily identified by narcotics dealers or their henchmen which could eventually result in the neutralization of most narcotics enforcement activities (especially attempted buys by narcotics agents). With periodic changes in cars (as with rental cars) the exposure that the cars get in open police parking lots would somewhat offset the probability that the car might get burned either in the police parking lot or on the street.

2. Communications Equipment. In narcotics work as in other police work, the work is more efficient and effective if the efforts of individualized agents are coordinated. Such coordination is best effected by planning and by good communications in the field. In narcotics cases, a minimal amount of basic planning can take place and after that, due to the fluidity of events in the field, agents must react to changing circumstances based on the best information that they have and as they see fit. Radio communications allow the individual agents to act as a team rather than as a series of individuals. The agents in a unit need small, compact, and inconspicuous radio units to take into the field with them in order to keep in touch with their base and with each other (all units observed had radios although the frequency with which they took them into the field varied from site to site). Ideally, the radios would be able to contact the unit's base radio on their own channel which is not shared with other police officers. The radios would have a scrambling device so that the conversations between agents could not be monitored by civilians (specifically narcotics dealers). In addition, the radio would have a medium- to long-range capability so

that contact could be maintained even when the signal was weakened by distance or various obstructions such as high buildings. Such "walkie-talkie" type radios are said to exist but either they are not available to police units or they are so expensive that their purchase is prohibitive.

The problem with current communications equipment most mentioned by agents at all the sites other than equipment malfunctioning was the problem of being monitored by the drug dealers. Crystals allowing one to monitor the police band are available to the public and the drug dealers have, on many raids been discovered monitoring the narcotics unit's activities. The units counter such monitoring by talking in code over their radios prior to a raid or by contacting each other by telephone when possible (this is rarely possible when agents are in the field prior to serving a search warrant). All the agents feel, quite correctly, that their activities could be more effective if their communications were not being monitored by the persons they are planning to arrest.

When the narcotics agents share a communications channel with another unit such as a detective unit they sometimes find it difficult to transmit due to the heavy volume of transmissions by the other group. In most cases this is more of a frustration than a serious problem since after a short period of time the channel usually opens up for use. However, in the field every event takes on an aura of immediacy in which the agent wants to transmit his message now, or wants to get through traffic now, or wants the drug deal to go down now. In reality, there is seldom a need for such rush, particularly in the case of drug deals which are notoriously slow to take place. Nevertheless, when things begin to happen in the field they occur with unusual rapidity and the necessity for instant and clear communications is paramount.

The desire for a base radio is posited on being able to marshal as many agents as possible from a central location to deal with a spontaneous crisis. Also the base radio can increase the transmitting capability of equipment by acting as a relay for one radio to another in the field. Again, the emphasis is on the ability of the unit to act as a team and to provide needed support for each other in the field situation when needed.

3. Electronic Surveillance Equipment. There are several electronic devices or methods employed in narcotics work to obtain information and evidence. They are body mikes, a variety of electronic "bugs," transponders (bumper beeper), tape recorders, telephone taps, and pen registers (officially called dialed number recorders). The body mikes are used mostly for the protection of the agents in the field. If the agent must go into a situation where he cannot be visually observed by his backup agents, a body mike will be used to allow his activities to be monitored when he is out of sight. On a prearranged signal the backup agents could raid the house or place where the agent is doing business and "arrest" the agent along with the narcotics traffickers thereby maintaining the cover of the agent (at least until he has to appear in court which may not occur because the case has been plea bargained out or appearance in court may not matter because the investigation has been completed). If the agent is wired and the drug dealer decides to change locations for the deal as a precautionary measure, the backup team can follow and cover him based on the information they receive through the body mike.

Another use of the body mike is to give protection to an informant, who like the agent discussed above, will get out of visual contact with his control agents during a buy. Wiring an informant also allows the agents to monitor the informant's behavior in order to better ascertain his reliability.

A third use of the body mike is in conjunction with a tape recorder whereby a conversation between the agent and a drug dealer is used later in court as evidence.

A common problem was experienced with body mikes across all the sites that used them. The quality of voice transmission was rather poor and in one crucial case when the agent was inside a building during a thunderstorm, the transmission was nonexistent. It is obvious that these electronic aids (radios included) are valuable adjuncts to narcotics enforcement activities but can not be counted on without reservation in every situation.

Electronic "bugs" are small transmitters which can be easily concealed in rooms, cars, or wherever needed for the agents to eavesdrop on conversations. These devices require that the agents be able to conceal them on location some time prior to a conversation they want to monitor. In our experience with the six narcotics unit, this equipment was rarely used. In most cases such equipment was installed in the unit itself in interrogation rooms so that conversations between agents and informants or agents and prisoners could be monitored. Even this latter use was very rare and done under special circumstances.

Transponders emit an electronic signal which can be monitored at a distance to tell the agents the location of the transponder and hence the location of the vehicle or the item to which the transponder is attached. The transponder is valuable for providing a backup for the agent's body mike when the agent is involved in a big deal and requires a great deal of support, but at a distance. The transponder is also a valuable adjunct to a moving surveillance if it can unobtrusively be attached to the vehicle to be followed. The transponder allows the support or surveillance teams to

give the suspects "breathing room" and thereby creates less suspicion that narcotics agents might be nearby.

Telephone taps or monitors always require a court order and pen registers usually require a court order. In order to use a telephone tap the agents must demonstrate to the court's satisfaction that every other investigative mode has been exhausted in the case and that the telephone tap is highly likely to provide the evidence needed (the tape transcripts of the tap are periodically reviewed by the court to determine if the tap should continue). The pen register device simply records the phone numbers dialed from a specified phone. This information is largely used to trace connections made by dealers on the telephone. The rules on the use of pen registers are less stringent than for telephone taps (for example, court orders are not required but are usually obtained to assuage the sense of responsibility the phone company may feel for the privacy of its customers). An adjunct to the pen register information is to request from the phone company phone bills for a given period of time for a given number. Again, as with the pen register, the connections made by a drug dealer by phone with other dealers often can be established.

The equipment for the telephone tap and the pen register is most often borrowed or rented from the telephone company. Costs to the unit for the telephone tap are for tape recorders, persons to monitor the equipment, and persons to transcribe the tapes.

Tape recorders are used for a variety of things. They are used, as mentioned above, in conjunction with body mikes, bugs, and telephone taps. They may also be used to take statements from informants and arrestees. One primary use for tape recorders noted in many units was dictating arrest reports and the like for transcription and placement in the unit's file.

In the few places where this was done, it was claimed that this procedure reduced the agent's paperwork and allowed them more time for investigative work.

Control of electronic surveillance devices was normally maintained outside the narcotics unit. Typically the agent would have to submit a request to his sergeant, lieutenant, or captain who would channel it to the Chief or someone in the Chief's office. When approval from the Chief was received, the equipment often had to be borrowed from the Intelligence Division along with an officer to work it. This procedure was often found ponderous and too slow to be responsive to the immediate needs of the unit. This does not necessarily reflect poor planning on the part of the unit. Often drug deals will "go down" when and where you least expect them. If this happens in the late evening then the Chief will have to be contacted at home and the agents are often reluctant to do this particularly if the hour is late. In many cases where the agent would have felt better with a body mike, he opted to not use it based on the hassle and difficulties normally encountered in getting official permission to use such equipment.

In some units radios as well as other electronic equipment were kept by the radio room and/or by the property room. Constantly checking out equipment bothered the agents and in some cases they opted to use their own equipment (such as binoculars). They also complained that the equipment was not well maintained and tended to malfunction in the field. For this reason they preferred to have control over their own equipment and be responsible for its maintenance. However, in units where they had control over their radios, tape recorders, transponders, body mikes, cameras, binoculars and the like, maintenance problems still cropped up. When one or two persons were not made responsible for the equipment it was not cared



for properly and tended to malfunction. The resolution of this problem was suggested by an agent who did have control over his unit's equipment. He suggested that everyone be made familiar with the operation of all the electronic equipment (it wasn't unusual to see an agent trying to figure out how to operate some piece of little used electronic equipment in the field), that one or two persons be made responsible for keeping track of and maintaining the equipment, and that the equipment be kept under lock and key by the unit.

4. Other Surveillance Equipment. Other equipment used for surveillance activities includes binoculars, cameras (35mm still and movie cameras), night scopes, helicopters and small planes. Binoculars and night scopes allow the agents to augment their seeing ability on a visual surveillance. In most cases agents prefer to maintain "eyeball" contact in a surveillance rather than to rely on electronic devices. They often use their radios as a combination eyeball/electronic surveillance technique where in a serial fashion they keep the suspect(s) in sight and report to each other by radio. The use of helicopters or small planes adds another powerful dimension to maintaining a moving surveillance without being spotted. The helicopter or small plane can usually follow a suspect's car during daylight hours without being detected whereas a car-to-car surveillance may make the suspect "hinkey." The helicopter or small plane is not typically purchased by the unit but belongs to the police department and is loaned (along with a pilot) to the unit. The use of helicopters and small planes in drug work is useful but often limited by the slowness with which drug deals develop. A helicopter or small plane can get in position and by the time the deal "goes down" the helicopter or small plane may be low on fuel or natural light may be limited. The cost of operating and maintaining these machines

may be prohibitive for some departments. Nevertheless, the helicopter or small plane is and will continue to be a valuable but expensive tool for narcotics enforcement.

Cameras are used to take photographs to be used as evidence and to enable the narcotics agents to put names and faces together. Photographs also aid in the identification of heretofore unknown drug dealers. The photograph can be enlarged and shown to several informants in order to establish the identity of the new faces in the picture. The procedures and uses are the same whether the format is still or motion photography.

Cameras in some units have yet another function. Polaroid cameras (or 35mm cameras) may be used to photograph the scene of a search warrant. This may be done for several reasons. The unit may have a policy of photographing the premises before and after the search in order to protect themselves against charges of unnecessary destructiveness. The photographs may be taken to go in the case file to establish in court where various drugs were discovered on the premises being searched. And persons found on the premises may be photographed to show how they looked at the time of the search warrant.\*

5. Office Equipment. Office equipment here is not being used in the conventional sense of typewriters and desks although obviously these are items

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\* In at least one instance that the researchers know about, this proved useful in court. A photograph was taken on a raid of a female who was generally dissheveled and dressed in unusual garments. When she showed up in court she was immaculately coiffed and attired. Evidently prompting from her attorney produced the sudden change. The agents showed the judge the photographs taken at the scene of the raid thereby effectively countering one of her ploys for more lenient treatment from the court.

needed by a narcotics unit or any organization that functions as a record-keeping organization. Office equipment will refer here to telephones used in narcotics work and the location and layout of the narcotics office.

Communications with informants are maintained minimally by telephone. While the agents meet the informants they are "working" on a fairly regular basis, however, the informant sometimes needs to be able to get in touch with the agent by phone to report in, to give information, or to set up a meeting. In order not to compromise the informant it would be best to have an unlisted phone number for the unit which did not have the first three digits of all the city office numbers or the unique first three digits of the police headquarters. In several sites we visited there were no special lines for informants to call in on. The number of the unit could, with some thought, be identified as a police number. In some cases the phones were routinely answered by identifying the unit (narcotics) and the agent (agent's real name). While this is proper procedure for phones when John Q. Citizen calls, it could seriously compromise an informant who is perhaps being tested by a dealer in the field.

When an agent arranges a buy and has to give a phone number for the dealer to contact him, it is best if the unit has a "cool line" or a special telephone that is only used for such purposes. Typically a cool line is in an isolated spot in the unit so that extraneous noise will not interfere with the call. Next to the phone is a blackboard or writing surface on which is printed instructions to whomever may answer the phone (e.g., "if Rocky calls tell him Joe is out and will return tomorrow"). The cool line is a convenient and valuable piece of equipment for narcotics enforcement. It prevents the agent from having to use his home phone number which could be dangerous or from finding

another phone which may not be easily accessible thereby running the risk of missing the dealer's call and perhaps the drug deal itself.

Of the six sites visited, one unit was housed in a public building about one mile from police headquarters and another unit had been housed several miles from their station house but had recently moved back into the station offices. There was almost unanimous agreement among the agents in all sites that the unit should be located away from the police headquarters. Being housed in the police headquarters made their informants, they felt, more reluctant to drop by to meet with them which necessitated their going out somewhere to meet with the informant. Being housed in the police headquarters made them run the risk of running into persons going to court (where the court was located in the police headquarters which was the case in four out of six sites) who they may be buying from undercover, or who might otherwise identify them and "blow their cover."\* Being housed in the police headquarters allows other police personnel to recognize and get to know the narcotics agents. This sometimes results in officers saying hello to the agents on the street at inopportune times. The agents felt that being in the police headquarters made it more difficult for them to maintain their undercover status. Depending on how open the police building was, persons might wander around and, by chance, see an undercover agent. Parking the undercover cars in the police lot and coming and going to and from the police building was also thought to be potentially destructive of their undercover

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\* On one site the probability of this was heightened by the rule that every officer had to wear an identification tag prominently on their chest while in the building. Compounding the problem was that the elevator to the narcotics offices was the same elevator to the court rooms one floor away. A key operated back elevator off of the parking lot did, however, provide the agents with an optional private entry mode although they seldom used it.

status. Practically all the agents felt that being housed in the police headquarters building had far more disadvantages than advantages.

The few arguments that were raised for being housed in police headquarters pointed to the convenience of processing prisoners nearby, of being near court, and of being more attractive to informants as a meeting place because they could claim they were there to attend court.\* These latter arguments were viewed by most as mixed blessings, at best. The vast majority of sentiment on this issue of unit location was to be away from the police headquarters.

The final concern under this rubric is the spatial layout of the unit. The most important concern here is to protect the agents from informants who might identify them as undercover agents later on the street. When informants are brought into a unit they should see as little as possible and hear as little as possible. There is no reason to believe that an informant won't work both sides of the fence and provide information to the narcotics dealers as well as to the police. To best control the informant who visits the unit a special area should be specified for informant meetings. This area should be isolated from the rest of the unit and not give the informant any opportunities to see or hear things not meant for him. In several units visited the quarters were crowded and the informants (or arrestees) became part of the crowd. They were free to observe who was working in the unit and in some

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\*The counterargument is that the court docket is publicly displayed and such an excuse could be quickly checked. The argument given for informants not coming to a public building away from police headquarters is that if they were seen they would really have no excuse for being there. The counterargument being that the informant could claim to be availing himself of services contained in the building such as a dentist, an insurance company and the like. The argument appears to be moot since it was observed that under both conditions (i.e., in headquarters and out) the informants were most often met somewhere on the street.

cases were seen reading reports left lying on desks. While most agents were not super secretive they did tend to become somewhat concerned, particularly if they were currently working an undercover buy, about being in the same office space with informants or arrestees. The unit should be laid out so that the entrance to the unit is essentially isolated from the main part of the unit space. Special interrogation rooms or a separate office should be available for talking to informants and arrestees. A signal of some type should be devised so that agents coming into the area will be aware that informants or arrestees are around. Finally, paperwork, particularly dealing with current cases, should not be lying around in any areas where informants or arrestees might pass through or be detained. If informants or arrestees learn anything about a narcotics unit, that knowledge should be contrived for the benefit of the informant and arrestee and delivered with complete innocence so as to make it appear to be the real thing.

6. Raid Equipment. This category is subdivided into several sections - protection equipment, identification attire, raid/arrest/evidence kit, and a miscellaneous category. The protection equipment is to protect the life of an agent which can be in jeopardy when serving a search warrant (whether knock or no-knock). The basic equipment is a bulletproof vest or flack jacket. While most units had this equipment available to them they tend not to use it. The vests or jackets are bulky, hot, and generally uncomfortable. If they were more comfortable it is likely they would be used more often. It was noted that after a shootout or some other close call (e.g., a suspect is caught going for a gun as the agents entered the house) many agents wore some protection for a few times but then disgarded this equipment. One agent who had been shot in the stomach on a raid a year earlier always wore a bullet-proof vest on search warrants while his fellow agents normally did not bother.

In an instance where agents were expecting some gunplay, they all donned bulletproof vests under windbreaker jackets clearly marked police. Normally when the informant indicates that the suspects are "bad actors" and are armed, the units will take precautions and wear such protective devices. In most cases however, no particular trouble is anticipated and the protection is not used.

Shotguns are taken along if there is an expectation that there will be trouble. In the event that the people inside a house or apartment challenge the police with weapons, a 12-gauge shotgun will hit just about anyone anywhere in a room (including officers who may be in the room). The appearance of the gun itself seems to act as a deterrent for most persons. In the event of a firefight, the shotgun is a good weapon to use in order to keep the heads of the opponents down so that everyone can establish proper and safe positions until help arrives. The shotgun is a good weapon to have available when trouble is anticipated; however, the use of the weapon requires an officer with good judgment and training.

It is important for the narcotics police to serve the warrant to the correct address and to establish their identity as police. Often when there is a gunfight between narcotics agents and drug dealers, the dealer's defense in court will be that he did not know the agents were the police. Since dealers are not above "ripping each other off" (stealing from each other) this defense is plausible. Therefore, the police must clearly establish their identity. One way to do this is to have a uniform mode of dress such as jumpsuits, armbands, jackets, baseball caps and the like that boldly declare in large letters that the wearer is a policeman. In addition, the agents can ask for backup help from a uniformed patrol car or two. The uniformed officers should add instant credibility to the identification of the agents as policemen.

To cap the identification process, the utilization of a megaphone to announce that the police are going into the premises is helpful. If neighbors can testify in court that they heard the police announce themselves it is difficult for the actual residents where the search warrant is being served to deny that they knew the police were coming in.

Since very few narcotics dealers rush to the door to allow the narcotics agents in, a forced entry is required after the police have identified themselves. The quickness of the entry is essential since the people inside are rushing to destroy the drugs (this obviously depends on the type of drug - it is most important in the case of heroin which can be easily secreted or destroyed). Often the entry process is best described as "a footrace to the john" (the agent is trying to prevent the drugs from being flushed). In order to expedite rapid entry a battering ram is useful (often called the "key to the city" by the agents). The ram should be light enough to be hauled to the door and to be used by one agent if necessary, yet heavy enough to do the job when it connects with the door. In some cases a crowbar is a necessary adjunct to the battering ram. These devices are used when a swift kick to the door will not force it open. In most cases the door can be forced by two agents kicking it or putting their shoulders to the door. The informant usually is quizzed ahead of time about the kind of door and locks that are being used in order for the agents to be adequately prepared for a rapid entry.

Finally a raid/arrest/evidence kit can facilitate the paperwork and activities that take place during the search warrant. While the unit sergeant may be required to attend all raids, the affiant is in charge. The affiant will do the paper work on the arrestees and will handle the evidence, noting from the finder (he may be the finder) where the evidence was found and by whom.



Evidence bags with labels will help preserve the chain of evidence by being processed on the scene and then passed on to the police laboratory when the agents return from the warrant. Report forms can be filled out on the scene thereby saving time for such paperwork when the agents return to their office. If the forms are not completed they can at least be started. When the agents are ready to leave the premises they should try to restore the broken door or door frame to a closed position in order to bar entry to unauthorized persons until the door can be fully repaired. In order to do this a hammer and nails are often very useful. Hence, a useful kit would include such items as a crowbar, a small battering ram, a hammer, nails, report forms, evidence bags, polaroid camera, film, and so forth. The kit contents should be thought out in terms of what the unit intends to accomplish at the site of the warrant (some agents may prefer, for example, to do their paperwork in their office) and include everything that intentions and experience dictate would be useful.

The many and varied tools for narcotics enforcement are expensive and complex because of the secretive nature of the crime. The use of these tools and the skills required for their use set narcotic , officers apart from other police officers. The agents must ferret out the clandestine activities of the drug dealer. Such activity takes great resources, hard work, and clever investigative techniques. The necessity of the enforcers to keep their identity secret from persons who are striving to keep their own activities secret calls for some extreme and expensive enforcement techniques supplemented by equipment such as that reviewed here. The best job can be done by energetic and knowledgeable agents using the right equipment.

## E. Records and Recordkeeping

The discussion of records and recordkeeping in the six units must be considered in the context of three general patterns of recordkeeping found in policing in general and in drug policing in particular. First, there is a general mistrust of paper and paperwork in police work. This is discussed in the next section. The second general point is that because of the clinical view of the work that police officers share (the notion that real police work is on the streets, dealing with immediate, face-to-face problems which must be shaped, solved and disposed of (c.f., Manning, 1977: Ch. 6), the competition within drug units for cases, and the general belief in secrecy and deception as a necessary component of drug law enforcement, case files tend not to be written up except under special conditions. When written, they tend not to be referred to routinely, and in effect, the operational "files" are kept by individual investigators as they pursue a case. Even a definition of a "case" is problematic because of this -- there are no necessary written records kept except where Sergeants have independent knowledge of cases worked (Gotham Minor, and to some degree, diversion units and day squads in all units since they are under closer supervision). A third point is that in Columbia, Southern City, and Desert City there were capable personnel available for typing warrants and case files. There was a person available in Gotham for this purpose also. In Dollarville, clerks were rarely used for this purpose, in part because most of the enforcement activity took place after the clerks had gone home. There are major and ongoing practical constraints on the creation, use and maintenance of files in all the units. Let us now examine these three areas of the mistrust of paper, the unwillingness to create case and informant files, and the practical constraints on recordkeeping in the six units.

# 1. Paperwork as "Dirty Work"

Most police officers (but not command staff) view paperwork as "dirty" or undesirable work. Police officers define their real work as clinical, tactical, face-to-face interaction with people in need of help or control. It tends to be bounded by and limited to "the street," concretely defined in terms of persons and events, and imaged as human conduct only converted by administrative fiat into "paper" after the social significance has been drained off by disposition by officer decision. Paperwork in the six units studied had a particularly dramatic character because it was defined as something other than action. It is not "red tape" in the sense that Gouldner (1952) has used the term (paper that is excessive, or when definitions of real and ritualized action are in conflict) because paper is viewed as being of secondary importance. The concept used here directs attention not only to some administrative actions that are seen as relevant and necessary, but to the fact that all administrative decisionmaking, responsibility, and function are discredited as "nonpolice functions." If the reality is "on the street" (the term used to account for someone's being absent from the office when a caller or other officer wants to locate him), then all other forms of reality assume a lesser significance. Further, this means that the primary code into which all other events will be transformed will be the code of the street.

Several of the consequences of such a view of paper are significant for the lack of relevance of paper control and symbolization means that other modes of control, planning, evaluation, assessment of unit effectiveness, and quality control are salient in narcotics units. That is, paper does not become the defining characteristic of operations; it becomes the negative, or contrast conception, against which "real work" is measured.

Consequences of this concept of paperwork are most salient in this context.

- a. The negative view of paperwork means that complaints received by phone will remain actionable if they do not become paper after the investigator receives the information (they may become non-official paper such as notes in an officer's file or in his personal notebook, but no official forms are used to record the incoming data). If it is not recorded informally or registered "in the head of the investigator," it either dies, or remains actionable only if other facts come to the attention of the investigator (e.g., if he hears from a snitch that he can buy from a house that had been previously identified by an anonymous caller). Once a call becomes paper, i.e., it is recorded on an official form (the names differ in the six units), it then must be acted upon in the sense that once a record is made, administrative rules make disposition within a specified time period mandatory. As paper, such complaints go to a clerk. They are in Gotham reassigned to officers for investigation and report. In the other units they are merely filed except in rare cases. The clerk, because he deals with paper, is discredited as well as a "paper pusher": handling of paper to the exclusion of real police work is polluting; it defames all those close to it. On the other hand, since all seriously damaging punitive actions come in the form of written reports from lieutenants or from Internal Affairs, paper can be a kind of taboo; it has power to destroy as well as to defame and pollute.
- b. Paper, since it is viewed as being negative and "unreal," cannot serve as a meaningful locus of planning. More specifically, long-range planning is systematically eschewed since it would involve written ideas, plans, shared conceptions of action and priorities, and a set of limitations on individual discretion that would be both anticlinical or tactical. Because it would involve paper, sharing ideas (which might give some officers advantage over others), and would implicitly relinquish control of street action to others (at least logically, if not in fact), planning and paper assessments of future options is viewed as suspicious, hostile, and irrelevant to the job.
- c. If paperwork is viewed negatively and as an ex post facto reconstruction of previously meaningful events, then action that is represented for the officer only in terms of paper will be viewed as suspicious, hostile, and as being only obliquely related to the reality of the events captured, described or found on paper. A microcosmic example of this is the arrest and charge situation. Built into the processing of police paper is the fact that the decisions made on the street by the officer are reviewed, discussed, recast, argued about and reformulated in the office or unit. The arresting officer may or may not have a part in this negotiation (but often does, either with a partner or a sergeant). Thus, the paper reality stands apart from the street reality -- the issue is precisely how the rules and procedures of the organization can

recast or describe or rationalize decisions taken in complex, chaotic, sometimes rapidly occurring events.

- d. Statistics, case files (unless they are one's own informal records), and evaluations are a special case of the above point. This is true because first they are created quite literally from the stuff of experience in the investigators' offices. The conditions under which the charge is made are different from those under which the arrest is made. For example, charges are discussed with other officers in order to frighten the arrestee into confession (i.e., officers lie to them about what they will be charged with, thus making the relationships between the arrest, evidence and charge tenuous). Because large numbers of people may be arrested with no intention of charging them, arrest and the paper are not isomorphic. Evidence may turn out to be non-narcotic (face powder; dextrose; strichnine; aspirin; cocoa). Thus, the case as written, based on the presumption of having legally admissible narcotic evidence, is only tentative (chemical tests on the scene may be inconclusive, or the wrong test may have been used). Arrests and charges may be made to harrass a person regardless of the actual evidence against him; they may be thrown out at any level above the investigator: sergeant, lieutenant, the prosecutor's office, etc. The paper and the reasons lie behind the same written record, but because the written record has variable relationships to any given reason offered as an account for the publication of that paper.
- e. Paper centers, or offices in narcotics units, become places defined as where one does trivial things, personal business, and makes short-term arrangements: (1) Trivia: complaints must be processed; evidence must be wrapped and shipped to the drug analysis labs; incidental expense forms must be filled in (expense reports, vouchers for money for payment); arrest forms must be typed; search warrants and affidavits must be processed. (The latter is perhaps the most important of the work done than the arrest form typing done when prisoners are sitting waiting to be processed). (2) Personal business: calling wives, friends and lovers; dealing in real estate; doing favors in the department for non-police friends (checking on the disposition of cars that had been impounded, licenses revoked); eating, reading newspapers, and gossiping (some of which is case-related). (3) Short-term deals: calls are made to investigators concerning deals that are to go down, surveillances in progress, arrangements are made to meet informants and/or other officers by phone.
- f. People habituate the office in units only when they have "nothing else to do" with the exception of: typing up arrest papers, search warrants, raid plans and reports, affidavits, requests for money needed immediately (only the case if their sergeant does not have money in his "kitty" for immediate use), or awaiting a phone call from an informant. It should be emphasized that these are brief tasks, limited to around 15-20 minutes each except in the case of "waiting," an arrest and the processing of relevant

evidence. The office becomes defined as a place for accomplishing non-serious and/or minor paperwork related to the job. The serious business that is transacted in the office, limited in amount, may well be serious personal business. If a person hangs around the office too much, he will be questioned by his sergeant (usually in the form of a joking question). As a result, from around 8:30 or until 2:30 or so during the morning shift, only one or two people (other than clerks) will be in the office. The units were quiet and deserted during the day, and for most of the evening as well.

- g. The absence of systematic files kept on cases (officers kept this information on loose slips of paper, in notebooks, in their heads, or on the backs of napkins or other convenience paper until they made an arrest or did something that required paper, e.g., made a buy from the target, bought an informant a drink, etc.), meant that the general notions about intelligence did not generally apply. As Table IV-7 shows, the flow in information is problematic: for each of the two types of information shown (attracted and actively sought), content can be differentially coded, it can issue from a quite different source within the department. As a general rule, communications (information in this case) that are actively sought (the most important kind of information for vice enforcement), and is crime-related, will be gathered at the bottom of the organizational hierarchy, will come from the activity of individual officers, or will be generated internally, and will be immediately used and repositied in the individual agent's working papers. Further, this information will normally only flow onto paper if required to show activity, it comes as a result of an arrest, raid, or surveillance, and will thus only possibly flow up the line under these conditions as well. Conversely, information that is attracted, that is order relevant, and comes externally, is likely to be coded in generally available files, easily retrievable, and potentially fluid, i.e., it could flow both up and down the line. Various patterns of this kind can be shown to increase or decrease the likelihood that the information will be shared, available to other officers on request, non-available, or in a sense idiosyncratic in form (what is in someone's head).
- h. Essential aspects of narcotics policing concern the making of cases. Case reports come under the general heading of "paper." The ways in which cases are "opened," "investigated" and "closed" is variable in the units. Both organizations must attempt to order the behavior of their investigators with an understanding of the problematics of drug crimes in general. The capacity of the organizations to track the flow of information received, location in cases, and the number, kind, potential, and possible outcomes of these cases are different.

Table IV-7

Characteristics of Information Within Police Departments:  
Form, Content, Source and Location

| Form   | Content  | Source   | Organizational Location                                  |
|--|--|--|--|
| Attracted information (e.g., citizen calls, observation on routine patrol)                                   | 1) Crime-related (e.g., defined as having relevance to future, alleged or founded crime )    | 1) Internal Divisions: detective units; vice/narcotics; patrol; intelligence; internal affairs; patrol | 1) Immediate use (e.g., dispatch)                        |
| Actively sought information  | 2) Order-related (e.g., traffic, domestic disturbance, noise in a neighborhood)              | 2) External  | 2) Files:  |
| Strategically generated (a program or campaign, e.g., "sting" operations of LEAA )                           |  | a. Federal agencies (FBI, Customs, Treasury, DEA, etc.);   | a. Individual agent;                                     |
|  |  | b. State and Local Agencies; and   | b. Unit files (case, investigative, etc.); and           |
|  |  | c. Individuals, anonymous or named   | c. Departmental  |
| Individually (agent) elicited (e.g., gathered from paid informants or non-paid informants of various kinds ) | 3) Other (e.g., political intelligence, internal affairs information on officers' behavior): |  | 3) Computerized files:                                   |
|  | a. Passive, intelligence used once, suspects are identified.                                 |  | a. Departments, city or Federal law enforcement agencies |
|  | b. Active intelligence-used to establish suspects or targets                                 |  | b. Other public agencies                                 |
|  |  |  | c. Private agencies, businesses or organization          |

These conceptions of paperwork can be further traced out. They introduce a patterned complexity in the operations of the units. To the uncertainty perceived in the environment, they add the uncertainties that result because virtually all the significant enforcement decisions are made informally and rarely are formalized in writing. It is clear also that those segments of the organization that do not "believe in paperwork," namely the lower participants (but not exclusively so), believe that planning and the like is not expected of the police by the public, nor do they themselves view their work as one of executing paper plans articulated in detail a priori.\*

## 2. Paperwork and Files in Drug Law Enforcement

Files and records in drug work bear some similarity in conception to those in detective work, but since only officers in Gotham Minor receive some cases on an officially assigned basis, there remains large latitude in what is converted into official paper in all six units. Given this latitude, there are a series of other pressures which lead drug officers in the units to conceal their information, to keep it to themselves or to share it only with a partner, and to generally privately consider the developments, prospects and outcomes of most of the clues they possess (c.f. Bittner, 1970; Greenwood, Petersilia and Chaiken, 1977).

The following are reasons why case files are not written down and/or not filed:

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\* Wilson has written in Varieties of Police Behavior (1968), that the police do not view this mode of thought and action as the legitimating basis of their mandate. Thus, the language of bureaucracy and the formal administrative rhetoric that often issues from police administrators is a means of appealing to certain segments outside the unit or department (Manning, 1977c). This behavior builds in a degree of segmentation and segregation of audiences that is conducive to deception and duplicity.



- a. Competition between individual officers and/or squads means that "open files" would give others the chance to have access to the same information and make the arrest first.
- (1) Cases can be closed with arrest at almost any time, no clear constraints as in other crimes by singular or particular felon(s) being sought.
- (2) If arrest is salient → credit  
If court time is salient → court time
- b. If squads differentially specialize, other officers could spread, change or alter nature of the investigation, e.g., from a street case to a conspiracy case.
- c. Could make files available to other units, other agencies which may be perceived as being in competition with the focal agency.
- d. Files could be used to check quality of an investigation, key decision points, evidence available/gathered, witnesses or the like regarding agent resistance.
- e. General fear of others having this information which is defined as personal property, information gathered through personal skill, persistence or luck, open to others. This would be a symbolic transformation from one code to another.
- f. Protects informant from being subpoenaed to court by defense attorneys, thus exposing other ongoing investigations, informants.
- g. "Relevant information" defined as that needed to make a case acceptable for prosecution. Some aspects of this definition may obscure or make invisible certain legally relevant facts, e.g., informants and their reliability; strength of facts documenting the choice of the target; other methods or strategies utilized. These facts are also those needed by other investigators to "branch-off" and pursue related cases.
- h. "Paper," in general, is thought of as an after-the-fact gloss on work, not as a necessary element of police work.
- i. If there are no organizational controls on opening or closing a case, practical, "closing out" attitude operates: in a sense, all cases are "opened" and "closed" with the creation of the file at the time of arrest. That is, they have official life or status at that point.
- j. Each case in the file is seen as a "closed" or "dead" item, not closely connected to other cases. From this view, drug "system" is not seen as a system or network of transactions, but as a discrete set of vulnerable persons.

This list suggests, then, in concert with the outline on the meanings of paper in police in general, that making up a file, with full details and actions taken in connection with the investigation, is the exception in the units studied. The rule is that officers keep their "cases" in the form of scrawled notes on the backs of napkins (we had once outlined a set of features of a narcotics unit on a place mat from a restaurant while waiting to be served. The outline was seen by a Lieutenant who told the outliner that he "was becoming a narc, writing up notes on things that way."), bits of paper torn from notebooks, telephone message forms, and other handy bits of paper. They tend to keep the working conception of the case and what it's about "in their heads", or in their desks, and rarely keep completed files in their desks in the sense of using them as an ongoing repository of information categorized and placed in some meaningful order that is understandable by others. A case may be limited to a few telephone numbers, a name or two, and an address. Sometimes a few descriptors such as "deals from his apartment," or "Slick's sister" or "worked for J. before" may accompany the names and numbers, but they are idiosyncratic marks, standing outside a clearly shared paradigm or format that is universally understood by other investigators and supervisors. The absence of paper is an amplification effect upon the structure of policing outlined above, and underlines the continued existence of a conception of the environment, or an enacted environment, that contains neither a clear notion of cause and effect, nor clear standards by which to judge the impact of the action of enforcement upon the enacted environment. In effect, circular reasoning is at work: the environment that is posited is maintained by the belief that it is so, and the fact that it is so is indicated organizationally by the continued action of the organization. At the heart of the work of all drug units is tautology.

### 3. Practical Constraints on Recordkeeping

Following are descriptions of the recordkeeping procedures in two units, Southern City and Gotham Minor. There are some files which are found in all six units: the name files, case files (with varying degrees of detail, and for various periods of time), and records of seizures, arrests, and buys (may be kept in terms of money control systems discussed below under modes of control over money). A wide variety of other files were found in the research such as nickname files, address files, computerized records on outstanding warrants, vehicle ownerships, licenses and liens (used in Columbia, Dollarville and Desert City where computer terminals were located in the unit and frequently used), search warrants applied for and served, informant files (not kept by all units -- see section on informants), pictures (kept more commonly by vice or prostitution units than by drug units, although the Dollarville diversion unit, and Gotham Minor and Columbia did keep pictures in the unit which were for any vice, including drug, arrest), and case file books (kept in Gotham Minor). In short, outside of the case files, seizures and a name file, no other files are kept in all units, and kept in a uniform fashion.

This variability can be understood in terms of the previous points about conception of paper and paperwork within policing, and the resistance to the use of files that characterizes the drug enforcement units studied. However, there are a number of practical constraints that also add to this problem of paperwork. In order to understand how the file systems worked in several units, we will examine them in detail, with

respect to the control of money, and then make several general comments on practical constraints.

. Gotham Minor

Files and Records. The filing system has two major purposes. The first is to keep records and details of ongoing investigations through their completion. The second major purpose is for intelligence. Often information from a prior case will aid the investigation of a current case.

The central file is an Alpha card file of 3 x 5 index cards. These cards are keyed to all the other files and cross-indexed by name of the drug user or dealer and his/her AKA ("also known as," an alias). Arrests made by other units which are reported to the Gotham Minor's narcotics unit are also in this file.

The IDM (Interdepartmental Memo) file contains tips, complaints, and information generated by other police in Gotham Minor's department and by citizens. When the information is received, the Sergeant makes a decision whether to assign the particular IDM to an investigator for further investigation. If he assigns it, the IDM becomes an open case and is given an NF (narcotics file) number. If it is decided not to investigate further, the IDM is placed in the IDM file.

The NF file is the case file for an ongoing or closed case. It contains all relevant case materials in triplicate. Upon arrest and closing of the active investigation, the arrest forms and a copy of the mug shot goes in the file. One copy of the file is sent to the District Attorney's office and one copy is sent to the Records Division of the Department. The originals are kept in the narcotics unit NF case file.

After an arrest, pertinent information is placed in the unit's arrest book. The book form requires the date of arrest, the name of the arrestee, the age of the arrestee, the charge, the DR (Departmental Record) number and the NF number, the final disposition of the case, when known, and the amount and type of drug confiscated. Monthly status reports take the amount and type of drug seized and calculate its value according to current street prices for the drug. The arrest book information is a condensed form of information from the case file.

The photo file or picture gallery contains photographs of persons arrested either by the Gotham Minor narcotics unit or by other police agencies which have provided photographs. It is not uncommon for the Gotham Minor narcotics unit to work with the State Police narcotics unit. When a joint case is made, but the State Police take primary credit for it, the Gotham Minor unit places information about the case in their files as if it were their case. The only difference is that the case is not assigned a DR number and the information is not sent to the Records Division of the Department or the District Attorney's office. The photographs are filed alphabetically by the last name of the person arrested.

Informant files are also maintained by the narcotics unit. The name of the informant and his/her aliases are recorded along with the informant's address, telephone number, birth date, race, height, and weight. Information about the informant's police record and relevant background information are also recorded. A photograph of the informant is attached to the confidential informant record. An identification number is assigned

to the informant record and that number becomes the sole referent to the informant in all other narcotics files and documents. In addition to the basic informant information, a record of contacts with the informant is kept on file. The date of the contact is recorded, the amount of money paid (if any), the nature of the information received, and verification of the information received is noted. While these records are kept under lock and key, they are readily accessible to all investigators in the unit. The informant file is useful to the narcotics unit to keep track of the informant's performance and reliability. Documentation, in general terms, of the informant's reliability is useful in preparing a search warrant. The file is also useful in reporting to other police agencies that may inquire about the informant's reliability. Finally, the file is valuable in the event that an informant "sets up" the narcotics investigator that he is working with. The informant file is essential to dealing with and effectively controlling the informants working with the unit.

License plate data are kept in a file on 3 x 5 cards which are filed numerically by the license plate number and alphabetically by the last name of the license plate owner. Often surveillance of known dealers' homes will turn up license plate numbers that clarify who is doing business with the dealer. Such information often gives the narcotics unit insight into the pattern of drug trafficking and the persons involved.

In addition to the above case files and working files, internal files are kept on personnel and correspondence with outside agencies. The Captain or Sergeant of the unit determines what information is kept in the

personnel files. Any letter sent to an outside agency has to be approved by the Captain or Sergeant and a copy of that letter placed in the outside agency file.

One final record is kept by the Captain. The money for informants, buys, and investigation expenses comes to the unit from the Chief's office to the Captain who is solely responsible for its distribution. The Captain notes in a ledger the amount of money received from the Chief's office and the amounts of money released by him for informant payments, various types of drug buys, and investigation expenses. A running balance of funds is kept by type of expenditures so that the distribution of these funds may be documented and defended.

#### Southern City

Files and Records. In some cases, information about narcotics dealers and their modus operandi is informally kept in the private notebook of an agent or in his memory. If the unit turnover is not rapid, and it appears not to be in Southern City, this informal method of keeping track of the drug scene is reasonable, provided the agents will share their information. Useful record forms particularly for case files have been developed and these files and records are efficiently handled by the unit secretary.\* Not all information or investigations are put in the files. The agent will collect the information he deems necessary while developing a case.

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\*This unit secretary's knowledge about the files and her diligence in keeping them up-to-date has been acknowledged by the unit when they smilingly note that she may well run the unit. As was noted earlier, she is a vital cog in the Lieutenant, Day Sergeant, and secretarial administrative trio.

When and if the case comes to court the agent will destroy all his case notes except for what has been transferred to the case files. This action is to prevent the defense attorney from obtaining every scrap of information from the agent's files through a motion for discovery. The release of such information could jeopardize an ongoing investigation which resulted from information received in the process of the case now in court. Furthermore, confidential informants and other persons who were helpful on the case might be compromised by the release of full information on the case kept by the agent throughout the investigation. The need for informal recordkeeping and using formal files and records, and the notion of agents sharing information, is facilitated by agents being around the unit to learn a perspective on the compilation of such information.

In the past, the Southern City narcotics unit had each officer keep his own case files. In part, this tradition has survived in the context discussed above. However, now there is a central filing system from which the agents may work. The major file is the case file which is set up for each case in which an arrest is made. There is a checklist of documents that must be entered into the case file.\* A special form has been developed in conjunction with the District Attorney's office which gives in detail the elements of the case that will aid the prosecutor in prosecuting the case in a report form entitled "Narcotics and Drug

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\* When an investigation entails something out of the ordinary such as a shooting or an unusually large amount of evidence, photographs are taken and added to the case file.



Supplementary Report." A copy of the unit's case file is made and forwarded to the District Attorney's office. The original case file is filed in the narcotics office. The case file does not contain a record of the informant payments made on the case. Receipts for informant payments are kept in the locked safe with the buy and informant funds. The case files do contain information concerning the buy money (drugs bought) expended for a case.

No informant files are maintained. Informant files serve a number of useful purposes, one of which is to give protection to the agents in dealing with informants and to maintain an accurate record of the informant's performance for continuity across time within a unit. However, as the older agents rotate out of the unit or retire from police work, the need for good informant files will no doubt increase. At the moment, the collective memory of the unit informally constitutes the working informant files. The only record kept on informants is the receipt they sign for informant payments.

Information or intelligence files are also kept. A few years ago, these files were more actively kept, but they no longer are. The unit used to have two agents solely assigned to do intelligence work. There would be meetings every two to four weeks to discuss what people in the unit were hearing about various dealers. The two narcotics intelligence agents would coordinate the collection of this information and be responsible for disseminating the information to agents working on related cases. Although the current intelligence files are not formally maintained, there is an informal interchange of information between the unit agents.

There is an alias or AKA (also known as) file which is alphabetically filed by nicknames. This file is used for the identification of persons who are being investigated or who are somehow identified during an investigation.

There is also a file on major offenders in the Southern City area. A major offender is someone who deals in quantity, e.g., a multiounce narcotic dealer. This file parallels the intelligence file in content but contains information on a specific type of narcotics offender.

#### 4. Modes of Control Over Money

The importance of the control of funds in the enforcement process cannot be overemphasized. The rationale for this position is as follows: the principal problem of narcotics administration is the selection, guidance to, and immobilization, arrest, or regulation/eradication of offenders. These offenders may be chosen -- as argued in the section on targeting, in at least four modes. When the predominant mode is informant-guidance, then the associated problems of administration are less those of choosing targets, than they are questions of the payoff of pursuing a particular line of action, the amounts of money that should be allocated for informant payments, rewards and salaries (if given), buys, and miscellaneous expenses associated with the investigation. Finally, the question of when and how to close a case, especially since they are not opened in any systematic fashion in Mode A, and often not in the other three modes, is problematic from an organizational standpoint. It cannot be overemphasized, however, that what we call "problematic".

is not problematic from the perspective of the investigators, nor the sergeants in the units. They are able to operate in a day-to-day fashion because they have worked out a variety of resolutions to these problems, do them routinely, and within the implicit set of propositions outlined in Figure II-1. It is only when one contrasts these procedures, and practices with a rational organizational model drawing on Weber and others, that one sees "problems" in this aspect of the work. If the targets are those set by public complaints, the costs in terms of investigative dollars expended outside the normal salaries, and overhead costs, are likely to be small. That is, investigation of pharmacies and doctors may involve more setting up an arrest situation after a buy has been made with a forged "script" (prescription), destroying plants in a field, or trying to assemble witnesses and gather statements to bring a case against a physician who has been freely dispensing controlled substances. These are costly in terms of time and effort, but are less likely to involve informant payments, buys and rewards than are cases of other types. As was pointed out, the number of possibilities for investigation are often numerous at a given time for an investigator, and choices will have to be made concerning the possible "payoffs" of a case. If these cases are formalized in files, opened on paper so that sergeants are aware of their existence, and if there is paperwork on the case in the files, e.g., in buy books, or in the expense record by the case involved, it will be more clearly known how the investigators pursue it, how much money will be expended in that way, and what sort of strategy should be employed.\* As is shown in the following

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\*A drawback to such recordkeeping, it is claimed, lies with the Freedom of Information Act, which allows a person to review his file. Obviously this could seriously jeopardize informants and cases being developed off the case reviewed.

section, sergeants rarely have this information, and rarely are able to carefully monitor the course of any case. This is, of course, even more accurate as a description of the information held by the members of higher ranks in the unit (Lieutenant, Captain or Major), since they lack the face-to-face informal interactions that the sergeants have, to give them a rough idea of "what's going down."

The general perspective that we bring to this problem is the position that the degree to which the organization can control and monitor decisions in the allocation of resources is an index of their efficiency. We have called the organizations with more capacity to monitor organization-centered, and those with less capacity investigator-centered (see Figure I-1).

. Dollarville

In Dollarville there are four types of bookkeeping controls on the allocation of monies. The first is that every month, the investigators must submit a report of their expenses for the month to the Sergeant in the unit who makes up the monthly report of expenses. This is done on a form and includes: personal expenses associated with the investigation (e.g., drinks while interviewing an informant; mileage for personal car if used in the investigation); payments to informants for information in connection with an investigation (this may or may not be tied to a specific case number); or buys of drugs. The officer must show a total and a balance (which may be either positive -- the unit owes the officer money -- or negative -- he may be holding unit money). This balance should check with the second administrative control, the running balance kept in the safe in which all withdrawals and to whom are entered. A third form of control is the drug buy book in which all substances bought are recorded. A fourth

mode of control is the evidence chain and the feedback from the lab on the cases analyzed by drug, purity (where relevant) and weight.

In addition, since the unit does not use overall goals or objective statements to theoretically guide enforcement, these practical decisions are the cumulative, actionable policy. They are the reality of the enforcement effort, not the stated procedures and verbal statements of the command personnel. This does not imply that the command personnel are mistaken in their intentions, or that they are unaware of the actual operation of the unit. Rather, the point is that there is a substantial gap between the stated and de facto goals, in part because of the degree of freedom individual investigators have, the inability to monitor their decisions and actions in connection with given cases, and budget limitations themselves. It should be further noted, however, that even if the budget were doubled or tripled, there is no guarantee, given these administrative arrangements, that the pattern of arrests, seizures, or focus and practices of the unit would change.

. Columbia

In Columbia, there are three types of controls on expenditure of funds. The first is that all officers must turn in a monthly report stating all of their expenses. These may include miscellaneous expenses entailed in the course of an investigation (drinks, food, small bills paid for informants), buys made (by whom, for what) and rewards or other payments. Any money given an informant must be accompanied by a signed receipt indicating that the informant received the money. The informant is not required to sign his real name, but must sign a name. The purpose of this is to insure that officers do not convert payment to their personal use by forging a name. It should be noted that since the informant

files are basically nonoperative, that a signature could not be checked against an original in any file, that the unit rests on trust, that there is such an informant, that he did what is therein described, and that he received the money in the amount indicated. A second mode of control is the safe in which two sets of books are kept for the narcotics unit. The first is a running balance of the total amount in the safe (monies are drawn from the business office in amounts of about \$1,000 a month) and divided between vice, day crew and night crew. The monies are kept in packets, but a total is kept in the book. Monies are often allocated by the day sergeant to one of the "night people" and flexibility and good sense is used in maintaining a capacity to fund where needed. It should be noted that the day sergeant never asks what it is for except in the most general terms: "for a buy...?" and does not receive a detailed answer when he does ask. There is a second set of books kept in the safe with each investigator's running total. The investigator signs off when receiving or redepositing money, as well as the sergeant allocating the money. When, at night sergeant allocates money, he does so on the basis of truncated descriptions -- "we're going to need 95 'bucks' to buy a gram of cocaine (i.e., 80 dollars for the gram, 15 dollars to an informant who will be making the buy)." The refusal to give amounts under 100 dollars only occurs when, at the end of the month and/or fiscal year, the unit is out of money. (There is an additional fund controlled by the District Attorney's office from which funds were drawn in the summer of 1977. This was given on the basis of a special request approved by the Deputy Prosecutor.) Finally, at the end of the month, clerks in the unit, or one of the senior officers on the day shift, will prepare a detailed monthly report reporting the arrests, charges made, the amount of drugs seized or bought, and the amounts of

drugs that have been bought but are "nonprosecutable." These are generally drugs bought: to make an informant reliable, to try to build the trust of a dealer in the purchaser so that a larger amount can be bought under buy/bust conditions; cases that "dry up" and do not "pan out." Thus, although they are bought, they do not lead to prosecution. The Captain is particularly careful about observing the ratio between the prosecutable and nonprosecutable drugs from month to month, and urges officers to control it and keep it down. Thus, the arrests and charges, when keyed to drugs bought, provide a kind of monitor on the efficiency of the unit.

#### 5. Some Further Comments on Practical Constraints

There are some general constraints that result from practical limitations in the units. First, one can look at the limits that come of the day-to-day operations of the units with respect to their notion of what their goals are. As noted under the goals and objectives section (the implicit propositions of narcotics enforcement), units do not monitor their actions against the environment, do not gather this data, and do not assess their actions against some abstract standard. In part, as we argued, this is because there are no good, practical reasons for doing so: no one holds them accountable for changes in the environment or for effectiveness; perhaps it would be too expensive to develop the monitoring systems needed to do so. In part, this is true because there are not enough clerical staff to engage in this sort of recordkeeping in any of the units (with the possible exception of Columbia). Second, there are limits because with the exception of Desert City and Columbia, officers did not use equipment and personnel available to them, e.g., typewriters, secretaries, dictaphones (for dictating search warrants), and preferred to hand type, often for an hour or more, affidavits. In other words, they are not trained to use and/or

do not use these machines. This resistance must be seen in light of the wish for secrecy as well as the wish to "get it right" and make sure that there are no errors in the documents produced. Third, officers are not trained in processing paperwork in general. When officers are drawn from patrol for undercover work, as they were in Dollarville and Desert City, and given inadequate introduction to the importance of paperwork, they tend to let it slide (because of the view of real police work that they operate with), and because others will do it for them (the "office crew"). This adds to the burden of the office crew, and to their resentment of the undercover officers. Fourth, often the files are not organized so that they can be cross-indexed. One cannot work from files to informant payments to conviction or disposition because these are not cross-indexed, and people have to remember the appropriate date of the arrest, the circumstances, etc. This is easy if there are frequent conversations between members of the units, and there is a low turnover, and the case has taken place within the last year or so, but if any of these conditions do not hold, then the information is lost. It is irretrievable. Fifth, in every case, the arrests and charges made by other units are kept elsewhere in the department. If one wishes to look at a past file, one must go to the main records office, or make a request for these records. Officers do not keep their own files at all in many cases, or may keep some of their past cases at home, and do not keep other files at hand. Perhaps this is an inevitable consequence of specialization and the division of labor especially when it is accompanied by computerization. Sixth, because of the ecological location of vice and narcotics units in Southern City (they were both on the same floor of the police building) officers in vice generally were seen regularly and shared in some case discussion. In Dollarville, Columbia,



Bay City, and Gotham Minor, vice units shared the same office space and this led to good natured kidding, shared raids and operations (often informally arranged), and case discussion. As a general rule, ecological proximity substitutes for formal channels of communication, or reduces the need for formal communication. Where organizational units are both ecologically isolated and formal modes of information sharing are not well developed, they tend to be organizationally very autonomous and potentially isolated from informal and formal information flow. Seventh, the prosecutor's office maintains quite different "feedback" systems in each of the cities studied. In Columbia, officers were informed of the disposition of their case, whether it was refused early on, or in subsequent processing. There were also forms, as there were in Southern City, that guided the preparation of the case file for forwarding. But in both units, clerical staff and/or office crew actually checked on the completeness of the file, and the individual officer was not required to attend to all the details. Commonly, officers make an arrest, send it forward for charging and never again hear about it. Thus, much of the sense of being isolated from the courts and complaints about the courts are based on lack of information and feedback, rather than frustration about what is actually going on in courts.

#### F. Processing of Evidence

Narcotics units, and investigative units in general, concern themselves with evidence and the procedures surrounding its gathering, analysis and use in court. It is covered in formal and informal training.\* The reasons

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\*In Dollarville, the formal coursework given in their narcotics school places emphasis on the proper care of the evidence so that its integrity is maintained. A considerable number of reports, forms, and procedures surround the proper maintenance of evidence integrity.

for this concern are manifest: drug evidence can be the basis for various corrupt practices (e.g., using the dope, selling it, giving it to informants as partial payment, "planting" evidence on persons suspected of crimes, etc.). These are not examples from our fieldwork, but examples of the kinds of corruption that have been discovered in previous research (see Manning and Redlinger, 1976); it can be mishandled, leading to political scandals (e.g., the "French Connection" heroin that was stolen from the property room of the NYPD); it can be lost, misidentified, and the like, and any and all of these factors can play a role in the disposition of the case. It is likely that mishandling of evidence is one of the major reasons for cases being refused for prosecution. Thus, clearly, maintaining the integrity of evidence is immensely important in illicit drug cases. The evidence must be procured, identified, preserved until needed, processed, secured, subjected to qualitative or quantitative laboratory analysis, prepared for introduction into cases, and finally destroyed. We discovered a great many similarities and some differences in the ways in which evidence was handled in the units studied. Prior to a detailed discussion of procedures and the flow charts which depict the movement through the control chain, we very briefly review some of the legal conditions under which evidence can be procured.

The procurement of evidence can legally occur under at least five basic conditions: warranted searches, consent searches, plain-view search, search for officer protection, and searches incidental to a lawful arrest. Preferably in all of these cases, the officer who finds the evidence has his testimony corroborated by another officer. In some departments, on each and every warrant search, there is an officer designated as "finder" (usually the search warrant affiant) who takes custody of the evidence.

For narcotics units in general, the officer initiating the investigation is responsible for the collection of evidence for the case; all evidence is released to his/her custody. Ideally, in narcotics searches, found evidence is not moved until another officer witnesses the location.\* At that time, the officer making the find and the witnessing officer date and initial the evidence in order to identify it. A complete inventory of the seized evidence is normally made by the officer initiating the investigation.\*\* In some units (e.g., Dollarville), if he or she is absent, a senior officer usually assumes the responsibility for custody.

It is the responsibility of the initiating officer to do all of the necessary paperwork and to see that the officers other than himself who made the find (or seizure) have completed their paperwork. After the paperwork is done, and the evidence has been properly dated, the officer who initiated the investigation will, in the presence of another officer, place the evidence in the locked evidence box or take the evidence directly to the crime laboratory for analysis.

When suspected drug evidence is found on a search warrant or is brought back to the narcotics unit, officers "field test" the drug in the presence

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\* In searches witnessed by the study team this procedure was not always followed "to the letter," but the finding officer picked up the evidence, examined it, and then replaced it.

\*\* Thus, often, the seizure is seen as "his" seizure, the officer sees the evidence as "his" and cases officers make are evaluated by themselves in terms of what is seized. Informants are also considered in light of how "good" the information was - that is, whether or not it led to a good seizure of, for example, capsules or baggies of heroin rather than an ounce of marijuana.

† On raids conducted by the Dollarville unit, there is a policy that even though two officers formally hold the same rank the senior officer, or the one with the most experience, is responsible.

of the officer having custody of the evidence. The rationale for this is that the custody officer must maintain the integrity of the evidence by being present when the field test is done. In this manner the chain of custody over the evidence is never broken. The officer conducting the test (if other than the custody officer) gives his name and identification number to the custody officer and that officer places it on the arrest and prosecuting reports.

In instances where the drug evidence results from an undercover buy, the officer making the buy will meet with his backup as soon as possible and initial and date the evidence in their presence. In cases where buys are made without backup or surveillance, the undercover officer releases the evidence to his supervisor. At that time, both the undercover officer and the supervisor initial and date the evidence. It is then the supervisor's responsibility as custody officer to take the evidence to the locked evidence box, lab, etc., and deposit it, accompanied by a witnessing officer. The supervisor is responsible for all the reporting required that is relevant to the buy.

In Dollarville, prior to mid-August 1976, drug evidence deposited in the locked evidence box continued to be the "property" of the narcotics unit. The narcotics unit desk officer has the responsibility of examining all drugs submitted within the preceeding 24 hours, and this procedure was normally done each morning when the desk officer arrived at work. Only during the weekend break was this procedure violated, and weekend evidence was processed early Monday morning. The desk officer examined each sample or evidence specimen in the presence of one of the narcotics unit evidence clerks. At that time the evidence came under the control of the evidence clerk.

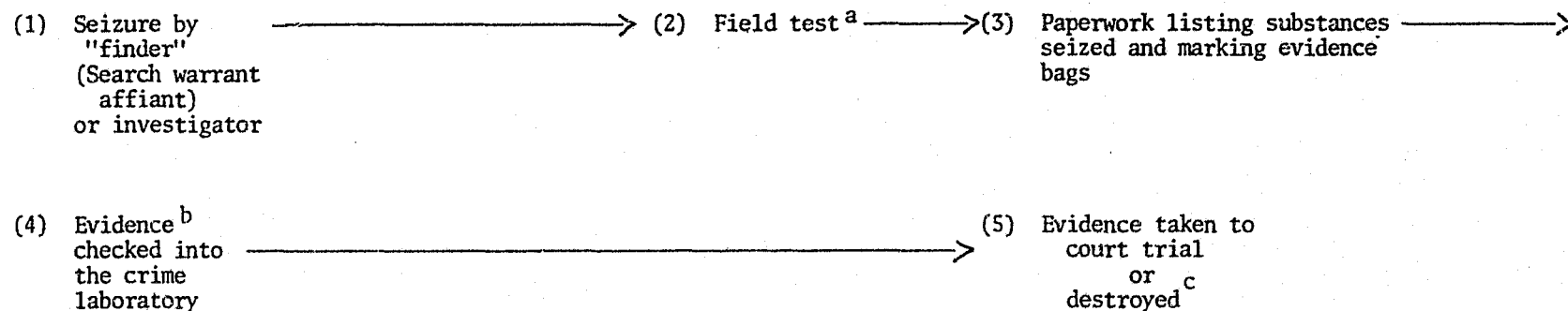
In mid-August, the procedures for depositing evidence, the auspices of the locked evidence box, and the chain of command over evidence were changed. Largely because of an administrative change desired by the Lieutenant in charge of narcotics unit, the locked evidence box and the evidence clerks were moved out of narcotics unit and into the property division. According to the Lieutenant the rationale for the changes was "to maintain the integrity of both the evidence and the section," and there is little doubt that the change is a result of the last unit reorganization. Now the locked evidence box is located outside of narcotics unit in the Identification Division, Physical Evidence Section, and the evidence clerks are administratively part of that division. When evidence is placed into the locked evidence box, it now is no longer the 'property' of narcotics unit. Thus, the integrity of the evidence is the Property Division's and the Physical Evidence Section, Identification Division's problem. Moreover, the integrity of the narcotics unit is maintained as no one individual (either internal or external to the section) can accuse investigators of being able to tamper with the evidence. Whereas previously, evidence clerks possessing keys to the box were housed in the same office space and were associates of narcotics unit investigators, they are now administratively and physically separate. It is believed that this change lessens the probability that evidence will be tampered with.

Each narcotics unit visited by the study team expressed concern over the chain of evidence. The basis for the concern is to avoid charges of tampering with the evidence.\* Figures IV-2 through IV-5 show chains of

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\* "Tampering" includes theft of part or all of the evidence, substitution of drugs and adulteration of drugs. If tampering can be demonstrated a short chain of evidence will clearly indicate who is responsible whereas

Figure IV-2. Gotham Minor Chain of Evidence for Narcotics:  
Care, Custody, and Control of Drug Evidence

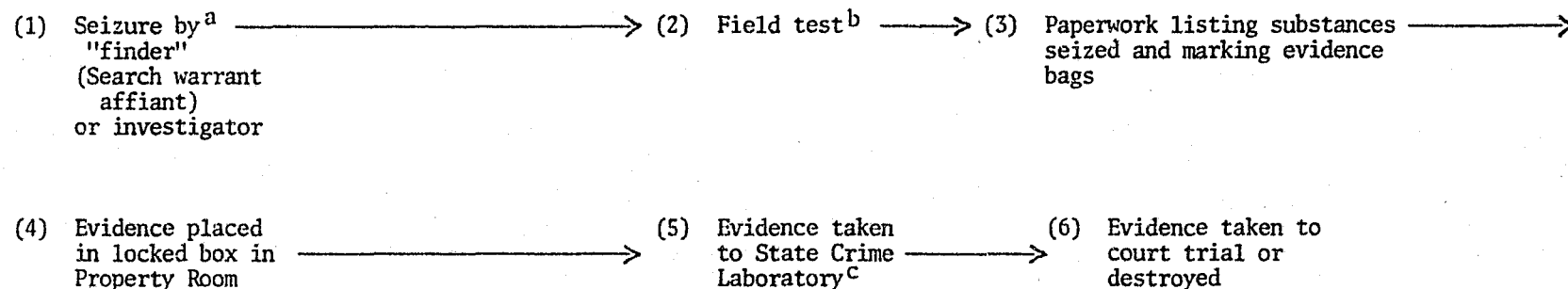


<sup>a</sup> Substances are field tested when the narcotics agents are uncertain about the identity of the drug. "All the field tests are, is kind of a screen for us to put the correct charge down to the best of our ability, but the lab does turn them over quick." The field test can be done in the field or back at the headquarters office where the paperwork and arrest processing is done.

<sup>b</sup> The evidence is checked in by the crime laboratory staff person (someone is available 24 hours a day) and heat sealed in plastic bags which are initialed by the lab person and the investigator. The investigator places the evidence in a locker which he locks himself.

<sup>c</sup> Destruction of the drug evidence is witnessed by the Sergeant or Captain from the narcotics unit, a representative from the crime laboratory, and a representative from the District Attorney's Office.

Figure IV-3. Southern City Chain of Evidence for Narcotics:  
Care, Custody, and Control of Drug Evidence

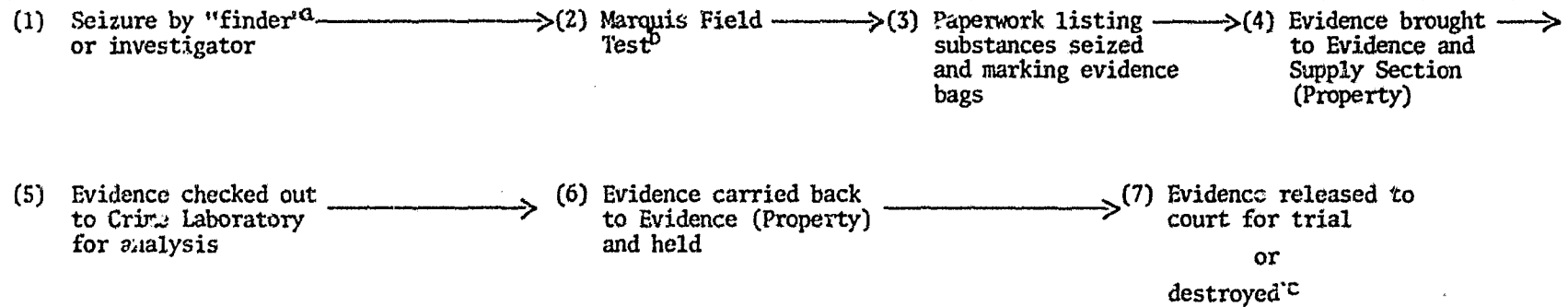


<sup>a</sup>In a search warrant seizure the agent who finds the drug(s) and the designated "finder" must both testify in court.

<sup>b</sup>Heroin and cocaine are the only drugs field tested. The test is done in the field or in the unit office where the paperwork is done. In making buys, field testing (in the field or office) is done to determine if the bag is "turkey" (a drug other than the one purchased).

<sup>c</sup>Two superior officers from the narcotics unit make this transfer on a weekly basis unless there is specific need for more frequent transfers.

Figure IV-4. Desert City Chain of Evidence for Narcotics:  
Care, Custody, and Control of Drug Evidence



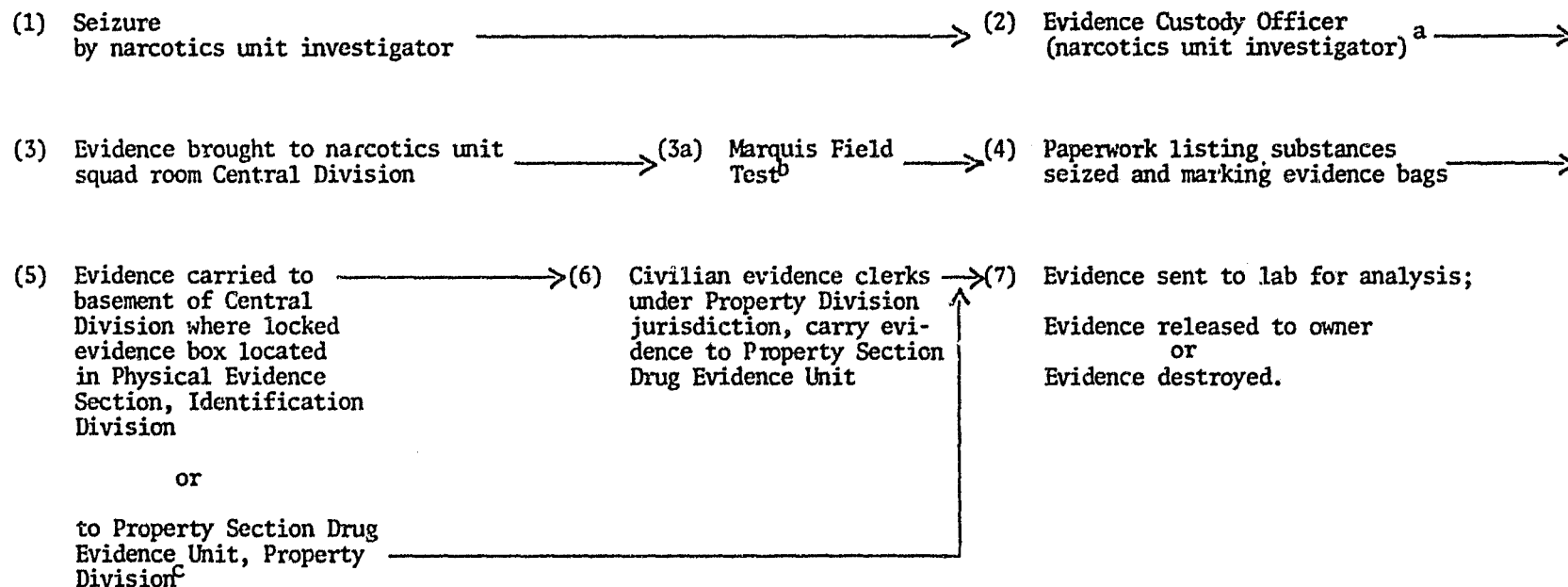
<sup>a</sup>On all seizures, one officer is designated as "finder" and becomes the evidence custody officer.

<sup>b</sup>Only in cases where a Marquis is available immediately is a field test performed. Obviously, in marijuana cases the test is not utilized. In some instances investigators perform the field test, not in the field per se, but at the office. All tests are done with another officer as witness.

<sup>c</sup>The evidence transferred from "Property" to the custody of a Destruct Board composed of usually 3 to 4 people (a patrolman, a sergeant, a Lieutenant) who transport the property to the destruct area some miles from the Police Headquarters and supervise destruction.



Figure IV-5. Dollarville Chain of Evidence for Narcotics:  
Care, Custody, and Control of Drug Evidence



<sup>a</sup>Very often, the officer whose "case" the seizure has resulted from, becomes the custody officer; however this is not always the rule. The "case" is the officer's because his informant has given him the proper information and it is "his warrant."

<sup>b</sup>Obviously, in instances where the evidence cannot be tested by the Marquis, the case must be written "pending analysis." This happens in the case of marijuana where visual inspection might yield enough evidence for arresting officers, but will not satisfy legal criteria.

<sup>c</sup>In cases where the evidence will not fit into the locked evidence box because of bulk, or in cases where the evidence is thought to be very important, it is carried to the Property Division directly rather than placed in the locked evidence box.

evidence for four sites that vary in the number of people involved and in complexity. In general it is to be presumed that the shorter the chain, and the fewer the number of people involved, the greater the integrity of the evidence and the greater the security.

Gotham Minor's chain of evidence procedure (like Bay City's) is the shortest and most secure chain found at any of the sites. After the drug evidence is listed, bagged, and marked, it is taken directly to the crime laboratory (which has a locked buzzer controlled entrance) where the bagged evidence is placed in plastic bags from the laboratory and heat sealed.\* The investigator delivering the evidence and the laboratory person on duty both initial the evidence bags. Each evidence bag is entered into a log book in the laboratory. The investigator then takes the evidence, places it in a locker and locks it. The next person to touch the evidence will be the chemist doing the drug analysis. The drugs are stored in the crime laboratory until the court authorizes their destruction. In this chain of evidence the responsible investigator has possession of the evidence for a very short period of time. The major responsibility for the drugs lie with the crime laboratory which is located in a secure place.

Southern City's chain of evidence is slightly more complex than Gotham Minor's. Instead of taking the drug evidence directly to the laboratory an intermediate storage step is introduced. In Southern City drug evidence is

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a long chain of evidence will diffuse responsibility to the point where no one will be responsible in effect. Hence, a short chain of evidence acts as a deterrent to tampering with the evidence.

\*In Bay City, the evidence is placed by the investigator in a locked envelope and taken directly to the Criminalistics Section where it is turned over to the lab. When the Section is closed, it is placed in a locked evidence box in the Section.

listed, bagged, and marked and taken to the property room where it is placed in a locked box the size, shape, and construction of a mail box. The narcotics agent signs an evidence record book which indicates that he has placed the drugs in the box and references the evidence by case file notations made during the earlier listing of the evidence. With the additional step in the chain the possibility of tampering is increased. If drugs were tampered with in the locked box storage phase, it would be somewhat difficult to specify the culprit since every police officer on the force could have arranged to get into the property room at some time with special planning. The position of the box is somewhat vulnerable and thereby weakens the chain of evidence. Weakness in the chain may be the result of a vulnerable spot in the chain or simply as a function of the length of the chain.

Desert City adds another step to the chain of evidence that does not exist in Southern City. Essentially the two chains of evidence are alike. The exception comes with the return of the evidence to the property room after it has been to the crime laboratory. The chain is lengthened and the property room is, so to speak, put in double jeopardy by handling the drugs twice during the chain of evidence. The security and recordkeeping of the property room is vital to protecting the chain of evidence. The property room in Desert City essentially has a divided function. One portion of the property room is for evidence while the other portion is for police equipment. The same staff serves both portions of the property room. Security on both sections of the property room appears to be reasonably good with the evidence portion having the tighter security. The property in Southern City is functionally divided in the same way between evidence and police equipment. However, the security is somewhat equally lax for both sections. In the

Southern City instance since the drug evidence is not returned for storage the security issue was less crucial than in Desert City.

Dollarville, by comparison, has the most complex chain of evidence. The evidence may be stored temporarily in a locked evidence box which is emptied daily. Civilian employees transport the evidence from the locked box to a property room which is several miles from the police headquarters and the narcotics unit.\* After the evidence is taken to the laboratory for analysis it is returned to the property room until the court authorizes its destruction. The measures taken to protect the integrity of the narcotics unit in the chain of evidence have conceivably compromised the chain of evidence by making it somewhat more complex than it needs to be.

The rule for a noncompromising chain of evidence then appears to be clear. The chain should be simple and as short as possible. Elaborate procedures to ensure the integrity of the chain more often than not compromise it. The preceding figures are representative of the complexity that can develop in processing evidence. They proceed from a simple chain of evidence and work through to a more complex chain. As the chains grow more complex, more instances, places, and circumstances arise where the chain can be breached by person or persons whose goal is to tamper with the drug evidence for whatever reason. It is interesting to note that prior to a quantitative and qualitative analysis of drugs, there is little effective

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\*The civilian employees are not armed as they transport the drug evidence from the police headquarters to the property room several miles away. Later they will again transport the evidence to the laboratory. The repeated handling and transportation while designed to keep the drugs away from the narcotics unit and thereby not compromising them with possessing the evidence, serves to lengthen and weaken the chain of evidence. The steps taken to strengthen the chain may have in fact weakened it.

way to have documentation of drug tampering. Prior to such analysis the integrity of individuals within the structure of handling the evidence is a pivotal concern. The very short chain of evidence in the Gotham Minor model is optimal since the crime laboratory almost immediately establishes the characteristics of the drug evidence (quantitative and qualitative characteristics) which should, by reasonable expectations, set a measurable standard for tracking the evidence and serve as a deterrent to tampering with the evidence.

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## V. INFORMANTS

The need for information is crucial to the narcotics enforcement enterprise, and the gathering of information is primarily the duty of the investigators. In order to effectively and efficiently enforce the narcotics laws agents must have reliable information about what is going on in the drug marketplace. The prime source for such information is from informants. In actuality, the development of informants is a vital investigator duty and oftentimes is performed without any type of written administrative control. Clearly, however, good informants are essential to the continued successful operation of narcotics units.

Harney and Cross (1960) in their book, The Informer in Law Enforcement, call informants the "institutions through which the truth is attained." (p. 11). Their material is impressionistic, quite out of date, and yields no systematic and specific rules for the control of or processing of the information so gained. In our research we discovered widely divergent means for handling informants, and in the section below we present some examples. Following that we present some of the more organized systems.

Table V-1 indicates that only one unit kept no confidential informant files. In Southern City, receipts for informant payments are kept in the locked safe with the buy and informant funds. No informant files are maintained. This is somewhat remarkable given the size of the unit and the level of its enforcement activity. The unit with its relative stability of agents within the unit, and with an investigator-centered model of informant "ownership" does not appear to desire such a file. Thus, currently the individual memories of the unit informally constitute what informant files there are with the exception of the receipts for funds which informants



Table V-1

Status of Informant Files

|                          | Bay City   | Desert City           | Dollar-ville | Southern City | Gotham Minor        | Columbia   |
|--------------------------|------------|-----------------------|--------------|---------------|---------------------|------------|
| Existence of Active File | Yes        | Yes                   | Yes          | No            | Yes                 | Yes        |
| Status of File           | New system | Old system incomplete | New system   | None          | Old system complete | New system |

**CONTINUED**

**3 OF 6**

sign. In Columbia, an informant file once existed, but the old file was not in use when the research team was there. (The new filing system was not shown to the researchers but was identified later by the unit Commander in reviewing a preliminary report on Columbia.) Set up under the old Metro squad (Regional Narcotics Drug Control Unit), which was funded by LEAA, the unit was required to keep informant files. The system, following a "Federal model" was described in the RNDCU document (found in the front of the defunct file) as follows:

#### Informants

Federal guidelines concerning the purchase of information from informants require a detailed and somewhat cumbersome procedure. The two (2) primary deviations from existing Bureau procedures:

- 1) informant identification, and
- 2) the receipting of payments for information received.

Any informant receiving funds from the RNDCU "buy fund" must have identifying information entered into the informant file of the Unit. The cards in this file will contain:

- 1) true name of the informant
- 2) assumed name(s) of the informant
- 3) signature example of all assumed names
- 4) the informant's local number, if applicable
- 5) the informant's photo if practical
- 6) fingerprints if practical.

NOTE: The informant file will be secured as a confidential file under the control of the Division Commander. Access to this file will be restricted to the Division Commander and those whom he designates as "Officer(s) in Charge." It will be utilized by the "Officer(s) in Charge" to authenticate the assumed name signature on the informant's receipt. This file will not be subject to audit or inspection except as authorized by the Project Director.

A receipt of payment will be completed for any transaction involving the purchase of information from an informant.

This receipt will be retained by the Officer paying for the information and will be attached to the Officer's monthly voucher for evidence of fund expenditure.

NOTE: If the informant is confidential, he or she will sign the receipt with their assumed name only. This assumed name must be one that is entered into the informant file with example signature, for later comparison by the Project Director. Any Officer witnessing the transaction will affix his signature in the space provided on the form. Federal requirements call for 25 percent of the transactions to be witnessed by a second Officer, with an additional 10 percent of the contacts to be made in the presence of the Officer(s) in Charge so that he may witness and verify the payment to the informant.

This receipt will also be used for any other transactions involving the payment of RNDU to any individual for the purchase of evidentiary material whenever practicable. All purchased property for use as evidence will be accounted for on the Bureau Property/Evidence Receipt.

While no active file on informants was thought to exist in Columbia, the officers maintain a log located in the safe, of informant expenditures with receipts for the payments.

In contrast, the other four units were known to have some sort of informant files. While two systems are relatively new, two other have been in operation for some time. The system in Desert City while in theory a valuable and administratively correct one had some gaps in the collection of informant data. Several of the informant forms were incomplete and hurriedly filled out. Forms did not exist for informants who although recruited by the unit were referred to DEA, Customs, or the area Strike Force. Some informant's forms were simply missing.

In Gotham Minor, informant files are maintained by the narcotics unit. The name of the informant, his or her aliases, the informant's address, telephone number, birth date, race, height, and weight are recorded. Information about the informant's police record and relevant background information are also recorded. A photograph of the informant is attached to the confidential informant record. An identification number is assigned the informant record and that number becomes the sole referent to the

informant in all other narcotics files and documents. In addition to the basic informant information a record of contacts with the informant is kept on file. The date of the contact is recorded, the amount of money paid (if any), the nature of the information received, and verification of the information received is noted. While these records are kept under lock and key they are readily accessible to all investigators in the unit. The informant file is seen as useful to the narcotics unit to keep track of the informant's performance and reliability, and documentation of the informant's reliability (in general terms) is useful in preparing a search warrant.

The Bay City system was modeled after the Los Angeles Narcotics Informant File System and was almost brand new while the Dollarville system had been in operation for approximately a year.

The forms provided in Exhibit V-1 indicate the types of information utilized as minimum in a narcotics informant file. It must be kept in mind that such a file must be checked by firstline supervisors to make sure it is complete. Informant files serve a number of useful purposes, one of which is to give protection to the agents when dealing with informants by providing an accurate record of contact, payments, etc. In addition, the files can provide an accurate record of informant performance that can be utilized by the unit. This is valuable because of the rotation of the agents within the unit. When agents are gone, there still remains a record of the informant actions. In addition, the record is available if and when other narcotics agencies desire some information about the informant performance. On the other hand, it is sometimes argued that not keeping informant files reduces markedly the chance that they would be subpoenaed and that somehow unauthorized persons could know the identities of informants. Effective administrative control through informant files allows for more

## Exhibit V-1

## Informant Data Sheet

|                     |                   |
|---------------------|-------------------|
| PERSONAL DATA SHEET | C.I. Number:      |
|                     | Name:             |
|                     | Last First Middle |
|                     | Date:             |
|                     | Agents:           |

Alias/Name: \_\_\_\_\_  
 Permanent Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Present Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ D.O.B. \_\_\_\_\_  
 P.O.B. \_\_\_\_\_ U.S. Citizen: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_  
 Glasses: \_\_\_\_\_ Build: \_\_\_\_\_ Complexion: \_\_\_\_\_  
 Distinguishing Marks/Scars: \_\_\_\_\_  
 Social Security No.: \_\_\_\_\_ Drivers Lic. No. & State: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_  
 Previous Employer: \_\_\_\_\_ Address: \_\_\_\_\_  
 Occupation: \_\_\_\_\_ Length Last Employment: \_\_\_\_\_

Children--Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Spouse: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Sister: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Brother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Girl/Boy Friend: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Vehicle: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_  
 License No.: \_\_\_\_\_

Charge Acc'ts/Credit Cards: \_\_\_\_\_

FBI #: \_\_\_\_\_ Mug #: \_\_\_\_\_ CHIN #: \_\_\_\_\_  
 Education: \_\_\_\_\_ Rap Sheet: \_\_\_\_\_ PPC Card: \_\_\_\_\_

Remarks: \_\_\_\_\_

## Criminal History

Addicted: \_\_\_\_\_ Drug Used: \_\_\_\_\_ First Used: \_\_\_\_\_  
 Habituated: \_\_\_\_\_ Drug Used: \_\_\_\_\_ First Used: \_\_\_\_\_  
 Years Used: \_\_\_\_\_ How Started: \_\_\_\_\_  
 Sources of Drugs: \_\_\_\_\_  
 Drug Associates: \_\_\_\_\_  
 Previous Arrest: \_\_\_\_\_ Year: \_\_\_\_\_ Disposition: \_\_\_\_\_  
 Previous Arrest: \_\_\_\_\_ Year: \_\_\_\_\_ Disposition: \_\_\_\_\_  
 Now on Probation: \_\_\_\_\_ P.O.: \_\_\_\_\_  
 Parole: \_\_\_\_\_ P.O.: \_\_\_\_\_  
 Cures Attempted: \_\_\_\_\_ Program: \_\_\_\_\_ Result: \_\_\_\_\_  
 Program: \_\_\_\_\_ Result: \_\_\_\_\_  
 Presently on Program: \_\_\_\_\_

Criminal Activity Other Than Drugs: \_\_\_\_\_

Why is he informing for us?

Working off beef: \_\_\_\_\_  
 Working for money: \_\_\_\_\_  
 Good citizen: \_\_\_\_\_  
 Other: \_\_\_\_\_

## Exhibit V-1 (con.) Informant Interview

This document is to be read to subject, each question explained, answered and recorded by the agent. This interview will be tape recorded and the tape preserved with this document.

NAME \_\_\_\_\_ AGE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

1. Do you understand that you are not privileged to break any laws during the course of your association with the Desert City Narcotics Unit? \_\_\_\_\_
2. Do you understand that you are not an employee of the Desert City Narcotics Unit? \_\_\_\_\_
3. Do you understand that you are not to disclose your association with this Unit to anyone except in answer to a subpoena issued in a court of law? \_\_\_\_\_
4. Do you understand that you are not to release any funds entrusted to you until you have first received the drugs for which you are negotiating? \_\_\_\_\_
5. Do you understand that you are not to purchase drugs from anyone that you cannot identify? \_\_\_\_\_
6. Do you understand that you are not to purchase drugs from the same person twice unless authorized to do so in advance? \_\_\_\_\_
7. Do you understand that you are not to carry any documents or equipment that connote the law enforcement field? \_\_\_\_\_
8. Do you understand that you are not to effect arrests of any type? \_\_\_\_\_
9. Do you understand the law as it relates to entrapment? \_\_\_\_\_
10. Do you understand that you are not a Police Officer? \_\_\_\_\_
11. Do you understand that you are not to use your association with the Unit to resolve personal matters? \_\_\_\_\_
12. Do you understand that you are to confine your activity to seeking out drug violators only unless prior authorization to do otherwise is obtained? \_\_\_\_\_
13. Are you now on County Probation? \_\_\_\_\_
14. Are you now on State Parole? \_\_\_\_\_
15. Have you ever been on County Probation or State Parole? If answer is Yes, please explain. \_\_\_\_\_
16. In the event it should become necessary for you to testify in a narcotics investigation, would you do so? \_\_\_\_\_
17. Do you understand that you are not to begin negotiations for any drugs without first advising the Unit and receiving permission to proceed? \_\_\_\_\_

AGENT TAKING STATEMENT \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

WITNESS \_\_\_\_\_ DATE \_\_\_\_\_

Exhibit V-1 (con.) Confidential Informant File Card

C.I. #

Name:

AKA:

DOB:

Address:

Occupation:

Driver's License #:

S. S. #:

Car:

Height:

Weight:

Eyes:

Hair:

Scars & Marks:

Left Index

Right Index

Signatures:



organizational control over informants and their information. The existence of such files is indicative of a more organizationally centered unit (see Figure V-1). In one model, there exists no higher order administrative controls over the cultivation of informants and the evaluation of their performance, while in the other there is at least some supervisor contact with the informant, and there may be administrative rules concerning the evaluation of informant performance.

A. Recruitment

Informants can be developed in a variety of ways and Table V-2 charts out the primary, secondary and tertiary modes for the units studied. Those units utilizing paid informants as their primary mode are also the units with the most money to spend for information.

Desert City has in their yearly budget \$37,980 to spend on buying evidence and information and investigator expenses. In addition, they have Strike Force cooperative funds available: traditionally the Strike Force will pay half of the informant fee on a cooperative effort. Columbia investigators have \$50,407 annually to spend on professional services which comprised 9.9 percent of their total budget. This is in contrast to Gotham Minor where the unit has only \$2,581 annually. Stated in another manner, the per investigator expenditures available annually for a Columbia agent for professional services is \$3,150. For a Desert City agent it is \$2,532 per investigator per annum. For Desert City, when one controls for the agents working "the office," the per annum expenditures available per agent is \$3,165. These can be contrasted with Dollarville (\$560 annum/per investigator) Gotham Minor (\$516 annum/per investigator), Bay City (\$1,420), and Southern City (\$1,653). This is not to say that all funds are equally

Figure V-1

Features of Narcotics Enforcement and Modes of Organizational Control

Narcotics Crimes in General

1. Crimes are private transactions, usually not evident (no complainants).
2. Agents are often ecologically distant from crime; must "make crime happen."
3. Agents do not rely wholly on voluntary information, but must obtain it through informants. Conditions for working off cases not put in writing a priori nor its approval required before a "deal" is made between an investigator and an informant.
4. Selection of targets is discretionary and cases are infinitely expandable.
5. Calls to narcotics units not tape recorded (i.e., cannot be independently monitored).
6. Sergeants are usually not aware of the precise number of informants or cases of any investigator.
7. Relationships between time, effort, money and arrests are unknown; activity sheets are only a partial record of time/effort.

Investigator-Centered<sup>a</sup>

1. No initial information can be verified independently - nothing in writing required upon receipt of information.
2. Few cases are assigned (these are "special assignments").
3. No cases are officially "opened" or "closed."
4. Number, type, promise, and estimated "pay-off" of cases known almost exclusively by an investigator (or partners).
5. Arrests, charges, seizures, search warrants served and buys indicate investigators' activities only after the fact.
6. No clearance rate can be calculated since:
  - A. Crimes are not "founded" independently investigated after an allegation.
  - B. Cases are in effect self-initiated, self-defined and self-closed.
7. Informants are known only by investigators, not evaluated by supervisors, and may not be placed in official files nor given an official number.

Organization-Centered

1. Some information (clues) is recorded on special investigative forms.
2. Cases are routinely assigned.
3. Assigned cases must be closed within a specified time.
4. Frequent check is made on the number, type, and promise of cases (e.g., squad or section meetings).
5. Prior approval by supervisors of buys and raids required.
6. Partial clearance rate can be calculated (for assigned cases).
7. Informants require Sergeants approval, and Sergeants meet informants. Performance of informants is evaluated and a central file is kept with records of payment and performance.

<sup>a</sup> Some squads may vary from this model, e.g., diversion, schools or squads on special "big case" assignments.

Table V-2

Informant Recruitment Modes Utilized by Units

|  | Bay City       | Desert City       | Dollar-ville  | Southern City     | Gotham Minor      | Columbia          |
|--|----------------|-------------------|---------------|-------------------|-------------------|-------------------|
| Paid   | Secondary Mode | Primary Mode      | Tertiary Mode | Secondary Mode    | Secondary Mode    | Primary Mode      |
| Flip or Twist on Formal Charge                                   | Primary Mode   | Secondary Mode    | Primary Mode  | Primary Mode      | Primary Mode      | Secondary Mode    |
| Flip or Twist but Also Paid                                      | Tertiary Mode  | Tertiary Mode     | Tertiary Mode | Tertiary Mode     | Mode not Utilized | Mode not Utilized |
| Flip or Twist from Jail Population Non-narcotics Initiated Cases | Tertiary Mode  | Mode not Utilized | Primary Mode  | Mode not Utilized | Tertiary Mode     | Mode not Utilized |

apportioned to investigators, nor that all apportioned funds are used to purchase information. It is to say that in the units where paid informants are preferred and used primarily, there is more money available.\*

Based upon informant files that listed "reasons for informing," we can estimate that 67.3 percent of the Desert City informants are paid, 6.7 percent are both paid and twisted, and 26 percent are working off cases.\*\* Estimates made by the Sergeants and by the officers would indicate these percentages to be accurate. The estimates ranged from "50-50" (50 percent paid and 50 percent twisted) to "almost all my informants are paid, ah, 90 percent are paid." The overall belief of the unit is typified by the following characterization:

A paid informant gets out there and hustles to make the bucks. The guy you have a twist on generally speaking, is constantly negotiating with you or attempting to negotiate, 'now I'm not sure I can really do three, how about me doing this roll dealer over here and two ounce dealers, instead of three ounce dealers.' At

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\*There is one intervening variable in the abstract and that is the capacity of the unit to bargain cases with the District Attorney. While we have witnessed this variable affecting the types of trade-offs units have in other instances, this variable did not affect the six units under study. Thus, neither Desert City nor Columbia were forced by a lack of alternative forms of payment, to pay informants. M. Moore (1977) notes that money to purchase evidence and information is critical to the functioning of the narcotics control apparatus, and "in spite of the importance of this kind of money, the supply to the police has been very tightly constrained. Indeed, only the Federal enforcement agencies have had enough PE/PI money routinely available to them in large quantities." (1977: 176-177)

\*\*This is based on an analysis of 104 cases: 70 informants claimed that they were working for money; 7 indicated they were working for money and working off cases; and 27 indicated they were working off cases. Additionally, 25 informant forms did not give a reason for working, and this brought the total number of forms on informants in the files, to 129. Of the active informants utilized during the research teams' onsite activity (8), 5 or 62.5 percent were paid.

which time we'd say 'well you can do that roll dealer, of course, if you want to, but it ain't gonna count, you still got to do the three ounce dealers for us. And they would tend not to get motivated, not be motivated until it was getting very close to their trial date. Then all of a sudden they'd call up in a panic, "I'm going to trial next Tuesday and I've still got these three deals to do. And I think I can do this guy right now, can you guys come out and do it." Well, that's the hassle that you have with the people under a twist. They really don't want to do anyone, but they want to skate out from under the charges. They don't want to stand trial and they don't want to go to jail...So its all negative pressure on the guy there's no positive reinforcement any place.

In units where no informant files are maintained, estimates are based upon officers and command staff perceptions (Columbia). It should be noted that the use of paid informants most likely increases the number of cases made by a single informant. Whereas twisted informants are likely to make the minimum number of cases, "good" paid informants may make well over a hundred cases in a period of a year or two. However, there is some movement from the twisted to paid categories (and back again) such that twisted informants sometimes later on inform for payments; the exact percentages of this occurring are unknown.

In Dollarville, the narcotics unit has set up several types of procedures to organize recruitment, and in this respect, the unit has an organizational approach to the problem of information. The unit utilizes two particularly salient strategies to recruit informants, based upon both budgetary and ideological concerns. On the one hand, recruitment is made from the already jailed population of offenders; while on the other, concerted efforts are made to "flip" arrestees in narcotics cases.

The day shift of the narcotics unit is required to "work the jail," which involves a process whereby cases made by patrol are checked for their

"fileability," and, in addition, each person arrested in a fileable case is supposed to be questioned. The key to this process of working the jail is that information can be developed from an already gathered pool of potential informants. In fact, not every person arrested by patrol on a drug charge is questioned because usually there is not enough time in the investigator's day to do so. In order to interrogate an arrestee, the individual must be released to the custody of the narcotics unit investigator, brought to the narcotics unit squad interrogation room, questioned, and then returned to the jail. This process takes an average of one to two hours. In addition, the time to check the cases must be added, and so any given investigator can talk with at most three arrestees per day. Whenever the supply of arrestees exceeds the time available, some rule must be applied by the investigator as to the probable value of the person as a potential informant (see Table V-3). Thus, heroin cases made by patrol are most often checked, and the least often checked cases are marijuana cases in which the amount of the drug seized is small. In this manner, the drug enforcement priorities become utilized as "decision rules" in cultivating informants from the jail.

Bay City is the only other unit to work the jail for informants. However, their procedure does not involve the amount of manpower of Dollarville. This is due to the relative lack of manpower as well as the use of two formal administrative officers as opposed to having rotating crews handle the checking of cases. The administrative officers for Bay City check all the cases and make decisions about the people involved. The process is not as formalized as in Dollarville and is described by the Bay City Narcotics Sergeant as follows:

Table V-3

Examples of Procedural Discretion Rationales Used by  
Investigators of the Dollarville Narcotics Unit

| Stated Procedure   | Praxeological<br>Discretion Rationales  | De Facto Procedure   |
|--|---|--|
| Work all patrol-made cases;<br>question all arrestees in cases<br>that are now jailed  | There is an enforcement priority:<br>heroin and cocaine are top<br>enforcement priorities   | Heroin cases most often worked;<br>marijuana cases least often<br>worked   |
| Worked all patrol-made cases;<br>question all now jailed<br>arrestees from those cases | First-time low level possession<br>offenders yield little or no<br>valued information especially<br>in marijuana cases; second-time<br>offenders having more to lose are<br>more likely to flip, are generally<br>more likely to have good information<br>than first-time offenders | Heroin cases focused on;<br>second time and third time<br>offenders singled out; second-<br>and third time offenders must<br>work harder for their<br>consideration  |
| Work all patrol-made cases;<br>question all now jailed<br>arrestees from those cases   | "Bad bets" made in the past influence<br>selection of present prisoners;<br>"bad bets" are of two types:<br>a. those who made contact and<br>did not perform obligations<br>b. those who are known as<br>not being flippable  | "Bad bets" less likely to be<br>selected; when selected, they<br>just work harder to receive<br>consideration; the consideration<br>they receive may be less than<br>others charged with the same<br>offense would receive |
| Attempt to flip arrestees<br>in narcotics unit-initiated<br>cases                      | "Bad bets" less likely to be given<br>a thorough chance to become a<br>flipped informant  | "Bad bets" more likely to be<br>charged with full charge and<br>less likely to have points of<br>consideration   |

T: Ah, Fred basically although Fred's on vacation right now, who is the charge-in officer, he'll kinda check the log, detainee, everybody in custody and see if there's anyone there that he recognizes that is an informant. Or if there's anybody there for, because of the type of their offense would possibly plug into a narcotics type situation.

R: He checks the log?

T: They detainee everyone in custody. He'll either interview 'em or if he's tied up we'll have whoever is available in the section or if necessary come to me and I'll just flat ass assign somebody to go over and talk to that clown and see if he's you know, worth, worthwhile, something we can use. Once they talk to the guy if it sounds like he can do something the officer that spoke to him will do a background work up on him, to find out if in fact he's someone we do want to use.

R: Okay, how often or, are informants like recruited this way?

T: You mean the frequency that it happens?

R: Yea.

T: Not as often as it should be. But I couldn't give ya any exact numbers? We're not getting as many informants that way as we should.

The informants cultivated from the jail population are offered consideration in their cases in exchange for information. While there is no written narcotics unit policy in either unit on the number of cases that an informant must make to receive consideration, each investigator appears to have some standards that are applicable. In general, there is never a single charge traded off against a single new case; however, if the case to be made is "big enough" a single charge trade might be contemplated. More likely is a three-to-one or five-to-one rule. For every five cases made against "dealers" there is consideration made in one's pending case. The types of consideration made are discussed below in the section on payments.



Bay City, Dollarville, Southern City, and Gotham Minor all utilized twisted or flipped informants as their primary mode. This practice, like recruitment from the jail is, from a superficial budgetary point of view, cost effective in that the information appears to cost nothing per se and leads vertically to higher levels of the dealing chain.

The usual procedure is to question arrestees alone and to try to extract, first, information about their connections without making any payment or agreement for consideration whatsoever. Since arrestees usually will not make such an exchange, some type of consideration is offered. There are, however, variations on the manner of the arrangements, how much consideration can be offered, and how quickly the informant must produce credible information. In addition, there are differences in terms of whether the unit wishes the informant to make buys from dealers and/or just provide credible information concerning dealers who are currently dealing. In the Gotham Minor case, the first attempt to turn an informant is at the point where the paperwork is being done for the arrest at the police station and the arrestee is waiting in an interrogation room. One or sometimes two of the investigators will talk with the arrestee and suggest that he or she cooperate with them and then explain how it might be to their advantage. When the person decides to "turn" (flip, twist) the investigator(s) recommends that he talk with his attorney. The attorney does not have to be present for them to decide to become an informer, and, in fact, most often when an attorney is present the arrestee either decides not to inform or if he had decided, changes his mind. Unlike other units, the Gotham Minor unit does not get caught up in the details of how many cases the informant will have to produce to satisfy the conditions of the bargain he or she has struck. These details are worked out between the District Attorney, the

informant's attorney, and the judge presiding over the case. The narcotics unit in working with the informant verifies for the District Attorney and the court what the informant has actually done in making cases. The goal of working as an informant is to get one level up from where the informant has been operating in the drug market. The District Attorney and the judge are aware of the unit's goals and attempt to structure the terms of "working off the case" in this way. In other units, it is less common for the court to be directly involved.

In Southern City where approximately 70 percent of the informants are working for consideration, the District Attorney will not drop charges against an arrestee because they have turned informant. Indeed, the informant is not actually working on the case, but working for leniency in the form of a lighter sentence or a reduced charge. The agents in developing informants do not typically tell the arrestee anything that could be construed as a promise to drop the charges. The agent indicates that the District Attorney will be made aware of the informant's cooperation and work, and that this will aid the informant when he or she comes before the judge. They indicate that past experience has shown that cooperation and work will help the informant's case in court.

In a few instances, investigators will pay a twisted informant. This procedure is reasoned as wise in cases where the informant has provided exceptional information and appears to be able to continue to provide information, or indicates that he or she would like to continue working. In any case, it is not uncommon for paid, flipped, and paid and flipped informants to attempt to "hit on" the agents for carfare, cigarette money and other forms of expense money.

B. Complainant Information

Anonymous tips and/or complainant information are sometimes followed up, however, these usually occur in instances involving citizen calls. In these instances, administrators feel that they must respond even though the cases that result (when they result) are most often quite inconsequential, such as the confiscation of two growing marijuana plants. However, the organization of the response to such information varies considerably among the six units. For example, in Southern City, information from complainants (callers in) was taken by whomever answered the telephone, scribbled down on a piece of paper and either passed on to other agents or stuffed into one's pocket. There was no log book, no system of tracking, and no indication whether or not these demands for investigative and enforcement services were met. Only if the information resulted in some sort of arrest was it officially logged as a "case." In Columbia, while such incoming calls were logged, there was no system of accountability. That is, there was no assignment of the calls to officers, or to a team of officers. Thus, whether or not any particular call was followed up was largely left up to the agent receiving the call or an agent who reviewed the log book:

R: Do you pay attention to those kinds of calls? In other words, if you got a call and it says, 'well, I'm Mrs. Smith looking out in my backyard and I see the people in the backyard of the other house are, something is going on over there, I think they are dealing dope.'

H: Sometimes, yes, but sometimes no. A lot of times we will just log it in the book that we have, an Intelligence Log, trying to keep track of these anonymous phone calls that we've had. Lot of times people are just crazy you know they call the police on a regular basis and a lot of times they don't know what they are talking about. But a lot of times they do, so you've just got to sift through the bad to find the good.

A more responsive system, yet one which still allowed some discretion was used by Desert City. In addition to their other duties, two officers from the "office crew" in the narcotics unit, who were not part of the undercover squad, were responsible for handling all such information complainants or demands for service. However, the calls were not centrally logged nor were there standardized administrative means for following up on the officer's attention to the calls. Only those calls which resulted in the confiscation of illegal substances or in arrests, resulted in "paperwork."

In contrast, Gotham Minor and Bay City had organizational procedures for dealing with such "fortuitous" information. Response to such information is seen as important within these units, perhaps, not so much because of its informational value but because such a response is mandated as "proper police work" in light of citizen complaints or demands for service. Figure V-2 illustrates the system utilized by the Bay City Unit.

C. Considerations in the Choice of Development Modes for Informants

The major budgetary and ideological concerns that promote the use of flipped versus paid informants are the following: (1) it is more economical to use flipped informants for the unit since the form of payment is not monetary; thus, the budget for special services can be adequately maintained for use when needed, or can actually be reduced given budget constraints; (2) it is believed by the administration in some units that agents have more effective control over informants who have criminal sanctions hanging over them than those who are paid and that informants who are paid are less trustworthy. While there is little argument that from the unit's point of

Figure V-2. Transmittal Procedures in Bay City

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| 1. Transmittals are phoned into the unit by informers or complainants. | 2. The secretary types up most of the transmittals. Some are handwritten by the Lt. or someone else. |
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| 3. Each transmittal is given a due date; usually 21 days. The officer should act upon it within this period. | 4. A transmittal is assigned to an officer by the Sgt. and logged. |
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| 5. It is up to the supervisor to see that the transmittal is acted upon within the specified period of time. | 6. The Lt. and/or Sgt. reads every transmittal. They know what is assigned to whom and if the transmittal is acted upon. |
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| 7. Transmittals come back to the Lt. by way of the Sgt. Each transmittal is evaluated in terms of an investigative process. The worth of each transmittal is determined by the written report the officer makes on each one. | 8. Some transmittals are terminated after the Lt. has read them. These do not need further investigation. They are considered as sources of information. |
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| 9. Some transmittals are returned to the officer by the Lt. for further investigation. These may lead to arrests. | 10. When each transmittal is completed and the Lt. o.k.'s it, they are returned to the secretary to be filed. |
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view it is less costly to use twisted informants\*, there exists considerable disagreement over whether paid or flipped informants are more trustworthy and over which type the agent has the better control. For example, the investigators in Gotham Minor had mixed preferences regarding paid versus twisted informants. As one investigator indicates:

The informants that stay with us the longest are paid informants...when you come down to the nitty gritty, the informant that you are really looking for, your best informants, are those that are paid informants. It used to be your good informants were informants that were working off charges.

Other investigators felt that informants working off cases made the most effective information sources, and overall claims for the efficiency of one mode over the other ran equally high. In Southern City, the agents generally agree that paid informants develop more and better cases than those who are flipped, but they also claim to distrust paid informants more than twists. Paid informants, it is reasoned, since they inform for money would not hesitate to set agents up and thus, "work both sides of the fence."\*\*

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\* There is of course a cost to reducing or dropping charges against arrestees who have a felony charge hanging over their heads. The cost is passed on to some other areas of the criminal justice network, or onto the public at large. In addition, it costs something to make the case against the person in the first place. Similarly since flipped informants have, in general, a shorter "lifetime" as active informants, the unit must constantly be working for new sources of information. In contrast, paid informants usually work more cases and overall less unit labor must be invested in the development of information.

\*\* In spite of this, agents in Southern City allowed some paid informants unusual freedom. Once an informant had worked a case or two with the unit they could become very familiar with the unit's strategies and tactics. Despite these concerns, the unit does not hesitate to allow and bring informants into the unit office. Some paid informants are given a great deal of freedom to hang around the office in which time they can see agents and overhear conversations about cases and perhaps learn about other informants.

In only two of the units studied was a clear administrative policy made concerning the development of informants. In one other, a policy was emerging at the time of the research. In others, informant policies were virtually residuals of unit organization, or effects of forces outside the unit's direct control. For example, in Gotham Minor during the research, the total number of informants was quite low. The lack of paid informants was mostly attributable to the lack of funds to pay for information. The lack of twisted informants, according to the agents, was due to the lenient sentencing given in drug cases. Thus, "not that many people are going to jail anymore. They're not too worried about their charges like they used to be years ago."

Policies concerning the mode of development of informants are critical to the effective functioning of narcotics units. Even when austerity budgets force the units into one mode, or Federal grants allow another, unit-wide policy planning continues to be important. In the absence of unit policy, there are often individual investigator policies which inevitably result in investigators "owning" single informants and making operational policies as to their development.

Arrangements between informants and agents become isomorphic. Cases which may not be on the investigators "list of priorities" may go undone. Agents with more informants than they can "handle" may not pass on cases that could be done unit-wide. The number (quantity) of cases for consideration and or the quality of cases can vary from investigator to investigator without supervisory approval or control. Finally without a clear policy, there is little way of telling if the informant is actually controlling the investigation and if, because of this, the goals of the unit are subverted and replaced with not "who should be arrested" but who the informant can "do."

With regard to twisted informants, there ought to be unit-wide policy concerning the types of cases that are "considerable" and those which are not. In several of the unit's studied, supervisory staff, and individual officers differed in what types of cases they thought should not receive consideration. The only real agreement was on cases involving violence against a police officer. While such rules are guidelines, there can, of course arise unique situations in which the unit can decide to make exceptions. The point is that the locus of the decision is moved to a unit decision rather than being fragmented and individualized. If the unit-wide policy is simply that there is no policy, then informant files, checks on funds, expenditures, types of cases granted consideration, types of drugs focused on, etc., are all moot. Investigators are free to do as they choose.

For those units desiring to set up an organization policy on the development of informants, informant files are most valuable. Forms provided in a previous section indicate the type of files that serve as a minimum. In addition, one might wish to obtain any and all names of previous departments or units the informant has worked for. Then the informant is thoroughly checked out as to his/her criminal history. Periodically, these files must be updated. Supervisors must check that the data required are being entered, not so much for recordkeeping purposes per se, but to make sure that the agents themselves have taken the time to do the checking. Finally, the use of such files as a base for policy allows for an information transfer within the unit, such that previous histories of informants are available to officers.

#### D. Legal Considerations and Informants

Three critical issues in narcotics law enforcement arise from the use of information provided by informants as a basis for search warrants.



Because of procedural limitations, agents can only search property, vehicles and/or individuals under specific circumstances.\* One of the most frequent ways in which searches are accomplished is through the use of search warrants predicated on "probable cause"\*\*, and most often "probable cause" is based upon information source, and finally the amount and type of corroboration available to support the informational claims. The strength of any warrant application (or in some instances testimony at suppression hearings in cases where there were no warrants issued) has a great deal to do with the informant, the information provided, and the information corroborating the informant's testimony to the agent. If probable cause is predicated solely on information from a single informant then the warrant application should show the data that leads the agent to conclude that (1) the informant is a credible person and/or the information is reliable and (2) the underlying circumstances showing the basis of the conclusions reached by the informant (Israel and LaFave, 1975: 101-102).

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\* Other ways in which searches can be executed on individuals, premises and/or vehicles are (1) incident to lawful arrests without a warrant and (2) a very limited "stop and frisk" that allows officers to "pat down" the person being stopped, but technically they cannot enter the clothing of the person unless there is good cause to believe that he/she is carrying a dangerous weapon.

\*\* The Fourth Amendment to the Constitution states that: "That right of the people to be secure on their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Three aspects immediately stand out: the Warrant must be issued by impartial judicial officials; it must specify the place to be searched in detail; and it must specify items or people that are to be seized. In some instances where positive identification is not available, but a description (e.g., tall, thin, blue eyes and curly hair who lives at Suchandsuch Apartments) the warrant is issued as a "John Doe" warrant. A fourth element not in the Amendment but always present is a specific time limit in which the warrant can be legally served (see Inbau, Thompson, and Zigel, 1974: 495-498).

These two conditions have been referred to as "Aguilar's two-pronged test" (see *Spinelli v. United States*, 393 U.S. 410 (1969)) and are based upon requirements handed down by the Supreme Court in *Aguilar v. Texas* (378 U.S. 108 (1964)).

First then, the agent petitioning for the warrant needs to demonstrate that the informant is credible and/or the information reliable, and this can be done in several ways. When the informant is a "first-time" informant, either paid or "twisted", he or she can be "made reliable" through controlled buys. Sometimes the officer might back up the controlled buy with corroborating information; however, a controlled buy is the beginning point for becoming a reliable informant:

You try and check him out as closely as you can. You know what he has been convicted for, if he has worked for someone else. The guy will usually tell you if he's reliable to someone. When you'll go to that person and find out about his reliability. Is he what he says he was? And if you don't have that then you'll try to make the guy reliable on the street. Working from that point up. ....You corroborate the information he gives you and then that leads to an arrest and a conviction. (How?) You make a controlled buy, that's corroborating his information. If he says there's dope in such and such a place you strip him down, send him in, he comes out with the dope. At least that bit of information was good, but you'd like to get more than that if possible. That's you, that's your bottom line base.

It is possible, however, after developing an informant's reliability that the officer might want further corroboration. In this instance, the officer can, when possible, utilize two informants on the same case:

I ask him what was in the pad, you know, not just John's there and dealing. I ask him what kind of car does he drive? What color is the living room? Where does he keep the dope? What does he wear? Who else lives there? Where is the couch? Where is the bathroom, bedroom? Where is, you know, everything. (Yeah) Then I send in my other informant, and buddy all that shit better be exactly where he (the first informant) says it was, and it better be the same color and everything. (That's

corroboration). You better believe it, and it makes for a stronger warrant, and it makes for a better informant because he knows you're checking his ass.

Although this latter practice is not followed often, it does occur. A second way of establishing an informant's credibility and subsequently the reliability of the provided information is through the "good reputation" of the informant. This occurs in the case of a first-time informant who usually volunteers information but who is not paid for the information nor is under arrest or charged. So-called "citizen" informants fall into this category. In order to firmly establish the credibility of the informant the agent should relate facts about the informant concerning: the length of residence in city; good character and employment record; the results of the agent's investigation of the informant especially the informant's lack of criminal record and propensity for telling the truth. Sometimes the name of the informant is also provided. In narcotics investigations, this type of informant is rare, although does occur. Often the informant is considered a "complainant" and the information arrives via the telephone; in other instances, citizens show up at the narcotics section and indicate that they believe "X" is selling drugs. As indicated in another section, the units studied do not treat telephone information systematically and certainly do not explore the credibility of the informant/complainant. In many instances the name of the informant is not provided. The units that do systematically check out telephone information end up closing many of the "suspicious complaints" without any further action than a preliminary investigation which concludes that the complainant's information was unfounded. In those instances where the complainant's information appears to be founded, however, it is often impossible to ascertain the credibility of the original informant and the officer must then develop a new credible informant on the case. When walk-ins do occur, however, they are handled differently than

telephoned information. Their stories are listened to, and often an agent will check out the activity described before checking out the credibility of the person providing the information. If the activity observed by the agent is deemed "suspicious" he may then check the credibility of the walk-in in the manner outlined above. It should be noted, however, that walk-ins account for an extremely small number of narcotics informants.

A third way in which the informant's credibility is established is through prior dealings with the informant by the agent or by other agents. If the informant has worked for another agent or agency, his record, when available, can be checked. Any discrepancies between what the informant says he/she did and what the agent says he/she did can be taken as indications of unreliability. Of course, when the informant has had prior dealings with the agent and has furnished reliable information in the past, the belief is that the present information is likely to be reliable in the present. The most common way in which this is presented in a warrant application is to:

- (1) state the nature of the prior relationship;
- (2) state the length of time the agent has known and worked with the informant; and
- (3) state the character and accuracy of previous information provided by the informant.

This manner of meeting the Aguilar requirement of credibility is most frequent in narcotics work. Agents like to have informants available to them who have demonstrated credibility in the past, and upon whom they are able to "depend." Even so, as indicated earlier some agents attempt to corroborate the information given by informants so as to strengthen their affidavits and, in addition, check upon the present reliability of the informant.

Indeed, the informant's information can be supported and strengthened by corroboration especially by the agent. This is one way to meet the requirement set by Aguilar, and one which is frequently used (the other less frequently used and reported previously is the corroboration of one informant's information by information from another informant). The agent can either have or obtain information that indicates that the informant's information does not appear to be fabricated or the agent can have other information that indicates the suspicious nature of the alleged dealer's activities. In either case, the reliability of the informant's information is strengthened and so is, then, probable cause. Both of these are usually accomplished by surveillance by the agent. For example, if the informant indicates a lot of foot traffic from a particular residence in which heroin is being sold, the officer can surveil the residence and record the amount of foot traffic, the identities of those moving in and out, etc.

Even after the agent demonstrates the data that leads to the agent's conclusion that the informant is credible and/or the information is reliable, the warrant application must indicate the underlying circumstances showing the basis of the conclusions reached by the informant. That is, the requirement of Aguilar is that a warrant application or affidavit set forth the underlying facts in sufficient detail upon which the informant bases his or her belief that the drugs to be seized are where he/she claims they are. Even a reliable informant in the past can be mistaken or unreliable in the present. Thus, a warrant application based solely on informant information must specify if the informant has personal knowledge of the drug dealing or merely possesses hearsay knowledge. In the latter instance, the warrant application or affidavit need show via corroboration of one sort or another why there is good reason (probable cause) for believing the informant's

hearsay information. In the case of a controlled buy, the informant's information is corroborated by the purchase of heroin or other drugs. The informant claims to have seen the drugs, he has proof of purchase, and the officer can swear that the informant prior to entering the premises had no drugs on his/her person and had only "x" amount of dollars. Thus, the informant possesses personal information. In the case of an already reliable informant, the information provided must contain the element of personal observation within the recent past. That is, the informant has been present at the dealers operation, within the last 12-24 hours and saw the drugs. The affidavit then states that a reliable informant has personally observed drugs at the dealer's house in the last 12 hours. The keys to personal knowledge by the informant in meeting the requirement are:

- (1) a description of the manner in which the informant acquired the personal knowledge, and
- (2) specification as to the time and place where the informant acquired the knowledge.

In the instance of hearsay information, good cause for belief must be demonstrated. For example, the informant might witness the purchase of, or himself purchase some drugs from a dealer who indicates to the informant that there is a greater supply of the drugs available and in stash at his apartment. The informant calls the agent and indicates that this appears to be the case, and that the suspect indicated that the drugs existed. The agent needs then to indicate that the informant is familiar with the apartment described, that the dealer has in the past sold drugs from there, and that perhaps, the informant himself has made purchases at the apartment in the past. The keys to meet the hearsay requirement of Aguilar are to:

- (1) show the relationship between the statement by the suspect to the informant;
- (2) indicate the relationship between the suspect and the informant;
- (3) demonstrate or explain how the informant is reliable and credible; and
- (4) demonstrate and explain why such a statement from the suspect to the informant should be considered reliable.

Informants usually do not understand the requirements of the law concerning credible information. Moreover, they often do not understand the legal requirements of casemaking in general. Both knowledge about the requirements of credible information specifically and casemaking in general must be transferred to the informant by the officer; that is, the officer must "teach" the informant what to look for, how to gather information. This is not to say that some informants do not already know, or that they have not already mastered the arts of close observation. It is to indicate that they learn these skills along the way, and that they must learn to apply them within the parameters of the criminal procedures for gathering credible information and making "good cases." It is for this reason perhaps that agents prefer paid informants. Since, on the average, paid informants "stay" with agents longer than twists, they are more likely to have a sense of what type of information is required, and by what modes the agent desires the information be reported. Moreover, they are more likely to come to understand the agent's own rules concerning casemaking above and beyond the legal procedural limitations. So, with regard to the general issue of credibility as it affects probable cause, even "reliable" informants need to be checked. That is, while informants that have made a series of past cases for an officer can be seen as being "reliable in the past" the strength

of the "probable cause" can be increased by corroboration in the present. In some jurisdictions this is not necessary, but in general, the strength of the warrant application is greater when there exists some corroborating information. In addition, the corroboration provides a means by which the officer can assess a priori the relative credibility of the informant's information, and can to some extent control the informant. Sometimes, officers suggest that the nature of the business requires that they move quickly to execute a warrant application since the dealer may not be dealing at some later date. This appears to be an error since any dealer that is in business will at some future time be selling and or holding the drugs, and by quick action the strength of the case overall may be diminished.

Thus, the three issues, information that prompts probable cause, its credible source, and the amount of corroboration provided can all be controlled by the officer. Once the reliability of the information source is legally established, the informant must provide complete information concerning where the drugs are, who is involved, etc. In general, the more specific the information, and the more that can be corroborated, the greater its "credibility." For the narcotics agent, the easier it is to solve the critical issues concerning informant information, the easier it is to obtain warrants, and the easier it is to execute the search and make the case.

#### E. Court Outcomes and Informant Recruitment

There appears to be an important relationship between the actions of the court and the difficulty of recruiting informants. The relationship is established through the amounts of knowledge about judicial outcomes available to potentially twisted or flipped informants. The knowledge that they receive can be gleaned on their own, but frequently it is gleaned from



defense attorneys who sometimes specialize only in drug related cases. By being able to gauge the probable outcome of a trial, the informant can reduce the uncertainty surrounding his or her fate. Moreover the potential informant can compare the probable outcome to the outcome that can occur through working for the agent. That is, the difference that "consideration" makes. Where the courts are lenient, or where statutes do not provide for "stiff" sentences, it becomes more difficult for the agents to "twist" an informant since the probable difference between the "considered" sentence and the nonconsidered is slight. In Gotham Minor, for example, the number of flipped informants was quite low and the result was credited to the perceived leniency of the courts. The perception of the leniency was not only on the part of the officers but in addition on the part of those arrested, the arrestees or the potential pool of informants. As one officer noted:

...not that many people are going to jail anymore.  
They're not too worried about their charges like  
they used to be years ago.

This appears to be generally the case, and can be interpreted as a reflection of a general change in either legislative and/or judicial attitude. Overall, if it became impossible to turn informants through "working for consideration" then all units would have to utilize paid informants. This situation works a severe hardship on the officers engaged in enforcement in units where informant funds are problematic. Since many departments have adopted austerity budgets which severely limits professional service funds, units in these departments must rely heavily on twists. Where the judicial and legislative atmosphere is such that light sentences are characteristic, the unit's sources of information can literally dry up.

There is an additional factor, however, which affects the enforcement of the laws themselves. As information about violation is reduced, the amount of work to generate that information must increase if there is to be a steady supply of information. That means that the costs to obtain the information increase, and in general this means that the types of information gleaned are different from those generated by informants since informants presumably can penetrate into an adversary information network farther than officers. Thus, there exists two spirals, one upward and another downward. Both can eventually lead to a focusing of unit priorities away from certain drugs and certain types of cases.

One spiral is the cost of information either through paid informants or through increased officer labor toward generating information. It moves upward raising the overall cost of enforcement activity. The other spiral concerns the quality of the information produced. Since officers can generally penetrate only the more vulnerable levels of the market, the quality of the information spirals downward and the more vulnerable levels of the market become by fiat the focus of activity. Bluntly speaking "you do what you can cause you can't do better."\* Eventually this can lead to a complete refocusing of unit and agent activity toward the do-able cases, and toward drugs whose costs, both to buy and to purchase information about, are smaller than other drugs.

Our data indicate that the relationship between legislative leniency or judicial leniency and "twisted" informants cooperation is not all in the

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\*Quote comes from Lawrence J. Redlinger, "Motor City Narcotics," unpublished paper (Washington, D.C.: Drug Abuse Council, 1974). The case of the precinct narcotics officer during austere times is virtually pathetic. In one instance, I observed officers who paid informants with their own money that they could not get reimbursed (no funds) and they drove their own cars because the cars provided did not have working heaters. (It was during the winter.)

officer's attitudes, but becomes, in some instances, a grim working fact. Making a case on a person faced with a fine, or with a light probationary sentence costs money and time and will not generate any further information; rather than being an opening to deeper information and higher market levels it is a dead end.

When cases begin producing dead ends, and when there are other drugs that can be focused on, priorities may shift by circumstance rather than by administrative planning. When this happens, morale sometimes suffers, performance declines, and problems can develop.\*

Thus, restructuring of the laws either through legislative action or judicial discretion can have important impacts on the shape of enforcement that is unintended by the actors making those decisions. The police not only believe that such actions indicate that such cases are "not important" but in addition, they have more trouble making some of those cases. Moore (1977: 162) theorizes a similar result: "In general, the police capability

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\* There is an additional consideration. In situations where money for informants is scarce and the pressures for enforcement necessitate the continued use of informants, there is a strain toward practices which are illegal and may lead to corruption. Furthermore, when raids produce possible resources in the form of drugs and money that can be used to pay informants and finance additional work, there can develop compromising situations. The lack of resources allocated become a major structural feature placing strains upon the officers caught in the situation. Asked to do a difficult task without proper resources, and then having the task produce resources that can be used presents an enormous temptation. At first the temptation is to utilize confiscated drugs to pay informants, but later can develop into much more serious forms of corruption especially when the agents become cynical about the goals of enforcement. Then, agents may begin to utilize the confiscated evidence for their own purposes; yet, one must realize that in some such situations, the structural feature beginning the process was the lack of resources allocated.

to motivate cooperation will depend on the magnitude and credibility of the threat of imprisonment, and the procedural opportunities to make reductions in this threat contingent on effective cooperation with the police." He further argues that other variables held constant, the larger the proportion of judges issuing strict and stiff sentences and/or the stiffer the legislation in terms of mandatory sentences, the greater the amount of cooperation police will be able to get from narcotics defendants (Moore, 1977: 163).

F. Informants and Targeting: Considerations

Previously we noted that there were three overall modes of targeting utilized by the units studied. These types of targeting are generally used by all narcotics units. However, there are important differences in the salience of each mode for narcotics units, and predominance of one modality over another has important consequences for the operative goals of the unit and for the overall "shape" of enforcement. The levels of the market attacked and the success of operations are related to the amount of information available and the degree of penetration attained, and both of these variables are contingent upon the development of informants. As Table V-4 indicates, the "informant-determined" modality is utilized most often, "citizen-determined" is the second mode most utilized and "predetermined" targeting is least utilized. As we indicated previously, informant-determined targeting results from the cultivation of informants and "doing" (i.e., making cases on) who they can make buys from or arrange introductions to for undercover agents. In effect, the "target" of the agent activity is located and chosen by the informant. In the citizen-determined mode, complainant information about alleged nefarious activities is channelled to officers. The officers are bound into a system whereby they must investigate the information within a reasonable time limit. As Moore (1977) notes, however,

Table V-4

Utilization of Modes of TargetingNarcotics Units

| Targeting Modes                                | Dollar-ville                     | Desert City                           | Gotham Minor        | Columbia                       | Bay City   | Southern City |
|--|----------------------------------|---------------------------------------|---------------------|--------------------------------|--|---------------|
| Informant-Determined                           | Very frequent                    | Very frequent<br>(undercover squad)   | Very frequent       | Very frequent<br>(night-shift) | Very frequent  | Very frequent |
| Citizen-Determined                             | Rarely<br>(handled outside unit) | Frequent<br>(done by "office" agents) | Frequent            | Frequent<br>(day-shift)        | Very frequent  | Rarely        |
| Predetermined<br>(Agent, Unit or Departmental) | Rarely <sup>a</sup>              | Very frequent<br>(conspiracy squad)   | Rarely <sup>b</sup> | Infrequent                     | Frequent<br>(major violator investigators; buy programs) | Rarely        |

<sup>a</sup> One squad (two men) specifically works "Diversion." That is, they concentrate on pharmacies, prescription forgeries, and nefarious physicians who might be diverting scheduled drugs.

<sup>b</sup> One officer specializes by choice in "Diversion."

agents regard complainant information as less valued in terms of identifying law breakers and making cases on them. Complainant targeting usually results from an anonymous or semianonymous complaint, offered for free, and is usually a one-time affair. On the other hand, informants are more intimately known to the agents, they are usually working for some reward, and generally will make more than one case. Thus, overall complainant information is regarded as less valuable (Table V-5 provides a summary comparison). However, in four of the units studied, citizen targeting was a frequent mode in initiating agent activity. As indicated in the previous section on "complainant information", Bay City had a systematized manner of handling the information. The reason for devoting effort to such "less valuable" information is largely to demonstrate to the citizen that police are sensibly responding to their demands for service. In two of the units studied, these responses are made specifically by the "day crew or squad" who are usually older agents who no longer work undercover. In another, Dollarville, the complainant information is handled by the uniformed division.

The third modality, predetermined targeting, is most like a military conception of operations. Specific types of targets are chosen on the basis of a variety of types of information. There are fundamentally three types of targeting exercises that units can engage in: specific dealers can be targeted; specific levels of the market can be targeted or specific activities can be targeted (i.e., diversion squads); and specific areas of a city can be targeted. All of these targeting exercises can be related to the development of specific informants, and often are. Area targeting occurs infrequently in narcotics operations. However, in Bay City a specific housing project was targeted by the Chief of Police for special attention.

Table V-5

Comparison of Informant and Complainant Characteristics

|                                   | Informants                 | Complainants              |
|-----------------------------------|----------------------------|---------------------------|
| Identity Known to Agent           | Almost always <sup>a</sup> | Usually not <sup>b</sup>  |
| Basis of Information Exchange     | Reward                     | Free                      |
| Nature of Agent-Other Interaction | Repetitive                 | Nonexistent one time only |
| Value Placed on Information       | High                       | Low                       |

<sup>a</sup> In rare instances, the informant may not be known personally by the agent, but the information may come to the agent through another agent or agency that does not wish its informant to become known.

<sup>b</sup> In some instances, the complainant may walk into the unit and make a complaint rather than telephone in the information. In these instances, the officer can question the complainant. Also in some instances, the complainant is a relation or friend of the agent. These latter instances are generally acted upon quickly for two apparent reasons. First the agent wishes to demonstrate responsiveness to a friend's complaint and second, in general the agent places greater trust in the reliability of the information.

An agent was assigned to work on the project and told to "drop everything" until the situation was under control, but the area targeted was secondary to the dealer operating in the area. That is, often when area targeting is involved in narcotics enforcement it is secondary to the dealers operating in those areas. This is not necessarily the case for other types of enforcement where the alleged violators are not known; for example, patrol units can have a goal of lowering the rate of burglary in a specific area. On the other hand, in the six units studied, the most frequent type of targeting was to identify a specific dealer or organization. The second most frequent was to aim at a particular level of the market. Both of these modes generally require the development of specific informants.

As can be seen from Table V-4 only two units engage in predetermined targeting exercises on a regular basis. Both of these units specifically attempt to develop informants that can supply information about the individuals targeted. In addition, Bay City has a buy program focused at "street dealers" and attempts to develop and maintain informants that can "duke in" undercover buy officers to active dealers. The agents in Bay City who work on targeted major dealers have informants that supply them with intelligence information as do the agents working conspiracies in Desert City. Informants that supply intelligence information differ from informants that supply information behind which agents secure search warrants. This is not to say that information from an "intelligence informant" would not result in a search warrant. It is to indicate that the nature of the target is such that he/she frequently does not have narcotics in their possession and thus, the occasion to search and seize does not present itself. Curiously, in Desert City there is a split of informant recruitment activity between the conspiracy agents and the undercover agents. The activities of the



undercover agents are predominantly informant-determined, and there is little attempt to relate undercover operations to conspiracy operations. In terms of informant development, it is easier overall for officers to let their informants determine targets since this reduces the selectivity problem. Any twist will produce cases. When predetermined targeting is involved, only certain informants will do. From a planning point of view, predetermined targeting provides the unit with specific informational objectives that when achieved will make a defineable impact on the market. Predetermined targeting almost demands some intelligence work by the unit a priori; even so, there are still a quantity of dealers who are unknown to officers. Thus, there is a danger that in utilizing only predetermined targeting approaches a unit would reduce the likelihood of a fortuitous occurrence; that is, of being able to develop a case on a major dealer that was, heretofore, unknown to them. This is not a problem when a specific level of the market, particularly the lower levels, are focused upon.

#### G. Protecting Informants

Since informants play such a crucial role in the narcotic enforcement process, it is not surprising the agents expend considerable resources protecting them. Protection serves several direct and indirect purposes. First as we have noted, the longer the "life" of an informant, the greater the number of cases that he or she will provide information for and the better able the agent is to assess the quality of the information provided. Warrant applications are made stronger by long term, repetitive sources that have "track records" of success. Second, the longer the informant works, the less resources the unit must spend to cultivate new informants. These resources can then be applied to current casemaking. Third, technically a "protected" informant will appear above suspicion and perhaps be able to

penetrate deeper into the dealing chain. Fourth, a unit that has a stock of informants relatively above suspicion might be able to better target known dealers and utilize the informants to penetrate their dealing organizations. Fifth, a unit that cannot protect its informants faces not only a constant struggle to develop new sources of information, but in addition loses its overall capability to penetrate the deeper levels of the market. Thus, operatively the unit may constantly face the prospect of casemaking against the most vulnerable or lower level, more public dealers. Finally, a unit that cannot protect its informants from being known and thus is subject to reprisals is going to have a more difficult time making informants.

The six units studied operate in six different legal environments, and thus have varying conditions under which they must defend the identities their informants. That is, the legal procedures concerning evidence constitute one of the primary threats to the units with regard to the exposure of their informants. Each of the units have generic and unique ways in which they attempt protection. The most common involve the following strategies; multiple buys from the dealer that gradually leave out the informant, such that the warrant is written on a sale that does not have the informant for a witness; single buys that are made while the informant is out of sight and hearing distance of the sale; significant time lags between controlled buys by an informant and the serving of a search warrant; and grand jury indictments. One unique and infrequently used mode is to implicate some other person in the dealing/information chain. Another is to use "testifying informants." Finally, units can "arrange" for the informant to appear as if he/she has been arrested too, or has been informed upon and thus "take the heat" off the informant. The more of these strategies available to the unit the better able it is to protect its informants.

Even when multiple buys are made on a dealer, the dealer may be able to connect the officer to the informant; this is, of course, more likely in situations where a single buy, out of sight of the informant is made. In both of these cases, as in others, defense attorneys will file discovering motions to attempt to learn the identity of the informant, and then try to force the informant to testify. If the presiding judge believes the informant can make a material contribution to the case, in terms of deciding guilt or innocence, he can order disclosure. In order to stymie this defense penetration, officers must keep informants from being intimate with the case (accomplished by making buys when the informant is not present), and/or by having other evidence that answers the questions the informant might be able to answer. Overall, however, when the case is made by an undercover officer through a buy, it is quite possible to trace the identity of the informant--the person who introduced the officer into the dealing chain in the first place. One unique way in which the informant can be protected in these types of situations is for the officer to "hop" over the first seller to one higher and then implicate the first seller rather than the informant. That is, the informant makes the introduction, the undercover officer makes a series of buys until he secures an introduction to the bigger dealer and then takes the bigger dealer off with a buy-bust which implicates the lower level seller and removes the heat from the informant to some degree. However, this strategy costs the unit time and money, and unless they are working toward the higher dealer and unless they have the fiscal means to do so, the strategy is obviously not optimal.

In some situations, officers will make buys and immediately bust the dealer without regard to the presence of the informant. This usually occurs in situations where the unit "wants" to take that particular dealer

off the dealing chain and immobilize him. The fact that they have one buy from him is enough to do so, and they are not willing to "walk" the money and attempt another buy:

If there's somebody that we want, that for example, is, ah, a big dealer but he doesn't keep any large quantities of dope and he's one guy we've got to take off the street. Just have to. And I can come up with an informant that'll take me in to buy. And, ah, I'll tell the informant right from the start what's gonna happen. And we'll take him off right there. And that's life.

Search warrants issued on the basis of informant information can be "run" after a significant period of time elapses between the informant being at the scene and the officers arriving. In many States, the time period is taken care of by the time it takes to obtain a warrant (from 30 minutes to 3 hours); however, officers might wish to wait even longer. The waiting has the advantage of interspersing between the dealer and the covert informant any number of buyers who could also be informants. Thus, the arrested dealer must then engage in a probabilistic estimate of "who it was." The disadvantage of this strategy is that the dealer could sell out of drugs by the time the warrant is served.

While ideally, informants "duke in" officers to dealers so that the officers can make the transactions (thereby removing the informant from the scene and protecting to a greater degree his or her identity), there are times when this strategy is impossible. In addition, there are situations in which units will utilize "professional informants" who do not object to becoming known. Sometimes this type of informant is known as a testifying informant as in the case of Columbia. In general, the frequency of use of such informants is much smaller than other modes of informant-agent relationships. However, it is desirable to have some minimum outline of how, procedurally, buys by "testifying informants" should be organized. Often,

units do not have a written procedure for such activity because either they only rarely have the opportunity (or constraint) to utilize a testifying informant, or because of the nature of their organization, investigators working with the informant are given the discretion of developing procedures.

The following steps\* are recommended as minimum procedure:

For situations in which an informant makes a buy and is to testify:

1. The informant should be thoroughly briefed on the potential hazards.
2. The informant should sign or initial a form indicating that he/she is doing the buy voluntarily and can be involved in eventual legal proceedings. The form ensures that the informant is aware and knowledgeable of his/her actions and their implications.
3. The officers (2) thoroughly search the informant.
4. The serial numbers of all money given the informant as well as all money the informant might otherwise have in his possession should be recorded. This allows for possible reclaiming of the buy money after the arrest, and makes for a stronger case against the dealer.
5. The informant must be kept under the most complete and constant surveillance possible. During all transactions the activity should be monitored, and a surveillance activity log should be completely and carefully kept. This activity aids in protection of the informant and in addition helps make a stronger case against the dealer.
6. As soon as possible, the drugs purchased (and any other evidence) should be recovered from the informant. The time between entry to a dealer's premises, if indoors, and the exit should be noted. The informant should be questioned concerning the events that took place and this should be recorded.
7. All evidence should be dated and initialed by the officers and the informant.
8. The evidence is placed in a heat sealed evidence envelope, and sent to the criminalistics section for analysis. Or is secured as per departmental procedures.

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\* A similar set of procedures are found in the Dollarville "Drug Investigator's Manual." In Dollarville, the unit's officers attend a departmental run narcotics school.

9. The informant is thoroughly debriefed for an account of what occurred. Descriptions of where the drugs are kept, the dress of the dealer, the layout of the premises, etc. should be extracted. In addition, any intelligence that might have become available to the informant should be obtained (if possible).
10. The informant should be checked for any signs of drug use during the transaction.

In step five, when it can be successfully accomplished, officers might want to place a body mike on the informant and record the conversations. This procedure not only protects the informant in that officers can, if he or she gets in trouble, back the informant, but in addition, the body mike acts as an important check on the informant. The conversation gleaned can be a valuable source of information about the dealer and others who participate. Finding testifying informants who desire to be wired is not that common, however.

Although occurring infrequently, agents will sometimes fake arrests on informants to reduce the suspicion by dealers that they are informants. In two of the six units studied, this procedure was utilized. In one, the informant was arrested with the dealer and treated as if he was a violator. The agents did not inform the uniform officers assisting that he was the informant and consequently, they too treated him as an alleged dealer.\* This same unit later staged a search warrant raid on another dealer while two undercover officers were inside the dealer's residence. They utilized the same "trick" in that the undercover officers were handcuffed, interviewed, processed, etc., and the dealer did not know or did not suspect they were

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\* As reported in the methods section, this raid was witnessed firsthand and close-up by one of the researchers. The researcher was standing close by when a uniformed officer also mistook the researcher (whom he had never seen before) to be one of the arrestees while his partner asked one of the narcotics agents in private if the researcher was the informant! Meanwhile, the first uniformed officer began reading the Miranda warning to the researcher. For more details see the section on methods.

agents. In the other unit that utilized this approach, their tactics were similar. The informant had called an agent and said he thought the people around his area suspected that he was an informant. Just about everyone in his circle of acquaintances who had been dealing drugs had been arrested and he was one of the last people left untouched. To remedy this situation and reduce suspicion, a mock arrest was arranged. Two agents and a uniform patrolman in a patrol car conspicuously drove up to his apartment, barged in in a loud fashion, and took him hand-cuffed to the patrol car (the uniform patrolman did not know that the arrest was bogus). The patrol car and the agents' car stopped several blocks from the apartment and the prisoner was transferred to the narcotics car. Once inside, the handcuffs were taken off and an arrest ticket was made out for the informant to leave lying around his apartment the next day. He was taken to a friend's home where he stayed for a few hours before heading back home. From all indications these mock arrests serve their purpose and the informants can continue to operate unsuspected. However, such tactics make the informant slightly more suspect because he now might be viewed as a "twist" working off a charge pending against him.

There is one additional consideration. Because of the desire to protect functioning sources of reliable information, information is sometimes not forwarded to other units within the department, or outside agencies. This protection serves two purposes. On one hand, if the receiving officer does not use the transferred information in confidence and with caution, the informant could become known and consequently "burned." On the other hand, if the informant provides reliable information, there sometimes occurs the threat that better paying agencies, for example, will "steal the snitch." While none of the six units studied under this grant complained

about snitch stealing, complaints about this practice have occurred in other units previously studied by members of this research team. In Desert City, however, the amounts paid for information were not viewed as excessive because they matched the "going rates" for State and Federal agencies; thus informants did not need to shop around for a better deal:

D: That was in existence when I went in the unit. I have no idea where it came from. It was just standard on grass that they paid a dollar a pound.

R: Did you ever think that was excessive?

B: No, because the reason for it was it was identical to what everybody else was paying. This is what the State was paying, the State narcs, the Federal narcs, this is what they were paying. When strike force came along this is what they were paying.

Thus, for these reasons, the protection of the informant from getting "burned" or the protection of the informant from being "stolen", the total fundamental transfer is reduced, but the agent and unit protect the information source.

#### H. Agent-Informant Relations

There are five major issues involved in agent-informant relations. Each of these is interrelated. Simply put, agents seek to terminate relations with informants who do not produce, but this simple formulation belies the complexity of the interactions that take place and influence production. The key issues concern:

- (1) the nature of the relationship of the unit with the District Attorney and the court;
  - (2) "who" the informant "belongs" to;
  - (3) the nature of the "contract" between the informant and the agent (or unit);
  - (4) how informants and informant-agent interactions are controlled;
- and



- (5) how informant performance is measured and issues of retention decided.

1. Relationship With District Attorney

In general, each of the units studied had a good relationship with the District Attorney. However, what such a relationship means varied across sites. In Dollarville, for example, no investigators reported any problems when "dismissal in the interest of justice" is recommended; in contrast, agents in Southern City cannot get dismissals for cooperation. Informants attempting to work off charges in Southern City are actually working for reductions in charges as a result of the District Attorney's policy. Thus, Southern City agents cannot necessarily bargain away a charge, they can only indicate that the informant's cooperation will be noted to the judge and the District Attorney and they can only indicate that in the past this has resulted in leniency. These two sites indicate the boundaries in agent discretion. That is, the District Attorney can leave the decision about dismissal largely in agent hands, or the D. A. can have a policy that defines the boundaries. The policy can be, as in the Southern City case, one of leniency for cooperation, or it can be more broadly based. In Bay City, for example, agents rarely attempt to negotiate dismissals; not necessarily because of the District Attorney, but in addition because they desire "something" on the informant's record. Bay City agents can talk to the judge and/or D. A. and get the informant's case "disposed" of; that is, they can affect a modification in the charges and/or sentence such that the informant achieves a guilty plea on a misdemeanor instead of a felony and receives probation rather than hard time. In a later section we will briefly consider the implications of possible arrangements for defendant-informants. However, it suffices to say that, in any case, the

credibility of the agreements between agents and informants rests on the relationship between the agents and the District Attorney and judges. Where the agent has large amounts of discretion, he has, in effect, greater bargaining power, but usually he also has fewer organizational guidelines, and thus, it is possible, and probable that, individualized agreements can develop.

2. Policies Concerning "Who" the Informant "Belongs To"

The amount of discretion the agent has in his relations with informants is directly related to the conception the unit has about "who" the informants "belong to." Simply stated, informants can "belong" to an agent, to a group of agents, or to the unit as a whole. Each of these arrangements was found at the sites studied and each had implications for the measurement of performance, for the types of payments received, and for the kinds of control available.

Agent discretion is greatly increased when informants "belong" to a specific agent and there are no administrative controls over the relationship. In the most extreme case, the Sergeant who supervises the agent does not know the identity of the informant, no informant file is kept, and the agent need only produce receipts for payment signed by the informant. All phases of the agent-informant interaction occur at the discretion of the agent. If the agent leaves the unit, the informant may be "carried" with him or as is sometimes the case "passed on" to a successor chosen by the agent. In a less extreme case, the Sergeant may meet the informant, but then after that have little to do with the interaction, form of payment, and amount of payment as long as the arrangements are not excessive. Alternatively, the agent's partner may also meet the informant, but may not be able to "work" the informant or use the information. Overall, these

particularistic patterns reflect a bygone era of informant utilization when sources were carefully guarded, information hoarded, and intelligence functions not performed in any systematic manner. These patterns were, however, in active use in some of the sites studied.

Frequently, such practices are found either in units that have overall high degrees of agent discretion (investigator-centered units) or in units where the overall levels of trust between agents is low. The latter case is also sometime extant with the former. That is, investigator-centered units typified by particularistic patterns, may involve hoarded information, personalized informants, etc., partially because the agents do not trust each other.

Usually when an informant belongs to a group of agents, the "group" consists of an agent and his partner. In the initial stages, the administrative supervisor may wish to meet the informant, but thereafter the negotiations between the informant and the agents are at their discretion. Administratively, the policy applied is that the informant "belongs" to both agents and both are supposed to be able to "work" him/her. In practice, however, there is a tendency for one of the agents to be more successful with a particular informant than the other agent. The drug section Commander at Dollarville describes the rationale behind his change to the "partner" policy as follows:

R: I was in a department where a Lieutenant wanted all the officers to study for the Sergeant's exam and as a result they lost all their informants because they were busy studying.

C: Sure this can happen. A man goes on vacation for two weeks, he loses contact with his informants and to regenerate the informant network that he had prior to his vacation, he's really got to get out there and hump it. That's why I've gone to the squad or partner concept. We have men assigned as partners and I hold them responsible for the acts of each other.

The partner arrangement allows theoretically for less discretion, on the part of any single agent, provides a check upon the informant, and allows for greater continuity in the working relationship. These protective and continuity aspects are not overlooked by officers as one Bay City officer notes:

H: Two officers always, we try to meet the informant, and be there when we talk. Always two meeting 'em and...

R: Always two meeting 'em...

H: Right.

R: What about those informants who want to work with one guy; you know, man, lots are like that.

H: And the way you do that, where an informant'll come in, 90 percent of your informants will only work with one man. Okay? So what you do with that informant is if he will only work with one man, is we have bugging devices. Like myself and Agent Upside have worked a lot of informants together. And for example, if I go on vacation I'll share my informants and he works 'em while I'm on vacation. But if we get one that says, "I will absolutely not work with anybody but you." Fine. Talk to him. It's taped.

R: Does he know it?

H: Ah no. But it's, it's held as a necessary twist type thing on 'em. Like I'll have Upside in the room here listening to it.

In situations like the one described above, the agent will attempt to socialize the informant into a partnership arrangement. One successful strategy described by the same Bay City officer involves the following:

H: (when the informant calls and says he wants to talk), I usually tell the informant that I can't make it in the office that day. But if you come in I'll have my partner lay some bread on ya. And once that partner lays some bread on that informant you got him. Because he'll work with either one.

As stated policy, the idea that the informant belongs to the unit rather than to an agent or agents occurs frequently; however, as an operative policy it is most common to find it coincident with the second pattern discussed above. That is, while it is relatively easy to make a policy statement, agents must relate to informants on a personal and professional basis. Informants, for their part of the relationship, generally prefer to work with a single agent or a small number of agents. Informants who have worked with a particular agent in the past might desire to work with that agent in the future. Thus, what exists ideally in written policy is de facto a single agent or partner-informant pattern. On rare occasions, units attempting to make a difference between the informant and the information provided stress that the information belongs to the unit as a whole, while the relationship can be viewed in more personalistic terms. There are problems with this conception. The tendency overall is for investigators to view the relationship between an informant and one of their colleagues as a personal one and to understand that relationship as one of "ownership." Frequent references are made to "his informant" even in units where the expressed written policy is that the informant belongs to the unit as a whole. So while the informant does not belong to an agent, he "does." One way this problem is mitigated is through the team approach to informant use; another is through the partnership mode described previously. It should be noted, however, that team approaches are more likely to occur in units that do not compare individual agents with regard to the number of cases made, the amount of dope seized, etc. A supervisor in a unit which has begun implementation of a modified unit-informant policy comments:

I haven't seen any friction with it. The guys realize that it's more or less, we've kind of got a team type situation. Instead of each guy being a separate little thing in themselves, trying to run out there and do it, we find we get a lot more effective suppression out of, if the guy's kind of thinking it's, you know, it's all for the good of the situation rather than for your own personal benefit. Plus with the guys on vacation, you know, shit, you know, you don't get any mileage out of him, you might as well get some mileage out of his informant or out of his information. Same thing sorta' holds true for our information, we try to centralize it into a controlled file that is open to everyone in this division.

In this unit, as in others studied where a unit policy was stated, the operative modality was one where partners or a defined set of agents worked the informant. Often the locus of discretion for choosing the set of agents rested with the individual agent whose informant was being shared. Sometimes, the locus of discretion rested with the supervisor who indicated who would work with whom. However, we did not witness a single incident of an informant being "passed around." If an agent working with an informant needed another agent because of his characteristics, there was never a problem. In one instance observed, this type of contact resulted in continued relationships between the informant and the second agent. As can be seen, both the partner-informant and unit-informant policies allow for more organizational control over informant handling. Both appear to be found more frequently in units that have centralized informant files. Unit-informant policy is associated with attempts to centralize and integrate the information that comes into the unit, with a more standardized schedule of payments, and with unit-wide shared conceptions of informant performance evaluation.

### 3. Contractual Relations Between Agent (Unit) and Informant

In the vast number of instances, the "contract" between an informant and an agent or unit is not written down; however, there are occurrences of more formalized arrangements. In either instance, that of verbal or formalized arrangements, certain conditions are made by both sides. In Tables V-6, V-7, and V-8 we have charted out all of the "contractual arrangements" found for the units studied. Table V-6 summarizes the salient aspects of relations between agents and paid informants, while Tables V-7 and V-8 concern agent relations with informally and formally charged defendants.

While some expense money may be "fronted" to a paid informant in advance of the deal/arrest, payment usually occurs ex post facto, and the amount of payment is dependent upon either the quality of dope seized, the stature of the dealer or both. Only one unit had a unit-wide fixed fee; however, all units did have procedures for sanctioning payments. In units where there were no formal policies concerning payment, each transaction had to be negotiated between the agent and his/her supervisor. Often units had policies that allowed the agent discretion up to, for example, \$25.00. Over \$25.00 and the agent needed supervisor approval, and over, for example \$75.00 the agent and supervisor needed command approval. Some units paid by the quantity of dope found; however, they would also pay handsomely for a big dealer even if the case they could make on him did not involve large amounts of drugs.

Paid informants who continue to work for an agent usually end up being able to obtain some front money for their "operations." This is viewed by the agent as a "cost of doing business," and few agents keep records of just how much money they have fronted to informants. Some of the money fronted or "expenses" is from their own pockets, but most often it comes

Table V-6. Agent-Informant Contractual Relations for Paid Informants

| Major Actors Involved   |   | Nature of Contract |   |                 |  | Recordkeeping of Agent-Informant Relationship                       | Site          |
|---|---|--------------------|---|-----------------|--|---|---------------|
| Agent(s)<br>Informant<br>Admin.<br>Superior<br>District<br>Attorney<br>Informant's<br>Attorney<br>Judge | Interaction Between Major Actors  | Type of Agreement  | Type of Case                                  | Number of Cases | Expectations of Performance                                    |   |               |
|   |   |                    |   |                 | Allowable Time Period for Minimal Acceptable Performance (MAP) |   |               |
| X X   | Ex post facto payment per case based on type and amount of drugs and importance of dealer. No formal policy.                  | Verbal             | Best possible                                 | Not specified   | None specified   | Records of payments kept in locked safe; no formal informant files. | Southern City |
| X X X   | Ex post facto payment per case<br>Paid fee per case but no formal policy.   | Verbal             | Agent specified                               | Not specified   | None specified   | Informant files and receipts of transactions kept.                  | Bay City      |
| X X X   | Ex post facto payment per case<br>No formal policy  | Verbal             | Not specified                                 | Not specified   | None specified   | Receipts kept   | Columbia      |
| X X   | Ex post facto payment per case<br>No formal policy  | Verbal             | Vertical, one step up                         | Not specified   | None specified   | Logged in informant files, receipts kept.                           | Gotham Minor  |
| X X X   | Ex post facto payment per case<br>Unit-wide fixed fee per case.   | Verbal             | Above either single paper or small retailers. | Not specified   | None specified   | Logged in informant file; receipts kept                             | Desert City   |
| X X X   | Ex post facto payment per case<br>Formal policy specifies admin. approval of fee<br>This is especially so if fee over \$25.00 | Verbal             | Above either single paper or small retailers  | Not specified   | None specified   | Logged in informant file; receipts kept                             | Dollarville   |

<sup>a</sup> This refers to an administrative superior within the narcotics unit such as a sergeant or lieutenant.



Table V-7. Agent-Informant Contractual Relations for Informal Charges<sup>a</sup>

| Major Actors Involved |           |                 |                   |                      |       | Nature of Contract  |                   |                       |                                    |                               | Recordkeeping of Agent-Informant Relationship | Site         |
|-----------------------|-----------|-----------------|-------------------|----------------------|-------|---|-------------------|-----------------------|------------------------------------|-------------------------------|---|--------------|
| Agent(s)              | Informant | Admin. Superior | District Attorney | Informant's Attorney | Judge | Interaction Between Major Actors  | Type of Agreement | Type of Case          | Number of Cases                    | Allowable Time Period For MAP |   |              |
|                       |           |                 |                   |                      |       |   |                   |                       |                                    |                               |   |              |
| X                     | X         |                 |                   |                      |       | Agreement to work off informal charge   | Verbal            | Vertical, one step up | Usually single case                | Immediate production          | Not logged in informant file                  | Desert City  |
| X                     | X         |                 |                   |                      |       | Agreement to work off informal charge (weak case)   | Verbal            | Vertical, one step up | Usually single case or information | Immediate production          | No formal logging in informant files          | Boy City     |
| X                     | X         |                 |                   |                      |       | Agreement to work off informal charge   | Verbal            | Vertical, one step up | Usually a single case              | Immediate production          | Logged in informant files                     | Gotham Minor |
| X                     | X         | X               | X                 |                      |       | Agreement with county attorney not to file immediately. If production satisfactory no charges filed | Verbal            | Vertical. (big cases) | Usually one, two or three          | Within 24 hours               | May or may not be logged                      | Desert City  |

<sup>a</sup> In Southern City, it rarely occurred that informal charges were used to work informants; however, it did occur.

| Major Actors Involved   |  | Nature of Contract                           |                              |   |   | Recordkeeping of Agent-Informant Relationship        | Site          |
|---|--|--|------------------------------|---|---|--|---------------|
| Agent(s)<br>Informant<br>Admin.<br>Superior<br>District<br>Attorney<br>Informant's<br>Attorney<br>Judge | Interaction Between Major Actors                                       | Type of Agreement                            | Expectations for Performance |   |   |  |               |
|   |  |  | Type of Case                 | Number of Cases                             | Allowable Time Period For MAP                                   |  |               |
| X X (X) <sup>a</sup> /  | Agreement that informant cannot work off charge but reduce sentence.   | Verbal                                       | Vertical, one step up        | 3 for 1 but negotible                       | Before trial  | Informal agent notes                                 | Southern City |
| X X X   | Negotiations between agent and D.A.; cleared with judge.               | Verbal, taped or written agent discretion    | Vertical, one step up        | 1 big case or 3 for 1, depending on quality | Before court date or at agent's discretion                      | Logged in informant file. Record kept of activities. | Bay City      |
| X X X   | Agreement to work off case for consideration.                          | Verbal                                       | Lateral or higher            | 2 for 1                                     | Before grand jury or court date                                 | Informal agent notes                                 | Columbia      |
| X X X X X   | All principals involved in arrangements of working off case            | Verbal or written by agent in informant file | Vertical, one step up        | 2 for 1 but negotible                       | None specified but before court date                            | Informant file                                       | Gotham Minor  |
| X X X X   | Negotiations between four principals concerning nature of arrangement. | Verbal and/or written                        | Lateral or higher            | 3 for 1                                     | Usually first case very soon after release; others before trial | Informant files                                      | Desert City   |
| X X X   | Agreement to work off case for consideration.                          | Verbal                                       | Lateral or higher            | 3-5 to 1                                    | 24-48 hours after release from jail                             | Informant file                                       | Dollarville   |

a This actor may or may not be involved.

out of the "professional services" type budgets.\* The money that is reimbursable is signed for by the informant and the receipts turned into the supervisor.

Very often, informants who are paid were at one time defendant-informants, or informants who worked off charges; only in rare instances are they "professional informants." The initial recruitment of the informant is through twisting the informant; later the informant goes to work for money. It should be noted that some of the arrangements in Table V-8 can include payment to defendant informants as well as consideration for their charges. Some agents practice this dual form of payment as an inducement to defendant informants who, they believe, would make "good sources" to stay around. Usually, however, the dollar payment is lower than it would pay if the informant were not working off a charge.

Comparisons between paid and defendant-informants reveal that the expectations for performance are almost always more clearly explicated for defendant-informants whether they are formally or informally charged. In both instances, however, expectations are set initially by the agent handling the informant. These arrangements and expectations may then be checked with supervisors when they are beyond the limits of agent discretion; and as we shall see, arrangements for defendant informants who are under formal charges can become quite detailed and involved. This is in contrast to paid informants where details are often only sketched out. Where payment is not fixed by unit policy, agents will often try and be vague by saying "I'll see what I can do, and I'll do the best I can." Where payment is

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\* One way in which this can be accomplished is through the "deduction method." That is, the agent will front the money to the informant and then after the case is made, the agent will turn in a receipt for payment that includes the fronted money. Then the agent will pay the informant the fee minus the fronted money which the agent takes as reimbursement.

fixed by unit policy this is, of course, not the case; in addition, where the agent has a defined policy concerning payment, he often states it, but many agents do not have set rules about payment. Where they do have set rules, they usually involve a similar calculus to those rules employed unit-wide: the greater the amount of dope seized, the more the case is worth, and/or bigger the dealer in the officer's perception, the more the deal is worth. These rules are conditioned by the norm that a strong case is worth more than a weak one. In a few instances, agents tape the conversations they have with informants, however, most agreements are verbally made and occur away from the unit in the field. At best they are witnessed by the agent's partner, or infrequently by a supervisor. Because of the ex post facto nature of payment, agents can hedge if the quantity of dope seized is small, but many agreements involve a "fixed fee" regardless of the amounts seized insofar as a felony case can be made. In the case of the arrest of a particular dealer, the paid informant is supposed to "make sure" the dealer will be at the search site when the raid "goes down." Failure to supply the dealer, although the drugs are found and perhaps some of the dealer's workers are arrested, can modify the agreement. Agents handling paid informants will often make targeting decisions both at the initiations of relationships or the recruitment phase, and during the relationship with the informant. Since payment is ex post facto there is some reduced risk in listening to what an informant claims he can do. However, initiation of raid procedures on the basis of bogus information is costly so agents must corroborate the information before action. If a paid informant's claims are not significant enough the unit/agent can opt for nonrecruitment. That is, if the informant claims he can do marijuana dealers and the unit's enforcement priority is cocaine, the agent can tell

the potential informant that they are not interested, but that he/she should come back when they can do a coke dealer. In this manner, the informant is directed toward what will pay off and is also exposed to the unit's enforcement priorities. During continued relations with paid informants, agents may tell them after the conclusion of a case that "this is the last time" we do a dealer at this level, or that the agent doesn't "want to do more puke street dealers." In effect, by narrowing what kind of target is acceptable the informant is directed. In one unit studied, two agents had paid informants working almost exclusively on targeted dealing organizations; however, this type of targeting appears to be more of an exception than the rule. How much informants are paid varies from unit to unit, and there are multiple ways in which payment can be handled. Some investigators make a single payment after the case; others prefer a more subtle strategy:

A: I have my own policy. Ah, I give an informant money if he needs it, if he's a good informant, whether he gives me a case or not. Ah, I, if the phone rings and it's, it's a good informant of mine, he says hey, I haven't got a damn thing for ya today but man I'm flat busted, how about a quarter? I'll give him \$25.00 for nothing.

R: Yea that makes sense. I mean I understand that.

A: If he calls me up with a case and it's a light weight case, I might give him \$25.00 or more. If he does you know like one informant gives me alot of intelligence information. And he's turned, god he's turned pounds of heroin for me. I've never given him big money. I give him \$100, \$200.00. That ain't shit. You know? But before that I've been giving him money for information.

"Good informants", or those who make strong cases where there are sizeable seizures, and continue to provide information, are often able to string out "loans" or expense money. In this manner the interaction between the informant and the agent is ongoing. The agent is able to exert subtle

pressure through norms of reciprocity, and the interaction is not formalized around the deal itself. Many investigators believe this is the best manner for paying informants. An alternative way is described by an agent in Columbia:

- R: Ok, I would like to know something about the rules that you have, the guidelines that you have about paying an informant?
- A: Well, they are more or less personal guidelines. There is no set guideline within the division but I pay them according to how many people are arrested, who is arrested, priority type person, and how much dope is seized. Dope or stolen property or whatever, how much material is seized.
- R: Ok, what's the range?
- A: From lowest to highest?
- R: Yeah, or what is the highest and lowest you've paid somebody?
- A: From 20 bucks to 100 bucks.
- R: Now that's usually paid after the seizure after the arrest.
- A: Sometimes I give them a little money beforehand, generally an informant is going to spend enough of his own time and gas money so I feel that reimbursement is appropriate.
- R: So you pay for seizures, good arrests or large number of people on the scene at the time. What about payment for making a buy for you?
- A: Sometimes I will do that. Throw in a little extra money or give them maybe 40 dollars and see if he can get the dope for 35 dollars and the five dollars is for your time.

Only in Desert City did there exist a unit-wide policy on payment. There the standard was \$1.00 per pound on marijuana cases up to \$1,000, and \$100 per ounce on heroin and cocaine up to approximately \$1,500. However, as one sergeant described it, "we also pay by how bad we want the guy. For instance, we got a guy by the name of Eddie. The guy that does Eddie will

get a thousand dollars." "Getting" Eddie meant to make a case strong enough to ensure that Eddie would go to prison. A final form of "payment" not involving money concerns informants who work for "future consideration." While Dollarville administrators expressly prohibited this form of payment, there were other units where it was practiced. That is, the informant works for the agent receiving nothing in the present but, "well say a guy that's working for you, somewhere along the line if he picks up a small case or something like that, you know, you might owe the guy something, you can say, 'Well I'll talk to the investigator that's handling it or I'll vouch for ya before the Judge' or whatever. Depending on what the case is." Informants often try to get paid in cash and also attempt at the same time to build up some future consideration as insurance; however, investigators are almost always unwilling to grant both except in extremely rare cases where the informant is "excellent."

Informally charged informants are a particular type of defendant informants created by the agent's, unit's, and in some cases the prosecutor's discretion. Table V-7 summarizes the types of contractual relations found in the units studied. Informally charged informants are almost always "arrested," but their cases are never formally filed. One way in which this process occurs is described as follows:

Ok. Say, for example, night before last, a couple of guys went out and they just saw some guy that they didn't even know walking down the street, and he just looked like a doper. So they stopped and talked, jived to him. And they bought two dimes (heroin) off of him, and they popped their badges and said "surprise." And they brought him to the station. Well, he didn't want to go to jail. And for two dime bags it's really not worth the effort anyway. So they called over at the County Attorney's office. They said "we have this guy we've brought from, he's under arrest. Now he's willing to deal." Of course, we don't have the authority ourselves to deal. (researcher: you mean negotiate). Yea. He will set up somebody bigger than him. So we have to

have approval from one of the prosecuting attorney's at the County Attorney's office, whether we deal or not. So on that on a particular case they discuss it and say, "O.K. deal with him." So we went back with the guy that very night, took him back to the house where he said he could cop. He went in, first strip, strip search and everything, so he wasn't holding, gave him twenty dollars to go in the house while our two agents sat out in the street, let him buy two more dimes and then he came out and left. We all came to the station and got a search warrant and went back and hit the house. The house was so busy they wouldn't know who they'd sold to, or who'd turn them in.

(researcher: was it a gallery, were people fixing?)

No, there was just coming and going, you're in and out in a minute. They didn't know who they had sold to, who had finked on them. So we went back and we hit the house and we got three arrests. Three guys all on parole for narcotics violations. All old head dope dealers. We got between one-half and three-quarters of an ounce of heroin.

There are several variations on the above description. In some instances, the investigator may not contact the prosecuting attorney. This happens in cases where the arrest might be considered a dubious procedure; that is, might not be entirely legal. Thus, the investigator knows he does not have a valid arrest and cannot press the charges. He/she then only wishes to get some sort of immediate production out of the offender even if that production is nothing but information:

R: How does this work? You, you don't deal with the guy direct. Do you have to deal with the Prosecuting Attorney.

L: Well, you should, sometimes you work with (the Prosecuting Attorney), that's something else, if, if you bust somebody say you're out on the street, you know, and you get somebody, some guy you know, whose a junkie and you stop the guy and you frisk him down and you find a couple of papers on him. Okay, well, maybe your method of doing it wasn't too legal, you know, like you couldn't prosecute on it.

R: A stop and frisk thing.



- L: Yea. You wouldn't be able to prosecute on it, so maybe you just tell him right there, you know, okay, I got you with the goods you know, you've been up to the joint before. If you go to court you're gonna go back up again. What's it gonna be? You know the game plan. Or you gonna work or are you gonna go to jail? And usually, or sometimes a guy'll say okay, I'll go ahead and work. And you'll just do it right there on the spot. You know, with no paperwork made.
- R: Yea, that means he's not gonna go in the confidential informant file....
- L: Well, well...
- R: At least, at least, he's not gonna go to the Prosecuting Attorney.
- L: Yea; he's not gonna be over to the Prosecuting Attorney, the only paperwork that would be, would be whatever narcotics you've got on him, you must make a final property type thing. You know, you found this property on such and such a corner and you put it into property. You, and then you just do it like between you and the guy. You say, okay, you know, then whatever you want to set, you know.
- R: But would you, in a case like that you normally wouldn't even make out a CI form, or would you make one out?
- L: You would, would supposed, you're supposed to make one out. All the time, by the daily department's policies and everything. Usually in a situation like that I probably wouldn't. You know, be is it on something like that it wouldn't be like a three for one type thing, it'd usually be just a one shot deal.
- R: You, you would ask him where you connected or something?
- L: Yea. You most likely are just trying, you know, on something like that, is try and get the guy right then. Say okay, you know, I got you with these two papers I won't charge ya, but I want somebody right now. You know, I'm not going to let you go until you, till you do somebody for me. And then you would take him out right then, he would do somebody and then you'd let the guy go. You don't see him again.
- R: When you take him out and he's gonna do somebody, like you strip search him and do all that shit?

L: It would depend on what you're gonna do. You're gonna send him into a place to do a warrant, you know, like he's gonna go in there and see something and then come out, yea, then you have to search him before he went in. And in that case if you're gonna do a warrant he would have to do additional paperwork on him, because then he would have to, you'd have to prove that he was reliable. He wouldn't be able to just go in there and see it, you would have to give him the money, where you'd be able to see it; bring something back to you, then you'd be able to prove his reliability, in addition, to seeing the stuff in there. But he might be able to work it off by introducing into somebody. Well, okay I, I introduce you into this guy right now, and you can buy an ounce from him. Then, you know, then there'd be no reason to search him. You just say, okay you know, take me over and introduce me to the guy.

Another modification concerns the nature of the charge. Where the charge is "worth it" (i.e., where the charge is valued enough by the unit and the County Attorney to invest resources in prosecuting it), the decision to not file at all will be held in abeyance until the defendant has produced.

This type of arrangement allows the agent and the Prosecuting Attorney to file the case if production is not satisfactory:

A: I just start talking to him. You know, explain the charge to him. Explain the penalties, you know what kind of time he might be pulling out of it. And after he realizes that you know, realizing what he's up against, then I'll say okay, now we might be able to work something out. If you want to work your case off, you know, we'd be able to do some kind of deal, you know, where you know, you would provide the information to us and in return for that information you'd get your charges, you know lowered against you or dropped or something. And then I would tell him I wouldn't do it definitely, I would tell him you know, that, that it would depend on the information that he has, you know, if the stuff he has is good enough, you know, maybe then I'll go over to the County Attorney's Office and see if they'll go along with it. And you know, you just try to see with that information, you know, who he can do. If he's right there he's usually gonna tell you, you know, get the hell out of here, you know. I don't do that. Or he'll start thinking of these that he can do. Well, you know, I can do this guy and this guy. Then you would take (stock) and see who he could do and say okay, well, you know somebody whose really good who you want to get, you might go to the extent of not even booking him. You might call up one of the County Attorneys, like ??

home and say, you know, this guy looks really good. The guy that we could do is somebody we want to get and I don't want this guy to go to jail. Cause if everyone finds out he's in jail and he just got out, you know, people aren't gonna talk to him. You know, so can we just release this guy right now, and withhold charges against him?

R: You can always file later?

A: Yea, you can file any time. You know, that's happened a few times, we've let people out you know, so because they wanted to work and we felt that the people that they could do were worthwhile. And then after they got out they decided they didn't want to work, either they didn't want to work or they figured well I'm out now, there's nothing they can do. Well I went on ahead and surprise you know, you go pick him up the next day, and back in.

There appear to be five interrelated properties that effect the decision about filing formal charges:

- (1) the strength of the arrest;
- (2) the priorities of the prosecuting attorney;
- (3) the significance of the person arrested;
- (4) the amount of drugs seized; and
- (5) "who" the arrestee can do.

In the instance of no legal or a very weak case the officer knows that a filed charge will never result in prosecution. Moreover, the officer knows that filing the charge results in making his use of the tactics involved more public than may be desirable. Thus, this is the first and most salient factor, in whether charges are filed.. Second, the priorities of the Prosecuting Attorney weigh heavily. Since the supply of prosecution is finite, the County Attorney's office must set some priorities. Ideally, of course, the County Attorney would have an ample supply of prosecution and thus could meet the demand of cases, thereby prosecuting all cases prosecutable. While this occurs in some jurisdictions, in others there is a greater demand for the services of the attorneys than an available supply. A

related factor are the shared conceptions of the police and the attorneys about what constitutes a case that is "worth it"; that is, a case that is worth expending the resources of the County Attorney's office to prosecute. In general, both the police and the County Attorney want to have strong cases, with a sizeable seizure of drugs, made on a significant figure in the dealing world. Thus, in many jurisdictions, the attorneys and the agents come to share "what" this means in terms of the cases under consideration. Informally charged defendants are thus "fitted" to this "calculus." In jurisdictions where a seizure of a 1/2 ounce of relatively impure heroin is viewed as "no big deal" the person arrested may be able to have his case dismissed or not even filed if he can deliver a more significant character with a larger amount of heroin. However, the same dealer could, in another jurisdiction become a front page story, for the seizure of 1/2 ounce of heroin might be one of the larger seizures police have made.

The linkages between informally charged and formally charged defendant informants center around the five properties. Some informally charged defendants will not adequately meet police production schedules and will become formally charged. The County Attorney may have a policy that all valid arrests result in filed cases and thus, the amount of discretion is reduced. The policy of the attorney's office may go even farther, as we noted earlier, in that all those arrested will receive some sort of sentence; that is, no cases will be dismissed; thus, informants work for consideration rather than dismissal. Table V-8 summarizes the typical contractual arrangements between agents and formally charged informants for the units studied. One of the major variations concerns whether the informant can work for a dismissal of charges or just for some reduction in either the charge or the

sentence to be received.\* Another major variation concerns the number of principals involved in the negotiations of the contractual agreement. In both Gotham Minor and Desert City, the "right to counsel" has been extended to informant/agent negotiations. This is not to say that in all cases at both sites this occurs; some informants do not wish the knowledge of their informant status known to anyone including an attorney (i.e., they may not have an attorney or they may not trust the attorney they have to maintain silence). In both units, some agreements may be written which further "legalizes" the arrangement. However, in other instances in these two units and elsewhere, the agent merely discusses the terms of the contract with the County or Prosecuting Attorney and extracts a verbal agreement. In Southern City, however, the district attorney is usually not consulted largely because there is much less room to negotiate a plea and sentence. That is, the best a defendant can do is a reduced sentence.

Even where agreements are verbally made between the principals involved, investigators may be required to, or may voluntarily keep a record of the agreement in the informant file. In Dollarville, for example, the following procedures were adhered to:

1. When an informant is developed he will be given a code number and his name will be locked in the desk of the Director.
2. A listing of cases he has made will be recorded in a file in the Director's office.
3. When an informant has fulfilled his obligations, a report will be made to the Director stating what he has done.

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\* In this respect, negotiations between the principals involved resembles plea bargaining. The State is willing to accept a guilty plea to a reduced charge and the informant is willing to pay for the difference between charges through work. There are five types of bargains that can be struck: dismissal of charges; reduced charge; reduced sentence; concurrent sentences; and in the case of multiple charges, the dropping of all but one charge.

4. The Director will write a request to the D.A.'s office requesting one of the following:
  - a. Small sentence
  - b. Probation
  - c. Dismissal.
5. Be sure we do not promise anything to the informant we cannot abide by.
6. Establish first what you can do for him and what he has to do to earn it.
7. The relationship between an officer and an informant should be strictly professional.

In units where no active informant file existed, records of agreements were often kept by agents informally either in their notes or in their heads.

In all units studied, the informant was supposed to deliver all of the agreed upon cases before the investigator upheld his/her side of the bargain. This, however, was not always the case. First of all, the informant may name off dealers he can "do" and then later propose another set of dealers or do another set. Second, the informant may be able to "do" a dealer larger than he had originally agreed to and see this as satisfying more than a single aspect of the bargain. The informant may attempt to do dealers smaller than he had agreed to do. In other words, the informant oftentimes attempts to negotiate modifications in the original contract.

The agent, for his part, can either accept or reject attempts to renegotiate. In a situation where the informant had agreed to do five cases and had done four strong "fileable felony cases" that were "quality" cases, the agent agreed to a slight modification in the informant's contract. The rationale was that the fifth dealer originally named had disappeared and that the informant only knew (claimed to know) one other dealer of smaller proportions. Moreover, his trial date was rapidly approaching. The investigator "settled" for the smaller dealer. In another situation,

the investigator after doing two small time "puke street dealers" notified the informant that he could "turn puke all day" if he wanted to, but that none of them counted as part of the bargain. As trial dates approach, informants often become hyperactive and begin calling their agents indicating that such and such has dope and can "you run out there now and do him?"

In general, agents do not like to do business in a rushed manner, rather they prefer informants who begin work quickly, work steadily and complete their part of the contract well before trial date. The quicker the informant produces, and the more steady the production the more likely the informant is to receive maximum consideration, and the more likely the agent is to offer additional perquisites. However, where contractual agreements are not written down and are known only to the agent and the informant, there is always the possibility that even when successfully completed, the contract will not be honored. This occurs rather infrequently but there are conditions under which the agent feels justified. For example, even though the informant did the three cases he said he would do, he also "worked the other side" by informing a dealer about the unit's investigation of him. Finally agents may make some allowances to the prosecuting attorney for a partially fulfilled contract by modifying the amount of "consideration" shown in accordance with production.

4. The Control of Informants and Informant-Agent Interaction

R: If, if I was in a position of where I had to tell like say a set of recruits, what kinds of things to do when dealing with an informant, what would be like the three most important things.

SGT.: First thing right off the bat is you control the informant. Don't allow him to control you.

R: Okay, what, what does that mean? Do you know, I mean it's...

SGT.: He's got to know right off the bat that if he's going to work for you, either for money or to work off a case, those are the two biggest examples, that he does it the way you tell him to do it. You don't do it the way he tells you. He works your hours at your direction. The only exception would be if I got a guy that wants to come in there and wants to do something for ya, and doesn't want any money for it, then you're gonna have a little less control as possible by maybe selling him on the fact that doing it your way might save his life somewhere along the line. But ah, you should control that informant, no...

R: So that's number one, is to control the informants. What would be like a second thing?

SGT.: The whole thing, it just, it all centers on control, man. You know, controlling the guy.

Agents have a limited range of legal social controls available to them in their dealings with informants. In the case of defendant informants who are formally charged the sanctions available are largely negative ones that rest on a set of actors not immediately involved in the agent-informant interactions (e.g., district attorneys, judges). The power of the agent, the control that can be exercised by the agent depends on the degree to which he can influence the judicial process. Where agent influence is high in terms of judicial outcomes, it can be said that agents have more power and control. On the other hand, informants who are represented by their attorneys in their "contracts" have some counter power in so far as their advocates can make arguments that they fulfilled their part of the bargain. If informally charged defendants knew (were aware of) the true context of their situations, the legal controls over them would be virtually nonexistent. Where the informant has some indication that his legal status is not in jeopardy, there are quasi-legal and nonlegal "reprisals" that are to be



feared. Thus, they too are exposed to largely negative sanctions. In contrast, paid informants are viewed as working for positive rewards in the form of dollars; informants working for "free" but for revenge must also be supposed to be gaining some positive satisfaction out of elimination of their adversaries. Complainants who supply "free" information for no reason other than citizen-duty can be seen to derive pleasure from doing that duty and having their information acted upon. However, agents have almost no control over complainants and have, as we have previously noted, very little means to determine the credibility of the information received. It is for the above reasons that many officers prefer paid informants. They believe that one has more control over informants who are paid because of the positive nature of the sanctions and because of the ease of control. A command officer characterizes his perception as follows:

- D: With paid informants you have more control. Because the paid informant knows he's not going to get paid unless the deal number one, comes down, the people are under arrest and we get the drugs. And he's paid on the amount of drugs we get. And we're not going to do it his way, he is going to set it up and it's going to be done our way. And if he sets up something that we don't like, such as, okay this guy is cool, I know he's cool, you can take your money over to his apartment and show it to him there and there'll be no hassle, he's never been involved with a rip-off. Okay the paid informant wants to bring the case down to get that money. We tell him outright, there's no way that we're going to take our bread into that guy's apartment. I don't care if he's never been a rip-off before or not, there may be six buddies of his that decide that it's a good time to rip-off. They're hiding in the bedroom with guns, and this turkey doesn't even know they're going to rip us off. And we walk in there. It's not going to go that way. Now if you want to make the bread, this is the way it's going to go. Now you go back and renegotiate it and set it up to occur over here at our time, at our location. If you can't set it up, you just lost your snitch fee. 'Cause you ain't gonna get it unless we bring it down and it's gonna be our way. So you tend to have a better control,

I think, over the paid informant. The guy you got the twist on he'll go the other way. He'll set it up any way he wants. And then you tell him he's got to change it and then he starts whining, "look you said I got to do a deal. I've got the deal all set up for you and it's got to go this way. That guy is not going to come out front and meet you someplace else." And you got a lot more hassles with him and then he goes crying to his attorney, look I set up a deal but they don't want to do the deal. But I fulfilled my part of the bargain, now I set the deal up, they don't want to go with it. Do you see where you have less ...

R: Then his attorney hassles the County?

D: The County Attorney's office about, hey this guy was suppose to do this deal and this one's got to count as one cause he had it all set up and all the narcs just refused to go. And it's their fault it didn't come down. Cause they wouldn't go along with it and it was all set up. That's why you have better control on a paid snitch.

R: Yea, I see.

D: He's got a positive motivation there to do it your way. And your response is, you know, the heck with him. You just aren't going to make any bread this month if you don't do it our way.

R: If you don't do it, yea. So you really have more control over how the deal gets set up?

D: Very definitely.

In contrast, officers and command staff in units that do not utilize many paid informants usually take a different view. They perceive defendant informants to be more controllable because of the impending negative sanction. The situation, however, is not a simple one, for the defendants' view of the potential sanction and the amount of discretion available to the officers are properties which must be taken into consideration. Where officers can in fact execute a dismissal of charges, this can be (and sometimes is) viewed as a positive reward by informants. Indeed, abstractly any reduction in the potential negative sanction is a "step" in the positive direction. It can be generally said that officers that possess larger

amounts of discretion have a greater capacity to reward. Moreover, in jurisdictions where the State through its functionaries almost always achieves a "severe" sentence, it appears to be easier to cultivate and control defendant informants. Along a similar line, defendant informants who do not have counsel appear more controllable,\* that is, the nature of the contract between the principals can be influential in the amount of control available to the agent.

One additional variable which appears to influence the perception of some agents that paid informants are more controllable is the length of the relationship. As we have noted earlier, paid informants, in general, make more cases, provide more information, and "last longer." Rather than dealing with defendant informants who (in general) after doing their three to five cases disappear, agents can deal with paid informants who (in general) will make well over five cases. Paid informants become better known to officers, and the officers are better able to build up in their reciprocal interactions

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\*The tendency, as we previously noted, in jurisdictions where defendant informants have counsel privy to the arrangement is to transfer the accounting procedures to a more legalistic mode and to have the discretion of the agent reduced. In effect, the defense attorney and the prosecuting attorney must negotiate with each other over the term of the agreement. Thus, the addition of the defense attorney lowers the "vulnerability" of the defendant-informant to police accounting procedures and pressures. It introduces an advocate whose purpose is not only to "protect" the client but also transfer the locus of the arena from personal relations between the agent and the informant to legal relations between attorneys.

a familiarity that ideally allows for them to become dominant and exercise greater control.\*

Informant files and records provide for a means of control because they allow for a history of the informant's performance to be constructed. Not only does the unit then know how the informant performed in the past, but each investigator can track the informant through other officers that might have handled him/her. Furthermore, if the informant goes to work for other agencies, the unit can provide a detailed record. Rather than a single agent "vouching" for the informant, the record allows for historical construction. Thus, files provide agents with valuable information that can allow for a better assessment of the informant and in addition, provide for a control of the informant.

Lentini (1977) correctly argues that even if the unit does not have a policy concerning informant files, "all officers should keep records of their informers." Ideally, such records would include "photos and fingerprints of the informer, a copy of his criminal record or rap sheet, and when deemed advisable or required by departmental rules, an official record of all contacts the officer has with the informer. The officer should also

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\*This is, of course, not always the case. Goffman (1959) lucidly points out that frequent interactions breed reciprocal familiarity, and Glaser and Strauss (1965, 1967, and 1968) indicate that the contact of awareness is an important factor in what can be learned from each other. Paid informants, can, in fact, learn more about the agents and their operations than agents about paid informants. In one unit studied a few "trusted" paid informants were allowed backstage into the narcotics office area such that they could see what agents were doing and who the agents were. In another unit, the ecological features of the space the unit occupied forced agents to interview potential informants and actual informants who came to the unit in view of the rest of the agents. Both of these situations yielded more information to the informant than is desirable. Suffice to say that interactions must be controlled for what kinds of information can be gleaned from them, and that agents should always seek to glean much more than they give.

document all activities in which the informer is involved" (Lentini, 1977: 149). In units where there are no unitwide informant files, many officers do not keep detailed records, but rather keep the information "in their heads."

Besides providing a biography of the informant, records also provide the officer with protection against the informant. In general, the better protected the officer is against informant accusations, the less vulnerable he is to charges, the less able the informant is to exert control. In the following, an agent describes the kind of information he utilizes in informant recordkeeping:

...Name, date of birth, address, second address, third address, telephone number where their parents live. Ah, what they say they've been arrested for, what kind of cars they drive, the license number, whether they've got brothers and sisters. Then, ah, information, who they know, what organizations they've been affiliated with, have they ever worked for another police department? Basically that, and then you kick 'em out and tell 'em to call you the next day. Okay? You run them son of a guns out. Everything. You get traffic tickets on 'em, ah, every arrest, everything you can find out about them.

In addition to getting the above information, the agent argues that one should "photograph and fingerprint every damn one of 'em." One does this "for your own protection, for your own damn protection. Well, there's three things I've got to have: a photograph, a fingerprint, a signature. And my informants don't want to do that, then they can go work for somebody else. Because there's nobody ever gonna come back on me and say, 'hey I never worked for that dude and I never gave him that information!'" Moreover, in ongoing interactions with the informant it is wise to "tape-record every conversation you have with 'em.'" The tape provides a record of what was said that can be checked against actual events and be used for control purposes and it also protects that agent from informant claims that the agent made

up the information. In controlling low-level street informants, one must also utilize records as a protective device against accusations. In making an arrest of a "street puke junkie" and seizing small amounts of drugs, some agents negotiate out an "introduction" on the spot without making a formal charge (as we have previously noted). In this situation, one agent notes,

...you do have some contraband so you have to make sure that you dispose of that in a manner in which you can clear yourself later if they accuse you of anything. Of course, at some point if you have, you know, two balloons and all you want is to pop that guy and it was an illegal search, and the guy wants to work, he wants to turn people for ya', rather than writing up that report, and not getting it charged at all, whatever, you, debrief the guy you set up some kind of, if he's gonna' do something or introduce another officer or do something under the belief that you're going to take care of his case, well instead of throwing those balloons down the toilet or something you put 'em in a sealed envelope. Say this, it was a legit case (even). Send 'em up to the Crime Lab and write on the envelope 'destroy, no report.' They say, 'yea, what'd you do with them?' I threw them down the toilet. He says, well, the guy says 'no, you're dealing 'em out yourself or you're doing this or that.' And I said, 'I sent 'em to the Crime Lab, and it's up there, numbered and everything so you covered your ass.'

In line with the above considerations, one should note that the informant's criminal record or lack thereof often provides a basis for differential amounts of control and variations in agent laxity concerning informant control and information assessment. For informants who have criminal records, the cost of nonperformance appears to be greater than for the informant who has no previous convictions, or who is operating as a paid informant. The presumption involved is that with previous convictions, and with a record of broken promises of the agent, the sentence received will be greater than with kept promises. In the abstract, the more serious the past conviction was the greater the potential loss to the informant this time around. Even in the instance of an informant who has several convictions for small, petty offenses the cost of an inadequate performance could mean "hard time"

(going to prison).<sup>\*</sup> Thus, in both of these cases, agents appear to have more leverage for controlling informants than in other instances insofar as, of course, the agent can influence the outcome of the informant's case. As we noted in order to keep small offenses off the record, some informants will attempt to work for "future consideration," and in this way reduce the costs to themselves through "insurance."

For informants who have no previous convictions (or one or two minor ones) and "spotless" histories as informants, officers might become lax in their exercise of control over the informant. What is worse, they can also become lax in their assessment of the informant's information. After an informant has successfully provided "good information" that has resulted in strong cases with sizeable seizures time and time again, officers tend to "trust" the informant's information without proper corroboration. In the following example, officers trusted the informant because he was one of their best, had never lied to them, had in fact performed extremely well until this episode. As a result, the agents did not carefully check out the information and acted on it on the basis of his past record:

F: See we had one of our best snitches, we had a falling out with him the other day. 'Cause we caught him lying to us. He didn't lie, he exaggerated. And it really pissed the guys off who were working undercover. Because their logic, whether right or wrong, their logic was, he told us that he had seen 1000 pounds of grass in the house. And then when we hit the house we got 500 pounds. And in going back in saying, where did the other 500 go, he finally says, well

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<sup>\*</sup>Formulae known to officers, district attorneys, and judges allow for some calculation of "what" charges mean. Since frequently informants, as well as others, have bargained their sentence or charge and thereby reduced it, there is a problem in discerning what the offender actually did. By knowing how to selectively read previous convictions, one can infer what the offender had been originally charged with; however, being able to do so means knowing the context of meaning with the jurisdiction. Being able to read the offenders record "accurately" grants the officer greater power in negotiations with the offender for "work" and allows the officer to figure how much he can bargain.

you know I saw that right there and if that's what you saw and if that's what you got then that's what I saw. And they said well didn't you tell us there was this big room full. Well you know it wasn't quite a room full. In fact, wasn't some just sitting in the corner. Well, yea. Well, in fact didn't you know there was no 1000 pounds. Well yea I knew. Well, if you will exaggerate that what will you also exaggerate. So we gave him \$100 and said get out. And if you want to put any deals together you can do them but if you ever fuck up or bullshit us or anything else on one more deal you'll never work for another cop in any agency in anywhere in the State. So go think about it. So you know, everything he did, he was reliable and everything legalwise but it was just had we known what was in there we would have held off until there was more there. And now this is all assumption on our part. And we're assuming that he was hurting for some money and he wanted us to hurry up and hit it.

In other examples, paid informants who have made "over 100 cases" begin telling the officers "how the deal has to go down." Since the informant has been making cases, officers sometimes go along with the informant and thereby lose control of the situation.

Narcotics officers often judge their colleagues on the basis of how they control their informants and their interactions with informants. One veteran narcotics officer in making observations about younger undercover officers indicates, "another thing I would, with the undercover officers themselves, or any officer, if you can't control your snitch, if we're gonna set priorities and all your snitch is doing is weed, you'll either get rid of the snitch or I'm gonna get rid of you." The officer indicated that some of the undercover officers "let the snitches dominate" them, and that in his opinion the officers should be replaced. In another unit, a veteran officer indicated that whether he worked with another officer, gave him information, etc., was dependent upon the officer's behavior with informants. Where the officer was trying to impress the informant, or when the officer talked too much about what he was doing, the veteran would not work with him because of the consequences:



H: But there are guys that talk too much. And, I'm not talking about crook, crooked policemen, I'm talking about guys with big mouths.

R: Yea, just talk.

H: And ah, there are narcotics officers that love to get in with an informant and the informant never gets a word in edgewise. The policeman tells him everything he knows, everything that's going on. And then you start coming up dry on your search warrants and what's happening is the informant's playing both sides of the streets. And we've had that happen many times.

R: Yea because you're giving him information.

H: That's true. But we've also had informants come down here and say, hey I want to work. I know this guy, and this guy. And he's sent by the head of an organization to come down and work for us. That's happened to me twice.

R: And ah, then he gets rid of his competition or...

H: Well he gets rid of his competition plus he learns a lot about what we're working on with him. If he works with the wrong cop. I never volunteer anything to an informant. I ask 'em what they know and that's it.

When narcotics officers are unable to maintain adequate control over their informants, very often peer group pressure results in either the agent being isolated, replaced, or in "resocialization." That is, peer pressure especially from veteran narcotics officers who are seen as "good" officers and from first line supervisors plays an important part in controlling informants. While this is true for all units studied, it is especially salient for units which are investigator centered and have no unit-wide policies by which to abide. Frequently the techniques for controlling informants, even in organizationally centered units, are learned from veteran agents and are not written down. There is a tendency for supervisory staff as well as "good" veteran agents to believe that developing and controlling informants is something that officers can either intuitively do or cannot do. Thus, many successful procedures go

uncoded and are left to verbal communication. Command staff often rely on "pairing" junior people with senior people in the hope that the junior person will learn these techniques. As we noted in an earlier chapter, because of the rotation of single officers into the unit, this type of training appears to be most cost effective. Yet, it is also organizationally sound to have a codified set of procedures and methods available for officers on the most successful ways to control informants. While not true for all informants, it is accurate to say that most informants are constantly testing the limits of effective agent control. While agents serving search warrants behind informant information must be constantly vigilant, undercover officers working with informants must be even more so on guard. Yet undercover officers are in a peculiar position, for they are projecting a bogus front. In these situations control of one's informant is crucial, yet there appear to be times when the informant can violate some of the drug laws and not be arrested.\* These situations can occur when the informant is introducing an undercover officer "around." While undercover officers do not like to have such situations occur, and do not easily talk about them, there are occasions when some drug use by the informant may be essential. That is, in order not to cast suspicion on the officer and the informant, the informant may have to buy and use narcotics.\*\* Such situations put the

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\* This discussion is based upon data gathered by Redlinger in previous projects, and no data of this sort came from the units under study. It is not intended as an indictment of the undercover system but as a description of some of the control problems that can and do arise.

\*\* Dollarville narcotics drug manual makes only passing reference to such situations, and no other unit studied during this study mentioned such situations. However, officers, when "off the record" (i.e., when tape recorders were not running) indicated that they had this problem. The problem is compounded since it erodes the authority of the officer over the situation, and furthermore indicates the helplessness of the officer in the situation.

officer into a dangerous and duplicitous posture. Not only is the officer already operating under a false front, but in addition, in order for the front to be maintained, he must allow felonious acts to be performed by someone nominally a member of his team--a member who he is supposed to have control over rather than the member having control over him. For example, the dealer may desire one of the buyers (the agent or the informant) to "taste" the drugs, or to use some drugs. When the dealer desires the buyer to taste, it is sometimes so that he too can have a taste, gratis, from the goods just sold. While the agent tries to discourage such practices, too much bravado in light of customary practice casts suspicion on the whole operation. Thus, the officer may have to allow a taste, and not to have to taste himself (as might be customary in that circle of the market), he may have to allow his "partner" to stand in for him. These situations are heavily discouraged, but in light of the exigencies of the world, they do occur. Overall they reduce the amount of control the agent can effectively have in an undercover role because of the dependent nature of the front upon others for its maintenance.

In the instance where "tasting" is a common market phenomenon, undercover officers will have to defend against the alteration of the "evidence." One method by which this is done is to purchase the "evidence" and then purchase a smaller amount separate from the "evidence" when possible. Thus, the evidence maintains its integrity, and the agent in his bogus posture can even appear expansive:

A: That's how I do it.

R: Could you, ah, could you tell me that again? I'd like to understand.

- A: Yea, yeah sure. You see I don't want to break open the half, the half is what is gonna' put him up. It's like evidence and you want it sealed, see? So I always sort of announce that I'd like to buy it and like let's buy a little more so you can taste.
- R: Does everybody taste, the dealers I mean?
- A: No, no, not higher up, but these junkie dealers think it's like a commission, like you sell it to them and they make a profit then you show your a good guy by tasting with them.
- R: The buyer gets screwed it seems to me.
- A: Really.
- R: So you buy a little extra.
- A: Well, I didn't used to, but then I got caught in this, ah, situation where like the guy was really heavy about it, like "all my people taste, what are you, the heat?" You know, and like I just learned from that and from making all these other buys that at this level with these guys you have to expect it. In that one instance, like the informant didn't help any, like he was as eager to taste as the shithead I bought it from. I don't use him anymore.
- R: You still working the street?
- A: Yeah, occasionally, like I can't go back down \_\_\_\_\_ 'cause I just about have bought from everyone who sells there and from a few of them three or four times. We're about to do a round-up after this grand jury.
- R: I see, so ah, the deal, let me understand this, the deal is to keep the evidence intact and like let the junkie, ah, the shithead take a taste from a little on the side?
- A: Right, that way he gets his and feels right and doesn't hassle me and like I can keep it all cool. But like this doesn't happen all the time, but like it's common amongst these street guys.

Four situations can arise that erode agent authority. One occurs when the informant purchases narcotics, with his own money, for his own use as part of the overall ruse to create and sustain credibility. A second involves the use of informant funds by the informant to buy drugs for

himself in the presence of the officer. Third, neither of the above is as bad as when the drugs bought with buy money are tampered with and some used by the informant. Finally, none of the above is as terrible as when the informant switches bags of dope on the agent. That such events happen is testified to by a veteran agent:

L: My informants work for me and they understand that right from the beginning; first time they screw up they're out. Simple.

R: And what constitutes a screw-up?

L: An, not the whole truth. See when I debrief an informant it's like this, if the informant goes in and sees an ounce of heroin or an ounce of cocaine, that's what I want to hear about. And I tell him, the first time you tell me you see five ounces to impress me, you're out. And they'll do that. I'll have an informant where I want him to take an undercover policeman in; the informant'll go in and introduce the policemen and switch bags on him. This has happened.

R: Switch, you switch bags of heroin?

L. Well, in, in one case I, well in a lot of cases but one case that comes to mind right now is an informant, you talk about trust. That's done over 150 cases for me. Dynamite informant, dynamite. On 151st buy the informant went in with an undercover police officer and the informant knows, never touch the, the bag, never. Never touch the bag, the policeman gets the bag. Okay, the gal went to sell the heroin, ah, the informant grabbed the bag said, I'm gonna go in the bathroom and check it because she's burned me before, in front of the policeman. Informant went in and ah, in this case I think it was a red balloon, the informant had gone in this residence with a multicolored bunch of balloons in the informant's mouth, switched bag. Came back gave it to the policeman. Ah, balloon full of lactose, okay. That informant is no longer working for this department. And after, like I say, 150 cases.

R: Yea.

L: And I mean good cases. Ah, it's hard to cut an informant like that loose. But if all informants that I've dealt with, and I've probably dealt with, not a great deal but maybe well, maybe 40. Once they go sour on ya, they'll continue to do so. And ah, that's just my experience. I'm not saying that for everybody, but that's, that's my experience.

R: Yea.

L: Or they'll flat lie to ya. They, they know you're interested in somebody and ah, they'll tell ya, hey, I was in the dude's pad, man I saw a kilo of cocaine, Ah, the informant's never been in there. That's why I ask informants about furniture, ah, where the bathroom's located, ah, I'll ask 'em what color carpeting's on the, on the rug. Ah, and if I hit that pad and I don't see everything I expect to see there, the informant'll never work for me again. Ah, but they're crooks, and you treat 'em as such and they, they've got to know that you know that they're crooks.

Some of the controls suggested by the above analysis focus at the organizational level while others are located in agent-informant interaction. Organizationally, informant files when adequately kept, provide a valuable source of control over informant actions. In addition, these files provide a means for administrative checks on how much informants have been paid, by whom, for what; thus, they provide a means to assess the operative direction of the unit and the agents within it. Where rules of control, like rules of payment, are tacitly understood it appears to us to be organizationally feasible to explicate them. Supervisors must be involved in the transactions between agents and informants prior to agreements on what the reward is for what specific performance, and they must take an active role in the decision rather than being passive and "okaying" any and all agreements made. In the units studied, where supervisory control was inadequate or lacking, even the best organized unit suffered severely in its dealing with informants.

On a personal, interactional level, agents must be trained in techniques of interaction control. Informants are not brought into the unit, ongoing cases are not discussed in any manner whatsoever, and information is not volunteered. Moore (1977) argues that the informant must be viewed as a conscript soldier and not by implication as a comrade in arms. Thus, all

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information must be corroborated even though the response time of the unit to the information is reduced. As one veteran agent noted:

If an informant gives you information and you can't corroborate everything that informant tells you, don't do it. And this is where a lot of guys, well you read it in the newspapers, kicked in the wrong door, ah, busted the wrong guy. Shit like that. I don't do anything unless I'm completely corroborated. Any, somebody gives, me even a policeman gives me information, before I'll act on that information I'll corroborate his information.

##### 5. Measures of Performance

Like many other features of narcotics law enforcement, the evaluation of informant performance and retention policies vary with the degree to which the unit is investigator-centered or organization-centered. Units which have unit-wide informant policies are more likely to have a shared set of collective categories for evaluation and for retention. However, this is not always the case. Because agent-informant relations are sometimes considered the agent's personal business, command staff may leave significant control decisions and performance evaluations to individual officers. While this is much more common in investigator-centered units, it can, and does occur in organization-centered ones. Even in instances where organization-centered units have written performance standards and policies relating to retention, they may be vague and non-specific. For example, Dollarville lists as one of its criteria "trustworthiness" and leaves it undefined because investigators are supposed to "know" what this means. In addition, while every informant who is flipped must be approved by the shift Sergeant and the Lieutenant, most are given routine and verbal approval, and there is no written administrative rule that specifies this procedure. The "rule" is known verbally to officers. Thus, officers' interactions with the shift Sergeant and/or the Lieutenant often communicate the bare nature of the case: offense charged, age, race, number of cases that can be



made, and the approval is granted immediately. However, the Dollarville investigators do perform routine evaluations of informants and a record is kept of the evaluation along with a record of payment. Such a system when carefully monitored provides for consistent unit-wide policies concerning performance and retention.

In contrast, investigator-centered units (e.g., Southern City) often have no formalized rules or policies. Because so much is left in the hands of the individual agent, administrators do not see the need for this type of policy. Sergeants may not need to give approval and investigators appear free to develop isomorphic and unique standards. However, in such units, as we noted previously, peer pressure keeps most investigators "in line" whatever the line happens to be. There is pressure on investigators to retain informants who can make cases along the lines of the unit's priorities. In one unit, for example, an investigator's fellow officer audibly groaned when the investigator went for a search warrant based upon his informant's information because it was "another weak case." The investigator was chided to "get some guys who can do junk" and to stop "dealing with assholes." However, in units without shared priorities, peer-group pressure is also weakened. Investigators may not need to make any type of informant evaluation, and may be able to pursue to a large degree their own priorities.

On the basis of the data we have gathered, it appears that units that have explicit policies concerning informant performance have greater span of control over the use of informants and information. More likely than not, in such units, informants belong to the unit and their information can more easily be pooled. That is, it is easier to have an "intelligence" function. Moreover, it becomes more practical for agents to direct informants toward certain established targets whether they are organizations, areas, or types of drugs. Where agents are also properly trained and evaluated in the control of informants, the sharing

of information and the solidarity of the enforcement team is greatly aided. In such units an intelligence function can be performed which presents a truer picture of the market, and this is, in our judgment crucial to any enforcement effort.

Performance evaluations for informants should include, but not necessarily be limited to the following:

- Amount of evidence seized
- Number of persons arrested
- Number of cases pending
- Time lapses between cases
- Degree to which information given is reliable
  - a. can be corroborated
  - b. is accurate
  - c. is specific
- Degree to which informant is cooperative and follows the orders of the agents in charge.\*

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\* Thomas Avdeff (see Lentini, 1977: 180-186), in 1973 argued through an internal Orange County district attorney's document that enforcement agencies should submit to the District Attorney's office, in effect, a copy of the informant file. While from a legal point of view, this moves the locus of control from police to the District Attorney's office, it also poses a potential breach in security with regard to the protection of informants. It increases the needed cooperation between the District Attorney's office and the enforcement agency. It also presumes that the security of such files in the D.A.'s office will be adequate. We do not agree with this idea, but do support the idea that selected and trusted members of the District Attorney's office should be allowed access to informant files.

First it makes unnecessary paperwork; second it provides for two sets of documents in different places--one of which is political in nature. Third, all documentation needed can be kept securely in the police files and can be made available to the attorneys when necessary. What must be kept in mind is that while the judicial branch of the State should act as a check of unnecessary police practices, the police are not to become functionaries of the judicial branch. Thus, we do not believe that the policies promoted by Lentini and Avdeff (in Lentini, 1977) are necessarily wise. Perhaps only in instances where the police demonstrate conclusively that they cannot handle and maintain adequate files are such policies necessary, for as a practical matter police know more about enforcement and its contingencies than lawyers. On the other hand, lawyers usually take a legal point of view and without complete cooperation between attorney's and police, breaches can and do occur.

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## VI. SELECTED RECOMMENDATIONS

This chapter presents recommendations for the organization, activities, and enforcement strategies of a narcotics unit. These recommendations were selected from the preceding chapters and are supplemented from notes on field observations and interviews. Of course, the recommendations are not exhaustive. The reader who covers the entire report in detail or who may focus on certain chapters in the report will, no doubt, find other recommendations or perhaps identify themes which will suggest additional specific recommendations. It is hoped that the entire report will also serve this latter stimulus function for readers. These recommendations then are meant to highlight, in summary fashion, the salient points of the report.

### A. GOALS

Recommendation: Enforcement goals for a unit should be formally stated. The stated goals of the unit should be compared with the available resources to achieve those goals. Adjustments should be made where there is a disparity between stated goals and available resources to achieve those goals. The achievement of goals should be monitored and the cost incurred in achieving those goals should be noted. This will provide a basis on which to assess the cost effectiveness of enforcement strategies employed.

"...they must reexamine the goals and the strategies they use to achieve those goals. The essential policy question to be asked is, 'what do we want narcotics enforcement to accomplish and how many resources must be invested to achieve those ends?'" (p.90)

"Administrators of narcotics units must look at the implications of their fiscal affairs for their operative enforcement polices. Where the goals are out of line with resources available, adjustments should be made." (p.91)

Recommendation: Goal-setting for narcotics enforcement should not be wholly based on perceived public concern with types of drugs and violators. Rather, goals and priorities should be set on an organizational level based on some empirical demonstration that the goals targeted are realistic, and by some criterion, important. This will serve to relieve the unit, to some extent, from the distracting and disruptive external and internal pressures to seek other less important goals.

"...perceived external and internal pressures and assumptions about the effects of enforcement have important consequences on drug law enforcement." (p. 60)

"...the objectives of the unit are unwritten and are vague responses to police (the Commander in this case) perceptions of the public concern with types of drugs and types of violators. This sense of objectives is communicated indirectly to the officers by the Lieutenant who has developed an operational list of targets." (p. 112)

*Recommendation Caution:* While police should be responsive to public concerns, it is suggested that, based on empirical assessments of the problem (rather than on others' perceptions), the unit will be more able to defend and maintain its goals and operations against various public and political pressures. Public concerns should not be ignored but rather be assessed carefully, put into proper perspective, and dealt with.

*Recommendation:* Goals should be written. This allows the goals to be commonly reviewed and shared. Written goals also provide a baseline for assessment of goal achievement.

"...the advantage of written goals and objectives is that one can assess accomplishments against them and change strategies and tactics accordingly." (p. 56-57)

"...the degree to which the organization can control and monitor decisions in the allocation of resources is an index of their efficiency." (p. 230)

*Recommendation Caution:* Written goals need not be viewed as being carved in stone, never to be changed. They should serve as guidelines to activity, be constantly reviewed, and changed when the situation warrants a change.

*Recommendation:* Units should share enforcement goals (for example, targeting). This should lead to more effective enforcement activity.

"The extent to which sergeants are able to constrain their squads to work on a given target, either collectively or individually, is the most important single variable in narcotics enforcement. Further, most sergeants do not make such attempts, rather they allow officers some freedom in the choice of cases, because individual rationales and justifications for the work become important for the maintenance of morale and for group cohesion." (p. 112)

*Recommendation Caution:* Unit sharing of goals should not be defined so narrowly as to preclude individual choice and decisionmaking by agents within the context of the goals shared by the unit.

## B. ORGANIZATIONAL CONTROL

Recommendation: The organization-centered mode of control is more desirable for a narcotics unit than is the investigator-centered mode (see Figure I-1).

"Further, throughout this report, we assert that the organizational capacity to control the actions of investigators is an important feature of effective narcotics enforcement. Organizational control reduces the freedom of the investigator to choose, work and close his targets within his own frame of reference. If he does so, he need not consider any collective organizational purposes." (pp. 46-47)

*Recommendation Caution:* The organization-centered mode of control is a matter of degree. Overcontrol in this mode, will, no doubt, result in reduced agent productivity.

## C. ROTATION

Recommendation: Rotational policies in a narcotics unit should be calculated on the basis of the stresses, tensions, and opportunities for corruption experienced by the street agent. The office agent is largely immune from these "street" pressures. (p. 174)

Recommendation: "Units must keep in mind the overall organizational features they desire when establishing turnover; otherwise, they will be unsuccessful in achieving their goals." (p. 181)

"...Administrative Rotation, when coupled with Promotional Rotation, can result in department-wide turnovers that effectively allow the power of policy decision to accrue to sergeants." (p. 175) Such turnover also often results in inconsistent policies as they are developed or selectively applied ad hoc by new commanders. Frequent policy changes result in a variety of unit inefficiencies.

"The forced rotation of first line supervisors (sergeants) and higher command staff does appear to allow for the growth of the policymaking power of members of the lower echelons. In units that are highly investigator centered, rotation can result in policy being made effectively at the individual investigator level. That is, each investigator, as long as she or he produces, is left to his own devices. Similarly, when sergeants become the locus of policy power within a unit, they can have their squads pursuing divergent aims, or aims which they, and not the unit as a whole, wish pursued. When two sergeants are pursuing divergent aims, or when one has a policy orientation that is different from the other, and especially when the command is either not aware, unwilling, or unable to resolve this divergency, certain organization tensions inevitably result which effect unit performance. (p. 178)

#### D. INFORMATION AND RECORDKEEPING

Recommendation: "Where a steady rate of turnover of personnel is desired, narcotics organizations must also develop a structure that allows for continued information transfer. This means that it must be collected, and stored within the organization rather than individuals." (p. 180)

Recommendation: Investigative case files should be developed and maintained for use with arrest case files and intelligence work. Such files could be kept for a period of six months and then destroyed after relevant information has been transferred to other files. (p. 185)

*Recommendation Caution:* While it is useful, for a variety of reasons, to keep files documenting a case, such records may work to the disadvantage of the narcotics unit (for example, may be subpoenaed; the person under investigation may ask to see records under the Freedom of Information Act; and so forth). A recordkeeping system should be formally developed after careful assessment of the various disadvantages and vulnerabilities of such a system have been fully explored.

Recommendation: Record files should be organized so that they are cross-indexed for maximum usefulness. (p. 234)

Recommendation: Have at least one person on each shift who is knowledgeable about information retrieval (computer terminals and the like) in order to obtain information for agents. (p. 186)

Recommendation: A formal intra-agency information sharing policy should be developed in order to share relevant information with other units such as burglary and robbery. (p. 184)

*Recommendation Caution:* When the use of such information is tied to performance measures (such as getting credit for an arrest), the information will not be freely shared.

#### E. INTELLIGENCE OFFICER

Recommendation: Provided the unit has the resources, at least one agent should be assigned as a full-time intelligence officer.

"The intelligence officers, if they existed, would be responsible for maintaining intelligence files, debriefing agents about their cases and other information, correlating information, developing leads, setting targets, and in general for turning information and intelligence into a coordinate unit effort." (p. 119)

## F. UNIT LOCATION AND LAYOUT

**Recommendation:** "There was almost unanimous agreement among the agents in all sites that the unit should be located away from the police headquarters." (p. 206)

*Recommendation Caution:* Being away from the main headquarters creates ecological barriers to maintaining intraorganizational relations. In such a situation, plans should be developed for monitoring the unit's activities in order that they do not become organizationally autonomous.

"Where organizational units are both ecologically isolated and formal modes of information-sharing are not well developed, they tend to be organizationally very autonomous and potentially isolated from informal and formal information flow." (p. 235)

Sharing information with other units in the organization is still possible (for example, through the intelligence officer) despite being located away from police headquarters.

**Recommendation:** The spatial design of the unit office space should permit isolation of arrestees and informants from the agents in the unit. (p. 208)

## G. RECRUITMENT

**Recommendation:** Females and minority males and females should be recruited for narcotics enforcement when possible.

"There was recognition by each unit that minority group agents (blacks, Chicanos, etc.) could in most cases best penetrate the drug markets of that minority and that female agents facilitated narcotics undercover activities for male agents in any drug market as well as being able to make buys on their own." (p. 35)

"Matching agents to undercover assignments by race appears to maximize the success of the undercover activity particularly in cases where black dealers will only deal with blacks." (p. 36)

"Teaming a female agent with a male agent gives the male entrée to a variety of situations in which suspicion is reduced by the presence of the female partner. Perhaps the success of the female agents can be, in large part, attributed to the fact that there are very few female agents and therefore the person trafficking in drugs may not suspect that a female is a police officer." (p. 36)

**Recommendation:** In recruiting a potential narcotics officer, make a careful assessment of the strength of the officer's family relations and of the spouse's understanding and acceptance of the role of a narcotics agent. Since narcotics enforcement puts pressure on family relationships, the strength of those relationships is an important factor in choosing the officer. (p. 134)



## H. TRAINING AGENTS

**Recommendation:** A suggested desirable sequence for training (when possible) is to:

- 1) Send the new agent to DEA school or the equivalent to learn about drugs and basic enforcement procedures (the school should be reasonably short in duration so as not to keep the agent from his or her full-time duties).
- 2) Place the new agent with the office crew in order to learn about unit requirements and paperwork. This also serves to teach the new agent the value of paperwork for completing a successful case (that is, through the prosecution stage). If the office crew is involved in conspiracy cases, the new agent will learn different investigative techniques from working the street.

**NOTE:** Points 1) and 2) are interchangeable. That is, 2) may precede 1).

- 3) Place the new agent on the street with an experienced partner who will complete the training (see Figure IV-1 on training models).

*Recommendation Caution:* The above training sequence assumes that the need for the new agent will not be so great that he or she must be put on the street immediately. The above sequence also assumes that the unit does not have a high rate of turnover, in which case a more formal model of training would best apply (see Figure IV-1).

## I. EQUIPMENT

**Recommendation:** The undercover cars available should number about 70 percent of the total agents who routinely need a car for their field work--that is, surveillance, buys, and the like. (p. 193)

*Recommendation Caution:* Obtaining and maintaining a large number of undercover cars is usually a large budget item.

**Recommendation:** Undercover cars should not be detective cars that can easily be identified as police cars on the street. All types of cars and vans are needed--old and new. Sometimes cars must be matched to the type of narcotics deal being made. (p. 195)

**Recommendation:** Undercover cars need to be changed periodically (perhaps annually or when the need is indicated). The use of rental cars is a possible solution to the frequent need for different cars. (p. 197)

Recommendation: Each unit needs special telephones. There should be a special phone or phones for informants which would allow them to call the unit without dialing a city or police prefix number. This number should be changed periodically. (p. 205)

A special line should be available for drug dealers to contact agents who are going to make buys from the dealers. Again this number should not be identifiable as a city or police prefix number. This number should be changed periodically. (p. 205)

Recommendation: The unit should have its own radio channel with a scrambling device to protect against the channel being monitored by potential arrestees. (p. 197)

Recommendation: When eyeball surveillance is not possible, agents should routinely use body mikes in making drug deals (for the protection of the agent). (p. 199)

*Recommendation Caution:* Many body mikes provide poor transmission and thereby become useless. A body mike can be easily neutralized by turning up a radio or hi-fi in the room in which the wearer is present. Also, relatively inexpensive electronic detectors of body mikes are widely available to the public.

Recommendation: The control and maintenance of electronic equipment should be the responsibility of the unit. If additional control is desired, permission to use the equipment could be obtained from a superior officer outside the unit. (p. 202)

Recommendation: One officer or agent per shift should be made responsible for controlling, maintaining, and instructing agents on the use of the electronic equipment. (p. 203)

## J. INFORMANTS

Recommendation: A record of the agreement between the informant who is working off a charge and the narcotics agent or unit should be kept on file. Such "contracts" may be renegotiated at any time with the approval of the investigator. (p. 320)

Recommendation: Agents must be carefully trained in techniques of informant interaction control. Hence, a new agent should be under the control of a more experienced agent when the new agent is dealing with an informant. (p. 336)

Recommendation: At least two agents should work an informant (preferably partners) in order to provide an uninterrupted relationship with the informant (in the event that one of the agents takes a vacation, is rotated, or the like). (p. 304)

Recommendation: In dealing with informants the unit should:

- 1) centralize and integrate the information the informant provides, particularly information that may be peripheral to the case being developed; this task could be handled by an intelligence officer;
- 2) develop a standardized schedule of informant payments;
- 3) develop a unit-wide set of performance criteria for the informant (p. 339).

Recommendation: The unit should have some form of informant files and records.

"Informant files and records provide for a means of control because they allow for a history of the informant's performance to be constructed. Not only does the unit then know how the informant performed in the past, but each investigator can track the informant through other officers that might have handled him/her." (p. 326)

"Informant files serve a number of useful purposes, one of which is to give protection to the agents when dealing with informants by providing an accurate record of contact, payments, etc. In addition, the files can provide an accurate record of informant performance that can be utilized by the unit. This is valuable because of the rotation of the agents within the unit. When agents are gone, there still remains a record of the informant actions. In addition, the record is available if and when other narcotics agencies desire some information about the informant performance." (p. 255)

"The instructive point to be made is that informants become organizational property not individual property. Intelligence information, rather than filed in personal files, should be organizationally filed. In fact, all case data must become available unit-wide so that the loss of the officer making the case does not necessitate the loss of the investigation." (p. 180)

*Recommendation Caution:* Guarding the identity of the informant is paramount. Effective administrative control over the informant files reduces the chance that unauthorized persons will learn the identity of the informants. For example, the District Attorney's office should not receive duplicate informant files. While certain members of the District Attorney's staff may have limited access to the informant files, those files should remain solely under the control of the narcotics unit. In sum, when there are informant files and information records, they must be stored in a secure place and be protected from subpoena.

Recommendation: Longtime and "reliable" paid informants should not be treated in a lax manner so that control over the informant is lost. The informant's information should always be corroborated. The informant should not be allowed to dictate "how the deal is going down." (p. 329)

Recommendation: It must always be assumed that the informant is providing information about the unit as well as providing information to the unit. All opportunities for the informant to pick up information about the unit should be limited (for example, by isolating the informant on visits to the unit office). (p. 326)

#### K. SEARCH WARRANTS/RAIDS

Recommendation: The raid routine and equipment (such as hats, jackets, and the like) should firmly establish that the agents are police officers. (p. 209).

*Recommendation Caution:* In some instances such identification may lose the agents the element of surprise. This will have to be weighed against the need to establish identity as police.

Recommendation: Certain agents from each shift should be specially trained in the use of a shotgun. These agents would be the only ones authorized to have a shotgun for a raid. If difficulties are anticipated in the execution of the search warrant, a SWAT unit should be requested to accompany the agents. (p. 209)

#### L. CHAIN OF EVIDENCE

Recommendation: The shortest chain of evidence possible should be developed.

"The very short chain of evidence. . . is optimal since the crime laboratory almost immediately establishes the characteristics of the drug evidence (quantitative or qualitative characteristics) which should, by reasonable expectations, set a measurable standard for tracking the evidence and serve as a deterrent to tampering with the evidence." (p. 247)

#### M. SHIFT SCHEDULES

Recommendation: Shifts should be as flexible as possible. This will help to relieve the overtime problem by allowing agents to coordinate their paid working hours with case developments. Flexible shift schedules will also aid the unit in being responsive to the contingencies of drug market activities.

## N. CORRUPTION

**Recommendation:** The narcotics unit should avoid, whenever possible, doing a job without adequate resources being allocated for that job. Great strains and temptations result from trying to do a job without proper resources. Such a situation is often the basis for corrupt practices.

"In situations where money for informants is scarce and the pressures for enforcement necessitate the continued use of informants, there is a strain toward [unprofessional and dubious] practices which may lead to corruption." (p. 285)

## O. INTERAGENCY RELATIONS

**Recommendation:** In order to strengthen relationships with other narcotics enforcement agencies, the following might be done: (pp. 181-182)

- 1) Develop a formal agreement for sharing information. This could build interagency trust and result in joint investigations.
- 2) Share agents on temporary assignments to the other agency. This often serves to build a personal and trusting relationship.
- 3) In order to reduce jurisdictional disputes, have agents, where possible, deputed and authorized to operate in adjacent jurisdictions. When possible, inform the jurisdictions that agents will be working in their territory.
- 4) Develop formal rules and procedures for sharing cases, information, money, equipment, and personnel.
- 5) Develop formal rules for joint investigations in which arrests occur. Who gets credit for the arrest? (Both agencies could claim credit for their records without conflict.) How will the publicity be handled? Who controls the evidence and prisoners?

*Recommendation Caution:* Interagency cooperation appears to be built more firmly on interpersonal relationships than on sets of formal rules developed between the agencies. Personal grudges, withholding information, taking cases or credit for cases, and the like often seem to dominate such agency relationships. Building a firm relationship will have to proceed slowly and cautiously.

Recommendation: The unit's relationship, with the prosecutor's office could be strengthened by: (p. 183)

- 1) Getting clarification from the prosector about procedures and paperwork necessary for the maximum likelihood of prosecution.
- 2) Monitoring cases sent to the prosecutors and providing feedback to agents about case outcomes (plea bargained, dismissed, or sentenced).
- 3) Having a legal liaison from the prosecutor's office give the unit periodic updates and reviews of changes in the law pertaining to their enforcement activities.

*Recommendation Caution:* The prosecutor may back off from the relationship if he feels that the unit is not being responsive enough (for example, if the unit's paperwork fails to improve). The impetus for a good relationship and its maintenance will have to come from the narcotics unit, not the prosecutor's office.

APPENDIX A

RESEARCH METHODOLOGY FOR STUDY

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A. Site Selection

In general, there were four criteria utilized in site selection. First, we desired narcotics units that were in cities ranging between 150,000 and 900,000 population. This criterion includes many of the larger American cities as well as 'medium sized' cities in which there could exist enforcement activities and problems with opiates (see for example Greene et al., 1974). Many of these cities are located within metropolitan areas that are much larger in area and population, and thus have in addition to enforcement problems, jurisdictional ones as well. It was important to the research to have sites that had attempted to work out, or had worked out jurisdictional problems.

Secondly, we desired cities which were either primary entry points, "border cities," and/or major transit centers or distribution points. For example, using the first criterion, we could have selected Austin, Texas (1973 estimated population 294,000); however, this city is not a major distribution center, but rather appears to receive opiates from other cities. As Greene et al. noted for Austin: "Heroin is reportedly all of the 'brown' variety (no laboratory analysis data were available). This heroin reportedly enters the United States through many Texas/Mexican border communities, of which San Antonio was the most frequently mentioned." (1974:15). San Antonio was a major distribution center and as an interface of both racial/ethnic and military/civilian groups would be a "better" choice because it appears that the major problem of controlling supply lies in cities like San Antonio that are either primary entry points or



major distribution centers. These cities (metropolitan areas) usually have large addict populations and serve as business wholesale centers for distribution to smaller cities in the market chain. They represent target cities in which control has been attempted and would, therefore, have police organizations with developed capacity to enforce heroin laws. They would be cities in which the focus of research, opiates, are more likely to be of concern to police departments (among their top priorities) and the patterns of use would be better established, as opposed to a chaotic, rapidly changing, and "epidemic-like situation." The latter pattern is far more difficult for the police and less likely to be the basis for stable "strategies," which, we hoped, could provide a description and measurement in terms of their impact or costs.

Thirdly, since usually two researchers would be working a site, it was decided that we would want narcotics units that were manageable. In viewing the pilot site work, we decided that thirty persons in a unit was an approximate maximum and eight to ten was a minimum. This would permit researchers to establish rapport with unit personnel, interview all members of the unit, collect necessary records, and make observations within the time constraints of the on-site work. The sites chosen conform to this criterion. Dollarville and Southern City were on the high end of the criterion and Bay City and Gotham Minor were on the low end.

Finally, we desired a geographical distribution of sites across the United States. Ideally, we would have desired to have more sites overall, but within the budgetary and time constraints, the six sites finally selected represented most of the areas of the country (within the parameters of the first three criteria).

## B. Entrée to Sites

The literature on gaining access to organizations in general, and police organizations in particular indicates that it is best to begin gaining access from the top of the organization downward through succeeding levels.\* Since most often, the focus of the study is at the lower levels of the organization, higher echelon individuals have less concern about the effects of the study on them per se, have more concern about the effects on the organization, and appear to be about as equally concerned as those lower level individuals with what the outcomes of the study are to be, who is to have the information, and the manner in which the information is to be gathered. The study must be plausible and make sense as something that will benefit either that specific organization, or other organizations like the one under study. Moreover, at each level of the organization where gatekeepers to access exist, the priorities attached to each set of issues change. Whereas the upper level gatekeepers are less worried about themselves, and more about the image of the organization as a whole, lower level gatekeepers are worried about the image of their units, and, perhaps, their own image. This latter concern, however, is double edged, for were they to deny access to the research, they must have reason; but on the other hand, if they grant access, they must worry about the consequences for the overall performances of their unit.

In the following, we wish to indicate the variations in access and some of the problems that arose. We attempted to access eight research sites and were successful in seven cases (87.5%). The first site that the

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\*See, for example, Dean et al., 1969, Skolnick, 1975. For a conflicting perspective, see Dalton, 1959.

research team attempted to access had been previously studied by a member of the team ("Macho City"). He sent a copy of the proposal to the department and later personally discussed the research at length with the Lieutenant in command of the Narcotics Section, and the Captain over the division in which the section was housed. Both agreed that the researcher, alone, was welcome back "anytime," but that the division had been "studied out." Upon inquiry, it was discovered that another research group studied the department and had in the department's perspective violated the confidentiality of the data by leaking portions of the "findings" to the city council. We did not attempt to obtain any evidence concerning this incident, and since the unit was open to the researcher in an individual capacity only, the research team was in effect denied access. This site was to be the 'pilot' site in which data categories, strategies and tactics of research, etc., were to be refined. Thus another pilot site needed to be chosen.

In gaining access to the pilot study ("Dollarville") narcotics unit, six succeeding levels of authority were encountered. Perhaps, one of these levels was unnecessary; however, as will be demonstrated below, it was this level which provided initial contacts for the study, and it was at this level that the study team already had access through previous contacts. The use of existing contacts was not unique to this study of policing. Skolnick (1975) utilized a similar method for accessing first the Chief of Police at Westville, and then almost the entire department.

The six authority levels which the study team dealt with were:

1. the Assistant City Manager for Police;
2. the Chief of Police;
3. the Planning and Research Division;
4. the Director of the Vice Control Division;

5. the Lieutenant in charge of the narcotics unit; and
6. the sergeants and officers of the narcotics unit.

Since the study team member who had contacts with the "Macho City" department also had previous contacts with the "Dollarville" department through the City Manager's office, it seemed natural to discuss the project informally with the Assistant City Manager for Police. A meeting was arranged at which time questions concerning the sponsorship of the study, the funding, and the use of the results were discussed.\* A copy of the research proposal was left with the Assistant City Manager for his consideration, and the study team member was available to answer any questions that he might have. Soon after this initial contact, a meeting was held between the study team member, the Assistant City Manager, and the Chief of Police to discuss the study. Questions concerning access, funding, purpose of the study, and the use of results were discussed. A principal concern was about the length of time necessary to complete the study. After these questions were answered, the Chief willingly gave his approval. Shortly thereafter, the team contacted the Chief's office and found that he was out of town, but that his assistant would provide help. A visit with the assistant resulted in the discovery that the assistant Chief knew nothing of the study. His examination of the formal letter granting access revealed that, although signed by the Chief, it actually emanated out of the Research and Planning Division. Contacts with the Captain in charge of the Division were made immediately. The next day the member of the study team met with

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\*Manning (1972) indicates that questions concerning sponsorship are of primary interest in gaining access to police organizations, especially for large research enterprises employing more than one researcher. Not only must the researchers be legitimate but, in addition, the organization must have legitimacy, and the funding source and the overall goals must appear credible.

the Captain who had briefly examined the study proposal and basically wanted a short briefing on the nature of the study, its methods, the time frame involved, and the use of the findings. The same answers were given to these questions-answers which are outlined in the proposal itself. On explanation that the study team was ready to begin the study, the Captain indicated that the Chief was out of town, and that it might be best for the team to meet with the Director of the Vice Control Division to explain it, since the Captain believed that the Director had not heard anything about it previously. The Captain could not contact the Director so another meeting was scheduled for the following week with the Captain and the Director. At the time of the meeting, the Captain was unable to locate the Director and the apparent explanation was that the Director was teaching a school for officers. The Captain assured cooperation and suggested to the team that it meet directly with the Director.

The meeting with the Director of Vice Control Division was attended by two members of the team. The team reviewed the purpose of the study and the types of data that would be needed. The Director was interested in the team's backgrounds, and that we would not get in the way of his officers. He also wanted to assert that he had final authority on what we could do and the types of information he wanted us to have. After a one-hour meeting, the team was introduced to the Lieutenant in charge of the narcotics unit who was most agreeable to the study. The Lieutenant introduced the team to each of the sergeants. The next day, the third member of the team was introduced into the setting, and he spent time with the Director, interviewing him while the other members continued their integration into the narcotics unit by interviewing the Lieutenant and learning about the policies of the unit. Gradually, the sergeants became familiar with each

member of the team. That is, the Lieutenant did not gather the section together and explain to them in total what the study was about; instead each officer learned about the study either in a small group or alone. The study team members used one of two approaches; ask the Lieutenant to introduce them to the men currently in the office, or approach a sergeant or an officer and arrange for an interview. The team members made it a point to go out to lunch with men in the unit whenever possible. In one instance, the Lieutenant and a team member went with one Sergeant to lunch after which the Sergeant gave a two-hour interview, and generally was most supportive of the study. Overall, three of the four sergeants were supportive or enthusiastic about the study and one was not. That is, while not hostile to the study, the Sergeant did not make the attempts the others did to aid the team into general acceptance by the officers. The officers themselves were generally open and accepting after they understood the nature of the study.

As can be noted, this initial pilot site was simultaneously observed by three researchers. We found that three researchers on-site tended to "crowd" the unit and lead to some data "inefficiencies" if care was not exercised.

Access to the Desert City unit was accomplished "cold." That is, we had no previous contacts with anyone in the Department and so initial contact was made with the Chief of Police by one of the study team. He simply went to Desert City armed with a copy of the research proposal and a copy of the preliminary report on the pilot site, and called the Chief "cold" requesting to see him.

The study team member explained the nature of the study over the phone and the fact that the team was most desirous of studying Desert City. The

Chief granted an appointment for the following day which was attended by the Captain of the division within which narcotics was housed. The appointment lasted approximately two hours and the team member attempted to answer questions concerning the data desired, the time required, what the starting date was, whether the team needed work space, etc. The copy of the preliminary report was left for the perusal of the Chief and the researcher encouraged the Chief and Captain to call the Dollarville narcotics unit if there was any question. After the meeting, the Captain asked the researcher if he would like to see the narcotics unit and be introduced to the Lieutenant in charge. The researcher discussed the study, its goals, etc., with the Lieutenant and one of the sergeants.

The researcher was to call back the next day to ask any additional questions, if there were any, and to find out if access would be granted. It was indicated that unless something unforeseen came up, access would be granted. Later a letter stating the same was sent to the researcher. The researcher then wrote and called the Captain in charge of the division when the research was to begin.

Initially, this researcher operated onsite for approximately one week before the second researcher arrived. This allowed for the development of "working relations" between the researcher and the Lieutenant, sergeants and several of the officers. The second researcher stayed approximately one week on-site and the third came for two weeks.\* Table A-1 lists the researchers by site and the work hours on site.

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\* A workable sequence seems to be a period of one to two weeks with the initial researcher, then the introduction of the second researcher, with the arrival of the third investigator four or five days after the second researcher. Such a sequence allows both the researchers and the narcotics unit being studied to accommodate each other. While this is the ideal schedule for three researchers working on a site, the ideal number of researchers working a site appears to be two.

Table A-1

Total Hours and Number of Person Days Spent  
on Site by Research Team for Six Units<sup>a</sup>

| Site          | Research Team  | Total Hours & Person Days |
|---------------|--|---------------------------|
| Dollarville   | Redlinger<br>Williams<br>Manning                     | 402 hours<br>48 days      |
| Desert City   | Redlinger<br>Williams<br>Manning                     | 342 hours<br>36 days      |
| Gotham Minor  | Williams<br>Manning<br>Research Asst. (1)            | 187 hours<br>23 days      |
| Columbia      | Manning<br>Williams                                  | 182 hours<br>26 days      |
| Bay City      | Redlinger<br>Williams                                | 221 hours<br>28 days      |
| Southern City | Williams<br>Manning<br>Collins<br>Research Asst. (2) | 325 hours<br>34 days      |

<sup>a</sup> Hours on site are defined strictly; that is, it includes only the actual hours in the unit and/or with officers whether observing, socializing, interviewing, etc. Excluded, for example, are hours spent during the course of the observational period listening back to tapes, or time spent in conference with each other about the research. Hence, these hours are not representative of the actual hours spent in doing the research, but are only a measure of the data-gathering time in the city, with the officers or in the office. Ratios of one to five or six have been suggested as a realistic estimate of the time required to write up and reduce such data after they have been gathered. For every hour on site at least six were spent analyzing the materials.



The researcher listed first initially visited and obtained entrée to the site and was responsible for making sure all data desired was collected (e.g., budget materials, records, interviews with all personnel, observations of raid planning, actual raids, and all other critical and key events). This procedure allowed for one researcher to be responsible for the site and supported by others, for sites to be worked simultaneously, and ensured that all data necessary would be collected.

Entrée to the Gotham Minor narcotics unit was based on contact with one of the unit's investigators in Denmark a year prior to requesting access to the unit. One of the researchers was attending a criminal justice seminar in Denmark during the summer of 1976. He met the investigator at the seminar where they observed the Copenhagen narcotics unit for a week. During their stay in Denmark they discussed the possibility of studying the Gotham Minor narcotics unit. Upon returning to the United States the study team member investigator kept in touch. The investigator offered to make preliminary inquiries on behalf of the research team to the Gotham Minor Police Chief. Since the police investigator's father was a Deputy Chief in the same department, communication between the investigator and the Chief was facilitated. Based on information supplied to the investigator about the study (a copy of the research proposal and a copy of the LEAA news release on the grant award) which was passed on to the Chief, the Chief gave his permission to study his narcotics unit. This permission was given in late October 1976. Due to prior commitments at another site, work at the Gotham Minor site began in mid-April with a two-day preparatory visit to the police department.

Initial contact in the department was with the Deputy Chief, who introduced the Captain in charge of the Organized Crime Division (made up

of the vice and narcotics squads). Later there was a meeting with the Chief, who was interested in and supportive of the research. It was learned sometime later that the Chief had a degree in sociology from Gotham Minor University which in part explained his understanding, interest, and support for the research. The Chief kept the Organized Crime Division under his personal control by making some decisions about the operation of the unit and by having the Captain report to him daily. Data collection at this site then was highly contingent upon messages relayed to the Chief and the decisions made by the Chief. Although this was a slow process, all data were made available.

Two sites were accessed through the aid of a member of the advisory board to the study. After discussing the site criteria with the advisory board member, he indicated that he would aid the researcher in gaining access to either or both sites. At that time, the researcher decided to attempt to gain access to both sites. Copies of the preliminary report along with explanatory letters were sent to the advisory board member who arranged meetings with the officials in both departments. Since the advisory board member was working for one of the departments and had worked for the other, he was known to both. The meeting with the Chief of the Bay City department lasted 1-1/2 hours. It was clear that the Chief had read the preliminary report and had thoughtfully considered the research. He made several most useful comments about the proposed research and then proceeded to discuss the nature of the department in general. Finally, he asked the researcher "when do you want to start?" There is no doubt that the advisory board member facilitated access to Bay City, but in addition, the Bay City Chief was most receptive to the study.

A similar process occurred at Hillville which is near Bay City. There, however, the meeting was not with the Chief but with a Deputy Chief. The discussion about the research proceeded along similar lines: how much time it would take, what types of materials were needed, etc. The access problem in Hillville was seen principally as twofold. First, while the Chief would be agreeable to the study, the Captain over the Narcotics unit was viewed as reluctant, and second, there was some concern that the study would be seen as "coming from on high." There was concern for how the study team would handle this problem and the researcher replied that usually with time, the unit realizes the study is legitimate and not an attempt by the administration to review the unit. The next day the researcher was informed that access would be granted, and there is little doubt that the advisory board member was a key reason why. However, because of budgetary and time considerations, the study team was unable to research Hillville.

As in the case of Gotham Minor, the accessing of Columbia began approximately one year in advance of the research endeavor. In the spring of 1976, one of the study team was a visiting Professor at Columbia State University and during this time, he became acquainted with the legal advisor for the Columbia police department. Through this contact, the researcher met with the Chief and the Captain over the Vice Control Section in the spring of 1976. The discussion at this time was most general since the research had not yet been funded. Approximately nine months later, after the Dollarville pilot site had been completed, the study team selected Columbia on the basis of the aforementioned criteria.

The study team member contacted the legal advisor and by mail sent him materials describing the research; the legal advisor then arranged a meeting

between the Chief, Deputy Chief, Captain and the researcher to discuss the study. Prior to the meeting, the researcher had a long telephone conversation with the Captain concerning the research perspective, methodology and the types of activities involved (the Captain was working then on his Ph.D. at Columbia State in urban studies). The meeting lasted approximately 1-1/2 hours at the end of which the Chief deferred to the Deputy Chief the decision as to whether access would be granted. The Deputy Chief decided to study the issue and wanted to read the Dollarville pilot report. The meeting broke up and the researcher spent some additional time discussing the research with the Captain and Deputy Chief, who was concerned about the potential political impact of the research, given the current political climate in the State. The Deputy Chief indicated that he would make a recommendation sometime the following day.

During the afternoon of the next day, the researcher was unable to get in touch with the Chief, but did talk with the Captain. In fact, the interviewing of the Captain began even before "official" word from the Chief's office was received. By the middle of the afternoon, word came from the Deputy Chief's office officially sponsoring the research, and the data collection proceeded immediately. This last fact is in contrast to all the previously discussed sites. That is, this was the first site (and only) site in which data collection began immediately after access was granted. In the others, because of prior commitments or because of research planning, a period between the granting of access and research start up existed.

Entrée to Southern City was achieved through a lengthy chain of contacts beginning with acquaintance in the LEAA office of Southern City. The team decided to approach Southern City indirectly since there had been a recent

flareup between the Mayor's office, the Police Commissioner, and the Police Chief. There had been a confrontation in which two contenders for control of the police had, in front of the news media, ordered each other arrested for refusing to vacate an office to which they both laid claim as police administrators. The confrontation was a special embarrassment to the police and served only to split the loyalties of some members of the department, which resulted, for a variety of reasons, in discontent and low morale on the police force. This called for special information about the situation and, given the research task, recommendations by knowledgeable about who and where to seek permission from to study the narcotics unit.

The LEAA acquaintance was contacted and he referred the researcher to another person on the LEAA staff who in turn referred the researcher to LEAA's "police specialist." The police specialist suggested the researcher contact a Federal enforcement agency director who was more familiar with the situation than he was. The Director gave the researcher valuable information about the current situation in Southern City and then suggested the researcher call the Police Commissioner's office. The researcher, armed with the name of the Commissioner's secretary, called his office. His secretary took the message and asked the researcher to call back the next day. On the return call the researcher was referred to the office of the Police Deputy Director, but he was not available at that time. The next day another call was placed to the Police Deputy Director's office and the researcher spoke to the Deputy Director about the project and his desire to study the Southern City narcotics unit. At this point five of the six study sites had been completed and the names of contacts in each of the five narcotics units could be provided to permit persons in Southern City to check on the research team and project if they so desired. The

Deputy Director said he would arrange a meeting between the researcher, himself, and the Police Commissioner. Project materials were sent to the Deputy Director so that he could have documentation of the telephone request to study his narcotics unit. A week later a meeting was arranged. The researcher arrived at the Police headquarters and was shown into the office of the Head of the Vice Control Section (VCS). The researcher was told that the Deputy Director was in an all-day hearing and could not meet with the researcher. The researcher asked the VCS Head to call the Commissioner's office to confirm the meeting. The Commissioner's office knew nothing about the meeting. The VCS Head asked the researcher to tell him about the project and his research needs. The materials sent in advance of the researcher's visit had not been passed on to the VCS Head so extra copies that the researcher had brought along were shared with him. The project was explained and the VCS Head listened carefully since, as the former head of a police research and planning section, he was knowledgeable and interested in research generating information on the police. Answers to his questions established that the research effort would not cost the department anything either in money or time lost and that there might be some benefits to the police derived from the project findings.\* The VCS Head said he was satisfied that the project was reasonable and that he would recommend to the Deputy Director that the project team be allowed to study Southern City narcotics units. The following morning, after a meeting with the Deputy

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\* Any benefits that could be derived, specifically for the police, from the research had to be largely speculative. Potential benefits such as those that could come from the documentation of common issues and problems confronting narcotics units in their enforcement activities are the most promising payoffs that could be realistically explored with the police on such occasions.

Director, the VCS head confirmed that the Deputy Director would support the project and obtain the Commissioner's approval for the study.

On the first day of work at the research site the VCS Head and the researcher who began working the site met for lunch. The VCS Head asked the day-watch Sergeant to join them for lunch. The researcher then spent the afternoon with the day-watch Sergeant becoming familiar with the site and the unit. The Sergeant provided the researcher with a duty roster and introduced him to the unit Lieutenant, the unit secretary,<sup>\*</sup> and the men of the unit. The Sergeant gave the agents clear instructions that the researcher be given an opportunity to see all phases of their work and that the researcher be allowed to observe all the agents' partners working in the office or in the field. The day Sergeant introduced the researcher to the three evening sergeants and gave them instructions to facilitate the researcher's activities. The researcher was not allowed to ride with the agents that first evening since the signing of a release form (releasing the city from responsibility in the event of injury or death of the researcher) had been overlooked. The next day, however, the release form was signed and the VCS Head arranged a room in which the researcher could interview the narcotics unit members. Throughout the remainder of the data gathering, major problems encountered were always quickly resolved by the VCS Head's willingness to cooperate with the researchers; this was facilitated by his office's close proximity to the narcotics unit.

The strategy employed on this research site was similar to the other sites. The researcher gaining entrée would establish the initial research

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<sup>\*</sup>The unit secretary was acknowledged to be highly valuable to the unit. She was thoroughly familiar with the files and case materials. She typed them and kept them in order.

routine. This was done to avoid any crowding effect that two or three researchers might produce and thereby create the potential for more difficulties in gaining cooperation with the unit's staff. After a week and a half of observing and interviewing, two research assistants were brought in to work with the unit's files. Prior permission had been granted to do this.\* After a period of two weeks onsite the researcher, with prior permission, introduced two additional researchers to the site. The presence of three researchers made the unit uneasy at first. The process of getting acquainted and gaining trust was therefore repeated. The "break-in" period of the second and third researchers with the unit was somewhat shortened. Since the unit had a fairly large number of agents, three researchers assisted in gathering the observational and interview data. Certainly more than one researcher working a site is advantageous for several reasons. First, the researchers can provide valuable checks for each other on researcher observations and conclusions they have reached. Second, in a large and busy unit several important events can occur simultaneously which can be better covered with multiple researchers. Third, persons who may, for one reason or another, resist being interviewed by one researcher may agree to be interviewed by a different researcher.

#### C. Types of Data Gathered

Three types of data were gathered at each site: interviews with

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\*The presence of the research assistants in the unit brought a new dimension to the observational portion of the research. While the research assistants were working an eight-hour day in the unit drawing data from the unit files, they also interacted with the unit agents and were present in the unit office during the day. Useful feedback was given to the researcher about a variety of unit activities and about the feelings the unit agents had concerning the study. In addition, working with the unit files allowed the research assistants to raise questions on the spot about things which were not clear to them about the files.



everyone in the narcotics unit from the commanding officer through the ranks to the investigators,\* information about and sometimes the unit records themselves, and observation of critical events and activities in the narcotics unit.

A narcotics unit roster was obtained and the commanding officer of the unit, the working Sergeant, and the investigators were interviewed. The interviews were focused with main themes drawn from a guideline of topics identified by the pilot study to be basic elements of narcotics enforcement (see Figure A-1 that follows). Interviews were usually done in a location that afforded the researcher and interviewee privacy. Interviews were, on the average, about one and one-half hours in length. Most of the interviews were tape recorded (with the permission of the interviewee), but some were done using note-taking procedures. The tapes were transcribed and shared by the three researchers. Key personnel who were both particularly knowledgeable about their work and the unit were often interviewed more than once. In addition to these formal interviews, informal conversational interviews were carried on in a variety of situations during the site data gathering. These conversations were rarely tape recorded, but field notes were kept reflecting the major points of the conversations.

As can be noted from Figure A-1, a variety of records, forms and files were inspected and representative data gathered by the researchers. Any and all manuals, general orders and relevant memorandum concerning the unit were gathered and analyzed by the researchers. We attempted to gauge the

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\*Interviews were also obtained from the District Attorney's staff, particularly from the attorney or attorneys who specialized in narcotics cases (if such a division of labor existed for the D.A.'s staff). In cases where it was clear that others, such as the Police Chief, were an essential everyday part of the unit's activities -- these persons were also interviewed.

Figure A-1

Site Data Collection Checklist and Guideline for  
Data Operationalization

The following list constitutes the basic data to be collected, whenever feasible, at each study site. For each item on the list, brief comments are made on the item and its components. In addition, any anticipated barriers to the collection of the item or its components are noted. These data items will be collected using records, interviews, observations, and, where possible, a combination of methods. Interviews were obtained from unit personnel (command staff, sergeants, agents, and sometimes clerical staff), staff from the prosecuting attorney's office and, on a few occasions, former unit personnel.

| <u>DATA ITEM</u>                            | <u>COMMENTS</u>   |
|---|---|
| Organization Chart<br>(formal and informal) | Will show chain of command within narcotics unit. Will show relationship to vice unit and police department. Will indicate authorized strength versus current strength. Will indicate formal division of labor to be compared with informal division of labor.    |
| Physical plan of unit                       | Will show where unit is housed. Will indicate potential or real security problems. Will give indication of ease of access for for internal working division of labor and dealing with external factors such as informants, arrestees, and public.                 |
| Budget                                      | Detailed budget data should be collected for no less than a one-year period (to look at possible seasonal variation of expenditures). Expenditure data may not be broken out in this way, and, therefore, the best data available by category may be an estimate. |
| Overtime or bonus time                      |   |
| Court time                                  |   |
| Compensatory time                           |   |
| Undercover expenses                         |   |
| Informant fund                              |   |
| Buy money                                   |   |
| Equipment expenditures                      |   |

Figure A-1 (con.)

| <u>DATA ITEM</u>                                 | <u>COMMENTS</u>  |
|--|--|
| Procedures                                       | Hopefully a manual or set of formal guidelines will be available to be compared with the informal procedures followed.                           |
| Diversionary unit                                |  |
| Informants:                                      |  |
| developing                                       |  |
| maintaining                                      |  |
| Undercover work:                                 | Undercover work: are body mikes used?  |
| learning about                                   | What function do they serve? Protection  |
| solo or team approach                            | for investigator? Unit protection against  |
| reporting procedures                             | against corruption? A combination?   |
| Surveillance                                     | Compare and contrast street work with  |
| team size  | investigative work.  |
| strategies:                                      |  |
| wiretap  |  |
| combination                                      |  |
|  | If these data are not available in a formal document, they will have to be gathered by interviews and observation documenting actual activities. |
| Controlled buys                                  |  |
| Field testing drugs                              |  |
| Search warrants                                  |  |
| Buy-bust   |  |
| Conspiracy cases                                 |  |
| Raid:  |  |
| team size  |  |
| team composition                                 |  |
| uniform patrol                                   |  |
| other agencies                                   |  |
| equipment and weapons:                           |  |
| flack jackets                                    |  |
| shotguns   |  |
| communication devices                            |  |
| finding and handling evidence                    |  |
| Arrest and arrest processing                     |  |
| Evidence handling and chain of evidence          |  |
| Reports for arrests and investigative activities |  |

Figure A-1 (con.)

| <u>DATA ITEM</u>                                    | <u>COMMENT</u>  |
|---|---|
| Records for intelligence purposes                   |   |
| Training manual or procedures                       | Note whether training is formal and local or formal and nonlocal (e.g., DEA school). Is major mode of training informal (learn from experienced partner)? Does informal training specifically supplement formal training?   |
| Records and recordkeeping                           | What kinds of records are kept, where are they kept, and who maintains them?  |
| Division of labor - shift schedule                  | Note what periods of a day are well covered or not well covered and why. Note any special tasks assigned to a shift such as Monday morning processing of weekend arrest reports. Do shifts rotate? If so, how?  |
| Times for shifts                                    |   |
| Tasks for shifts                                    |   |
| Personnel assigned to shifts                        |   |
| Unit manpower assignment                            | Are unit assignments long term or short term? How often do new personnel rotate into the unit? Is such rotation policy or due to some other circumstances? What is the history of unit strength since its beginning? What support personnel are available to the unit on an as-needed basis from other units? |
| Formal goals of unit and enforcement philosophy     | What is the unit's mission? What level of the drug market does the unit realistically expect impact? How do the formal goals contrast with the informal goals and operational outcomes?   |
| Informants  | Since informants are a major source of information about the market and thereby are important to enforcement strategies, it is vital to know about their "care" and "feeding" and the enforcement payoffs (goals achieved) related to the use of informants.  |
| recruitment:  |   |
| "turned," plea bargain                              |   |
| paid  |   |
| other   |   |
| period of providing information                     |   |
| on what basis does this vary?                       |   |
| outcomes of informant's efforts:                    |   |
| how many cases made?                                |   |
| what market level is case compared to informants    |   |
| market level? is market impact lateral or vertical? |   |
| number of informants handled by                     |   |
| investigator or investigator team                   |   |
| informant controlled by?                            |   |
| informant known to whom in unit?                    |   |

Figure A-1 (con.)

| <u>DATA ITEM</u>  | <u>COMMENT</u>   |
|---|--|
| files kept on informants:<br>how coded?<br>who has access?<br>information contained in<br>message system how do informants<br>access their control?<br>confidentiality what procedures<br>are followed to protect<br>informants?  |  |
| Undercover work<br>Number of investigators working<br>undercover<br>Mode of working undercover<br>solo<br>team<br>variable by situation (specify)<br>Time spent undercover specify<br>conditions for lengths of time<br>Need for special equipment and<br>availability of equipment<br>(e.g., automobile which is<br>not unmarked police vehicle)<br>Selection of investigators for<br>undercover work any special<br>selection criteria? Are under<br>cover agents assigned from out<br>side the unit (e.g., recruits from<br>police academy)? | Undercover work is another source of<br>vital information about the drug market.<br>It is also a validation procedure for<br>information gleaned from informants.<br><br>Undercover work is dangerous and costly<br>in the resources it consumes. In order<br>to evaluate the efficacy of this approach,<br>the costs and the outcomes should be<br>compared for a cost per outcome or goal<br>achieved. |
| Investigation information<br>strategies<br>Diversionsary unit - how this<br>supports other unit efforts<br>Surveillance<br>Undercover<br>Informant by type (e.g., paid,<br>"turned," voluntary, etc.)<br>Wiretap<br>Intelligence from other agencies<br>or units<br>Records and files of unit<br>Conspiracy   | How various investigation strategies are<br>employed in combination or singularly<br>should be noted with reference to the<br>the particular enforcement context to<br>which it is being applied.  |
| Drug arrests<br>Uniformed patrol<br>Undercover activities<br>Informant activities<br>Other source (specify)   | Information on drug arrests should<br>specify the type of drug, the amount of<br>the drug confiscated, and, where possible,<br>the purity of the drug. This approach<br>will provide outcome measures by type of<br>arrest or arrest strategy.   |

Figure A-1 (con.)

| <u>DATA ITEM</u>   | <u>COMMENT</u>  |
|--|---|
| Enforcement strategies:<br>surveillance<br>controlled buy<br>buy-bust<br>buy (money "walks") - specify<br>conditions under which this<br>strategy is used<br>raid/warrant<br>conspiracy<br>diversionary unit<br>other (specify)  | The frequency distributions of arrests<br>by activity type and strategy type<br>cross-tabulated by type, amount, and<br>when applicable, purity of drug are basic<br>data which may be difficult to obtain<br>in such detail. |
| Identification of drugs<br>Training for identification<br>formal<br>informal<br>combination<br>Use of field testing e.g.,<br>Marquis test<br>Visual identification   | It is important for various reasons to<br>be certain about the drugs bought or<br>confiscated. How preliminary identifi-<br>cation prior to laboratory identification<br>takes place is, therefore, of interest.              |
| Laboratory testing - turnaround<br>time and its impact on case   | How much lag time is there for laboratory<br>analysis and how does this impact on a<br>case or enforcement activity?  |
| Developing warrant<br>Who writes the warrant?<br>How quickly can a warrant be<br>prepared?<br>What are some problems in<br>quick execution?<br>What other problems are there<br>with warrants?   | Warrant preparation is an important<br>activity which must be properly executed<br>to get the warrant and to have it "stand<br>up in court." How this process relates<br>to the enforcement activity is of interest           |
| Raids<br>team size<br>team composition:<br>uniformed patrol<br>other agencies or units<br>equipment<br>weapons<br>flack jackets<br>communication devices<br>other (specify)<br>identification as police -<br>procedures and symbols<br>photographing scene before<br>and after the search<br>warrant search<br>search procedures<br>how organized<br>who looks | A successful and safe raid has many<br>components to be documented. How each<br>of these components contributes to the<br>success of a raid will largely be compiled<br>by interview data and observation.                    |

Figure A-1 (con.)

| <u>DATA ITEM</u>  | <u>COMMENT</u>   |
|---|--|
| evidence - how handled?<br>drugs<br>money<br>other - material identifying<br>suspect as inhabitant of<br>location raided  |  |
| Processing prisoners<br>photographing<br>paper work<br>interrogation  | While the processing of prisoners is routine, it often provides the investigators with additional information (who will most likely talk and who may provide information in the future as an informant). |
| Chain of evidence<br>who is responsible for evidence?<br>how is the evidence handled?   | Is there a particular philosophy about the chain of evidence? How is it implemented? What problems have occurred in the past with handling evidence?   |
| Laboratory testing of drugs (See identification of drugs category)  | How responsive is the lab? What is the turnaround time for drug analysis?  |
| Special unit integrity checks<br>(urinalysis, blood tests, polygraph, etc.)   | What tests are given? To whom? How often? Under what special conditions (if not routine)?  |
| Relationship of drug unit to other agencies and units<br>a) other units with police department (Vice, detectives, Chief of Police)<br>b) other police units (M.A.N.S., sheriff's department, other city police departments, State police, DEA, FBI, other special agencies)<br>c) District Attorney<br>Federal Attorney | What is the relationship. Cooperative? Antagonistic? How does this relationship facilitate or interfere with the unit's enforcement activities?  |

degree to which procedures were followed and when they were not, assess the situational or systemic reasons why they were not. Data concerning the annual expenditures of the units was gathered. Analysis of these data proved to be a most difficult task. As noted in Chapter III, the budget categories used by units had expenditures that were not the same, and sometimes not even similar across units. In addition, in some units specific charges were made against the unit for telephone, light and power (e.g., Dollarville) whereas in others (e.g., Gotham Minor) these items were part of a general operating expense and were not available. In sum, available official records, files, forms, and other documents were collected as original data and support materials for the interview and observational data.

Observational data were also collected for each site. The collection of good observational data is contingent on a variety of factors the most basic of which are gaining the trust of those being observed, being at the right place at the right time (this often occurs by invitation of those being observed), and making careful written notes about critical observations for inclusion in a full set of field notes. Gaining the acceptance and trust of the unit is the first crucial step in setting the stage for the observer to be exposed to the unadorned everyday activities of the unit. However, gaining this acceptance or trust, while a necessary condition, is not sufficient in itself for gleaning an accurate picture of the unit's activities. For example, while the researcher may be accepted and trusted by the unit personnel, he still may be receiving a partial picture of the unit. Often, some members of the unit, playing host will attempt to steer the researcher away from the seemingly more humdrum activities (such as a lengthy surveillance) and attempt to find or create more "entertaining"



activities. Many of these "entertaining" activities may not be directly relevant for the everyday work of the unit. The researcher can use such activities to his advantage by getting to know unit personnel better, by becoming familiar with the work setting (their office and city), and by probing and keeping alert to cues that indicate to what extent the current activity is a "usual" or "normal" kind of activity. This approach gives the researcher an opportunity to establish rapport in unit activities that are less sensitive than those which typically follow this initial "getting acquainted" phase. This "getting acquainted" phase varied from a few days to a week for the units' studied, but can take even longer.

Initially, the researcher is permitted to make a variety of "mistakes" in his social relationships. He may make a variety of social errors, including those based on not being fully cognizant of the informal power structure and friendship networks. Clues to these sorts of relationships can sometimes be taken from the unit secretary. Other longtime members of the unit are also a rich source. Eventually, however, informal structures must be identified and observational and other research efforts developed in concert with informal and formal structures. Throughout the collection of observational data as well as the collection of interview and record data, the dual roles of "stranger" and researcher legitimate extensive curiosity and questioning about persons and events. The facade of intelligent "ignorance" is one of the chief tools of the careful field worker.

On the other hand, since some of the research team had previously done extensive studies of narcotics policing, it was sometimes impossible to maintain "ignorance" and the role of stranger. Another technique utilized was a "comparative approach" which allowed for extensive data gathering and allowed the researcher to "trade" some of his information on other sites

(while maintaining the confidentiality of sensitive data from those sites) for that given by unit members about their own work. For example, frequently members of the unit would ask about previous work, would want to know about the backgrounds of the research team and what other narcotics units were doing. We were able to use these occasions to compare what was done other places we had studied to what was being done on-site. Unit members would often note the differences and "explain" them in terms of what they perceived to be the key differences between their unit and others mentioned.

Observational data were gathered by "hanging around" during the shifts. It was not uncommon for the unit in part or whole to work well beyond the limits of their shifts. The hours were often flexible and responsive to the needs of a particular narcotics investigation and we remained as available as the agents were for their work. The researchers typically arrived at the beginning of a shift when one or more shifts were usually present. If daily assignments were talked about, the researchers had an opportunity to chose the particular activity they would observe during that shift period. In Gotham Minor and Columbia, for example, for cases which were ongoing and surveillance, buys, meeting informants, or serving warrants (arrest and/or search) which needed to be done, the whole unit would at times discuss with the investigator responsible for the case what they might do to provide him support.\* Since this discussion often took place in a

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\* For example, in Gotham Minor, at least two cars manned by two investigators each were used for a moving surveillance. A stationary surveillance or stakeout could be done by one or two investigators. In one case an investigator and researcher drove a panel truck with another investigator in it to a surveillance site, and walked away from the truck leaving the second investigator to sit for the remainder of the hot summer day (about six hours) in a closed, poorly ventilated panel truck for surveillance on a house in which a suspected narcotics dealer lived. (footnote continued)

large room in which all the investigators had desks, the researchers could hear at least part of the daily plans of members of the unit. Also, we would specify to command and supervision personnel the types of events we needed to observe. In addition, individual investigators were most often very open and helpful. The only exception in some sites was meeting unit informants.

In some cases, investigators viewed the interview and the researcher's observations with suspicion. Normally, after an interview had been completed, the interviewee was somewhat relieved and pleasantly surprised. The interview outline touched important aspects of the narcotics agent's job and as a result of being interviewed, many investigators were pleased with new

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On buys it was usual for one or two investigators to back up the investigator making the buy. This, of course, assumed a straightforward buy was being made to make a sale case. Another strategy is to make a buy which will force the dealer, due to the large amount of drugs ordered by the investigator, to get to his source or his stash. This second type of buy calls for a moving surveillance in addition to the backup team of investigators.

When an informant is being met it is unusual for more than two investigators to be involved. The identity of informants is a closely guarded secret often even among the narcotics unit (this was not the case for the Gotham Minor unit). Typically the investigator who controls the informant and the unit Sergeant know the informant's identity. If the investigators work in pairs, the identity of the informant was shared with the partner as well as with the unit Sergeant. The Gotham Minor unit had two of the six investigators working as a team, while the remaining four investigators worked alone. While some informants were met alone by investigators, this was not the usual practice. This was particularly true if the informant was a female or the investigator a male. The potential for being compromised on sexual grounds was thought to be too great and two investigators meet with female informants. The Gotham Minor unit had an informant file with a photo of the informant attached to the information sheet. This file was readily accessible to everyone in the unit so all investigators and the working Sergeant could know all the unit's current informants.

When a search warrant is being executed most of the unit in Gotham Minor is normally involved. The number of investigators participating in a search warrant depends on the number of persons that are expected to be in the dwelling being searched and the amount of trouble (the presence of firearms leading to a shootout and the reputation of persons in the dwelling for violent behavior) anticipated. If trouble is anticipated, additional persons from uniform patrol and the vice unit can be asked to supplement the narcotics unit.

insights, self-understanding, and the understanding of the researchers. Some found the interview a situation in which they could talk with a sympathetic listener about difficulties and problems encountered in narcotics enforcement. Very often, interesting and innovative solutions, or "war stories" were described by the investigators. On the basis of the interview, many investigators were more receptive to having a researcher accompany him on his daily activities. The interview then most often served to make the interviewee more receptive to the observational portion of the data gathering and vice versa.

D. Problems Encountered in Data Collection

Although no one was required to give an interview, nearly everyone in the units was interviewed. The unit Commander, sergeant(s) and selected others were interviewed more than once. The second interview typically followed several days of observation and review of the first interview.

Retrieval of certain record data was difficult. Some of the data desired by the researchers had to be reconstructed from several different files. This was possible only by virtue of the fact that a case number common across the different files allowed meaningful matching. Some data were not possible to retrieve such as some categories of budget data. As mentioned earlier, the departmental budget often was not detailed enough to attribute specific expenses to the narcotics unit. Since some narcotics units drew on a common Departmental fund for certain budget categories and since this activity was not specifically charged to the narcotics unit, it was impossible to account for the narcotics unit's expenditures in these categories. Some records were incomplete in that they failed to specify, for example, the type of expenditure made for money drawn on the narcotics fund. In Gotham Minor, some data were available on computer tapes but not

retrievable due to a vacancy in the Department's computer programmer's position. When this was finally resolved by accessing the data through another City Department's programming staff, it was found that certain data indicated a code book had not been coded or had not been transferred to tape. Many of these problems became practically routine across the sites studied. If a unit does not have staff specifically designated for administrative and recordkeeping functions, the data kept by the unit will be of inconsistent quality at best.

Some case files did not have complete data. Although the investigators shared the paper work that needed to be done following an arrest, their case files and records of expenditures had information gaps from time to time. These gaps could well have been generated by ambiguous situations which could not be easily described or by oversights by members responsible for recording the data. These missing data could have been supplied if the Sergeant or staff monitored the quality and completeness of the existing records. Records used in providing information for an investigation or records used in providing useful data to the District Attorney's office resulting in the conviction of a narcotics offender tend to be reasonably complete and up-to-date.

Observing the range of any narcotics unit's activities is difficult. Meeting with an investigator's informant was rare because it was felt that the informant would feel threatened and would not be cooperative in such a situation.\* Since informants are essential to narcotics enforcement,

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\* In fact, however, it may be that the reluctance to have a researcher observe a meeting with an informant is more the investigator's reluctance than the informant's. If the investigator simply tells the informant that the researcher is with him and O.K. the informant, to the extent that he trusts the investigator will accept the presence of the researcher. Over the six units studied we had some opportunities to observe narcotics investigators

observing meetings between narcotics investigators and their informants is a potentially valuable source of data.

Observing buys being made by narcotics investigators could be done, at best, from a distance. Furthermore, having witnessed a buy the researcher could be summoned as a material witness to court if the case came up. The buy/bust situation was potentially fraught with greater danger than the buy situation. For the buy/bust the researcher could observe, again, from a distance and arrive on the scene when it had been "secured." In instances where the buy officer was "bugged" researchers were able to listen to the events that were "going down" at the buy scene, and in addition observe listening officers as they made "sense" of what was occurring.

The search warrant or raid situation is again potentially dangerous for the investigators as well as for the researcher. In the raid break-in procedure, researchers were not the first into the raid site. In some cases, the raiders are having a footrace to the bathroom with the drug dealer or possessor. On raids, researchers were able to enter the dwelling raided almost immediately after police entry. In effect, very little information is lost by the researcher by not being up front with the raiding party (he can be right behind them, however). The safety of the researcher is better assured by entering after the raiding party "secures the area." However, there are instances where researchers were with the raiders as they served the search warrant or made a street arrest.

In the above examples of the buy, buy/bust, and the raid, the researcher's knowledge of the event is to some degree limited by not being immediately

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interacting with their informants. Some of these informants were paid, others "twisted," and other were "volunteer" informants. While the number of such observations is not large, it is a check on the reports given to the researchers by the investigators about how they deal with informants.

involved in the event. From the police point of view, in an emergency situation (e.g., a gun fight) the researcher doesn't have a firearm and cannot give the investigators support. In an emergency, the police do not know if the researcher can be counted on to keep his head. The researcher, as a civilian observer who has signed a release form for the police, can be somewhat of a burden for the investigators to the extent that a situation turns dangerous and officers have to be concerned with the safety of the researcher in addition to handling the dangerous situation. If the researcher is careful and unobtrusive he can observe the activity of the narcotics unit and much information can be gathered.

#### E. Obtrusiveness of the Researchers

The researchers attempted not to interfere with the daily routine of the unit. For a few days in Gotham Minor's unit the Sergeant told all the investigators to keep busy or get out of the office to simulate working the streets. The unit was having a slow period. They wanted to supply the researchers with exciting cases, so the remedy was to invent work. This effort to appear busy was not sustained for more than a few days. The routine then returned to what was reported to be "normal" for that time of year (according to the investigators the researchers talked with).

The researchers tried to schedule interviews with investigators during slow periods. In narcotics work there are often great periods of waiting for things to occur (for an informant to call, for a deal to "go down" and the like). During these periods individual investigators, who were waiting, were asked to be interviewed. In the interest of seeing all phases of narcotics work, the researcher rode with the investigators on surveillance, patrol, raids, etc. During lengthy periods on surveillance, the researchers had an opportunity to informally interview the investigator or investigators

about a variety of issues. This was also an opportune time to find out what things the unit had planned and to arrange to observe the event. In addition to work hours, the researchers spent off-duty time with the investigators eating meals, drinking and "hanging out." Since the investigators tended to "talk shop," additional information and "war stories" were collected. Such occasions also afforded the researcher the opportunity to become known by the investigators and to build a rapport with them.

In one site, the researchers were somewhat obtrusive because of supervisory perception of "why they were there" and this initially affected the degree of distrust of and skepticism towards the presence of researchers. The first day on the site the researcher was challenged by the close questioning of a night-shift Sergeant about his research intentions. The Sergeant initially indicated that he would give little support to the project. The purpose of the project was explained and a copy of the interview guidelines were shared with the Sergeant to assuage his anxiety about the kinds of questions that might be asked of him and his men. He was assured that other sites had been researched in the same way and that no difficulties had arisen. Even with this explanation, the Sergeant still seemed doubtful that it was desirable or useful to participate in the project. He appeared relieved to find out that the researchers had not yet signed a release form to ride with the agents. He instructed his men to get busy and get out into the field. The night shift came on duty at 4:00 p.m. and by 6:30 p.m. the researchers literally had no one to talk with. It was learned later that first evening that the Sergeant was reacting to an earlier "bad experience" with a student who was participating in a student intern program with the police. The student had been assigned to the narcotics unit and spent time observing their activities and interviewing



them in what seemed to the Sergeant much the same way the present project proposed to do. The student was, during his stay with the unit, very vocal in his criticism about police work and narcotics enforcement in particular. On one occasion the student tape recorded a police-arrestee interaction. The student then offered the defense attorney his tape recording and was called to court as a witness for the defense. This whole experience with the student soured many persons in the unit to research, particularly the Sergeant. The researcher and the Sergeant had another talk in which the researcher explained to the Sergeant that the data from the project was confidential and would be treated as such. The Sergeant had concluded that the researchers were also students working on a term paper and would therefore give them trouble. He was assured that the researchers working on the project were Ph.D.'s with professional commitments. The Sergeant continued to disbelieve that the research would not be troublesome for him and his men. He based his concern on the political atmosphere of the police department at the time of the research. The Sergeant noted that Internal Affairs was picking up on anything at the moment and that the unit had to be careful since they were in trouble at the time and could ill afford any more trouble. Fortunately, the rest of the unit did not overtly display the Sergeant's heavy skepticism about the research. While the political atmosphere of the department was highly charged they did not interpret the presence of the researchers as threatening. Eventually the researchers served as an outlet for the unit members to voice their discontent over the department's highly politicized condition.

At another site, where cooperation by staff was high, an incident occurred which highlighted the degree to which the researchers "blended" with unit activity. After the researchers had been onsite for a week, it

was quite common for at least two of them to accompany surveillance and search teams on their duties. Indeed, one of the researchers would almost always be with the team when raids were run or arrests were in the process of being made. The agents did not mind, and in fact would discuss the procedures with the researcher both before and after the activities. In fact, several of the agents suggested to researchers that they "get commissioned" because if they were going to be "this close to the action" they ought to be able to protect themselves.

One incidence, however, served to highlight how a community of familiars developed between police and how while a researcher may be unobtrusive in one element of the community, his obtrusiveness is highlighted in another. On one particular cocaine arrest, the researcher was in a lead vehicle and thus was with the first officers to reach the scene. As the arrestees were moved to a porch, searched, read their rights, and questioned, the researcher made notes and "stood around." Two uniformed officers arrived at the scene to transport the offenders to the jail, and what they saw was the scene with all its familiars, the arrestees, and the researcher (whom they did not know as a researcher). One officer asked one of the agents if the researcher was the informant; the other, however, walked over to the researcher and began reading him the Miranda warning. The researcher was standing on the porch with his hands clasped behind his back merely as one way of holding one's hand, and the officer asked the agent rhetorically "has this one had his rights read?" He then began to read the rights to the researcher. This obtrusiveness could have been disastrous had the arrestees been aware of what was occurring; however, the researcher, upon hearing the officer begin "you have the right..." unclasped his hands, smiled broadly, and pulled one of the narcotics agents over toward him.

The officer was taken aback--having assumed that the researcher was handcuffed and an offender--and blurted and "who in the fuck are you?" The agent told him rather facetiously that the researcher was the "new captain." Both the agent and researcher then moved off the porch in order to quiet the officer who was somewhat disoriented. It should be noted that the agents found the whole event quite humorous as did the research team, and they "explained" the uniformed officer's conduct in terms of his "gung ho" attitude. The officer, however, did not find the event humorous and did on three more occasions ask the researcher if he wanted to be arrested.

In general, it can be said that the research team became less obtrusive as the on-site time went on, and that obtrusiveness varied both with perceived threat of the researchers to the operation, but also perceived incompetence of the researchers. As researchers demonstrated that they were sympathetic to the endeavor, their obtrusiveness diminished. However, researchers must constantly be aware of the trade-offs involved. As one becomes taken-for-granted and part of a community of familiars, one also becomes "placed" (given social roles) and removed from other aspects of the data process. Because of the multiple number of researchers onsite, and the care of the study team to fill in all data categories, we do not believe that we were "placed" nor that we were, overall, obtrusive to the point of disrupting normal routines. Indeed, one of the ways to balance this problem is by timing data gathering and leaving the site before "placement" occurs. That is, after one becomes unobtrusive, there is an optimum period of time for data gathering before "placement," and when this time elapses, it appears best to leave the site for a period of time.

F. Leaving the Field

In general, the above consideration, plus the timetable for the study dictated the amount of time spent onsite. Leaving the field was not as problematic as it could be. When all data categories were filled, and when a sufficient number of observations had been made of practices, the research team would begin leaving the field. Usually this process involved one member departing first with the second (or third) left to handle final departure. Care was taken to emphasize that the researchers believed they were through, but if something occurred they may need to briefly return to the site.

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APPENDIX B

PLANNING AND IMPLEMENTATION OF THE

BAY CITY BUY PROGRAMS

## APPENDIX B

### Planning and Implementation of the Bay City Buy Programs

#### A. Planning

On September 15, 1975, the Chief of Police ordered a major attack on narcotics traffic in Bay City. This attack was prompted by many reasons, the rising crime rate and the rate of heroin overdose death being foremost. The County Coroner's Office reported that from January through June 1975 there were 50 heroin overdose deaths in Bay City, as compared to 49 overdose deaths for the entire year of 1974. It was also recognized that heroin addicts are responsible for a large share of the property crime rate in the city, crimes such as robbery, burglary, and theft. It was found that for the months of January through August 1975, robberies were up 21.9 percent over the same time period in 1974. Burglaries were up 1.8 percent over 1974 and larcenies up 12.2 percent over the same time period in 1974. Another startling fact was that homicides were up 41.1 percent from 1974, with 27 homicides being directly related to the heroin trade. It was then decided by the Chief of Police that since property crime stemmed mainly from the street-level heroin dealers and addicts to support their habits, the enforcement program would be directed at these individuals in the form of a street-level heroin buy program. The Vice Division Commander solicited proposals from narcotic officers concerning how the program should be operated. The final program adopted by the department was a shorter version of the proposals submitted. A three-week buy program was established for two reasons: manpower and budget limitations, and the

feeling that the effect would be diluted if the program was extended over a much longer period of time.

A narcotics task force was established and consisted of the Deputy Chief of Police, the Commander of the operation, and the commanding officers of the Vice Control and Criminal Investigation Divisions. The commanding officers served as deputy commanders and advisors for the operation. A command post was established and from all divisions of the department, names were solicited of persons dealing in heroin at the street level. These dealers were identified as targets for the operation and their names were placed on 3 x 5 cards. The identification operation led to 350 persons being identified and targeted as street-level heroin dealers.

A sergeant, a patrolman, and a clerk staffed the command center. These off-street personnel were responsible for coordinating the effort and for keeping track of buys made and areas where undercover officers were operating. They were also responsible for the handling of all paper work related to the program and for obtaining warrants of arrest from the District Attorney's Office. A target figure of 100 heroin buys from as many dealers was established as a measure of success for the operation.

Equipment for the operation consisted of rental vehicles obtained from local auto agencies and money for buying heroin. (Monies for these purposes are part of the Police Department's budget.) Names of potential buy officers were solicited from vice officers and members of the Criminal Investigation Division, and arrangements were made for the temporary loan of these officers from the Patrol Division. Thus with a center of operations established, a target number established, street dealers identified, and manpower and equipment allowed for, the program was put into effect on September 23, 1975.



## B. Implementation

On September 23, 1975, three undercover officers were assigned to the narcotic detail and four to the Criminal Investigation Division. A short training period was conducted for the undercover officers in such matters as street terminology, prices of heroin in various locations of the city, and the issue of entrapment. Officers from the Criminal Investigation Division were also trained in the operation of camera equipment, field heroin testing, and the use of body transmitters. The undercover officers after their brief period of instruction were assigned to groups of officers in the Vice and Criminal Investigation Divisions. Eight officers from the narcotic detail worked with three of the undercover officers, and eight sergeants from the Criminal Investigation Division worked with four of the undercover officers. The undercover officers were sent to various areas of the city where heroin traffic is heavy and were instructed to make as many purchases from the various dealers as possible. On their first outings, the undercover officers were provided with an informant to make introductions to various dealers in the area. Once introduced in an area, the undercover officers had no problem making purchases of heroin from many dealers. As many as 20 to 30 purchases of heroin were made from separate dealers at one location and the officers had to fight off dealers they had already purchased from. It was the responsibility of the officers assigned to work with the undercover officers to provide them protection when needed, to identify dealers purchased from, and to complete all crime reports. It was also the responsibility of these officers to report to the command center the location and the name of the suspect for all buys made, and to account for monies expended.

On October 9, 1975, all buying ceased and all paper work was completed. It was found that 91 arrest warrants for sales of heroin and nine probable cause arrests could be made for sales of heroin. In addition, 37 search warrants had been completed. As many of the arrests and search warrants as possible would be served on the following day, October 10, 1975.

The arrest phase of the program began at 3:00 a.m. on October 10, 1975. The arrest phase required 119 police officers of various rank and two animal control officers. The officers were divided into 24 four-man teams, each team having an appointed leader. Each team also included a narcotic specialist and at least one uniformed officer. Each team leader was provided a list of personnel assignments, search warrant assignments, and a list of warrant suspects. The search warrants were served first and as the suspects on these warrants were taken into custody, the teams went about the task of serving the arrest warrants. At the end of the operation on October 10, 1975, 115 persons had been arrested and approximately 40 arrest warrants remained to be served. These warrants would eventually be served in the following weeks. At the end of the buy program, all costs were totaled and it was found that the three-week program had cost the Department \$53,193. The cost breakdown is as follows:

|                    |           |
|--------------------|-----------|
| Vehicle Rental -   | \$ 1,757  |
| Buy Money -        | \$ 5,436  |
| Regular Duty Pay - | \$35,000  |
| Overtime Pay -     | \$11,000. |

For the money spent for vehicles, \$4,300 was budgeted to the Department annually and for the buy money spent, \$14,400 was budgeted annually. On the regular duty pay, all officers would have worked and been paid regardless of assignment. The only outstanding cost was the overtime

pay and it is estimated that at least a portion of this money would have been spent on other overtime assignments worked by the officers.

Arrangements were made with the District Attorney of the county to have all of the cases heard before the county grand jury. This step prevented a serious backlog of cases from occurring in the municipal courts, provided trial dates in the superior courts in a more expeditious manner, and also saved the department a large cost for court overtime. On the 22nd and 23rd and also the 30th and 31st of October 1975, the county grand jury heard the cases stemming from the three-week buy program. The grand jury indicted 105 persons for the sale of heroin and remanded 21 persons back to the municipal courts for trial on lesser offenses. In addition, 22 cases were dismissed for reasons of further investigation or insufficient evidence.

At the end of the buy program, officers from the Criminal Investigation and Patrol Divisions returned to normal duties. Members of the Narcotic Detail continued to put pressure on the street dealer and heroin addict in a follow-up program. Constant pressure was applied to this problem throughout the remainder of October and November 1975. This effort resulted in the arrest of 53 additional persons for possession of heroin, possession of narcotics paraphernalia, and for being under the influence of heroin. All members of the narcotic detail could not put a full-time effort into the followup program due to the necessity of conducting higher level narcotic investigations and assisting other local, Federal, and State narcotic officers in investigations. On a daily basis, however, at least two and usually from three to four officers were involved in putting pressure on the street dealer and addict. These 53 arrests were all processed in the normal manner in the municipal courts. On November 30, 1975, for the purposes of this project the street level enforcement program was concluded.

APPENDIX C

TECHNICAL PAPER:

The Management of Police Discretion

by

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Dallas, Texas. All permission for references to  
quote from this paper should be addressed to the  
author.

## I. Introduction

Discretion in Policing<sup>1</sup> usually refers to the degree to which decisions are left to individual choice or judgement within certain legal or administrative bounds. Since in many areas the administrative and legal bounds are quite wide, and/or vague, there is some concern for what decisions are made and how they are applied. As Davis (1969) has noted:

The police are among the most important policy makers of our entire society....they make far more discretionary determinations in individual cases than any other class of administrators; I know of no close second....The amount of governmental activity through the police, measured in man hours, is more than forty times as much as the amount of governmental activity through all seven of the independent federal regulatory agencies; those agencies in the aggregate have about 40,000 employees but the nation has about 420,000 policemen....(1969: 222-223).

Six years later, after completing a study of the Chicago police, Davis (1975) indicated that most enforcement policy appeared to be made by patrolmen. He found that the policies patrolmen made varied in the degree to which they were uniform, in the degree to which they agreed with any existing departmental policies and the degrees to which superior officers participated or interfered. In general, however:

Top officers seem to have little to do with the making of enforcement policy. Some of the policy is made by officers of middle grade, but most of it is made at the bottom of the organization by ordinary patrolmen. Much of the enforcement policy is not known by top officers, and some of it is at variance with what top officers think it should be. Yet when policy made by patrolmen is called to the attention of

<sup>1</sup> Discretion is not limited to policing but is a dominant operating mode of the "Criminal Justice System." Prosecutors alone and in consort with Police and Public Defenders practice discretionary justice through such devices as plea bargaining, "normal crimes", and non-prosecution (see for example, Newman, 1956; Blumberg, 1967; Sudnow, 1965; Goldman, 1963; Packer, 1968; National Advisory Commission on Criminal Justice Standards and Goals, 1973; and Berger, 1976). While one must not ignore the systemic nature of discretion in the Criminal Justice System, this paper is focused on discretion in Policing.

high officers who express disagreement with it, the high officers are seldom inclined to do anything about the policy (1975: 38).

Davis goes on to note that while the Chicago department had organizationally, a capability for formulating enforcement policy it was not utilized:

When I learned that the Chicago police have a research and development unit, I went there and promptly found an office labeled "Policy Development and Program Evaluation." But the occupant had nothing to do with that subject. He explained: "Those words simply haven't been taken down since O.W. Wilson put them up. We haven't had any policy development or program evaluation since he retired."

That remark summarizes what top officers do about enforcement policy. The general orders and the special orders--the only written directives from the superintendent to others in the department--seldom mention enforcement policy, and nearly all of them studiously avoid any acknowledgment that any statute or ordinance may be properly left unenforced on any occasion. One can read all the general orders, special orders, and training bulletins without learning that selective enforcement exists, except that one training bulletin speaks of selective enforcement with respect to traffic offenses, and occasional instructions are given to enforce "with restraint and discretion."

The unit that is called "research and development" has nothing to do with what I would consider to be research. It does not tackle difficult sociological problems. The director's answer to my question whether any research is done on enforcement policy was in one word: "No." The big "research" project this year has been designing policewomen's uniforms. A study has been made of alternative methods of paying for overtime, and of advantages and disadvantages of painting all police cars yellow. A continuing job of the 34 people in the unit is keeping crime statistics up-to-date, but they also deal with forms and records, technology, uniforms and equipment, and federal programs. A general order says the unit "conducts management studies involving organization, methods and procedures with the objective of increasing the effectiveness of Department operations," but the current director remembers no such study. (Davis, 1975: 32-33)

While Davis' study was based on the analysis of one department, he believes that it "may be broadly applicable to other police" (1975: iii). Specifically in departments where the principal procedure by which enforcement policy is made is to leave patrolmen free to make policy as they encounter problems in

their patrol, then the Davis study is applicable. However, this is not the case in all departments, and the problems surrounding the use of discretion are not that simply handled and solved. For example, while some criminal acts are explicitly defined, others such as the laws defining "disorderly conduct" are unusually vague and are based upon some unwritten but implied customary notion of "community order" (see Wilson, 1968: 21-22; and Manning, 1977: 113). Officers called upon to enforce "disorderly conduct" statutes, will find the law a "weak resource" for guiding action (Manning, 1977: 112).

In general, discretion in policing and the problems created by its not so judicious use cut across three broad areas: selective enforcement of the criminal law; differential application of the law to different individuals; and discretion in day-to-day internal and external police policy making. In some cases, limits on the use of discretion have been established by the higher courts. The Supreme Court in decisions such as Mapp v. Ohio (1961), Terry v. Ohio (1968), Escobedo v. Illinois (1964), Miranda v. Arizona (1966), Aguilar v. Texas (1964) and Spinelli v. United States (1969), has established some procedural limits for police when they stop and frisk, search and seize, use information from informants, and interview and interrogate suspects. If guidelines are not heeded or violated, evidence so obtained is suppressed. However, in areas which do not pertain to constitutional guarantees, there are most often very few, if any, guidelines for police.

It is my purpose in this paper, to briefly review some of the literature pertaining to police discretion in the three areas listed above, and to indicate how policy appears to be made. In a later section, I will focus on some uses of discretion with regard to informants in narcotics policing

and indicate some of the organizational features which promote high discretion amongst lower echelon officers. Finally, I will make some recommendations concerning the management of discretion.

## II. Method and Data

In addition to a review of the literature, the observations reported in this paper are based upon research projects done with nine narcotics units in nine metropolitan areas. In addition, interviews were gathered from state and Federal narcotics officials and prosecuting attorneys. The geographical distribution of the units is as follows: one unit is located in the eastern portion of the U.S.; one in a large midwestern metropolitan area; one is located in large metropolitan area of the southeast; two in major cities of the farwest; and finally four are located in major cities of the southwest. In addition to relatively heavy local enforcement efforts in these areas, in all but one, there was significant federal involvement. The departments which range in size from approximately 800 to 4,600 sworn officers, contain central narcotics units ranging in size from 8 to 61 officers.<sup>2</sup> Varying periods of time, from approximately two weeks to over four months, were spent observing, participating, and interviewing at all levels within the narcotics units from command personnel to working officers (see Table I). The foci of these projects were: the organization, goals and administration of narcotics' units; their modes of enforcement, strategies and tactics; and their intended impact on the illicit market and the market on them. In addition to myself, portions of the data were gathered by Drs. Peter K. Manning

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<sup>2</sup> The smallest of the departments had a section which combined both "Vice" and "Narcotics."



TABLE I  
TOTAL HOURS AND NUMBER OF DAYS SPENT ON  
SITE BY RESEARCH TEAM FOR NINE UNITS\*

| <u>Site</u>    | <u>Research Team</u>                                 | <u>Total Hours &amp; Days</u> | <u>Year Done</u> |
|----------------|--|-------------------------------|------------------|
| Dollarville    | Redlinger<br>Williams<br>Manning                     | 402 hours<br>48 days          | 1976-77          |
| Desert City    | Redlinger<br>Williams<br>Manning                     | 342 hours<br>36 days          | 1977             |
| Gotham Minor   | Williams<br>Manning<br>Research Asst.                | 187 hours<br>23 days          | 1977             |
| Columbia       | Manning<br>Williams                                  | 182 hours<br>26 days          | 1977             |
| Bay City       | Redlinger<br>Williams                                | 221 hours<br>28 days          | 1977             |
| Southern City  | Williams<br>Manning<br>Collins<br>Research Asst. (2) | 325 hours<br>34 days          | 1977             |
| Motor City     | Redlinger  | 120 hours<br>15 days          | 1974-75          |
| Ashes          | Redlinger**  | 160 hours<br>17 days          | 1975             |
| Macho City (a) | Redlinger  | 360 hours<br>42 days          | 1974-75          |
| (b)            | Redlinger***   | 80 hours<br>10 days           | 1968             |

\*Hours on site are defined strictly; that is, it includes only the actual hours in the unit and/or with officers whether observing, socializing, interviewing, etc. Excluded, for example, are hours spent during the course of the observational period listening back to tapes, recording or writing up fieldnotes, travel to and from the site, or time spent in conference with each other about the research. Hence, these hours are not representative of the actual hours spent in doing the research, but are only a measure of the data-gathering time in the city, with the officers or in the office. Ratios of one to five or six have been suggested as a realistic estimate of the time required to write up and reduce such data after they have been gathered. For every hour on site at least six were spent in analysis of the materials.

\*\*In addition to the fieldwork done with the police, there was a tremendous amount of interviewing done by a large research team of which I was a part.

\*\*\*This work was not directly focused on the police, but on the nature of illicit narcotics markets.

and Jay R. Williams.<sup>3</sup>

### III. Discretionary Enforcement

As I have noted, there are three broad areas which involve discretion, and each obviously has some relation to the others. In the following, I will briefly outline the major issues and review some of the most relevant literature bearing on the subjects.

#### A. Selective Enforcement.

Although command staff in almost every department will publicly assert that their departments enforce all of the laws, the fact appears to be that everywhere police selectively enforce the criminal laws. The most common form of discretion in enforcement concerns the lack of enforcement of certain statutes; however, there are a few jurisdictions in which particular statutes are over enforced. Packer (1968) notes that there are offenses that "are just barely taken seriously, like most consensual sex offenses. Here, especially in the case of fornication and adultery, enforcement is so sporadic as to be just one step short of complete cessation" (1968: 290-291). Davis in his study of the Chicago police, begins his report with "twenty quick samples of nonenforcement of criminal statutes and ordinances" that range from witnessing a shooting to drinking in the park (1975: 3-7).

On the other hand, Wilson (1968) studying eight different policy agencies observed vastly different arrest rates for moving violations ranging from

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<sup>3</sup> Different phases and foci of this research were sponsored by a Fellowship to Redlinger from the Drug Abuse Council, Washington, D.C. for 1974-75, by two summer Research Fellowships from the Russell Sage Foundation (1967, 1968), and by NILECJ Grant #76-NI-99-0109 (1976-78), to the Research Triangle Institute. The ideas expressed here are not necessarily those of the National Institute, Drug Abuse Council, or Research Triangle Institute, or their staffs, nor are they policy statements. I am extremely grateful to my colleagues and to the police departments in which they and I worked. The police were most cooperative as were all others involved in the projects.

11.4 to 247.7 per 1,000 population (1968: 95). Enforcement of the vice laws also varied widely in the cities studied, and it can be said that some jurisdictions appear over concerned about specific laws. Wilson (1968) argues that some of the variations in enforcement are due to variations in police organization and styles of activity. Police organizations that pursue, for example, the "watchman style" place greater emphasis on the maintenance of public order and thus make relatively few arrests. On the other hand, agencies structured along a "legalistic style" handle most complaints as matters of law enforcement and appear to produce higher arrest rates. A third organizational modality, a "service style" characterizes agencies which intervene frequently into complaints and behavioral episodes that come to the attention of the department but handle relatively few cases formally. Wilson notes:

How frequently the police intervene in situations, and whether they intervene by making an arrest, will depend in part on the number and seriousness of demands the city places on them. Second, some police behavior will be effected by the tastes, interests, and styles of the police administrator. Finally, the administrator's views of both particular problems and the general level and vigor of enforcement may be influenced, intentionally or unintentionally, by local politics. (Wilson, 1968: 83)

Davis (1975) in his study of the Chicago police argues that the "pervasive false pretense of full enforcement" is based upon a combination of full enforcement legislation "statutes and ordinances" with a lack of resources for full enforcement and the common sense of some nonenforcement. Davis argues that the police have three possible courses of action: (1) full enforcement in fact, along with a truthful statement of it; (2) selective enforcement, along with the pretense of full enforcement, and; (3) selective enforcement, along with a truthful statement of it. Davis argues for the

third position stating that it is then possible for senior officials to make useful policies guiding and limiting discretion by patrolmen in the field (Davis, 1975: 52-163).

#### B. Differential Application of the Law to Different Individuals.

Police in the field often apprehend only a portion of those persons they observe violating some law, or those persons who have been reported by a citizen or citizens. In some instances, failure to apprehend is based upon a lack of complainant (see Davis, 1975:7-12), while in others it appears that discretionary enforcement models community values (Banton, 1964), resembles discriminatory enforcement. Goldstein (1960) indicates that selective enforcement occurs most frequently in low-visibility interactions between officers and citizens, and thus is not subject to administrative scrutiny nor guided by policy. Goldstein (1960) argues that such enforcement can easily degenerate into discriminatory conduct and that an impartial civilian body should examine police decisions as to which laws are enforced and how they are enforced.

One of the major areas in which information concerning differential applications of law exists is in the area of juvenile offenders. Goldman (1963) conducted an investigation of juvenile arrests in Allegheny County, Pennsylvania, in an industrial center, a small mill town, an upper-class residential area and a trade center. Data gathered by Goldman indicated that approximately two-thirds of the juveniles apprehended by the police were released without court referral, however 91% of the auto thieves police encountered were taken to court while 11% of the mischief cases were reported. Goldman found a major differential in police reporting practices; 65% of the black offenders were taken to court, in contrast to 34% of the white

juvenile offenders. For serious offenses, the referral rates were about the same for white and black youths; however blacks apprehended for minor delinquencies were much more likely to be taken to juvenile court than were their white counterparts (Goldman, 1963). Police officers interviewed by Goldman indicated that they were attentive to the seriousness of offenses. That is in general the more serious the offense the more likely it was that they would refer the offender. Officers indicated that they were also affected by their own views of the juvenile court. Officers who thought that the court had harmful effects on the youths referred very few of them. On the other hand officers who thought highly of the courts were more likely to refer juveniles. Finally officers indicated that they gave a good deal of emphasis to the demeanor of juvenile offenders. Officers were more likely to refer deviant juveniles than those whose demeanor was polite and contrite. (Goldman 1963: 93-124).

A study by Piliavin and Briar (1964) produced findings similar to those of Goldman. Piliavin and Briar studied the behavior of police officers in a large California city and reported that discretion was widely used in dealing with juveniles. Most of the youngsters apprehended for serious forms of law-breaking were subsequently referred to the court. However, the less serious cases were differentially reported; some youngsters were taken to court while others were turned loose with lectures on how to behave themselves. Piliavin and Briar found that officers made such discretionary decisions in terms of the general demeanor of the youngsters. Specifically, those who seemed to be members of gangs, who were black, who dressed like "cats", or who were deviant ended up in juvenile hall (Piliavan and Briar, 1964: 206-214). Similarly, Ferdinand and Luchterhand (1970) found evidence of differential handling of black and white delinquents. They assert that at least some of

the differential reporting of black youths to court was due to racial prejudices carried by police officers. As a result they are motivated to be harsher with black delinquents than they are with white ones.

Wilson (1968a) links discretionary law enforcement in juvenile police work to organizational features of departments. Wilson contrasted two relatively large cities: "Western City" which had a professionalized police department and "Eastern City" which had a fraternal law enforcement agency. Specifically "Western City" selected its recruits impartially, appeared to practice consistent law enforcement and had a formal organizational structure. On the other hand "Eastern City" had a department recruited largely from local residents, showed considerable graft, practiced differential law enforcement and commonly had informal and fraternal relations in its operations. In "Eastern City" the police operating out of the juvenile bureau appeared to be moralistic in outlook and believed that faulty personal or family morality produced delinquents. In contrast "Western City" officers were less moralistic and more therapeutic in their opinions. In line with Wilson's theorizing, "Western City" police officers who are more professional processed a larger proportion of its city's juvenile population than did the "Eastern City" police. Moreover, a larger share of those contacted were arrested in "Western City" than in the other community. Wilson suggests that professionalization of police departments leads to a more formal handling of offenders, stricter enforcement of the law, and less discretionary application of the law.

In a study of the Westville police department, Skolnick (1966) found that Westville officers make discretionary decisions with regard to outstanding traffic warrants. Specifically, some offenders are arrested immediately while others are left at liberty and given an opportunity to arrange for payment. Skolnick (1966) indicates that blacks were more likely to be arrested than whites,

but that the differential enforcement was not racially motivated. Blacks were arrested more often than whites, according to Skolnick because they were more likely to be unemployed and thus not residentially stable.

In the simple case in which the defendant has one warrant for fifteen dollars outstanding, the policeman's primary consideration is the apparent stability of the defendant's residence, because the policeman does not want to lose control over his physical presence. If the defendant owns his own home, or he owns furniture, he cannot afford to move in order to escape the payment of fifteen dollars. Since Negroes tend to be less stable residentially, the police are less likely to give Negroes time to raise bail. Similarly, if a man, white or black, convinces the warrant policeman that he is working, and needs until payday to raise his bail, the policeman will likely be sympathetic. Will he be more sympathetic to a white man than to a black man? My observations say "No," but perhaps police behavior was altered by my presence. There was, however, a notable tendency for traffic warrant police to respond favorably to Negroes appearing to possess the middle-class virtues of occupational and residential stability.

By contrast, if a man is receiving welfare funds and must use this money to feed his family, the policeman is likely to consider him a poor risk. Since Negroes are more likely to be on welfare than whites, it may again appear that Negroes receive less consideration. Thus, the race of the defendant may turn out to be a relatively spurious variable, too easily giving the impression that traffic warrant policemen discriminate against Negroes. Accordingly, a traffic warrant policeman may operate according to general standards--which Negroes find more difficult to meet than whites--and still appear to be biased in his work as a warrant officer. (1966: 85)

Women were also accorded differential treatment and young black males, "studs" were most frequently singled out for the most severe treatment:

My limited observations found traffic warrant policemen employing special standards only in arresting women (except prostitutes) and irrespective of color. It is degrading for a man to exert coercion upon a woman, especially in public view. A woman who resists arrest by shouting or screaming is inevitably an embarrassment to a police officer, and the problem of controlling her through physical force could become awkward. In addition, a woman who is a mother is especially likely to receive extra consideration from a traffic warrant policeman. The policeman is responsible for seeing to it that provisions are made for the care and maintenance of her children

which requires the assistance of other agencies, and as a rule the policeman will make decisions requiring less effort, especially paperwork. Besides, as one officer remarked, "It's not only a helluva lot of trouble to put away a whole family, but you feel like hell locking up a bunch of kids because their mother couldn't post twenty-two dollars bail."

By contrast, the policeman acts entirely differently toward the "stud." He may sometimes sympathize with the Negro mother's lack of funds, especially if she is on welfare, but he maintains a fundamental hostility toward the young male. In the policeman's moral world, if a young man is out of work and owes a debt to society which he lacks the money to pay off, he should go to jail for a few days to repair his obligations. (Skolnick, 1966: 85-86)

Overall, then, it does appear that selective enforcement of criminal statutes and their differential application to particular people occurs and that these practices are widespread.<sup>4</sup> Both, however, are crucially linked with our third area of consideration.

#### C. Day-to-day Internal and External Police Policy Making.

As Davis (1975) has argued the lowest levels of the police bureaucracy appear to make the most policy. Since command staff believe they must publicly assert that the departments are fully enforcing the law, they cannot very well make policies concerning selective enforcement. Standard Operating Procedures, while containing a plethora of rules covering all sorts of areas, often have very little or nothing in them to guide officers in the use of discretion. When references are found, they are usually related to court cases where guidelines have been handed down. Thus, many areas of administrative discretion are based upon unspecified and recorded procedures. Skolnick provides one example with regard to officer's serving traffic warrants:

A traffic warrant policeman's ability is measured in good part according to the number of warrants he "clears" per unit of time. Therefore, the disappearance of a

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<sup>4</sup>Additional data, particularly on discretionary arrest procedures, are presented in La Fave (1965).



defendant already "in hand" is not regarded lightly by him. As indicated, however, the police department does not require that warrants be cleared by arrest when the defendant cannot post bail. The department permits, to a degree encourages, the individual warrant officer to construct what in effect amounts to a system of "credit." Such a system requires the officer to create a set of criteria on which to base his judgment of whether or not the individual defendant's assurance that he will post bail at a later date is trustworthy. (1966: 84)

Similarly, Davis (1975) concluded that senior officers in Chicago had very little input into policy making and appeared to not desire to know what was actually occurring. Police in Chicago made enforcement policy ad hoc on the street:

The principal procedure by which the Chicago police make enforcement policy is by leaving patrolmen free to make policy as they encounter problems in their patrol. Such policy is based mainly on guesswork and superficial impressions. Many policy decisions by patrolmen are guided by experience, observation, thoughtfulness, and understanding, but many are not. Some are based on misunderstanding, such as the belief that one cannot be convicted without voluntary testimony of the victim.

Top officers do not delegate policymaking power to their subordinates. Instead, the top officers simply do nothing about most problems of enforcement policy, so that when patrolmen are confronted with the problems they resolve them as best they can. The unrecorded habits of patrolmen make up the great bulk of police enforcement policy. The policy the patrolmen make is seldom reviewed by superiors and much of it is unknown to them. (Davis, 1975: 46-47)

In my research and that of my research partners, we found narcotics units whose operative policies were set by informants. Not only was there selective enforcement of the drug laws (i.e., some drugs were labelled priority enforcement items while others were virtually ignored), but in addition, the laws were enforced with regard to whom officers had information about, "who" their informants could "do." All nine of the units studied engaged in this type of activity and in six of the nine it was the primary mode. In one unit a split

between the "undercover crew" and the conspiracy unit was organizationally in esse a split between informant determined policy and policy based upon unit selected targets. In the other two, while informant information provided a major impetus, the units also had goal directed policies formulated by the unit commander and in one case with direct input from the Chief. These concerned the use of undercover operations, street dealer buy programs, and the development of conspiracies on known major dealers. In any case, allowing narcotics officers to direct their efforts on the basis of, in effect, informant determined policy is allowing discretion at its broadest and least controllable point.

One unit studied provides an excellent example of how formal rules that cannot be met become ideal end points marking the boundary from which operating procedures can and must depart. Four "facts" must be kept in mind: (1) the relative lack of informant funds; (2) the expressed policy of the unit commander; (3) the supply of enforcement personnel; and (4) the supply of potential informants.<sup>5</sup>

In Dollarville's narcotics unit, the dayshift is required to "work the jail" which involves a process whereby cases made by patrol are checked for their "fileability," and, in addition, each person arrested in a fileable case is supposed to be questioned. The key to this process of working the jail is that information can be developed from an already gathered pool of potential informants. In fact, not every person arrested by patrol on a drug charge is questioned because usually there is not enough time in the investigator's day to do so. In order to interrogate an arrestee, the individual must be released to the custody of the narcotics unit investigator, brought

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<sup>5</sup>The following material is adapted from Williams, Manning and Redlinger (1977) and Redlinger (1978).

to the narcotics unit squad interrogation room, questioned, and then returned to the jail. This process takes an average of one to two hours. In addition, the time to check the cases must be added, and so any given investigator can talk with at most three arrestees per day. Because the cases that must be checked include not only cases made by the narcotics unit, but in addition all patrol made cases, there is always a greater supply of potential informants than the supply of agents to interview them. This "problem" was never discussed and thus the official policy was that all jail cases were to be "worked". In addition, however, the unit had a "selective enforcement" policy that was not written down, (of course) but was known and tacitly agreed to by all investigators and that was that heroin was a priority drug. The investigators, left with a situation where the supply of potential informants was much greater than their capacity to handle them began making informal policy as to the "potential" for an informant, and "their policy" which was never discussed openly amongst them, was to use the unit policy concerning drug priorities as a basis to proceed (see Table 2). Thus, heroin cases were almost always checked especially where the seizure was "significant" while marijuana cases made by patrol were infrequently checked if checked at all.

The point of the above example is not that what the investigator did was wrong, but that what they decided was a natural consequence of expressed policy and a real situation that could not be reconciled with that policy. Since the management would not make policy, the investigators were forced to do so, and the policy made was based upon implied and tacitly understood variables.

TABLE 2  
Examples of Procedural Discretion Rationales Used by  
Investigators of The Dollarville Narcotics Unit

| Stated Procedure  | Praxeological<br>Discretion Rationales   | De Facto Procedure  |
|---|--|---|
| Work all patrol-made cases;<br>question all arrestees in<br>cases that are now jailed | There is an enforcement priority: heroin<br>and cocaine are top enforcement priorities   | Heroin cases most often worked;<br>marijuana cases least often worked   |
| Work all patrol-made cases;<br>question all now jailed<br>arrestees from those cases  | First-time low level possession offenders<br>yield little or no valued information<br>especially in marijuana cases; second-time<br>offenders having more to lose are more<br>likely to flip, are generally more likely<br>to have good information than first-time<br>offenders | Heroin cases focused on; second<br>time and third time offenders singled<br>out; second and third time offenders<br>must work harder for their consider-<br>ation   |
| Work all patrol-made cases;<br>question all now jailed<br>arrestees from those cases  | "Bad bets" made in the past influence<br>selection of present prisoners; "bad<br>bets" are of two types:<br>a. those who made contact and did not<br>perform obligations<br>b. those who are "known as not being<br>flippable"   | "Bad bets" less likely to be selected;<br>when selected, they must work harder<br>to receive consideration; the consid-<br>eration they receive may be less than<br>others charged with the same offense<br>would receive |
| Attempt to flip arrestees<br>in NU Initiated cases                                    | "Bad bets" less likely to be given a<br>thorough chance to become a flipped<br>informant   | "Bad bets" more likely to be charged<br>with full charge and less likely to<br>have points of consideration   |

#### D. Organizational Variables and Predictable Outcomes

In addition to police administrators public commitment to full enforcement, there appear to be three major organizational variables that contribute to the relative lack of guidelines on the use of discretion. First, there are budgetary considerations. At least with regard to narcotics enforcement, units operating under austerity budgets cannot faintly hope to provide full enforcement, and units with "healthy" budgets do not actually have enough resources to provide adequate coverage. Thus, administrators either at the unit or higher levels must make a de facto policy concerning what drug laws are to be enforced. In addition, however, budgetary problems affect what types of information can be gathered and what kinds of informants can be developed. Where informants funds are restricted, units must of necessity attempt to utilize "flipped" or "twisted" informants. Such informants are more likely to have limited information, to work only a minimum number of cases, and buy only from small-time dealers. Even if agents can arrest these dealers, they cannot afford the investment of resources in long-term investigations into higher echelon dealers. (For an indepth discussion of these effects see Redlinger, 1978). However it would appear that such budgetary effects are not limited to narcotics enforcement and it can be stated generally that inadequate resources result in discretionary enforcement. Since I know of very few departments that have adequate resources, most must make discretionary decisions. Since, in many departments, police administrators are not willing to make applicable policy, there is "slippage" in control and informal policies like those previously described result.

Secondly, as Manning (1977: 337) notes while it is assumed that policies in police organizations flow from the administrative sector downward to officers

who implement them, it is also clear that the lowest levels in police organizations possess the greatest amount of discretionary power. In fact, then, how policy becomes operative depends upon the officers, but it also depends upon how much actual policy, how many good guidelines are handled down and the degree to which they are enforced. There is a related variable: the degree to which enforcement policy is made at the unit level. It is quite common to find police organizations in which unit commanders have a great deal of authority to make enforcement policy and to fashion it along lines of their own choosing. In my research on narcotics unit, I found unit commanders who had virtually absolute authority to make enforcement policy. In addition, in the most recent research (conducted with Manning and Williams) we found units in which, because of command staff rotational policies, enforcement policy was made by Sergeants. In these units, when the Sergeants have no policies, then what occurs is that investigators are left with not only enormous amounts of discretion, but in addition very few guidelines on which to base their actions.

Third, because of the rich and complex nature of street encounters between police and citizens, administrators are most reluctant to make specific policies to be followed. This is in marked contrast to the U.S. Supreme Court which in decisions such as *Terry v. Ohio* has made specific policy concerning police discretion. It appears as if police administrators make enforcement policy only upon "negative cases". That is, only after something goes awry is policy made. The problem with this type of approach is that informal policies, practiced daily obviously govern behaviors and ad hoc policies become difficult to enforce. Ad Hoc policies have less fit organizationally with both informal

operative policies and with what official policy does exist. This type of management is sometimes known as "oiling the squeaking wheel approach," without regard to the over state goals or state of the "machine".

Each of the above three variables contributes to an overall loss of effective management,<sup>x</sup> and allows for more discretion at the lower levels than is necessary. Let me point out that I am not saying we should do away with discretion. I am saying that from an organizational point of view discretion should be managed, should be provided with officially stated limitations which provide officers with strong "dikes" through which their enforcement activity can flow.

#### IV. Discretion and Informants

In the preceding I have given some examples concerning the development of informants and investigator discretion. In the following, I wish to briefly summarize some of the findings from the studies myself and my colleagues have done concerning informant development and handling and officer discretion. In Williams, Manning and Redlinger (1977), we offered a continua of organization that ranged from units that were extremely investigator-centered to those that were organizationally centered (see Table 3). In general, as units approach an extreme investigator-centered organization, officer discretion reaches its highest point. Units characterized by this type of organization have very few checks upon how informants are developed, what cases are worked, what officers are doing with their time, how officers spend the unit resources, what information is collected, and who the informants are. In the most extreme cases, there are no informant files and officers need not run any checks on the informant before utilizing his services.<sup>6</sup>

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6 The following material is adapted from Redlinger (1978).

Table 3

Features of Narcotics Enforcement and Modes of Organizational Control

Narcotics Crimes in General

1. Crimes are private transactions, usually not evident (no complainants).
2. Agents are often ecologically distant from crime; must "make crime happen."
3. Agents do not rely wholly on voluntary information, but must obtain it through informants. Conditions for working off cases not put in writing a priori nor its approval required before a "deal" is made between an investigator and an informant.
4. Selection of targets is discretionary and cases are infinitely expandable.
5. Calls to narcotics units not tape recorded (i.e., cannot be independently monitored).
6. Sergeants are usually not aware of the precise number of informants or cases of any investigator.
7. Relationships between time, effort, money and arrests are unknown; activity sheets are only a partial record of time/effort.

Investigator-Centered\*

1. No initial information can be verified independently - nothing in writing required upon receipt of information.
2. Few cases are assigned (these are "special assignments").
3. No cases are officially "opened" or "closed."
4. Number, type, promise, and estimated "pay-off" of cases known almost exclusively by an investigator (or partners).
5. Arrests, charges, seizures, search warrants served and buys indicate investigators' activities only after the fact.
6. No clearance rate can be calculated since:
  - A. Crimes are not "founded" independently investigated after an allegation.
  - B. Cases are in effect self-initiated, self-defined and self-closed.
7. Informants are known only by investigators, not evaluated by supervisors, and may not be placed in official files nor given an official number.

Organization-Centered

1. Some information (clues) is recorded on special investigative forms.
2. Cases are routinely assigned.
3. Assigned cases must be closed within a specified time.
4. Frequent check is made on the number, type, and promise of cases (e.g., squad or section meetings).
5. Prior approval by supervisors of buys and raids required.
6. Partial clearance rate can be calculated (for assigned cases).
7. Informants require Sergeants approval, and Sergeants meet informants. Performance of informants is evaluated and a central file is kept with records of payment and performance.

\*Some squads may vary from this model e.g., diversion, schools or squads on special "big case" assignments.

(From Williams, Manning & Redlinger, 1977)



#### A. Informant Development

In only three of the units studied was there a clear administrative policy made concerning the development of informants. In one other, a policy was emerging at the time of the research. In others, informant policies were virtually residuals of unit organization, or effects of forces outside the units direct control. For example, in Gotham Minor during the research, the total number of informants was quite low. The lack of paid informants was mostly attributable to the lack of funds to pay for information. The lack of twisted informants, according to the agents, was due to the lenient sentencing given in drug cases. Thus, "not that many people are going to jail anymore. They're not too worried about their charges like they used to be years ago."

Policies concerning the mode of development of informants are critical to the effective functioning of narcotics units. Even when austerity budgets force the units into one mode, or federal grants allow another, unit-aide policy planning continues to be important. In the absence of unit policy, there is often individual investigator policies which inevitably result in investigators "owning" single informants and making operational policies as to their development.

Arrangements between informants and agents become isomorphic. Cases which may not be on the investigators "list of priorities" may go undone. Agents with more informants than they can "handle" may not pass on cases that could be done unit-wide. The number (quantity) of cases for consideration and or the quality of cases can vary from investigator to investigator without supervisory approval or control. Finally without a clear policy, there is little way of telling if the informant is actually controlling the investigation and if, because of this, the goals of the unit are subverted and replaced with

not "who should be arrested" but who the informant can "do."

With regard to twisted informants, there ought to be unit-wide policy concerning the types of cases that are "considerable" and those which are not. In several of the unit's studied, supervisory staff, and individual officers differed in what types of cases they thought should not receive consideration. The only real agreement was on cases involving violence against a police officer. While such rules are guidelines, there can, of course arise unique situations in which the unit can decide to make exceptions. The point is that the locus of the decision is moved to a unit decision rather than being fragmented and individualized. If the unit-wide policy is simply that there is no policy, then informant files, checks on funds, expenditures, types of cases granted consideration, types of drugs focused on, etc., are all moot. Investigators are free to do as they choose.

For those units desiring to set up an organizational policy on the development of informants, informant files are most valuable. Periodically, these files must be updated. Supervisors much check that the data required are being entered, not so much for record keeping purposes per se, but to make sure that the agents themselves have taken the time to do the checking. Finally, the use of such files as a base for policy allows for an information transfer within the unit, such that previous histories of informants are available to officers.

#### B. Policies Concerning "Who" the Informant "Belongs To"

The amount of discretion the agent has in his relations with informants is directly related to the conception the unit has about "who" the informant "belongs to". Simply stated, the informant can "belong" to the agent, to a group of agents, or to the unit as a whole. Each of these arrangements wa

found at the sites studied.

Agent discretion is greatly increased when informants "belong" to a specific agent and there are no administrative controls over the relationship. In the most extreme case, the Sergeant who supervises the agent does not know the identity of the informant, no informant file is kept, and the agent need only produce receipts for payment signed by the informant. All phases of the agent-informant interaction occur at the discretion of the agent. If the agent leaves the unit, the informant may be "carried" with him or as is sometimes the case "passed on" to a successor chosen by the agent. In a less severe case, the Sergeant may meet the informant, but then after that have little to do with the interaction, form of payment, and amount of payment as long as the arrangements are not excessive. Alternatively, the agent's partner may also meet the informant, but not be able to use as "work" the informant. Overall, these particularistic patterns reflect a bygone era of informant utilization when surces were carefully guarded, information hoarded, and intelligence functions not performed in any systematic manner. They are, however, in active use.

Frequently, such practices are found either in units that have overall high degrees of agent discretion (Investigator centered units) or in units where the overall levels of trust between agents is low. The latter case is also sometimes extant with the former. That is, investigator-centered units typified by particularistic patterns, may involve hoarded information, personalized informants, ect., partially because the agents do not trust each other.

Usually when an informant belongs to a group of agents, the "group" consists of an agent and his partner. In the initial stages, the administrative

supervisor may wish to meet the informant, but thereafter the negotiations between the informant and the agents are at their discretion. Administratively, the policy applied is that the informant "belongs" to both agents and both are supposed to be able to "work" him/her. In practice, however, there is a tendency for one of the agents to be more successful with a particular informant than the other. One drug section commander describes the rationale behind his change to the "partner" policy as follows:

(researcher) I was in a department where a Lieutenant wanted all the officers to study for the Sergeant's exam and as a result they lost all their informants because they were busy studying.

Commander' Sure this can happen. A man goes on vacation for two weeks, he loses contact with his informants and to regenerate the informant network that he had prior to his vacation, he's really got to get out there and hump it. That's why I've gone to the squad or partner concept. We have men assigned as partners and I hold them responsible for the acts of each other.

The partner arrangement allows theoretically for less discretion, on the part of any single agent, provides a check upon the informant, and allows for greater continuity in the working relationship.

As stated policy, the idea that the informant belongs to the unit rather than an agent or agents occurs frequently; however, as an operative policy it is most common to find it coincident with the second pattern discussed above. That is, while it is relatively easy to make a policy statement, agents must relate to informants on a personal and professional basis. Informants, for their part of the relationship, generally prefer to work with a single agent or a small number of agents. Informants who have worked with a particular agent in the past might desire to work with that agent in the future.

Thus, what exists ideally in written policy is de facto a single agent or partner-informant pattern. The tendency overall is for investigators to view the relationship between an informant and one of their colleagues as a personal one and to understand that relationship as one of "ownership." Frequent references are made to "his informant" even in units where the expressed written policy is that the informant belongs to an agent, he "does." One way this problem is mitigated is through the team approach to informant use; another is through the partnership mode described previously. It should be noted, however, that team approaches are more likely to occur in units that do not compare individual agents with regard to the number of cases made, the amount of dope seized, etc. A supervisor in a unit which has begun implementation of a modified unit-informant policy comments:

I haven't seen any friction with it. The guys realize that it's more or less, we've kind of got a team type situation. Instead of each guy being a separate little thing in themselves, trying to run out there and do it, we find we get a lot more effective suppression out of, if the guy's kind of thinking it's, you know, it's all for the good of the situation rather than for your own personal benefit. Plus with the guys on vacation, you know, shit, you know, you don't get any mileage out of him, you might as well get some mileage out of his informant or out of his information. Same thing sorta holds true for our information, we try to centralize it into a controlled file that is open to everyone in this division.

In this unit, as in others studied where a unit policy was stated, the operative modality was one where partners, or a defined set of agents worked the informant. Often the locus of discretion for choosing the set of agents rested with the individual agent whose informant was being shared. Sometimes, the locus of discretion rested with the supervisor who indicated who would work with whom.

As can be seen, both the partner-informant and unit-informant policies allow for more organizational control over informant handling. Both appear

to be more frequently found in units that have centralized informants files. Unit-informant policy is associated with attempts to centralize and integrate the information that comes into the unit, with a more standardized schedule of payments, and with unit-wide shared conceptions of informant performance evaluation.

### C. Measures of Performance

Like many other features of narcotics law enforcement, the evaluation of informant performance and retention policies vary with the degree to which the unit is investigator-centered or organization-centered. Units which have unit-wide informant policies are more likely to have a shared set of collective categories for evaluation and for retention. However, this is not always the case. Because agent-informant relations are sometimes considered the agent's personal business, command staff may leave significant control decisions and performance evaluations to individual officers. While this is much more common in investigator-centered units, it can, and does occur in organization-centered ones. Even in instances where organization-centered units have written performance standards and policies relating to retention, they may be vague and non-specific. For example, one unit lists as one of its criteria "trustworthiness" and leaves it undefined because investigators are supposed to "know" what this means. In addition, while every informant who is flipped must be approved by the shift sergeant and the lieutenant, most are given routine and verbal approval, and there is no written administrative rule that specifies this procedure. The "rule" is known verbally to officers. Thus, officers interactions with the shift sergeant and/or the lieutenant often communicate the bare nature of the case: offense charged, age, race, number of cases that can be made, and the approval is granted immediately. However,

the investigators do perform routine evaluations of informants and a record is kept of the evaluation along with a record of payment. Such a system when carefully monitored provides for consistent unit-wide policies concerning performance and retention and places effective limits on discretion.

In contrast, investigator-centered units (e.g., Southern City) often have no formalized policies. Because so much is left in the hands of the individual agent, administrators do not see the need for this type of policy. Sergeants need not to give approval and investigators appear free to develop isomorphic and unique standards.

On the basis of the data gathered, it appears that units that have explicit policies concerning informant performance have greater span of control over the use of informants and information. More likely than not, in such units, informants belong to the unit and their information can more easily be pooled. That is, it is easier to have an "intelligence" function. Moreover, it becomes more practical for agents to direct informants toward certain established targets whether they are organizations, areas, or types of drugs. Where agents are also properly trained and evaluated in the control of informants, the sharing of information and the solidarity of the enforcement team is greatly aided. In such units an intelligence function can be performed which presents a truer picture of the market, and this is crucial to any enforcement effort. Moreover, investigator discretion is effectively managed. Investigators are provided with guidelines for their behavior that are flexible and consistent with management philosophy and goals.

In general, what I am suggesting is that administrators must ask themselves "which issues are matters of police policy that can be governed by administrative guidelines?" Matters which are policy questions should be more rule governed

than those which are more individualistic in nature (see Davis, 1975: 158). For example, with regard to narcotic law enforcement, informant policies are just as important as raid procedures and both should be subject to a set of specified guidelines. While raid procedures are often detailed and spelled out, policies regarding informants are not. Administrators through-out police organizations must acknowledge that there is selective enforcement and take charge of making and managing the policies of departments. This is not a yearly task, but one which must be done on a daily basis. Only then will enforcement policies be brought in line with resources available, and only then can reasonable enforcement goals be set. In this manner, policy specifying rules and guidelines will not replace discretion, but they will manage it and narrow its range to those situations where it is necessary. They will provide channels within which officers can use discretion and effectively function.



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APPENDIX D

Literature Review

by

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## Literature Review

### I. INTRODUCTION

Our interest here is in exploring those issues about police organization and behavior that are relevant to the enforcement of drug laws. To that end we have found it helpful to organize our review of the literature around a number of categories:

1. enforcement philosophy
2. organization and resources of narcotics units
3. tactics and modes of operation of narcotics units
4. corruption, discretion and the law
5. politics of drug enforcement
6. measuring the effect of enforcement.

In the discussion to follow we will identify important literature which discusses these and related issues.

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Some take the position that demand is inelastic because heroin is consumed by addicts, and heroin addicts have little control over their consumption because of their addiction. Those who take this position tend to see a supply reduction strategy as counterproductive (Brecher and the Editors of Consumer Reports, 1972; Drug Abuse Council, 1973; Koch and Grupp, 1971; Morris and Tendler, 1973; Quinn, 1971; Silverman et al., 1975). Reduction of supply through enforcement activity increases the cost of the drug to the addict buyer and because addicts support their habit mainly through property crime, the value of goods stolen increases. Thus, as the argument goes, enforcement efforts that successfully reduce the supply of addictive drugs have the effect of increasing crime because of higher drug prices.

The argument that the demand for heroin is inelastic is not a generally accepted view of the economics of drug law enforcement. Most of those studying the relationship between drug cost, drug usage and the amount of crime recognize these variables are related in complex ways. One point is made, for example, that not all heroin users are addicted (Moore, M., 1970:3-4); many are occasional users. Further, heroin users may voluntarily stop their use of the drug or they may substitute other drugs (Heller, 1973:386; Moore, M., 1970:4). Very little is known about the impact of alternate enforcement strategies. Goldman (1976:85) makes the point that curing the heroin addiction problem may have little impact on crime because former addicts may continue their involvement in crime. There does seem to be considerable agreement about two beneficial effects that stem from successful efforts to drive up the cost of heroin by reducing supply: new users are discouraged from trying heroin (Goldman, 1976; Moore, M., 1977:237; Silverman et al., 1975) and higher prices create an increased demand for treatment (DuPont, 1973; Goldman, 1976; Wald et al., 1972:54).

In addition to being organized around notions of supply and demand, drug enforcement strategies are based on ideas that take their direction from the characteristics of illegal drug markets. It is generally believed that enforcement effects will be most notable if efforts are concentrated at the higher levels of the distribution network. Enforcement intervention early (grower, wholesale dealer) in the distribution

chain will have a more significant impact on drug traffic than intervention at lower levels (street peddler, user). Pace and Styles (1972: figure 1.1) sketch the components of the opium market. Some would still maintain that those who sell drugs on the street should be the primary enforcement targets because they aggressively market the drugs (Wilson & McLaren, 1972:410). But the current consensus is that the notion of the "pusher" is largely a myth (Heller, 1973: 387; Wilson, J., 1975:148) and that enforcement efforts are best concentrated on those who deal in larger amounts of illegal drugs.

This enforcement philosophy of market disruption at higher market levels under a regulatory model has implications at police organizational and operational levels. Those implications will be discussed further in upcoming sections.

### III. ORGANIZATION AND RESOURCES OF NARCOTICS UNITS

The enforcement philosophy mentioned earlier needs to be articulated through organizations and translated into resource commitments. A review of the social science literature dealing with the elaboration of narcotics enforcement strategies at the organizational level is a short task. There is very little systematic literature available. Manning's recent journal article dealing with the manner in which the abstract organizational goals of police narcotics units are translated into everyday working realities, discusses the articulation issue; he finds a disparity between stated and operational goals and finds enforcement actions to be negotiated and situational (1977:56). A variety of conditions and factors, for example, mitigate against realization of the goal of arresting dealers higher up in the drug distribution network. Before dealing with these problems we wish to sketch the organizational characteristics of a narcotics unit as found in the sparse literature that is available.

The National Advisory Commission on Criminal Justice Standards and Goals provides general and specific recommendations for the formation and activities of narcotics units. They recommend that any police agency employing more than 75 people have a full-time narcotic and drug investigation capability (1973:246). Guidelines from the International Association of Chiefs of Police (IACP) recommend that departments should assign between 1 and 2 percent of their manpower, depending on their crime rate, to drug enforcement (1970:10). Depending on the particular organizational structure of the police department, its size and the size of the narcotics problem in the jurisdiction, enforcement of the drug laws may be the primary responsibility of a specialized narcotics unit or of a combined vice-narcotics unit. As the drug problem and its political visibility have increased in recent years there has been a tendency in larger departments toward specialized units. All of the police departments in the cities dealt with by this research have a unique organizational entity whose mandate is narcotics control. A survey conducted by the IACP indicated that only 20 percent of the departments had separate narcotic units but no information is provided



about the characteristics of survey respondents (IACP, 1970:17). It is probable this low percentage reflects the inclusion of a high percentage of smaller departments in the survey. Our experience indicates that larger departments have separate narcotics units.

Lines of authority and organizational responsibility are also relevant to the actual operations of narcotics law enforcements but this has received scant attention in the literature. Two other relevant general issues need to be raised.

The first has to do with the degree of cooperation and communication which exists between a narcotics unit and (1) other units of the department, and (2) other law enforcement agencies. Because illegal narcotics operations and dealers commonly involve other forms of criminality, (e.g. burglary) the narcotics unit in a jurisdiction should have close ties with other departmental operations. Further, narcotics operations are complex and take place across jurisdictions, so that interagency cooperation is necessary to successful enforcement. In fact at least one author believes that "...the greatest strength of any narcotic law enforcement unit is the breadth of its coverage based upon communication with and cooperation with other jurisdictions" (Sechrest, 1975:49; emphasis in original). Both the National Advisory Commission on Criminal Justice Standards and Goals (1973:246-249) and the IACP (1970:1-18) stress the advisability of cooperative enforcement efforts. But little systematic exploration of such operations can be found in the literature.

A final general organizational issue is raised here - whether or not it is advisable to rotate narcotics enforcement personnel. Many believe there should be a limit on the amount of time an officer stays in a narcotics unit. There are considerable pressures involved in the enforcement of drug laws: long hours, difficulty of effective enforcement by the same officers over long periods of time, and pressures toward corruption. There are arguments in favor of, and opposed to, the rotation of officers (IACP, 1970:9). The IACP recommends a policy of rotating officers every two or three years although their survey shows that the vast percentage of departments do not follow that policy.

#### IV. TACTICS AND MODES OF OPERATION OF NARCOTICS UNITS

A variety of sources deal with enforcement tactics and modes of narcotics policing. A basic and important characteristic of this work is that it is primarily "proactive" as opposed to "reactive" police work (Wilson, J., 1968). Officers typically are not directed in their activities by a citizen complaint. The major implication of this fact is that the enforcement activities are primarily "case-making activities." These include surveillance, undercover work, and use of informants and other sources of information; the casemaking activities are frequently complex and time-consuming. We will review briefly relevant literature dealing with some of them in this section.

##### A. Informants

"My long run strategy is to make a few busts and then to try to get them to inform on the people who deal" (Gould et al., 1974:80). This quote from a narcotics enforcement officer is informative and to the point; informants serve a central function in narcotics enforcement. Few narcotics agents would be able to gain access consistently to clandestine drug markets without the assistance of informants. A variety of publications dealing with narcotics enforcement devote sections or chapters to a discussion of the role of the informant and how he should be used (Division of Drug Abuse Control, 1973:51-60; Earhart and Pace, 1971: 162-163; Harney and Cross, 1973; Lentini, 1977:146-186; Motto, 1971; Pace and Styles, 1972).

Informants are motivated to provide information in drug cases to the police for a variety of reasons. A reading of Motto (1971) and the Division of Drug Abuse Control (1973) provides the following list of these motivations.

- . profit - providing information for a fee or to protect one's own drug market
- . revenge or spite
- . concealment of informants' own crime

- . trading - "working off" the informants' own case, i.e., trading information for consideration in their own criminal matter
- . repentance
- . stool pigeon - providing information to both police and drug violators to maintain good relations with both
- . ego - to secure recognition as an important person or to satisfy a "detective complex."

The necessity of informants to narcotics enforcement provides several important sets of implications. The first has to do with the reward an officer can offer and provide to a potential informant. This reward is generally either money or consideration in the prosecution or sentencing associated with an offense of the informer. The point we wish to make here is that there is considerable consensus in the literature that the success of narcotics enforcement efforts depends largely on good information; a major source of good information is informants and they frequently have to be paid. Funds are required for these payments and for other major case-making activities - for example the purchase of illegal drugs to be used as evidence for arrest and conviction. Overall narcotics enforcement success then depends to a large extent on the amount of monies available to pay informants and make buys. In fact McDonald (1973:46) believes "...one can roughly rank law enforcement agencies and their subdivisions with regard to how high they can reach in the drug hierarchy by how much money they have available to pay for information." If reaching higher market levels is an indicator of successful enforcement then there should be a direct correlation between the amount of money available to pay informants and effective narcotics enforcement.

A second important implication derived from the notion that informants are necessary to successful narcotics enforcement is that cooperative relations must exist between police and prosecutors. Many potential informers will be "turned" only if they can be assured they will receive consideration from the prosecutor and/or judge. Police-prosecutor

relations can then facilitate or impede narcotics enforcement: impediments to these relations were examined by McIntyre (1975).

The narcotics enforcement officer who hopes to make productive use of informants in his work must also learn at the interpersonal level how to develop informants and evaluate the information they provide. This expertise is one that is developed over time and is cumulative, so that at least in the case of using informants, the narcotics officer becomes more proficient over time. In some other aspects of narcotics enforcement work (e.g. making buys), the officer may become less effective over time. It is not clear what the overall effect of length of service in a narcotics unit is, and the available literature provides little good evidence. Effective use of informants may improve over time but other tasks of enforcement may be performed less effectively.

A final factor associated with the use of informants in narcotics enforcement which has important implications for the tactics and operations of narcotics units, is the need to protect informants. For example McDonald notes: "usually the police will not move to arrest a dealer immediately after an informer has made a buy or 'cased' the place. This practice is to protect the informer." (1973:90) Protection of the informer is important for at least two reasons. He may have continuing value in developing new cases and his testimony may be required after an arrest in order to secure a conviction. Further, and in addition to any moral obligation the police may have to take reasonable precautions to protect those who assist them; if care is not exercised by police in this regard they are likely to compromise their capacity to attract additional informants.

#### B. Surveillance and Undercover Activities

The literature that exists dealing with surveillance and undercover activities in narcotics enforcement is aimed at instructing the enforcers in this aspect of their work. It enumerates tactics and provides shopping lists of do's and don'ts (see for example Lentini, 1977:161-174). The relevance of these activities for our purposes here is how the particular surveillance or undercover tasks are related to more general

enforcement modes. Enforcement which utilizes a buy/bust strategy\* compared to enforcement which attempts to build conspiracy cases against drug wholesalers, will utilize different surveillance and undercover techniques. We can classify these techniques in three categories according to the method used to carry out the monitoring activity.

1. individual (following suspects, covering a buy, etc.)
2. electronic (telephone tap, camera, etc.)
3. records (license tag registry, real estate transfer records, etc.)

It is obvious that the particular technique used will be determined in part by the enforcement strategy. Records, for example, are not likely to be used in a typical buy/bust case but they would almost always be utilized in the construction of a conspiracy case. This kind of systematic analysis of the characteristics and correlates of narcotics enforcement efforts does not presently exist in the literature.

#### C. Legal Issues and Evidence Accumulation

The enforcement of drug laws is made complex by constitutional requirements and court decisions. Police need to build drug cases carefully if they hope to abide by legally acceptable standards and secure convictions for a high percentage of their arrests. The consensual nature of drug offenses and the typical absence of a complainant usually means that police will need to rely on their own testimony and that of informants. In the development of the testimony for a case prior to the arrest, enforcement efforts used may later be judged to have constituted entrapment. The line separating acceptable investigative procedures and entrapment is fuzzy. Securing physical evidence in a case is one way to improve the chances for a conviction but constitutional protections against unlawful search and seizure can also make the task difficult. Small amounts of drugs can be quickly disposed of with relative ease and tactics police may use to prevent the disposal of potential evidence could be constitutionally problematic.

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\* Buy/bust refers to a strategy where a purchase of illicit drugs is made and the seller is arrested immediately thereafter.

The literature relevant to the legal aspects of narcotics enforcement is concerned with making enforcement "lawful". Examples of works that deal with this issue in a kind of instruction manual style are provided by the following references: Drug Enforcement Administration and International Association of Chiefs of Police, n.d.; Harney and Cross, 1973; Lentini, 1977; Ware, 1975.

Gould et al. (1974:54, 78-84) and Rubinstein (1973:390-400) discuss the attitudes of police toward the legal limitations placed on their enforcement activities. Police tend to see these legal requirements as unjustified and unduly obstructive. Schlesinger (1977) looks at the implications of recent Supreme Court decisions on illegal search and seizures and proposes alternatives to the exclusionary rule. Legal details will not be explored here but the implications of formal evidentiary requirements for the operations of narcotics units from a police perceptual point of view and from a legal point of view are important.

## V. CORRUPTION, DISCRETION AND THE LAW

### A. Discretion and the Law

The drug laws themselves and the tactics which must be used for their enforcement create an impetus toward police dishonesty. It has long been recognized that "vice" enforcement involves considerable risk of police corruption. "Vice control is the chief menace to police departments, on account of corrupting influences encountered in its administration" (Harrison, 1934:144). In drug law enforcement the law itself is viewed as one of the major factors creating and continuing a thrust toward corruption. Vice laws in general and drug laws in particular are often seen as unenforceable or counterproductive. Ahern (1972:143) has stated "since the failure of prohibition, it has been a maxim of American Justice that you cannot enforce laws that are abhorrent to a significant proportion of the population." Gardiner has said "...that wherever a substantial demand for illegal goods and services is found, someone will be willing to satisfy it..." (1970:95). Shur's book Crimes Without Victims is especially important in the area of narcotics enforcement (1965). That book underlined the problematic aspects of attempting to enforce laws dealing with consensual or victimless crimes. The book appeared at a time when attitudes toward public institutions, including the law, were becoming more critical.

The effort to control the use of drugs through legal statutes has the effect of giving police substantial discretionary power. Police set the outer limits of law enforcement in their arrest decisions for all offenses; if they decide not to make an arrest in the case of a violation of law - there will be no formal legal sanction (Goldstein, 1969). In the case of drug offenses, police discretion is increased beyond what it is for many other forms of illegality because of at least four factors: (1) the typical absence of a complaining witness; (2) the lack of a clear disapproving consensus about the illegal behavior at issue; (3) the evidentiary accumulation difficulties (i.e., the difficulty of

gathering adequate evidence that will pass the tests of constitutionality); and (4) limitations on enforcement resources. The existence of this substantial discretion provides considerable opportunity for corruption of police involved in the enforcement process.

Davis has noted:

Discretion is a tool, indispensable for individualization of justice. All governments in history have been governments of laws and of men. Rules alone, untempered by discretion, cannot cope with the complexities of modern government and of modern justice. Discretion is our principal source of creativeness in government and in law ... Perhaps nine-tenths of injustice in our legal system flows from discretion and perhaps only one-tenth from rules (Davis 1969:25).

In this passage the author deals specifically with legal injustice, (e.g., racial discrimination) but we would argue that other forms of police corruption (e.g., graft) are also made possible or facilitated by discretion. This discretion can be translated into nonenforcement or selective enforcement of the law by the police; this illegal police service is in much demand for those in the drug business. At least one writer believes "...the practice of not arresting is generally adapted to conserve police resources..." (La Fave, 1969:186), but it is also generally acknowledged that nonenforcement is at times marketed by police for corrupt purposes.

#### B. A Corrupt World

The following quotation provides a description of another impetus toward the corruption of narcotic enforcement.

...unlike police who deal with homicide or other major crimes, who have one time or rare contact with their customers, police who handle problems of morality rather than injury, crimes like prostitution and drug addiction, tend to develop a peculiar rapport with the people with whom they work... The addicts and the cops move in the same world, live the same hours, wait for deals to happen on the same streets (Jackson, 1975:273, 277).



Continual work in a "corrupted" world may also provide some impetus toward corruption. The narcotics officer must go to this world in order to enforce drug laws and if he is to be successful he must interact with those who live there (Ahern, 1972:27). During the process of interacting with dealers and addicts, the set of attitudes required to justify participation in corrupt practices might be easy to develop.

#### C. Police Organization and Culture

There are aspects of the way police departments are organized and of the sets of attitudes which develop within the police occupation that facilitate or encourage corruption. The peer-group pressure on a rookie policeman to join in petty corruptions is considerable and policemen learn early to make an important distinction - between honest and dishonest graft. Honest graft, which includes gratuities such as free meals, is viewed as a fringe benefit of the job and the new policeman is bound to accept them if he is to be accepted into the police subculture (Bracey, n.d.). Others explore also the socialization toward corruption that appears to occur as a consequence of becoming an accepted member of the police inner circle (Bahn, 1975; Stoddard, 1975).

Another characteristic of police culture that facilitates and contributes to corrupt police practices is its secretive tendency. The secrecy is a natural by-product of the typical police inclination toward fraternalism, social solidarity and social isolation (Ahern, 1972:13; Bittner, 1970:63-64; Skolnick, 1975: 5270). This secrecy functions to protect police who are engaged in corruption and to facilitate such activities for those police who are so inclined.

#### D. Summary

Corruption of police involved in narcotics enforcement is partially explained by the factors discussed in the immediately preceding three sections. The nature of the legal statutes which control the distribution and use of drugs gives considerable discretion to police officers. Attempting to enforce these statutes also requires consorting with the "enemy" and spending considerable time in his corrupt world. Finally, the socialization toward questionable police practices and the tendency for secrecy to prevail in police organizations facilitate the existence and continuance of police corruption.

## VI. THE POLITICS OF DRUG ENFORCEMENT

The history of the "legislation of drug morality" in the United States is a fascinating story (Duster, 1972). The Harrison Act of 1914 was the first piece of major drug control legislation. This was an act that attempted to control the distribution and use of opium and its derivatives through the imposition of a Federal tax (Brecher and The Editors of Consumer Reports, 1972; Lindesmith, 1959). Through the interpretation of this law and the enforcement activities that began to take place under it, the drug user became a law enforcement problem; previously he was a medical problem (Eldridge, 1967; Quinn, 1971). Later, when the Marihuana Act was passed in 1937, the Federal Bureau of Narcotics (FBN) got into the business of controlling the use of marihuana. The passage of this legislation according to Becker (1963:135-146) was largely a result of the moral enterprising of the FBN and its director, Harry Anslinger. It further expanded law enforcement into the drug problem. The moral crusading which has lain behind much of the policy-making in the drug control area is also discussed by Epstein, (1977). In some ways this crusading is reminiscent of the proselitizing which preceded the passage of the Volstead Act prohibiting the distribution of alcohol (Gusfield, 1963).

In addition to, and frequently in conjunction with, the moral enterprise of drug control, the element of political power considerations have helped shape drug policy. King (1974) and Epstein (1977) deal explicitly with this issue. The latter author contends that both Nelson Rockefeller, during his New York State politicking in the 1960's, and Richard Nixon, taking a cue from Rockefeller during the presidential politicking of the early 1970's, brought the drug issue to the public forum for the political benefit they could derive at the polls. They both sought to organize public fear and concern around the issue, for purposes of political control. As Epstein tells the story of Nixon's use of the drug issue, the drug control efforts he undertook, along with the publicity campaign and bureaucratic reorganization of drug agencies which accompanied these efforts, were part of a more general effort to take political control over law enforcement. Regardless of the accuracy

of this more general conclusion, it seems clear that the Nixon Administration made a conscious attempt to politicize drug control. There are a variety of important implications of the politicization of the drug issue; for example it had a substantial effect on the country's foreign policy. Relations with Mexico, Panama, Turkey and other countries were directly affected (Epstein, 1977:81-99). But for our purposes here we introduce the issue because of the effects it has had on the shaping and carrying out of drug control efforts by police.

In order to understand the social control of drugs (and other forms of deviance as well) in the United States, one needs to recognize that control efforts are often "inconsistent." Few would argue that the efforts, begun in the early part of the 20th century in the United States and continued into the 1970's, to control the use of drugs considered to be dangerous, have been especially consistent. The cause of this apparent contradiction can be traced to the contextual paradigms within which drug control laws and policies have been formed. These laws and policies are heavily influenced by moral and political considerations. The use of drugs would be best dealt with in biological, psychological or economic terms. Drugs are used for physical and emotional reasons and they are distributed under modified market conditions. Some legislation and enforcement strategies are formulated in such appropriate terms. Methadone maintenance programs for example are in part a response to the recognition of the addictive qualities of heroin; they seek to discourage its use by substitution of an alternative drug. Police efforts to disrupt the drug market by reducing supplies also have a rational basis. These efforts recognize some relevant economic realities of drug distribution; the disruption efforts are undertaken in the hope of reducing drug usage interfering with drug distribution.

We need to be conscious of the moral and political inputs. They not only help shape policy and practice but undoubtedly create and explain some of the attitudes of those involved in the enforcement process. The cynicism often characteristic of police and policed in the drug offense area is almost certainly in part a function of the "irrational" enforcement policies. This cynicism in turn may partially explain the tendency toward corruption and abuse of the law in narcotics enforcement.

## VII. MEASURING THE EFFECT OF ENFORCEMENT

### A. Estimation of Incidence

It is only in recent years that much systematic attention has been brought to bear on attempts to measure the impact of police activities on the level of crime (Jones, 1974; Swimmer, 1974; Wellford, 1974). It is not yet possible to state replicated findings about the relationship between police resource commitments to enforcement and crime rates for index offenses. And in the case of index offenses the problem of measuring offense incidence is minor compared to the difficulties involved in developing such measures of narcotics use.

If one is to attempt to measure the effectiveness of narcotics enforcement efforts, one needs to estimate the extent of the narcotic problem. It is difficult to estimate the extent of the drug problem in the United States. In the case of heroin, for example, estimates of the number of addicts vary significantly. In fact the meaning assigned to the term "addict" will largely determine the magnitude of the estimate. If the term is defined to mean only committed daily users, the estimate will be relatively low; if it is defined to include occasional users, the estimate will be relatively high. Using heroin as an example, alternatives to the number of addicts are often used to estimate the extent of the problem. The number of deaths attributable to overdoses or hepatitis or the numbers of drug users in treatment programs are examples of alternate measures. Estimating the number of users of other drugs and the extent of their use is even more difficult. The amount of cocaine, PCP or marijuana consumed by different segments of the population is largely unknown. The fact that many users of illegal drugs use a variety of different drugs makes the estimation problem even more complex.

Official data sources have to be considered suspect. De Fleur (1975) examined drug arrest records for the city of Chicago over three decades and concluded they are systematically biased because they are influenced by such things as public pressures and the political and budgetary motivations of the police themselves. Epstein (1977:173-177) has shown how the increase in estimates of the addict population of the United States from 68,000 in 1969 to 559,000 in 1971 resulted not from a

dramatic increase in the number of addicts, but from a statistical manipulation of the early estimates using new assumptions. Attempts to measure the effects of enforcement must take place in a context where basic incidence figures may not be reliable or valid. But in spite of the tendency for usage or incidence data to be of unknown quality, there are ways to estimate the effects of enforcement.

B. Market Levels

The characteristics of the narcotics distribution system have important implications for narcotics enforcement. Redlinger (1970, 1975) provides an early description and analysis of a heroin distribution system. More recently, M. Moore (1977:52) has argued that the major features of heroin distribution for New York City are:

1. small isolated distribution units and many different levels of distribution,
2. relatively centralized structure at top levels,
3. consistent upward pressures from lower levels,
4. monopolistic competition among lower level distributors,
5. occasional downward excursions by upper levels,
6. preferences for socially disorganized areas, and
7. lengthy, complicated, and difficult transactions at all levels.

These features can be described as operating in a distribution system characterized by multiple levels. At the top is the importer, at the bottom the consumer. It is generally accepted (though not universally; see Manning, 1975) that the preferred enforcement strategy attempts to reach the higher market levels under the assumption that disrupting the market here has the highest potential enforcement payoff. But it is also true that enforcement effects aimed at the higher levels are the most difficult to carry out and least likely to result in arrest and conviction (Drug Abuse Council, 1973:9; Levin et al., 1975:57-58; Quinn, 1971:18). The resources required to reach these higher market levels are considerable. Because it takes a great deal of time and money to penetrate the highest market level by making buys or building conspiracy cases, few enforcement units can afford to use this strategy.

According to M. Moore, for example, the Federal Drug Enforcement Administration in New York City spends about \$700,000 annually to purchase evidence and information (1977:202); this expense is only one aspect of the cost of the enforcement process in one city.

Any attempt to measure the effectiveness of enforcement efforts from a cost-benefit standpoint needs to be able to estimate both expenditures and outcomes. The former is the easier measure to obtain. We can estimate for example that Federal expenditures for drug abuse control were \$417,601,000 in 1972 (Goldberg and DeLong, 1972:302). There are estimation problems but the issue is more straightforward than that of developing the "benefit" variable (i.e., a measure of drug law enforcement effect). Computing the costs of enforcement for a particular narcotics unit is even less problematic than attempting to estimate such costs for a department or a city but the difficulty of measuring enforcement effects remains complex. Measures of the amount of drug consumption or the number of users are difficult to compute so that indicators such as the volume of drugs confiscated or the percentage purity of heroin are used as proxy indicators of enforcement impact. But an increase in the volume of drugs confiscated may simply indicate, for example, more widespread usage, not more effective enforcements. A drop in the purity of heroin seized may indicate the pressure of increased demand for the substance and not heavier cutting caused by pressure on supply as a result of enforcement.

In addition to this very basic problem of finding valid indicators of enforcement effect, the literature notes other factors relevant for any discussion of performance effectiveness. Manning (1975:14), M. Moore (1977:125) and Quinn (1971:19-20) take account of the pressure to enforce narcotics laws against lower level sellers and users. The large dealer, wholesaler or importer is much better insulated against law enforcement. Making cases against him is time consuming, requires considerable money to make buys and pay informants, involves a greater risk of failure (including getting a conviction), and results in lower numbers of arrests. Narcotics officers will often take the path of least resistance and make arrests which are relatively easy; this may be especially true if there are limited funds available to pay informants and build cases.

In considering the relationships between different enforcement patterns and outcomes as they relate to effective narcotics enforcement, it seems reasonable to assert that a single appropriate enforcement strategy will not be most effective. If all enforcement efforts were directed at upper market levels for example, the strategy may be partially defeated by aggressive street level marketing (Moore, M., 1977:198). The overall policy conclusions suggested by Moore seem appropriate to us.

Enforcing narcotics laws is very important in preventing heroin use (i.e., in reducing the rate at which new people become users). However, enforcing narcotics laws has very bad effects on the behavior and condition of people who are committed heroin users. Consequently, narcotics enforcement efforts must be complemented by: (1) additional prevention programs in areas where heroin is endemic, (2) a variety of programs for treating current users, and (3) legal devices that keep users arrested on narcotics charges out of jails and unblemished (Moore, M., 1977:237).

A full exploration of enforcement patterns, their correlates, and results may help isolate ways to improve efficiency and may suggest ways in which a multifaceted strategy can help improve attempts to reduce the social costs of illicit drug usage.

APPENDIX E

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