



MFL

116417

116417

TOWARD A DRUG-FREE AMERICA:

A Nationwide Blueprint for State and Local Drug Control Strategies

**THE EXECUTIVE WORKING GROUP FOR FEDERAL-STATE-LOCAL
PROSECUTORIAL RELATIONS**

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

in association with

- **International Association of Chiefs of Police**
- **International Narcotic Enforcement Officers Association**
- **National Criminal Justice Association**
- **National Sheriffs Association**

NCJRS
APR 5 1989
ACQUISITIONS

December 1988

116417

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

Public Domain/OJP/BJJ
U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

Toward a Drug-Free America: A Nationwide Blueprint for State and Local Drug Control Strategies makes an important contribution toward assisting States and local units of government in their development of a statewide drug enforcement and prosecution strategy. The document can also serve as a model for others to develop their drug control strategies, including other components of the criminal justice system, the social service system and the private sector. Opinions of this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. This printing of this report was supported by Grant No. 89-DD-CX-0001 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

TOWARD A DRUG-FREE AMERICA: A NATIONWIDE BLUEPRINT FOR STATE AND LOCAL DRUG CONTROL STRATEGIES

Table of Contents

“A Generation Free of Drugs—A Goal We Must Achieve” by Cary Edwards, New Jersey Attorney General and Chairman of the Drug Resource Subcommittee of the Executive Working Group	vii
Acknowledgements	viii
Preface	xi
Chapter 1 The Evolving Role of the Law Enforcement Community	1
Law Enforcement’s Supporting Role	1
Reducing the Demand for Drugs	1
Law Enforcement’s Role in Prevention and Deterrence	2
Law Enforcement’s Role in Intervention and Treatment	3
Law Enforcement’s Role in Education—Helping to Make Schools Drug-Free	3
Teamwork and the Allocation of Responsibilities	4
The Unique Contributions of State and Local Law Enforcement	5
Chapter 2 Establishing a Nationwide Process to Ensure Effective State and Local Action	7
Full Participation in a Statewide Planning Process	7
Census of Resources and Needs	8
Assessment of Legal Tools and Necessity for Statutory Reform	8
Setting Priorities	9
Basic and In-Service Training	9
Interagency Cooperation—A Theme for All Levels of Government	10
Coordination and Continuity of Funding—Restoring the Art of Grantsmanship	11

Table of Contents (continued)

Chapter 3	Legal Tools	13
	Legislative Policy	13
	Statutory Check List	14
	Provisions to Ensure Enhanced Punishment for Targeted Offenders	14
	Provisions to Protect Children and Educational Environments	15
	Provisions to Ensure User Accountability	16
	Provisions to Ensure Juvenile Accountability	17
	Provisions Concerning the Seizure and Forfeiture of Assets and Proceeds	17
	Provisions to Enhance Information Gathering	18
	Provisions to Expedite Forensic Laboratory Analysis	19
	Administrative Remedies and Local Ordinances	19
	Study of System-Wide Impact	19
Chapter 4	Complementary State and Local Drug Enforcement Programs and Initiatives	21
	State and Local Contributions to the National Drug Intelligence Strategy	22
	State and Local Contributions to the National Drug Interdiction Strategy	24
	State and Local Contributions to the National Drug Investigations Strategy	26
	State and Local Contributions to the National Narcotics Prosecution Strategy	30
Chapter 5	Building Upon the National Drug Strategy and Implementation Plans: Taking Full Advantage of the State and Local Law Enforcement Perspective	33
	National Juvenile Justice Strategy	33
	National Community Involvement and Interaction Strategy	35
Conclusion:	Developing a Nationwide Drug Enforcement Planning and Evaluation Process	39
Appendix	40

“A GENERATION FREE OF DRUGS— A GOAL WE MUST ACHIEVE”

**Cary Edwards, New Jersey Attorney General
and Chairman of the Drug Resource Subcommittee
of the Executive Working Group**

This state and local Blueprint represents a watershed in the law enforcement community's response to the nation's drug epidemic. For one thing, it is the result of the combined efforts of state and local prosecutors, police and sheriffs. This document, in other words, outlines a *unified* drug enforcement strategy—one which helps to define the contributions of all state and local law enforcement officers and prosecutors. It must be recognized that state and local law enforcement handles over 90 percent of all drug arrests and prosecutions, and it is essential that all law enforcement and prosecuting agencies, regardless of their jurisdiction, become full and co-equal partners with the federal government in the war on drugs.

Furthermore, this document recognizes that the role of the law enforcement community, while being tough and consistent, must not be limited to staying off the supply of drugs. It must also channel its efforts to change tolerant attitudes about drug abuse. So long as demand remains at current levels, and so long as enormous profits remain to be reaped, some drug traffickers will always be able to find a way to reach and exploit that market. Law enforcement cannot stand idly by while this happens. We in law enforcement must help to *prevent* drug abuse by holding users accountable through the vigorous enforcement of tough, realistic drug laws. We must also play a key role in *intervention* and *treatment* by identifying drug users and by bringing them to the attention of courts and community-based rehabilitation programs.

Most importantly, the law enforcement community must *support education* by making certain

that every school is drug free. Every child in America should have the opportunity to attend a school which is free of drugs, violence and intimidation. By creating a safe environment, one which is conducive to education, law enforcement can give teachers and substance abuse counsellors a fair chance to do their jobs and to teach a generation of students how and why to say no to drugs. This approach has the best chance ultimately to break the backs of international drug cartels and domestic drug trafficking networks.

This Blueprint is not a panacea. It does not purport to provide all of the answers, especially with respect to the acute drug enforcement problems faced in our urban centers. It nonetheless heralds a new era of interagency cooperation and commitment to achieving longterm strategic objectives. This will help to make certain that the nation's vast law enforcement community contributes in a meaningful way to solving every state's unique drug problems. The law enforcement community, working with community groups and professionals in other disciplines, can over the course of the next fifteen to twenty years help this nation raise a generation which is truly drug free. We should make no mistake. The goal of a drug-free generation is an attainable one . . . a goal we must achieve.



CARY EDWARDS
Attorney General of New Jersey

ACKNOWLEDGMENTS

This Blueprint was developed through the efforts of many people and many organizations. Their contributions to this project are gratefully acknowledged.

EXECUTIVE WORKING GROUP FOR FEDERAL-STATE-LOCAL PROSECUTORIAL RELATIONS

CHAIRMAN: Edwin L. Miller, Jr.
District Attorney,
San Diego, California

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

John Steven Clark
Attorney General of Arkansas

Robert K. Corbin
Attorney General of Arizona

Cary Edwards
Attorney General of New Jersey

William J. Guste, Jr.
Attorney General of Louisiana

Stephen E. Merrill
Attorney General of New Hampshire

Michael Moore
Attorney General of Mississippi

James E. O'Neil
Attorney General of Rhode Island

John Van de Kamp
Attorney General of California

Leroy S. Zimmerman
Attorney General of Pennsylvania

Liaisons:

Christine T. Milliken
Executive Director

Barbara Stephenson
Senior Counsel

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

Fred L. Foreman, President
National District Attorneys Association
State's Attorney
Waukegan, Illinois

Richard M. Daley, President-Elect
National District Attorneys Association
State's Attorney
Chicago, Illinois

Arthur C. Eads, Chairman of the Board
National District Attorneys Association
District Attorney
Belton, Texas

Cecil Hicks
District Attorney
Santa Ana, California

Newman Flanagan
District Attorney
Boston, Massachusetts

Richard Ieyoub
District Attorney
Lake Charles, Louisiana

S. Michael Miller
Prosecuting Attorney
Columbus, Ohio

Robert Fertitta
Associate Dean
National College of District Attorneys

Liaisons:

Jack E. Yelverton
Executive Director
National District Attorneys Association

James C. Shine
Executive Vice-President
American Prosecutors Research Institute

UNITED STATES DEPARTMENT OF JUSTICE

Francis A. Keating, II
Associate Attorney General

Edward S. G. Dennis, Jr.
Assistant Attorney General
Criminal Division

Richard S. Cohen
United States Attorney
District of Maine

Frank W. Donaldson
United States Attorney
Northern District of Alabama

James S. Reynolds, Deputy Chief
General Litigation and Legal Advice Section
Criminal Division

Stephen A. Saltzburg
Deputy Assistant Attorney General
Criminal Division

Barry Stern, Director
Office of Liaison Services

Donald E. Foster
Deputy Chief, Fraud Section
Criminal Division

Liaison:

Judith Friedman
Special Assistant to the
Assistant Attorney General
Criminal Division

DRUG RESOURCE SUBCOMMITTEE

CHAIRMAN: Cary Edwards
Attorney General of New Jersey

**NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL**

Fredric J. Cowan
Attorney General of Kentucky

Michael Moore
Attorney General of
Mississippi

Donald Siegelman
Attorney General of Alabama

John Van de Kamp
Attorney General of California

LeRoy S. Zimmerman
Attorney General of
Pennsylvania

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

Fred L. Foreman, President
National District Attorneys Association
State's Attorney
Waukegan, Illinois

Richard M. Daley, President-Elect
National District Attorneys Association
State's Attorney
Chicago, Illinois

Jack E. Yelverton, Executive
Director
National District Attorneys
Association

James C. Shine,
Executive Vice-President
Prosecutors Research
Institute

UNITED STATES ATTORNEY

Richard S. Cohen
District of Maine

NATIONAL SHERIFFS ASSOCIATION

L. Cary Bittick
Executive Director

**INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE**

Daniel Rosenblatt,
Acting Executive Director

**INTERNATIONAL NARCOTIC
ENFORCEMENT OFFICERS
ASSOCIATION**

John J. Bellizzi
Executive Director

**NATIONAL CRIMINAL JUSTICE
ASSOCIATION**

Gwen Holden
Executive Vice President

A special debt of gratitude is owed to Assistant New Jersey Attorney General Ronald Susswein, who served as the principal draftsman of this document. In addition, the following individuals played a vital role toward the development and successful completion of this project.

Richard T. Carley, New Jersey

Robert Peterson, Pennsylvania

John R. Doyle, National
Sheriff's Association

Michael G. Picini, National
Sheriff's Association

Judith Friedman, Department
of Justice

Robert Ross, National
Drug Policy Board

John L. Kuray, Department
of Justice

Gary W. Schons, California

Frank Monestero, International
Association of Chiefs of Police

Barbara Stephenson,
National Association of
Attorneys General

Thomas J. O'Reilly, New Jersey

Linda J. Tartaglia, New Jersey

Thomas E. Payne, Mississippi

Jack E. Yelverton,
National District Attorneys
Association

TOWARD A DRUG-FREE AMERICA: A NATIONWIDE BLUEPRINT FOR STATE AND LOCAL DRUG CONTROL STRATEGIES

Preface

In March 1987, President Reagan signed an executive order creating the National Drug Policy Board, which was charged with overseeing all aspects of the federal anti-drug effort. Recently, the Policy Board issued a report entitled "Toward A Drug Free America: The National Drug Strategy and Implementation Plans." That report outlines nine major strategies, five of which define law enforcement's contribution.

The National Drug Policy Board's report was carefully developed over the course of many months by a number of federal agencies. These strategies provide an overarching framework of guidance for federal agencies as they develop and implement their own strategies to achieve subordinate goals or objectives that contribute to the larger anti-drug effort.

Members of the Executive Working Group for Federal-State-Local Prosecutorial Relations were asked to review the law enforcement strategies developed by the National Drug Policy Board. Many members of the Executive Working Group felt that this report could best be characterized as a "federal" plan of action. While laying the foundations for a truly national drug enforcement strategy, the report was not intended to provide direct guidance and policy direction to state and local law enforcement agencies, which in 1986 accounted for more than 90 percent of all drug arrests made in the United States. The Executive Working Group concluded that all law enforcement and prosecuting agencies at all levels of government should be enlisted as full partners in a coordinated effort.

The Executive Working Group agreed to develop a state and local strategy to complement and build upon the federal strategies of the National Drug Policy Board. New Jersey Attorney General Cary Edwards, a member of the Executive Working

Group, was asked to serve as chairman of a Drug Resource Subcommittee, comprised of representatives from several law enforcement agencies and professional associations, including the National Association of Attorneys General, the National District Attorneys Association, the International Association of Chiefs of Police, the National Criminal Justice Association, the National Sheriffs Association and the International Narcotic Enforcement Officers Association. This document was drafted by the Drug Resource Subcommittee and on November 29, 1988 was unanimously adopted by the Executive Working Group.

This Blueprint is not intended to serve as an operational manual. Its purpose, rather, is to identify overriding policies which should be adopted in every jurisdiction, and to establish a planning process which ensures that law enforcement and prosecuting agencies throughout the nation coordinate their efforts to have the greatest possible impact on the nation's drug problem.

This Blueprint is not an endorsement of any operational model. Many programs have been developed by state and local government agencies and by a number of professional associations. Given the complexity of the drug problem, no single model will be effective in every state. State and local law enforcement officials should carefully review all existing models in developing programs which are described in this document.

Although this Blueprint embraces some new approaches to law enforcement's contribution to the anti-drug effort, none is original. Ideas have been borrowed from the programs of state and local agencies which have already proven to be effective in dealing with local and regional problems. It is nonetheless hoped that these ideas will now for the first time be embraced by the nation's entire law

enforcement community, since there is no chance of achieving any meaningful impact unless all agree on common goals and objectives.

Finally, it must be noted that this Blueprint deals exclusively with programs which relate to controlled dangerous substances. This document does not recommend a strategy concerning the vexing problem of alcohol abuse. This is, admittedly, a major shortcoming. A comprehensive program designed to deal with the nation's substance abuse problem should not be limited to illicit drugs, since alcohol remains the most widely used and abused chemical substance, especially among our youth.

It must be remembered, however, that this document is intended to build upon the law enforcement strategies developed by the National Drug Policy

Board by incorporating a state and local law enforcement perspective. The laws and regulatory systems governing the manufacture and sale of alcohol, at least with respect to adults, are very different from the laws governing the use and distribution of controlled dangerous substances. Ultimately, a broader substance abuse strategy should be developed, but for now, that crucial task must remain the subject of future work.

Notwithstanding this limitation, it is hoped that this Blueprint will serve as a catalyst for action, and will help to encourage law enforcement and prosecuting agencies across the country to embrace the need to work together as full partners in waging an aggressive, realistic attack on both the supply of and demand for illicit drugs.

TOWARD A DRUG-FREE AMERICA: A NATIONWIDE BLUEPRINT FOR STATE AND LOCAL DRUG CONTROL STRATEGIES

Chapter 1

The Evolving Role of the Law Enforcement Community

Law Enforcement's Supporting Role

According to recent public opinion polls, the drug problem has become the nation's number one concern. Despite some signs of recent progress and reasons to be genuinely hopeful, many Americans believe that this problem is becoming increasingly intractable. Many citizens look to law enforcement for the solution. The state and local law enforcement community has a vital part to play as shown by the fact that in 1986 this community accounted for more than 90 percent of all drug arrests throughout the nation. Law enforcement alone, however, cannot win the war on drugs. Solving the drug epidemic will require a sustained, coordinated effort involving many different professional disciplines.

A drug-free America will not be achieved until there are drug-free schools where children can be taught to resist drugs, drug-free workplaces where workers can safely reach the full potential of their productivity, and drug-free neighborhoods where residents can walk the streets without being touted to buy drugs and without fear of becoming the victims of drug-related crime.

These goals require the combined efforts of members of the judiciary, educators, health care professionals and treatment specialists, parents, civic organizations and community support groups, tenant associations, social and fraternal organizations, professional athletes, media, religious institutions and the business community. America must today

. . . A drug-free America will not be achieved until there are drug-free schools, drug-free workplaces and drug-free neighborhoods . . .

forge a true partnership dedicated to attacking the drug epidemic on all fronts. The law enforcement community is only one actor in this long-term struggle, whose job is not only to arrest drug offenders, but also to help galvanize public opinion against drug use and to support and complement the efforts of others. Every community in the nation must establish a comprehensive drug education, prevention and treatment program which is worth supporting. Unless this is done, the law enforcement programs and activities described in this Blueprint will be unavailing.

Reducing the Demand for Drugs

Law enforcement's contribution to achieving a drug-free America must not be limited to efforts to control the supply of illicit substances. Although domestic and international crop eradication programs, diplomatic initiatives with drug-producing nations and border interdiction efforts are of vital importance, so long as the demand for drugs remains at current levels, drug traffickers will always be able to find a way to reach and exploit this

market. Arresting drug dealers is only a means for achieving an end, not an end in itself, since drug traffickers who are apprehended will be quickly replaced by those who eagerly await the opportunity to share in the enormous profits in this criminal industry.

The only viable, long-term solution to the nation's drug epidemic is to reduce the demand for illicit substances. This important conclusion must not become just a well-worn cliché. The goal of demand reduction must constitute the basis for actual strategic and tactical law enforcement planning. It is imperative that policymakers at all levels of government recognize the inherent limitations of any supply-oriented strategy, and embrace a demand reduction philosophy as the ideological cornerstone of any coherent drug enforcement policy. *Simply stated, every drug enforcement program and activity must be evaluated in terms of its contribution to the critical objective of reducing the public's demand for controlled dangerous substances. At a minimum, law enforcement activities should be designed to promote and complement demand reduction programs and initiatives.*

This approach is perfectly consistent with the law enforcement community's time-honored obligation to protect citizens and their property from criminal attack. The relationship between drugs

. . . The long-term solution to the nation's drug epidemic is to reduce demand . . .

and crime has been clearly established. By reducing the level of illicit drug consumption, there will be fewer drug abusers to commit either violent crimes while under the influence of mind altering substances, or economic crimes committed in order to support their drug habits. By reducing the size and intensity of the drug demand market, moreover, illicit profit margins will be reduced and traditional law enforcement interdiction tactics will be more likely to impose "overhead" costs deemed by profit-minded drug dealers to be prohibitive. *The best and most direct way to take the profit out of drug crime is simply to deprive drug dealers of their customer base.*

Law Enforcement's Role in Prevention and Deterrence

The concept of deterrence, the keystone of our penal system, must be an integral part of "prevention" strategies designed to reduce the public's demand for drugs. In recent surveys of high school students in California and New Jersey, more than two-thirds indicated that the fear of getting into trouble with the law would prevent their use of illicit substances. Very few students who have used drugs, however, reported that they had ever been arrested. For deterrence to be effective, drug offenders must believe that they now face an enhanced risk of being caught and the certainty of swift and stern punishment. By vigorously enforcing tough yet realistic drug laws, the law enforcement community can effectively alter the "risk equation" and thereby deter the use and sale of illicit drugs.

Tough, aggressively enforced laws can also change attitudes and perceptions about drugs, and repudiate the notion that drug offenses are somehow "minor" or "victimless" crimes, or that drug users are "only hurting themselves." This approach has been used to address drunk driving. Throughout the country, state legislatures responded to the drunk driving problem by enacting tough laws, while at the same time, state and local police departments adopted innovative, aggressive and well-publicized enforcement tactics. As a result, drunk drivers now face not only a greater risk of being caught, but also the certainty of stern punishment.

Although the problem of drunk driving remains a critical concern, and has not been solved in any jurisdiction, it is clear that these law enforcement and legislative initiatives have had a significant impact. It is now clear to the public that drunk driving is a serious offense that will not be tolerated. New terms such as "designated driver" have become a part of America's vocabulary, and the majority of Americans now find it unacceptable to drink and drive.

The enforcement of drunk driving laws represents an effective model which should be used in designing the nation's drug enforcement strategies. Recent surveys show that public attitudes about drugs are already beginning to change and that society is becoming more aware of the magnitude of the problem and more intolerant of drug use. Increasingly, the decision to say "no" to drugs is

becoming the path of least resistance—one which citizens (and especially young people) can make without fear of being subjected to scorn and ridicule from their peers. These studies reveal harbingers of future progress and prove that comprehensive efforts to change people's attitudes and perceptions can be effective.

If the deterrent thrust of the criminal law is to have any meaningful impact on the demand for illicit drugs, every drug offender must face a realistic prospect of apprehension and punishment. Recreational or casual users must become the special focus of law enforcement attention. Casual users, who can quit at any time but choose not to, account for much of the profits now enjoyed by drug traffickers. These occasional users are morally responsible for much of the violence and tragedy associated with the nation's drug epidemic, since it is their money which sustains international and domestic drug trafficking networks.

It is now necessary on a nationwide basis to transform these users' moral culpability into legal accountability through the imposition of stern, realistically enforceable penalties and sanctions. The concept of "user accountability," a fundamental theme of the National Drug Policy Board's report, must also become the centerpiece of any state and local drug enforcement strategy.

Furthermore, the law enforcement community must eliminate "vice centers," where drugs are openly bought and sold. By working with community leaders, by developing neighborhood watch programs and citizen "tip" lines and by using aggressive street level enforcement tactics, police can discourage "casual" drug deals and make it more difficult for purchasers, especially young and inexperienced buyers, to procure illicit substances. The eradication of open drug marketplaces will not only discourage young people from seeking to buy drugs, but also will reduce the temptations to try drugs. By moving drug marketplaces out of sight, the law enforcement community can help to keep the drug culture out of mind as well.

The law enforcement community must send a clear message: the era of leniency is over. Besides deterring some users by increasing their fear of being caught and punished, this approach also provides young people who are inclined not to use drugs with an additional reason—an "excuse" as it were—to resist peer pressure and to say no. This is one of the more subtle benefits of an aggressive user-oriented strategy. The law enforcement community must do everything that it can to help young people resist drugs.

Law Enforcement's Role in Intervention and Treatment

Law enforcement professionals do not directly provide counselling or treatment to drug users. The law enforcement community, however, must help to identify drug dependent offenders and those offenders who are at risk of becoming drug dependent so that the courts and appropriate substance abuse professionals can provide the necessary evaluation, treatment and monitoring services. An arrest may be the beginning of a long process leading to rehabilitation. Very few drug users "volunteer" for treatment in the true sense of the word. More often, participation in a rehabilitation program is the result of coercion and pressure brought by family, friends, school officials, employers or by the criminal justice system. Many addicts vigorously deny that they have a problem, and resist efforts by others to help them. It is *after* treatment that recovering addicts often express their gratitude for having been forced initially to participate in rehabilitation.

Law Enforcement's Role in Education—Helping to Make Schools Drug Free

Nationwide efforts to reduce the public's demand for drugs will ultimately depend on new educational programs now being put into our schools. These programs will teach a generation of children *how* and *why* they should say no to drugs. *Schools will serve as the single most important component of a comprehensive, long-term prevention program designed to alter tolerant attitudes and behavior concerning drug abuse.*

. . . The law enforcement community must send a clear message: the era of leniency is over . . .

The recent national survey of high school students confirms that children continue to be exposed to drugs at a frighteningly young age, and that illicit drugs are too often used on school grounds and when school is in session. The law enforcement community, working with education officials, must make certain that schools and the areas around them are safe havens for law abiding children, not convenient marketplaces or sanctuaries for drug dealers or users. Children are entitled to an environment which is conducive to education, one which is free of drugs and violence and where drug trafficking activities will not be tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials or syringes littered around school playgrounds, and they should not be propositioned to buy or use drugs while walking to school or while on school property.

As an absolute priority, the law enforcement community must do all it can to keep children as far away from the drug culture for as much of the day as possible. Law enforcement can play a vital role in helping to promote efforts to reduce the demand for drugs by giving teachers and school substance abuse counsellors a fair chance to provide children with the tools and skills they will need to resist drugs. *Protecting our schools and schoolyards is the greatest possible contribution which the law enforcement community can make to the long-term effort to deal with the drug problem.*

Teamwork and the Allocation of Responsibilities

The nature of the nation's drug problem dictates that every law enforcement and prosecuting agency at every government level contribute to the drug enforcement effort. The nature and extent of a law enforcement agency's contribution will depend on a number of factors. However, every law enforcement agency, regardless of its size, jurisdiction, or specialized mission must support the nationwide effort to curb the drug epidemic. This must become a nationwide priority within the law enforcement community.

It must be recognized that all states remain vulnerable if any state is unable to assume its enforcement responsibilities. This is a testament to our mutual interdependence, and for this reason, a na-

tional strategy must ensure that every component of the comprehensive program is aggressively pursued. *Law enforcement and prosecuting agencies must act in some sense as each other's keeper if they are to afford adequate protection to every community and to every citizen.*

The National Drug Policy Board's report specifies the roles and responsibilities of the federal agencies involved in the war on drugs. The National Drug Strategy is designed to enable these federal agencies to devote a specified portion of their resources to pursuing carefully targeted objectives, with the goal of producing the greatest and most lasting effect. This plan recognizes that federal law enforcement agencies must take advantage of their unique capabilities. Given the nature and

. . . The law enforcement community must make certain that schools are safe havens for law abiding children, not convenient marketplaces for drug dealers and users . . .

extent of federal resources, statutory tools, scope of jurisdictional authority, levels of expertise and degree of specialization, no state or local law enforcement agencies could reasonably be expected to accomplish many of these particular tasks. Diplomatic initiatives to encourage drug producing nations to eradicate crops or curtail illicit drug exports, for example, represent a task of vital national concern which is uniquely within the federal government's bailiwick.

Most law enforcement objectives, however, entail some degree of shared responsibility; no one agency or level of government is uniquely suited to achieve the objective, and any number of law enforcement actors may be called upon to participate. The question is how best to divide responsibilities among participating law enforcement and prosecuting agencies to take advantage of each agency's particular resources and perspective. With this goal in mind, the National Drug Strategy embraces the concept of a "lead agency," and identifies certain tasks and activities for which a federal law enforcement agency must assume a leadership role. The National Drug Investigation and Prosecution Strategies, for example, identify upper echelon

members of international drug trafficking networks as *primary* targets, and a certain percentage of federal investigative and prosecutorial resources are to be directed to identifying, apprehending and successfully prosecuting such offenders.

The concept of prioritizing and targeting limited resources is fundamental to any carefully conceived law enforcement strategy, and requires that all participating law enforcement and prosecuting agencies agree as to what constitutes a "primary" target. A task or objective defined as "secondary" or "supplementary" to one agency or level of government may be the "primary" objective of another agency or level of government. *All law enforcement and prosecuting agencies must know what they are expected to do in relation to other law enforcement agencies.*

The National Drug Strategy relies heavily on the Law Enforcement Coordinating Committees (LECCs), which are currently chaired by the United States Attorneys in each federal district. The LECCs are an appropriate vehicle for state, local and federal law enforcement and prosecuting agencies to work together. They not only provide a forum to discuss common problems and to voice complaints, but provide a way for state and federal investigative and prosecutorial activities to complement each other. The LECCs can help to develop and enhance information sharing, make available non-English language support teams, provide technical and laboratory assistance, enhance forfeited asset and equitable sharing programs, coordinate training activities and encourage the use of special federal deputization powers.

. . . Every state's law enforcement community must develop its own plan of action . . .

LECCs can also make certain that enforcement strategies remain responsive to new threats as they arise, and ensure that all local and regional drug threats are dealt with. The LECCs, in other words, can make certain that no level or type of drug offender escapes attention, apprehension and prosecution by the appropriate law enforcement agency. As noted, the National Drug Policy Board's

strategy will direct federal resources to upper echelon drug offenders and away from cases which can be handled by state and local authorities. For this approach to be successful, it is essential that federal authorities, working with state and local officials, ensure that each state is able to assume these cases.

For all of these reasons, state and local law enforcement and prosecuting agencies should actively participate in LECCs. To encourage participation, the United States Department of Justice should use rotating chairpersons, and state and local law enforcement officials should chair many subcommittees. *A state law enforcement community's active participation in an LECC, however, does not absolve that state of its responsibility to develop its own complementary strategy and plan of action.*

The Unique Contributions of State and Local Law Enforcement

The National Drug Policy Board's strategy contemplates a "layered" approach to drug enforcement, in which law enforcement erects a series of barriers between the source of drugs and the marketplace. Some of these "barriers" must be the primary responsibility of state and local law enforcement agencies. In fact, the lion's share of drug enforcement will continue to rest on the shoulders of state and local agencies, which, as previously noted, accounted for more than 90 percent of all drug arrests in 1986.

Furthermore, some of the most important tasks facing the law enforcement community must be accomplished at the state and local level. The critical objective of holding drug users accountable, for example, depends upon enhanced state and local law enforcement efforts. It is not realistic to expect federal agencies to handle a significant percentage of all cases involving the use or simple possession of controlled dangerous substances; nor is it reasonable to expect federal courts to devote a substantial percentage of their time to such cases.

State and local governments must also be primarily responsible for juvenile matters. Young offenders should be at the focus of any drug enforcement policy designed to reduce society's demand for drugs. The federal criminal justice system, how-

. . . The most important tasks facing the law enforcement community must be accomplished at the state and local level . . .

ever, does not have the institutional resources or statutory tools to deal effectively with this class of offender. Juvenile courts and juvenile justice procedures, rather, are a unique feature and resource of state and local government.

Finally, although the Congress has passed a law to provide enhanced punishment for schoolyard drug offenders, it is not realistic to expect federal agencies to patrol schools and surrounding areas. That responsibility falls upon the shoulders of local and, to a lesser extent, state law enforcement agencies.

For all of these reasons, the contributions of local patrol officers are as vital as the contributions of federal narcotics agents who specialize in handling complex, international investigations. Indeed, drug

enforcement programs which focus most directly on changing society's permissive attitudes about drug abuse tend to be those which depend principally on state and especially local law enforcement activities. While street level patrol enforcement efforts may not appear to be as glamorous as investigations into the activities of international kingpins or corrupt foreign officials, in fact, the officer on the beat and the marked police car on patrol are highly visible and far more immediate symbols of the law enforcement community's commitment to hold all offenders accountable for their actions.

It is often said that local police are the front line of defense against crime. In the context of drug enforcement, it is probably more correct to say that state and local police are the *last* line of defense—the last in a series of drug enforcement barriers which extends from drug producing nations to the marketplaces on street corners across the nation. That is why it is imperative that every law enforcement officer across the nation be on the lookout for drug offenses, and that is why the enforcement of state and local drug laws must be made the single highest priority of the nation's law enforcement community.

Chapter 2

Establishing a Nationwide Process to Ensure Effective State and Local Action

Full Participation in a Statewide Planning Process

Very few states have an integrated law enforcement system in which all law enforcement and prosecuting agencies are directly accountable to a single executive authority. As a result, it is often difficult to develop a statewide law enforcement policy. Too often, a state's response is little more than a collection of disparate local policies, without uniform direction or guidance.

Lack of statewide law enforcement planning presents an inherent problem in responding to drug trafficking networks, which have become increasingly sophisticated and pay no heed to jurisdictional boundaries. No law enforcement agency at any level, operating in isolation, has the jurisdictional authority or resources to identify or disrupt the operations of an entire drug trafficking network. It is therefore necessary to coordinate all available law enforcement resources and promote communication between law enforcement and prosecuting agencies. Absent such coordination and communication, an operation undertaken by one department may unwittingly undermine tactical enforcement efforts undertaken by another.

This level of coordination must be achieved within the overarching framework of each state's constitutional system and structure. Given the importance of the problem, and the need for executive leadership at the highest levels of government, the Governor of each state should be actively involved in developing and promoting a statewide drug enforcement program. Furthermore, each state must establish a mechanism in which all law enforcement and prosecuting agencies participate in developing comprehensive drug enforcement strategies. These statewide strategies should complement and build upon the drug enforcement strategies

outlined by the National Drug Policy Board, but must be tailored to the specific resources and needs of each state. Without an ongoing strategic planning process, many of the programs, activities and tasks described in this Blueprint will not be feasible.

... Each state must develop a comprehensive drug enforcement strategy which encompasses every law enforcement program and activity ...

The Bureau of Justice Assistance in the United States Department of Justice required each state to develop a statewide strategy for the enforcement of state and local drug laws as a condition of receiving federal grants under the Anti-Drug Abuse Act of 1986. The Bureau prescribed a process for developing these statewide drug strategies, and strongly encouraged each state to establish a drug policy board as a forum for communication and coordination. Such boards were created by more than 80 percent of the states which applied for federal funding. Most of the resulting state strategies, however, dealt principally, if not exclusively, with programs and activities supported by federal dollars. These programs represented only a fraction of the total state efforts in drug enforcement.

To be effective, and to ensure the optimum use of limited fiscal and human resources, each state must develop a comprehensive drug enforcement strategy which encompasses every law enforcement program or activity. These strategies must be designed not only as a means for justifying federal

funding, but must provide policy direction for all drug enforcement activities undertaken by law enforcement and prosecuting agencies at every level of government. Furthermore, this planning process must be ongoing instead of a one-time project. Law enforcement and prosecuting officials must periodically amend the statewide strategy to respond to new threats, developments and enforcement opportunities.

. . . Each state must have laws which promote all of the recognized goals of a rational penal system . . .

Each state must assess its substance abuse problems and statewide enforcement needs and develop its own plan of action. Each plan should define and coordinate the roles of all state and local law enforcement and prosecuting agencies, and should establish tactical priorities to ensure that resources will be used in the most cost-effective way. These statewide plans should also be compatible with and complementary to the federal strategies implemented in each federal district. States must, therefore, work with resident federal agencies to develop plans and agreements concerning the identification of targets and the sharing of information and resources. Federal and state implementation plans cannot be developed in isolation if there are to be no "gaps" with respect to any class of offender. As noted, the LECCs are an appropriate forum in which to develop and institutionalize a joint federal-state planning mechanism. To further ensure close cooperation and to avoid duplication of efforts, federal and state law enforcement agencies should consider entering into memoranda of understanding which precisely set forth their specific roles and responsibilities.

The planning and coordination process must not be limited to federal-state activities and programs. Lack of coordination and communication among state and local law enforcement agencies is potentially far more damaging than a lack of communication with resident federal agencies. Each state should therefore establish a statewide drug enforcement policy board or committee patterned after the LECCs to serve the same functions *within*

the state as the LECCs serve for state and federal agencies. These statewide boards or committees can open lines of communication and resolve disputes between member agencies, and can help to derive the maximum benefit from the wide array of law enforcement talent within the state.

Census of Resources and Needs

Before a state can develop a statewide drug enforcement strategy, it must inventory its law enforcement resources. Each state should determine how many law enforcement officers and prosecutors are already engaged in the enforcement of state and local drug laws. Each state should identify existing specialized drug enforcement units, including intelligence gathering and analytical units, forfeiture and financial investigations units, clandestine laboratory response teams, drug detection canines and patrol drug response units which can be used throughout the state to assist local agencies. A state also should inventory all of its surveillance and other narcotics enforcement equipment, and should develop a means for the interdepartmental sharing of these resources.

After identifying existing resources, each state must identify those areas or regions within the state which share problems. Statewide planners must understand which drugs are available, which are most prevalent within each region of the state, where and under what circumstances drugs are typically bought, sold and consumed, and the age at which children are first exposed to and experiment with illicit substances.

Assessment of Legal Tools and Necessity for Statutory Reform

Each state should carefully evaluate existing criminal drug laws and statutes which authorize investigations. Each state must make certain that it has laws which promote all of the recognized goals of a rational penal system. [See Chapter 3 for a checklist of recommended statutory features]. Where necessary, the law enforcement community should seek new state laws so that law enforcement and prosecuting agencies have the tools necessary to wage an aggressive and coordinated attack against both the supply of and demand for drugs.

Setting Priorities

A number of states report that drug enforcement is presently not a high priority and that law enforcement resources are used instead for the detection and prosecution of other "more serious" crimes. Furthermore, many law enforcement resources are scattered across the nation in small and medium-sized police departments. Some of these departments are not able to provide their communities with 24-hour police protection, much less to establish full-time drug enforcement units. Throughout the country, only a comparatively small number of state and local law enforcement officers and prosecutors are assigned full-time to narcotics enforcement.

In developing a pragmatic and realistic national drug enforcement strategy, we must recognize that state and especially local law enforcement departments serve many diverse public safety and public service functions. Only a small portion of the average police officer's time is devoted to enforcing any particular criminal law. Law enforcement efforts are also directed to the enforcement of motor vehicle laws, routine patrol functions, responding to service calls, and traffic and crowd control. These are all vital public safety functions.

Given the demonstrated relationship between drugs and crime, however, *every* law enforcement and prosecuting agency throughout the country must give highest priority to enforcement of state and local drug laws, and should devote as many resources as possible to enhance and support narcotics enforcement. At a minimum, all sworn law enforcement officers should be trained to be on the lookout for drug abuse and drug trafficking activities. Each law enforcement agency should develop and enforce standard operating procedures for responding to such criminal activities, either by making on-the-scene arrests, or by relaying the information to another law enforcement agency.

In setting law enforcement priorities, and in promoting statutory reform, each state must con-

. . . Every law enforcement and prosecuting agency must give highest priority to enforcement of drug laws . . .

sider the impact that such statutory and policy changes will have on the criminal and juvenile justice systems. Each state must consider, for example, how the deployment of new resources (or the redirection of existing resources) against drug offenders will affect jail and prison populations, as well as the effect an increase in arrests will have in delaying the processing of cases. Statewide planners must also take into account the capacity of existing forensic laboratory facilities and their ability to provide timely reports needed for drug prosecutions. The statewide plan, in other words, should include a criminal justice system "impact statement," and must also consider solutions to all of these system-wide resource problems. Each state must devise innovative case management programs to ensure that no part of the criminal justice system breaks down.

Basic and In-Service Training

The goals and objectives in this Blueprint cannot be achieved without enhancing the training and expertise of the entire law enforcement community. Enhanced basic and in-service training is needed to achieve the highest levels of law enforcement professionalism and to institutionalize drug enforcement policies and programs. Training, continuing education and professional development programs must be a key part of each state's drug enforcement strategy, no less important than the intelligence, interdiction, investigation and prosecution strategies developed by the National Drug Policy Board.

All law enforcement officers must keep abreast of new drug distribution, marketing and transportation techniques, as well as current interdiction, patrol, interrogation and investigation tactics. At present, some police officers receive significant specialized narcotics training, while others receive some preservice and little or no regular in-service training. Each state should assess its existing narcotics enforcement training programs, as well as its training needs and deficiencies. Each state should then develop a statewide training plan and delivery system and should establish minimum drug enforcement training standards designed to instill in new recruits as well as experienced officers the need to be vigilant and to treat drug enforcement as an absolute priority.

Each state should develop a statewide and interstate training network to maximize resources, reduce duplication and reach the largest population of law enforcement officers. Each state should develop a clearinghouse for information concerning all training programs offered throughout the state and in neighboring states.

A number of federal agencies including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Internal Revenue Service, the United States Coast Guard and the United States Customs Service offer excellent basic and specialized training programs which are available to state and local law enforcement officers. Each state, working with its LECCs, should take advantage of the assurances in the National Drug Strategy that the federal government will continue to provide and to enhance these training and support services. Each state also should explore all alternative funding, including public and private grants, to reimburse state and local agencies for training costs.

Interagency Cooperation— A Theme for all Levels of Government

Every state faces the prospect of waging a war on drugs with inadequate resources. While every reasonable effort must be made to increase federal drug enforcement funding, it is apparent that law enforcement and prosecuting agencies cannot depend on the prospects of expanding existing resources, and so must make certain that existing resources are most cost-effectively used. Each state must ensure that efforts are not duplicated and that operations undertaken by one agency do not undermine operations undertaken by another.

Each state must promote interagency cooperation. Cooperative law enforcement ventures must become more commonplace, and must be institutionalized. The positive relationships among two or more law enforcement agencies should not depend, as is now often the case, on personalities and personal relationships. Each state should therefore promote the use of formal agreements and memoranda of understanding, clearly setting forth the investigative and prosecutorial responsibilities of all law enforcement and prosecuting agencies which have potentially overlapping jurisdictions.

The goal of enhanced interagency cooperation is best achieved by encouraging *joint* investigations and prosecutions, as opposed to outright referrals from one agency to another. Each state should ac-

***. . . Every state must make certain
that existing resources are most cost-
effectively used . . .***

tively promote the cross-designation and special deputization of appropriate local, state and federal law enforcement officers to ensure that investigative leads can be pursued without concern for jurisdictional barriers. Each state should establish uniform standards for state or local law enforcement agencies to use in referring cases to federal agencies, and cases should not be referred by police departments directly to the United States Attorney until the appropriate county prosecutor or district attorney has been consulted. Each state should also work closely with the Immigration and Naturalization Service (INS) in the investigation and prosecution of alien drug offenders. INS has already developed guidelines and policies for cooperating with state and local officials, and actively participates in LECCs.

Interagency cooperation can also be enhanced by establishing a network of multi-jurisdictional task forces within each state. The concept of an interdepartmental task force is hardly an innovation. Such cooperative ventures have been used successfully on many occasions. The cost-effectiveness of this approach is evidenced, for example, by the operations of Fugitive Investigative Strike Teams, which are administered by the United States Marshals Service. By sharing resources and expertise, these strike teams have arrested a far greater number of targeted offenders than would have been possible had each agency been acting on its own. The impressive accomplishments of the nationwide Organized Crime Drug Enforcement Task Forces (OCDETF) show that interagency cooperation can and must be applied to narcotics enforcement.

Multi-jurisdictional task forces serve a number of functions. Certain types of investigations require a core of experienced, full-time narcotics investigators. Undercover operations may not be possible in some places, for example, because all of the local police officers are known to local drug traffickers. Without assistance from neighboring jurisdictions, these drug traffickers could operate with impunity because the local law enforcement department does not have the resources to infiltrate their operations.

Multi-jurisdictional task forces also allow small departments to participate in complex investiga-

tions and share in the distribution of any forfeited proceeds. Furthermore, task force members have the opportunity to gain on-the-job training which would otherwise be impossible. The establishment of task forces and internship and officer exchange programs will provide more law enforcement officers the opportunity to work with and learn from federal, state and local experienced professionals.

Multi-jurisdictional task forces can be structured to enhance and streamline sophisticated narcotics investigations and to ensure the free flow of information among all members of the task force. Similarly, task forces can facilitate the early involvement of prosecutors in investigations, so that cases are developed to take advantage of statutory tools, remedies and enhanced sentencing provisions. The early and consistent involvement of prosecutors makes it easier to induce targeted offenders to turn state's evidence and to cooperate with authorities so that upper echelon traffickers can be reached. Finally, and perhaps most significantly, multi-jurisdictional task forces can foster cooperation, understanding and mutual respect among federal, state and local law enforcement and prosecuting agencies.

Interagency cooperation should not be restricted to law enforcement agencies operating at different levels of government. Each state should also consider creating task forces or inter-municipal enforcement agreements among local police departments. In this way, each participating agency can share in the resources of its neighbors, and thereby provide greater protection for the citizens of all participating communities. In developing inter-municipal enforcement agreements, each state should provide guidance and model agreements which set forth the internal procedures and chain of command, and which deal with the legal, tort liability and workers' compensation issues which can arise in any such cooperative venture.

. . . Each state should coordinate grant applications to make certain that they are compatible with the statewide drug enforcement strategy . . .

Coordination and Continuity of Funding—Restoring the Art of Grantsmanship

It is critical that each state take advantage of federal funding opportunities outlined in the National Drug Strategy. States must develop familiarity with the intricacies of grant application, implementation and evaluation procedures. Each state should also coordinate all law enforcement grant applications to make certain that they are compatible with the statewide drug enforcement strategy. Each state should therefore establish a state board comprised of representatives from all law enforcement and prosecuting agencies including the Attorney General, district attorneys or county prosecutors, sheriffs and police chiefs, which can lead in coordinating and evaluating all drug enforcement funding priorities and grant applications. Each state's comprehensive drug enforcement strategy must determine how resources can best be expanded, enhanced or reprioritized to have the greatest impact on targeted problem areas.

Each state must also deal with the problem of the lack of continuity of funding. Often, grant programs provide funding for only one or two fiscal years, making long-range planning difficult. In order to promote long-range planning, all grant programs should entail multi-year, long-term commitments. Just as grantees are required to make various assurances as a condition of receiving funds, so too, grantors should provide assurances that the funds they offer will in fact be available in the future.

Finally, as noted, state and local law enforcement agencies need more funding in order to address the drug problem and states must make every effort to increase federal funding. States must recognize, however, that some federal funding may actually decrease rather than increase and each state must be prepared to assume the costs of federally funded programs. States should proceed on the theory that any worthwhile federal grant funded drug enforcement program should survive the initial grant period and, accordingly, states should plan on eventually assuming those program costs.

Chapter 3

Legal Tools

Legislative Policy

Although the development of a statewide drug enforcement strategy is principally an executive function, each state legislature must assist through the appropriation process and by providing comprehensive and tough drug laws. These laws become the tools that state and local law enforcement agencies use to implement an effective drug control strategy. The law enforcement community cannot wage an effective war on drugs unless the state legislatures provide laws that are worth enforcing.

Missing or deficient statutes will result in drug enforcement gaps and will impose unfair burdens on law enforcement agencies within and outside the state. If, for example, a state legislature fails to authorize court-ordered electronic surveillance, it becomes impossible for state and local agencies to pursue a whole class of middle and upper echelon drug traffickers. Any such state will depend entirely on resident federal agencies to pursue this type of offender, and it is not certain that federal agencies will be able to provide the necessary assistance. Similarly, where a state legislature fails to provide a means for seizing and forfeiting drug-related assets, local agencies must rely entirely on federal law and federal prosecutorial efforts. Such prosecutions, however, may not represent the best use of federal resources and may not be consistent with the National Drug Strategy.

Each state must develop its *own* investigative and prosecutorial capabilities, and state legislatures must be willing to entrust their own law enforcement and prosecuting agencies with the necessary tools. By providing comprehensive and modern laws, state legislatures can facilitate the development of aggressive, cost-effective drug enforcement programs. For this to be accomplished, the legislatures and the law enforcement communi-

ty must agree on the problem areas and those offenders who should be targeted. By providing enhanced punishment for these targets, the legislatures can encourage law enforcement agencies to devote resources to the apprehension of such offenders.

Each state should firmly reject the call for the legalization of controlled dangerous substances. State legislatures must understand that criminal drug laws provide substantial incentives (or disincentives) for the law enforcement community. Law enforcement officers who believe that the criminal justice system is a "revolving door" for drug offenders are not likely to take drug enforcement seriously. If, on the other hand, rank and file law enforcement officers genuinely believe that the criminal justice system will deal with drug offenders with appropriate firmness, they will respond with the kind of fierce dedication, selflessness and personal sacrifice which has characterized the efforts of the nation's law enforcement community over the years.

. . . Law enforcement cannot wage an effective war on drugs unless the state legislatures provide laws that are worth enforcing . . .

In setting policy, state legislatures, working closely with the state's law enforcement community, must fully understand the impact of any reform on all parts of the criminal justice system. It makes little sense to toughen drug laws if state prison and correctional systems will become overburdened to the point that other serious offenders must be

. . . Drug laws must be realistically enforceable, and be measured in terms of their capacity to change tolerant attitudes about drug abuse . . .

granted early release. Similarly, policy planners must consider what will happen to speedy trial goals if drug laws are toughened so as to encourage all offenders to demand jury trials. Meaningful deterrence depends on *swift* and *certain* punishment, and the goals of swiftness and certainty are often in conflict. All drug laws must be realistically enforceable, and should provide meaningful alternatives to incarceration and traditional forms of punishment in appropriate cases. *Each state legislature must achieve a delicate balance: a sound drug law cannot be so "lenient" as to lead the law enforcement community to believe that it is not worth enforcing and it cannot be so "tough" that law enforcement agencies cannot afford to enforce it.*

Finally, a state's drug laws must provide for the stern punishment of *all* drug offenders. Drug laws should, of course, provide sternest punishment for the upper echelon drug distributors and profiteers who are the most culpable offenders. These laws must not, however, ignore the far more numerous low level dealers and users. A comprehensive drug law, like statewide drug enforcement strategies, must account for the fact that drug kingpins could not operate profitably absent a steady demand for controlled substances. State legislatures must embrace the notion that the impact of all law enforcement activities must ultimately be measured in terms of their capacity to change widely held tolerant attitudes about drug abuse and to reduce the demand for illicit drugs.

Statutory Check List

Each state should consider amending its drug laws, if necessary, to include the following recommended features to enable state and local law enforcement and prosecuting agencies to respond effectively to the state's particular drug problem.

Provisions to Ensure Enhanced Punishment for Targeted Offenders

- *Punishment based on drug type and amount.* The law should provide differentiated punishment based upon the type and amount of the drug involved, providing sternest punishment for offenses involving those drugs which pose special problems within the state.
- *Prolific dealers.* The law should mandate terms of imprisonment and periods of parole ineligibility for the most dangerous and prolific drug distributors.
- *Aggregation of amounts.* The law should permit prosecutors to aggregate the amount of drugs distributed on separate occasions or to separate individuals.
- *Repeat offenders.* The law should provide especially stern punishment and mandatory terms of parole ineligibility for repeat drug distributors.
- *Leaders of drug conspiracies.* The law should provide punishment based upon the defendant's role in a drug trafficking network, and should provide especially stern punishment and lengthy periods of parole ineligibility for kingpins or leaders of drug trafficking conspiracies.
- *Racketeering.* The law should provide for criminal charges and civil remedies modeled after the federal Racketeer Influenced and Corrupt Organizations (RICO) statutes to permit law enforcement to interrupt criminal enterprises, gain access to the financial assets of lucrative drug conspiracies and seize legitimate businesses and organizations which are subsidized by illicit drug proceeds. (See also recommended features concerning asset seizure and forfeiture).
- *Clandestine laboratories.* The law should provide enhanced punishment for persons who maintain or operate clandestine drug laboratories. The law should also provide for safely destroying clandestine laboratories and provide funding for cleaning up the environment contaminated by such il-

licit drug production operations. In addition, the law should authorize law enforcement agencies to apply for court orders permitting the pretrial destruction of bulk seizures of controlled substances or dangerous chemical precursors.

- *Drug distribution premises.* The law should provide enhanced punishment for persons who maintain or operate crackhouses or other narcotics resorts, or illicit drug warehouses or transfer stations.
- *Fortified premises.* The law should provide enhanced punishment where drug manufacturing or distribution resorts, clandestine laboratories or drug warehouses are fortified against police entry through the use of booby traps, attack dogs, steel doors, alarm systems or other similar means.
- *Firearms.* The law should provide for enhanced punishment and mandatory term of imprisonment for any person who commits a drug distribution offense while in possession of a firearm. Such a statutory provision would afford greater protection for police officers and would directly address the vexing relationship between drugs and weapons.
- *Drug terrorists.* The law should provide enhanced punishment for "drug terrorists," who use force or threaten to use force in the course of committing a drug crime or while promoting or facilitating a drug crime or conspiracy. The grading of the offense should depend on whether it involved the actual infliction of bodily injury or the use or threatened use of firearms, explosive substances or destructive devices.
- *Public Corruption.* The law should provide enhanced punishment for public officials involved in drug trafficking or any person who attempts to bribe or corrupt a public official in connection with drug trafficking.
- *Importing drugs into prisons.* The law should provide enhanced punishment for any person who unlawfully brings drugs into a state, county or local correctional facility or half-way house, or who aids and abets or conspires with someone who brings illicit drugs into a correctional facility or half-way house.

- *Drug-induced deaths.* The law should provide an offense akin to felony murder which would make drug distributors and manufacturers strictly liable for any drug-induced (*i.e., e.g., overdose*) deaths. All distributors and manufacturers should be put on clear notice that they operate at their peril with respect to the risk that a death may ensue.
- *Drug profiteers.* The law should provide mandatory fines or penalties for drug profiteers based on the street value of the drugs involved, the profits actually reaped or the business value of any criminal enterprise in which the defendant knowingly participates.
- *"Designer drugs."* The law should include controlled substance analogs in the definition of controlled dangerous substances so as to keep pace with new pharmacological techniques used to produce more potent and addictive substances.

Provisions to Protect Children and Educational Environments

Adolescents and young adults comprise a considerable portion of the existing drug demand market. Drug profiteers have shown a special fondness for young people, who are particularly vulnerable and impressionable, and who are a good long-term investment in illicit marketing dollars. An adolescent drug user can reach in a matter of months the same stage of dependency which it might take an adult years to reach. Drug dependent adolescents do not have a fair opportunity to mature, learn or become socially adjusted during the very time in their lives when they should be developing as individual human beings with positive self-images. One of the most disturbing statistics revealed in the national survey of high school students, and one which demonstrates the success to date of this sordid marketing strategy, is that students continue to be exposed to a wide spectrum of drugs at a frighteningly young age.

Given the nature of this threat, and consistent with the notion that schools must be made drug-free if they are to emerge as the principal medium for providing a generation of young people with the information and skills they will need to resist drugs,

state legislatures must treat young people as a class needing special protection. State legislatures must provide especially stern punishment for drug dealers who infiltrate schools and sell to minors.

- *Schoolyard dealers and "drug-free school zones."* The law should provide for mandatory imprisonment for persons who distribute drugs or possess with intent to distribute while on school property, school buses or within designated "drug-free school zones." These safety zones should be established at some distance from the outer boundaries of every public, private and parochial elementary, junior high and high school across the country.
- *Employing juveniles.* The law should provide mandatory imprisonment for any adult who employs or uses a juvenile in furtherance of a drug distribution scheme.
- *Selling to juveniles.* The law should provide enhanced punishment for adults who distribute drugs to minors.

Provisions to Ensure User Accountability

Each state should adopt provisions to hold drug users accountable for their actions. Criminal prosecutions should be pursued where appropriate, however, non-criminal civil and administrative remedies should also be available to ensure the imposition of stern yet realistically enforceable penalties and sanctions.

- *Revocation or postponement of driving privileges.* The law should provide that all persons convicted of any drug-related offense, including use or simple possessory offenses, must forfeit their driving privileges for not less than six months. Any juvenile under the legal driving age who is adjudicated delinquent for a drug-related offense should be ineligible to apply for a driver's license for at least six months after he or she reaches the legal driving age. To maximize the deterrent effect, this mandatory revocation or postponement of driving privileges should apply without regard to whether an automobile was involved in the offense.

- *Demand reduction penalties.* The law should impose mandatory cash penalties for all drug offenders, based on the legislature's determination of the nature and severity of each offense. The proceeds could be used to provide a stable funding base for drug education, prevention, public awareness and rehabilitation initiatives. Each state should enforce the collection of mandatory penalties by withholding the return of driving privileges, holding contumacious defendants in contempt, or retaining private collection agents where an offender fails to make a good faith effort to comply with a court-ordered payment schedule.
- *Community service.* The law should provide for mandatory community or reformative service for any offender who is convicted of a drug use or simple possession offense while on school property or school buses, or within a designated drug-free school zone.
- *Drug intervention program.* The law should provide for a comprehensive drug intervention program in which drug-abusing defendants can be identified as soon as possible after an arrest, and where appropriate, carefully monitored treatment and rehabilitation opportunities made available.

. . . State legislatures must provide especially stern punishment for drug dealers who infiltrate schools and sell to minors . . .

- *Mandatory treatment.* The law should mandate drug education, evaluation and treatment for convicted drug users at their own expense, where feasible.
- *Violations.* The law should require that all persons admitted to bail or granted parole or probation abstain from illicit drug use, and the law should authorize or possibly mandate the revocation of bail, probation

or parole upon a finding of drug use. In addition, the law should authorize the warrantless search of persons released on parole who technically remain in the custody of state or local correction officials.

- *Electronic monitoring.* In cases where incarceration is not appropriate, the law should authorize the use of electronic tracking devices to enforce house arrest or restrictive curfews.
- *“Reverse sting” operations.* The law should authorize reverse sting or so-called “sell bust” operations, in which undercover officers pose as street level dealers and offer to sell imitation drugs to persons seeking to purchase illicit drugs. This will maximize deterrence and discourage casual “stranger-to-stranger” drug transactions.
- *Drug Testing.* This Blueprint does not endorse any particular drug testing plan involving persons who are not subject to the criminal jurisdiction of the courts, since such plans go beyond the scope of law enforcement activities. States might consider, however, drug testing of those seeking employment in law enforcement agencies. Drug testing among private sector employees might also be a valuable aspect of user accountability.

Provisions to Ensure Juvenile Accountability

A substantial percentage of all drug offenses are committed by minors. Each state should develop a comprehensive juvenile justice code which holds juvenile drug offenders accountable for their actions by imposing the innovative, noncustodial features discussed above, including the postponement of driving privileges, mandatory community service and cash penalties. State legislatures must recognize that general deterrence is consistent with the rehabilitative goals underlying the juvenile justice system.

- *Waiver to adult court.* The law should permit prosecutors to waive certain juveniles accused of especially serious drug trafficking offenses to adult court.

- *Notice to school officials.* The law should permit law enforcement officials to notify appropriate school officials where a student has been arrested for a drug offense. School officials should also be apprised of the final adjudication and disposition. Such information should be kept confidential and should be used by school officials to develop an appropriate educational program to deal with the student’s substance abuse problem.

Provisions Concerning the Seizure and Forfeiture of Assets and Proceeds

A comprehensive forfeiture law, when properly and aggressively enforced, can serve many important functions. The seizure and forfeiture of assets can take the profit out of drug crime. Furthermore, by redistributing seized property among all of the agencies which contributed to the arrest, investigation and prosecution, a modern forfeiture law can help to fund more aggressive and sophisticated law enforcement activities, leading to even more forfeiture revenues. It is entirely fitting that drug dealers pay for enhanced drug enforcement programs. By rewarding law enforcement agencies for their watchfulness and diligence, moreover, an equitable asset sharing program can provide substantial new incentives for police departments to aggressively enforce state and local drug laws.

Finally, a forfeiture law can encourage participation in multi-jurisdictional task forces. These task forces are better suited to trace assets, conduct financial investigations and develop sophisticated cases which are likely to lead to significant forfeiture actions. An intelligently crafted forfeiture law and asset sharing program can promote inter-agency cooperation and coordination by providing an immediate, tangible benefit to all participating local law enforcement agencies.

- *Property subject to forfeiture.* The law should authorize the seizure and forfeiture of any form of real or personal property used in furtherance of any criminal activity or derived from the proceeds of any criminal activity.

- *Asset sharing program.* The law should require that the proceeds of all forfeited property be distributed among all participating law enforcement and prosecuting agencies in proportion to their contribution to the case. These proceeds should be credited directly to the budgets of the contributing law enforcement or prosecuting agencies and be used solely for law enforcement purposes. Forfeited monies should not supplant appropriated funds; nor should anticipated future forfeiture revenues be considered in making appropriations.
- *Money Laundering.* The law should provide for the stern punishment of any person, corporation or financial institution knowingly involved in money laundering of drug proceeds. Such penalties should include the revocation or denial of professional licenses.

Provisions to Enhance Information Gathering

- *Electronic surveillance.* The law should authorize electronic surveillance, in appropriate cases, including the use of wiretaps, pen registers and access to telephone billing records, authorization for overhears or "consensuals" and authorization for other forms of audio and visual surveillance necessary to support sophisticated investigations and to monitor the activities of organized drug trafficking networks.
- *Immunity and compelled testimony.* The law should authorize "use and fruits" immunity to enable prosecutors to compel witnesses to testify before grand juries and provide information needed to apprehend and prosecute upper echelon drug traffickers. Where a convicted defendant refuses to testify and respond to questions after having been granted immunity, he or she should be subject to contempt and should not be entitled to receive credit for time served for his or her underlying conviction for as long as he or she continues to refuse to answer lawfully propounded questions.
- *Investigative grand juries.* The law should provide for investigative grand juries with the authority to deal with criminal schemes which transcend local and county boundaries.
- *Leverage in plea negotiations.* So as to encourage drug offenders to turn state's evidence and to cooperate with government investigations, the law should permit prosecutors to engage in plea negotiations in appropriate cases. Courts should not be permitted to impose a lesser sentence than that agreed to by the prosecutor as part of a negotiated disposition.
- *Cooperative investigations.* The law should permit law enforcement agencies to enter into intermunicipal enforcement agreements or multi-jurisdictional task forces. The law should thus provide appropriate law enforcement officers with statewide arrest and peace officer powers and should facilitate the cross-designation or special deputization of law enforcement officers at all levels of government. The law should provide for the appropriate allocation of tort liabilities and workers' compensation responsibilities.
- *Diversion of prescription drugs.* State and local agencies must assume primary responsibility for controlling the illegal diversion of prescription drugs, which remains a major problem and accounts for a substantial percentage of all substance abuse. State law should require the use of a triplicate prescription system, where one copy of the prescription stays with the prescribing physician, one is retained by the pharmacy and one copy is sent to a designated agency. Each state should also consider imposing criminal penalties to supplement civil and regulatory remedies to make certain that licit drugs are not routinely prescribed or dispensed by illegal means.
- *Precursor tracking system.* The law should require that all transactions involving the purchase or shipment of precursor chemicals be reported to a designated law enforcement agency.

Provisions to Expedite Forensic Laboratory Analysis

No drug offender can be convicted until a laboratory analysis has been performed. A number of states report that this is one of the leading reasons for pretrial delay. The problem of overburdened forensic laboratories may be exacerbated by the enhanced enforcement initiatives contemplated by this Blueprint, which will lead to more arrests and more drug samples submitted for forensic analysis. Moreover, any statutory reform which imposes sterner punishment may result in more cases being contested in court, thereby requiring that complete laboratory analyses be performed.

- *Laboratory analysis fee.* The law should provide that all persons convicted of drug offenses must pay a surcharge for the maintenance and modernization of forensic laboratory facilities.
- *Sworn laboratory certificates.* The law should authorize the admission at trial of sworn laboratory certificates in lieu of the live testimony of government chemists. This would enable chemists to devote their time to their laboratory work, rather than having to travel routinely to testify as to the results of tests which are accurately documented in official government records.

Administrative Remedies and Local Ordinances

- *Professional licenses.* Each state should revoke or deny the professional licenses of persons involved in drug distribution activities.
- *Tenants' rights.* State law or local ordinances should establish that tenants have a right to drug-free housing, should authorize the eviction of drug dealers who operate on leased premises and should require landlords to take reasonable security precautions against drug traffickers.

Study of System-Wide Impact

- *Continuous monitoring.* Each state should monitor the impact of new drug laws on:
 - the time required to process cases;
 - the workload of courts, prosecutors and public defenders;
 - local jail and state prison populations;
 - the workload of probation and parole officers;
 - the number of defendants referred to rehabilitation programs and the availability of substance abuse treatment.
- *Drug courts.* Each state should consider the need to establish specialized drug courts.

Chapter 4

Complementary State and Local Drug Enforcement Programs and Initiatives

The National Drug Policy Board's report identifies five law enforcement strategies: the National Drug Intelligence Strategy, the International Narcotics Control Strategy, the National Drug Interdiction Strategy, the National Investigations Strategy and the National Narcotics Prosecution Strategy. These "supply reduction" enforcement strategies were designed to guide federal agencies in deploying their resources and legal tools.

Statewide strategies should complement these federal strategies. In many instances, state and local law enforcement agencies can support and participate in programs conducted by federal law enforcement agencies. *Each state strategy must also include initiatives for state and local law enforcement and prosecuting agencies acting on their own. Each state must translate the broad goals and objectives of the National Drug Strategy into activities and tasks which address state and local needs and which take advantage of the state's own resources, capabilities and viewpoints.* Just as state and local law enforcement and prosecuting agencies should contribute to the implementation of the strategies developed by the National Drug Policy Board or its successor, so too, resident federal agencies should work to complement and contribute to the goals set forth in each statewide drug enforcement strategy.

It is important to note that the five federal law enforcement strategies are *not* mutually exclusive. Although the strategies require a careful division of responsibilities among a number of federal agencies, no task is unique to any particular agency or to any level of government.¹ It should also be noted that many of the provisions of this Blueprint, especially those involving interagency cooperation and the modernization of data collection and information sharing, will not only improve drug enforcement, but will also enhance the entire criminal justice system and the enforcement of all criminal laws.

Furthermore, all of these strategies are interdependent. A routine police patrol, for example, may lead to an arrest and a source of information that eventually results in the successful prosecution of an upper echelon offender. In that event, the final prosecution and any related forfeiture actions would not have occurred but for the watchfulness of the road officer on patrol.

. . . Each state must address state and local needs and take advantage of its own resources, capabilities and viewpoints . . .

It is also hard to conceive of a prosecution strategy which does not depend upon the success of its investigation strategy counterpart. These two strategies are so intimately related that there is a danger in attempting to neatly compartmentalize the various aspects of the overall drug enforcement effort. Drug offenses are inherently conspiratorial in nature—all, with the possible exception of growing marijuana exclusively for one's own personal use—are part of a sophisticated, multi-layered dis-

1. The one possible exception concerns the International Narcotics Control Strategy. Diplomatic initiatives with foreign nations must remain within the sole province of the federal government. Nonetheless, there are analogous domestic activities which can be undertaken by state and local governments. The goal of reducing the amount of illicit narcotics cultivated and processed worldwide, for example, suggests that similar crop eradication programs must be undertaken within our nation's borders by state and local law enforcement agencies.

tribution network. The failure or ineffectiveness of law enforcement at *any* level impacts and restricts the effectiveness of investigations and prosecutions at *all* levels. For this reason, each state must

develop a truly *integrated* drug enforcement strategy—one in which all of the constituent strategies work in harmony.

State and Local Contributions to the National Drug Intelligence Strategy

No comprehensive drug enforcement program can succeed without access to accurate and timely information. A comprehensive intelligence and drug information management strategy supports all other drug enforcement strategies. Information is needed not only to support tactical operations and investigations, but also to assist law enforcement officials in developing plans of action and in allocating limited resources.

The nation's law enforcement community must take advantage of the wealth of information already available to state and local law enforcement departments. In 1986, state and local law enforcement officers were responsible for more than 600,000 arrests, each of which was a potential source of information. Furthermore, local police officers routinely come into direct contact with members of the community and have a tremendous opportunity to develop confidential sources of information—not only from criminal informants, but from concerned private citizens as well.

First Objective: Expand the Sources of Drug Information

- *Targeted patrols.* Each state should take full advantage of the information gathered by routine and targeted patrol officers. This is not limited to the patrol of highways, but should also encompass routine patrols of neighborhoods and high drug crime areas.

- *Patrol drug response teams.* Each state should develop patrol drug response teams whereby experienced narcotics detectives can be summoned to begin an immediate, on-the-scene investigation where a patrol officer discovers a cache of drugs.
- *Data collection protocols and training programs.* Each state should develop standard reporting procedures and training programs to make certain that all police officers know how to collect information which may be useful in supporting drug investigations.
- *Forensic laboratory reports.* Each state should develop standard forensic laboratory reports and a procedure to collect and analyze this information to help assess the nature and scope of the drug problem.
- *Prescription drug tracking system.* Each state should take advantage of information provided by the Drug Enforcement Administration concerning prescription drugs. Each state should monitor the dispensing of prescription drugs.
- *Precursor tracking system.* Each state should track the purchase and transport of precursor chemicals used in the manufacture of controlled dangerous substances.
- *Cooperative informants.* Each state should build a core of reliable informants and should encourage, in appropriate cases, participants in illegal trafficking activities to cooperate with law enforcement. Each state should establish an information sharing system to enable prosecutors to determine the need for and value of information which might be supplied by a given defendant.

. . . Intelligence and historical information must be used to support investigations and prosecutions . . .

- *Immunity program.* Each state should allow a prosecutor to obtain "use and fruits" immunity to compel a defendant to provide information about his or her superiors in the drug trafficking network. [See also Prosecution Strategy.]
- *Citizen "tip" lines and watch groups.* Each state should develop a program to encourage private citizens to provide information about suspected drug trafficking. [See also Community Involvement and Interaction Strategy.]

Second Objective: Improve the Flow, Management and Dissemination of Drug Information

- *Inventory of existing systems.* Each state should inventory all existing information management and sharing systems.
- *Standardized and upgraded data collection.* Each state should standardize procedures for collecting and collating historical information from arrest and incident reports and judgments of conviction. Each state should also consider updating the Uniform Crime Reporting system and establishing an incident-based reporting system.
- *Information management officers.* Every law enforcement and prosecuting agency should have an information management officer who knows how to gain access to existing information systems.
- *Information management units.* Each state should create information management units in appropriate law enforcement and prosecuting agencies to provide tactical, operational and statistical information to all other units within the agency.

The nation's law enforcement community must keep pace with the increasingly sophisticated practices and technologies used by organized criminal enterprises. A computer-aided information system can enable law enforcement professionals to assess the scope and nature of the drug problem, develop

. . . Law enforcement must keep pace with organized criminal enterprises . . .

local and statewide strategies to target the most dangerous offenders, and make the best use of investigative and prosecutorial resources. A computer system not only allows investigators to pursue leads more quickly, but can also provide ready access to sources of information which would otherwise be unavailable. A computer system, for example, can detect linkages and common modes of operation which might otherwise go unnoticed.

The use of sophisticated technology is not new to the nation's law enforcement community. States must recognize, however, that the most sophisticated and expensive computer systems are not always needed. Given budgetary restraints, states should be cautious when developing new computer systems. Any electronic information storage and retrieval system will be meaningless unless a state also enhances the core of trained professionals at all levels of government who actively develop information sources and follow up on investigative leads.

The key to a cost-effective information sharing system is communication among agencies at all levels of government. No agency has a vested "proprietary" right in any category of information. Information must travel in all directions within the law enforcement community. Federal and state-level agencies must provide information to local law enforcement agencies, just as local agencies must provide information to their federal and state counterparts.

- *Enhanced computerization and networking.* Each state should develop a computerized capacity to store, collate and retrieve intelligence and historical information concerning drug offenders. Before initiating new computer projects, each state should take advantage of existing computerized information exchange and pointer systems, such as the Regional Information Sharing System (RISS) and Operation Pipeline. Each state should actively participate in multi-state, regional and national information networking projects.

Third Objective: Enhance Analytical Capabilities

Information on narcotics trafficking abounds, but few state and local resources are devoted to collating and analyzing this information. Intelligence and historical information must not be collected for its own sake, but must be used to support investigations and prosecutions. Each state must develop an analytical capacity to identify common linkages and patterns of criminal activity, and must also devote investigative resources to confirm the reliability of potentially useful information and to follow up on investigative leads.

- *Enhanced analytical capacity.* Each state's Intelligence and Information strategy should provide for the development or enhancement of the capacity to

analyze data and feed it to the appropriate law enforcement units. Each strategy should provide a mechanism by which information can be corroborated through alternative investigative means and each state should develop a system to pursue investigative leads based on computer-assisted analysis.

- *Trend analysis.* Each state, taking advantage of existing multi-state or regional information sharing projects, should create or enhance the capacity to analyze drug use and distribution trends and offender and vehicle characteristics. Each state should use computer-assisted analyses to pinpoint specific areas, roadways or types of locations which require enhanced patrol and interdiction activities.

State and Local Contributions to the National Drug Interdiction Strategy

Interdiction encompasses any law enforcement activity which restricts or interrupts the stream of illicit drug commerce. Such programs need not be limited to eradicating the cultivation, production or processing of illicit drugs at their source; nor should interdiction be restricted to law enforcement operations at borders or major points of entry. In fact, a large volume of controlled dangerous substances are produced domestically, and in some states, marijuana has become a major cash crop. Interdiction must also include highway and neighborhood patrols and surveillance activities conducted by uniformed and plainclothes officers in motor vehicles, as well as on foot.

Enhanced and targeted patrol is the logical state and local counterpart to federal interdiction programs. This does not mean that state and local agencies should not also assist federal efforts to monitor activities at major points of entry. It does suggest, however, that state and local law enforcement agencies must assume the role of *lead* agency for routine highway and neighborhood patrols. Such patrols can serve a number of public safety functions. Highway interdiction often results in the seizure of drugs in transport, removing these drugs

from the stream of illicit commerce. Patrol activities can also provide invaluable intelligence information concerning new drug use trends and courier characteristics. Enhanced patrols will also provide an expanded core of informants and valuable sources of confidential information needed to apprehend drug kingpins.

Most importantly, aggressive patrol programs directly promote the general deterrence of drug offenders by maintaining a highly visible police "presence." Such patrols can be especially effective in deterring and displacing open and notorious drug transactions and use, and this, in turn, directly promotes the goal of convincing citizens, and especially young people, that drug offenses will not be tolerated. For these reasons, local interdiction efforts may have a greater impact than efforts designed exclusively to eradicate drug cultivation and drug production or to stop the flow of drugs at national borders. The latter type of interdiction tactics are not as "visible" to the public, and unless such supply-oriented programs succeed in disrupting a significant portion of the flow of drugs, their impact will not be felt by the average citizen, or even the average drug user.

The aggressive use of uniformed patrol officers not only evidences law enforcement's commitment to enforce the nation's drug laws—the local counterpart to the federal government's "zero tolerance" policy—but also addresses the public's outcry for an immediate and significant police response to the drug epidemic. In many places throughout the country, city streets and whole neighborhoods have become combat zones, caught in the cross-fire between rival gangs bent on using force and violence to protect their turf. Many citizens, especially the elderly, have become prisoners in their own homes, and even police tread with caution through these neighborhoods. Violence has become endemic to the drug trade, and local police departments have a responsibility to use aggressive measures to protect those who are the *constant* innocent victims of this national epidemic.

Finally, aggressive and visible patrol tactics will lead to the enhanced detection and deterrence of all forms of street crime and motor vehicle offenses. The dedication of state and local patrol resources to this form of drug enforcement need not detract from the law enforcement community's duty to enforce other criminal laws, or to provide other services required for the public welfare.

- *Constant vigilance.* All police officers should be trained to recognize drug use and illicit cultivation, production and distribution activities. All sworn law enforcement officers, regardless of their agency affiliation, rank or duty assignment, should constantly be on the lookout for drug offenses and should treat the vigorous enforcement of state and local drug laws as a top priority.
- *"Zero tolerance" arrest policy.* Each state should adopt a policy which firmly rejects the notion that any drug offense is too minor to warrant an arrest. It should be the responsibility of all sworn law enforcement officers to arrest any adult or juvenile who commits a controlled dangerous substance offense, including use and simple possession offenses, unless an immediate arrest would jeopardize an ongoing narcotics enforcement operation, or unless there are other compelling reasons not to make the arrest.

. . . Police have a responsibility to protect those who are the constant innocent victims of this national epidemic . . .

- *Targeted patrols.* Each local police department should dedicate sufficient personnel to routinely patrol areas and roadways designated in accordance with standards specified in a statewide strategy. These standards should be developed to make the most effective use of limited patrol resources. Proactive and targeted patrols should, at appropriate times, provide special attention to the following areas:
 - Public, private and parochial schools, schoolyards and statutorily established drug-free school zones;
 - Designated high drug crime areas or "vice centers" where open and notorious drug transactions and use offenses are rampant;
 - High crime neighborhoods and housing projects and other areas where enhanced police presence is necessary to assuage public concerns;
 - Roadways known as major conduits for drug traffickers;
 - Airfields, landing strips, train stations and marinas which are believed to be local points of entry for drugs.
- *Local patrol plans.* Each state should require all police departments to develop a local patrol strategy and resource allocation plan consistent with the statewide strategy but tailored to local needs.
- *Model patrol plans.* Each state should develop a model patrol strategy to assist local law enforcement agencies. Much of a patrol officer's time is discretionary and is often occupied by "routine patrol." This block of discretionary time should be directed to targeted areas deemed to have the greatest impact on the local drug problem.

- *Offender characteristics and training.* Each state should develop a system to provide police departments specific information concerning current methods of illicit drug transportation, including up-to-date offender and vehicle characteristics and information concerning the areas and compartments within vehicles in which illicit drugs are commonly concealed. Each state should also provide training programs on the most efficient, constitutionally permissible techniques for identifying drug couriers and for seizing drugs in transport.
- *Periodic clean sweeps.* Each state should consider conducting carefully coordinated "clean sweep" or "saturation patrol" operations involving either multiple arrests following an undercover operation, or sending a large number of uniformed officers into a particular area for the purpose of uncovering or displacing drug trafficking activities.
- *Patrol drug response units.* Each state should establish or enhance a patrol drug response capacity, combining two traditionally distinct law enforcement functions: uniformed patrol and criminal investigation. Each statewide strategy should specify when and under what circumstances patrol officers should summon a patrol drug response team.
- *Canine drug detection units.* To facilitate the search of motor vehicles and premises for concealed drugs, each statewide strategy should provide for the creation of canine units and response teams. The statewide strategy should also specify training standards for drug detection canines and handlers.
- *Mass events.* Each state should develop a program and enforcement plan to eradicate open drug use at concerts, sporting events and social gatherings.

State and Local Contributions to the National Drug Investigations Strategy

Investigations must be the cornerstone of any policy designed to disrupt major drug trafficking operations. Apprehended drug offenders are often quickly replaced, even at the highest levels within drug trafficking networks. A key law enforcement goal must therefore be to eradicate *entire* criminal organizations. Patrol activities are an indispensable component of any comprehensive drug enforcement plan of action, and provide invaluable sources of information that support sophisticated investigations. The most culpable drug offenders, however, are rarely found in close proximity to large caches of drugs. These offenders must be pursued using very difficult tactics.

Drug profiteers are usually well-insulated within complex networks, and will not hesitate to use violence, terroristic threats and bribery to evade detection and prosecution. Furthermore, the proceeds of illicit drug trafficking will often be concealed or "laundered" through a complex series of legitimate and illegitimate commercial transactions. These organized criminal operations pay no heed to mu-

nicipal, county, state or even national borders. The multi-jurisdictional nature of these operations complicates the process of reaching the most culpable offenders, and highlights the need for cooperation among all investigative and prosecuting agencies at all levels of government.

First Objective: Identify and Immobilize Drug Trafficking Networks

Target Major Traffickers

- *Cooperation and case referrals.* Each state should pursue all investigations to the fullest extent possible, even if this means referring a case to another agency with greater resources or larger jurisdiction. When this occurs, all law enforcement agencies and officers should be given appropriate credit, in the form of professional

and public recognition and the sharing of any forfeited assets, for their contribution to the overall investigation.

- *Priority case classification system.* Each state must identify and target priority cases to be investigated by state and local law enforcement agencies. In assessing local and statewide needs and investigative priorities, each state should encourage the active participation of law enforcement and prosecuting agencies at all levels of government. Each state should target the following offenses and offenders for priority investigation:

- Upper echelon wholesalers and leading participants (*i.e., e.g.,* managers, supervisors or financiers) in drug conspiracies;
- Persons involved in the illicit cultivation, production or refinement of illicit drugs;
- Prolific street level dealers;
- Distributors who operate on school grounds or within statutorily established drug-free school zones;
- Members of organized criminal street or motorcycle gangs or groups which resort to violence and terrorism;
- Distributors who employ children or who sell drugs to children;
- Drug distributors who operate in places of special concern to local communities, such as housing projects;
- Persons who commit corruption or bribery offenses in support of drug trafficking activities;
- Fugitives from justice.

- *Periodic evaluation.* Each state should provide a mechanism to periodically re-evaluate and update its investigation strategy and priority case classifications.

- *Integration of prosecution efforts.* Each state's investigation strategy and priority case classification system should be linked to its statewide prosecution strategy and goals, and prosecutors should help to define priority targets.

- *Coordination with federal investigations.* Each statewide investigation strategy should be compatible with the case classification scheme used by resident federal law enforcement agencies. Federal law enforcement agencies should be included in the strategic investigative planning process and should be consulted in defining state and local priority targets. Each state, working with the appropriate LECCs, should develop a case tracking system to ensure that every potential investigation is fully pursued by some designated law enforcement agency.

- *Coordinated Cultivation Strategy.* Each state should work with federal law enforcement agencies, as well as law enforcement officials in neighboring states, in identifying and eradicating the cultivation of marijuana. State and federal cooperation is vital in this area because frequently, such cultivation occurs on federal lands. States where cultivation is a problem must make every effort to get more federal funding.

- *Tracking of priority cases.* Each state should establish standard procedures for tracking priority cases to make certain that all investigative leads are pursued to the highest possible level within drug trafficking networks. These procedures should facilitate the orderly and consistent transfer of cases and information between law enforcement agencies at all levels of government, and should encourage these agencies to enter into memoranda of understanding clearly setting out each agency's investigative responsibilities.

- *Integration of intelligence gathering and analytical efforts.* Each statewide investigation strategy should take full advantage of the state's intelligence gathering and analytical capacity. The investigation strategy should be designed to support and promote the collection of additional information and intelligence. State and local narcotics investigators should work with analytical personnel in following leads and in verifying drug information identified with enhanced analytical capabilities.

Enhance Investigative Capabilities

- *Drug enforcement specialists.* Each state should enhance its core of experienced, full-time narcotics investigators. Each state should also develop a recruitment and in-service narcotics enforcement training program.
- *Interagency sharing of personnel and equipment.* Each state should provide for pooling personnel and should encourage the development of internship or officer exchange programs among law enforcement agencies at all levels of government. Each statewide strategy should also provide procedures for sharing audio and visual surveillance equipment, drug detection canines, and other specialized resources.
- *Full range of investigative tactics.* Each statewide drug investigation strategy should take advantage of all investigative tactics, including undercover and infiltration operations, "buy bust" transactions, "sell bust" or "reverse sting" operations, visual surveillance and electronic surveillance.

Second Objective: Increase Drug Seizures

Many illicit drugs are grown or produced within our nation's borders. These growing fields and clandestine laboratories must become a focal point of enhanced law enforcement efforts, and each state must accept primary responsibility for identifying and eradicating these sites. Given the number of illicit laboratories and fields which have proliferated across the country, it is unrealistic to expect that federal law enforcement agencies alone can deal with these drug sources.

- *Tracking precursors and laboratory ware.* Each state should work in cooperation with the Drug Enforcement Administration to analyze and disseminate all available information about the purchase of precursors, essential chemicals, glassware and laboratory equipment.

- *Citizen alert program.* Each state should develop a public awareness campaign to alert citizens about illicit drug production facilities. [See also Community Involvement and Interaction Strategy.]
- *Clandestine laboratory response teams.* Each state should establish trained clandestine laboratory response teams and criteria for when state and local law enforcement agencies should be required to summon response teams to assume responsibility for the investigation, raid and cleanup activities.
- *Hazardous substance disposal and cleanup.* Each state should develop procedures with state and federal environmental agencies for the safe handling and disposal of toxic or hazardous substances seized in connection with a clandestine drug laboratory. Each state should establish procedures for the cleanup of contaminated sites, and the federal government should be encouraged to make available Environmental Protection Agency Superfund monies to help defray the costs of cleanup.
- *Marijuana cultivation detection program.* Each state in which marijuana is grown should, working in cooperation with the Drug Enforcement Administration, continue to train all law enforcement officers to detect illicit growing fields and to be familiar with the steps taken by illegal growers to camouflage and protect crops, including the use of booby traps, springs guns, armed guards and attack dogs.
- *Aerial surveillance and crop eradication response teams.* Each statewide strategy should provide for proactive investigations and for the use of aerial surveillance. Where appropriate, each state should establish crop eradication response teams.

Narcotics enforcement patrol and investigation functions both involve searches and seizures. Since only a small fraction of the total quantity of drugs

. . . Evidence seized by law enforcement must be admissible in court . . .

transported into and through the nation can realistically be confiscated, the strategic objective of choking off the supply of illicit drugs cannot be achieved solely by interdiction. Even large-scale seizures appear to have only a temporary and localized impact on the price and availability of illicit substances. For this reason, drug seizures must ultimately lead to successful prosecutions and the imposition of stern punishment. This requires that all evidence seized by law enforcement be admissible in court.

- *Standardized search procedures and training.* Each state should develop standard search warrant application procedures and forms and should develop and periodically update an arrest, search and seizure manual and bulletins for dissemination to all state and local officers who conduct searches and seizures. Each state should provide regular search and seizure training to all narcotics investigators and patrol officers.
- *Notice to searching officers.* Whenever evidence is suppressed by a court because of the manner in which it was seized, or whenever a prosecutor elects not to offer evidence in anticipation that it would be suppressed, the officer who conducted the search should be told the reasons for the decision, and should be told what he or she should have done in the circumstances to comply with state and federal constitutional requirements.
- *Elimination of recurring problems.* In order to monitor the development of search and seizure law, each state should develop a system to identify, isolate and eliminate recurring search and seizure problems.

Third Objective: Seize Proceeds and Assets of Drug Traffickers

Traditionally, law enforcement agencies have been successful in seizing drugs, weapons, cash and automobiles used to transport illicit drugs. These actions are extremely important. Drug pushers often flaunt their wealth and can become local folk heroes or role models, especially among inner city youth. It has become increasingly difficult for our legal institutions, schools, community activists and

legitimate businesses to compete with these symbols. The law enforcement community must do all that it can publicly to strip drug dealers of their visible forms of wealth and prestige.

The forfeiture of vehicles and cash are straightforward cases which usually do not require the expenditure of additional investigation and analytical resources. Often, the information and proofs needed for civil forfeiture are at hand at the moment of arrest. Henceforth, *all* forms of property, profits and proceeds derived from any illegal narcotics enterprise must be subject to seizure and forfeiture. Law enforcement agencies must identify and confiscate houses, buildings, warehouses, bank accounts, stock portfolios and even businesses which are linked to illegal drug distribution.

. . . Law enforcement must strip drug dealers of their visible forms of wealth and prestige . . .

- *Vehicle seizure policy.* Law enforcement agencies should seize all motor vehicles operated by drug offenders, including purchasers, provided these vehicles were actually used in furtherance of unlawful conduct.
- *Standardized arrest reports and follow-up investigations.* Each state should require that all police arrest or incident reports in drug cases indicate whether the offense involved the use of an automobile or occurred in privately-owned premises. Each state should require that some investigative agency determine in every drug case whether there are any assets subject to forfeiture.
- *Forfeiture assistance teams.* Each state should consider the need to create forfeiture assistance teams to assist local law enforcement agencies in conducting investigations to take advantage of state forfeiture laws.
- *Net worth investigations.* Each state should establish or enhance the capacity to conduct sophisticated financial and net worth investigations and to trace laundered assets.

State and Local Contributions to the National Narcotics Prosecution Strategy

One of the primary objectives of the National Drug Policy Board's report is to make the best use of limited federal resources. State and local prosecutorial resources must also be used in the most cost-effective way. Targeted offender programs developed in many jurisdictions have proven the effectiveness and efficiency of concentrating prosecution resources on select defendants so as to make certain that they are swiftly brought to justice. All drug offenders, however, must face the certainty of appropriate punishment.

First Objective: Establish Priority Targets and Coordinate the Use of Limited Prosecutorial Resources

- *Targeted offender prosecution program.* Each statewide prosecution strategy should include criteria for targeting select drug offenders or offenses that reflect local crime problems and law enforcement priorities and which take advantage of special offender statutes and enhanced punishment provisions.
- *Linkage to investigation priority classifications.* A targeted offender prosecution program should be closely linked to the state's priority investigation criteria. These priorities should also be compatible with and complementary to federal prosecution criteria developed in each federal district in accordance with the National Narcotics Prosecution Strategy.
- *Standardized forensic laboratory procedures.* Each state strategy should include standard forensic laboratory operating procedures designed to reduce the time required to perform a forensic laboratory analysis. Each state should assess and project current and future laboratory resource (personnel and equipment) requirements.

- *Prioritization and distribution of forensic workload.* Each state should establish uniform criteria for determining the priority to be accorded all submissions of evidence for forensic laboratory analysis. These criteria should be compatible with prosecution priority case classifications. Each state should develop and implement a program to provide for the cost-effective distribution of the forensic laboratory analysis workload.

Second Objective: Enhance Integration of Prosecutorial and Investigative Functions to Take Advantage of Available Legal Tools and Remedies

- *Full-time narcotics prosecutors.* Each state strategy should create or enhance a core of prosecutors dedicated full-time to narcotics enforcement. Where feasible, each prosecuting office should designate a full-time narcotics prosecutor or unit.
- *Recruitment and professional development.* Each statewide strategy should include a program to recruit prosecutors and to retain career prosecutors.
- *Prosecutorial assistance to police.* Each prosecuting agency should assist local police departments, and, where feasible, experienced prosecutors should be made available on a 24-hour basis to provide legal advice to police concerning narcotics investigations or issues concerning arrests, searches and seizures.
- *Integration with investigative activities.* The role of a prosecutor should not be restricted to presenting cases before courts and grand juries. Each state strategy should involve prosecutors in all phases of

narcotics investigations, and especially complex investigations or cases designated as priority prosecution cases (i.e., e.g., cases involving forfeitable assets, conspiracies, school zone prosecutions, etc.).

- *Participation in task forces.* Each state strategy should encourage prosecutors to assign personnel to work with multi-jurisdictional narcotics task forces.
- *Witness protection program.* Each state strategy should provide for the protection of cooperating witnesses, and each state should develop procedures for admitting state and local prosecution witnesses into the federal witness protection program.
- *Post-conviction immunity program.* The role of the prosecutor does not necessarily end upon gaining a conviction. Each state strategy should encourage prosecutors in appropriate cases to compel convicted defendants to testify as to the identity and activities of their superiors in the drug trafficking network.
- *Aggressive forfeiture policy.* Each state should aggressively pursue civil forfeiture actions, as authorized by law, against assets, including realty and tangible and intangible personal property, which are the fruits of or which were used in illicit drug trafficking, production or cultivation. No criminal case should be disposed of by a negotiated guilty plea without considering the state's forfeiture policy.
- *Forfeiture prosecution units.* Each prosecutor should designate an assistant or unit responsible for supervising all forfeiture actions within the jurisdiction.
- *Standardized forfeiture practice.* Each state should develop a manual which discusses the legal and tactical issues arising in civil forfeiture actions. This manual should include standardized forms to facilitate the uniform and efficient application of state forfeiture laws.
- *Forfeiture training for prosecutors.* Each state should instruct prosecutors on the logistics of asset forfeiture proceedings, methods of tracing assets, conducting title searches, dealing with secured creditors and providing notice to interested parties.

- *Uniform implementation of forfeiture policy.* Each state should monitor the implementation of its forfeiture laws and ensure their uniform and aggressive application.

Third Objective: Ensure That All Drug Offenders are Held Accountable

- *Uniform application of criminal drug laws.* Each statewide prosecution strategy should ensure consistency in the enforcement of state drug laws. Prosecutors should be actively involved in making certain that state drug laws are aggressively and uniformly implemented.
- *Prosecution of all drug offenders.* Each state should make certain that all drug offenders, especially drug users, are held accountable for their actions. Each statewide strategy should encourage prosecutors in appropriate cases to explore innovative alternatives to custodial sentences.
- *Referral of non-priority federal cases.* Where federal law enforcement agencies are for any reason unable or unwilling to pursue any particular prosecution, procedures should be developed in conjunction with the LECC to make certain that such cases are referred to appropriate state and local officials for prosecution. Each state should provide for cross-designation or special deputization of state and federal law enforcement officers and prosecutors to facilitate the prosecution of referred cases.
- *Prosecution of other agencies' informants.* Each state, working with the appropriate LECCs, should develop protocols concerning the prosecution of any defendant who is an informant or cooperative witness for more than one law enforcement agency.
- *Strict compliance with mandatory sentencing provisions.* Each state should make certain that courts impose appropriate sentences, and prosecutors should ensure that all mandatory sanctions are imposed. Prosecutors should make certain

that cash penalties and fines are actually collected, that revoked driver's licenses are surrendered, that appropriate restrictions are imposed as conditions of probation and that probation is revoked where those conditions are violated.

- *Sentencing memoranda.* Each prosecuting agency should prepare a comprehensive sentencing memorandum to educate the judiciary to the societal impact of drug offenses within the jurisdiction.
- *Treatment accountability.* Prosecutors should make certain that offenders afforded rehabilitation are held accountable to the courts. Where the seriousness of the offense warrants imprisonment, pros-

ecutors should take steps to ensure that rehabilitation occurs during, not in lieu of incarceration.

- *Pretrial release conditions.* Prosecutors should recommend appropriate and adequate conditions of pretrial release and, where appropriate, prosecutors should urge courts to impose urine monitoring and pretrial drug abuse evaluation and treatment.
- *Probation and parole conditions.* Prosecutors should make certain that persons on probation or released on parole comply with all probation or parole conditions, including periodic drug testing.

Chapter 5

Building Upon the National Drug Strategy and Implementation Plans: Taking Full Advantage of the State and Local Law Enforcement Perspective

The five law enforcement strategies developed by the National Drug Policy Board are designed to coordinate the activities of federal law enforcement agencies and to take advantage of their unique resources and capabilities. State and local law enforcement and prosecuting agencies also possess unique resources and opportunities for interacting with members of the public which must be fully developed to have the greatest possible impact in

curbing the flow of illicit drugs, in creating drug-free schools, workplaces and neighborhoods and in modifying public attitudes about drug abuse. It is therefore necessary to expand the National Drug Policy Board's five law enforcement strategies to encompass programs and activities which are uniquely within the bailiwick of state and local law enforcement and prosecuting agencies.

National Juvenile Justice Strategy

The federal government provides leadership and funding to enhance the nation's juvenile justice system. Federal agencies, however, do not have the tools or the institutional resources to prosecute juvenile delinquents. State and local officials must therefore assume primary responsibility for these offenders. The law enforcement community, and especially local police departments, must take decisive steps to prevent juvenile delinquency. State level agencies must support local efforts and help improve all aspects of the juvenile justice system. States must see that adequate resources and legal tools are available to deal with juvenile delinquents who abuse drugs or who are involved in drug trafficking. Prosecutors must also play a key role in ensuring that juveniles who commit drug offenses are properly adjudicated.

The law enforcement community must become more actively involved in intervention and rehabilitation efforts by bringing drug abusing juveniles to the attention of the courts and treatment professionals. The juvenile justice system must be used in a positive way to help these children to become drug free and to lead law abiding lives. For this approach to be effective, intervention must occur at the earliest possible moment, before a pattern of delinquent conduct has already become in-

grained, and before the child is in the later stages of an addiction cycle.

Furthermore, juvenile drug offenders must be held accountable for their actions. To make no response, or to make an empty threat sends the wrong message to children, and can only serve to undermine the national drug enforcement effort by inviting further unlawful conduct. As noted, recent surveys in two states reveal that more than two out of three students report that the fear of getting into trouble with the law would prevent their use of illicit drugs. Each state's drug enforcement strategy must be designed to take advantage of this key "preventive factor." We must recognize that the concept of criminal law deterrence and the im-

***. . . State and local law enforcement
and prosecuting agencies possess
unique resources which must be fully
developed to curb the flow of illicit
drugs, create drug-free schools,
workplaces and neighborhoods and
modify public attitudes . . .***

position of strict discipline is not incompatible with the rehabilitative goals of the juvenile justice system. In fact, it is inhumane to tolerate drug abuse by juveniles, or to fail to take aggressive steps to discourage young people from first experimenting with illicit substances. *State strategies should be designed to reduce youth involvement in substance abuse through persistent and meaningful deterrence.*

- *Comprehensive juvenile drug offender program.* Each state should develop a unified strategy to respond to juvenile drug offenders. Each statewide strategy should provide for enhanced local planning, coordination and integration of services designed to prevent delinquency and improve juvenile justice. Law enforcement and prosecuting agencies should work with courts and professionals in substance abuse treatment to make certain that substance abuse evaluation and rehabilitation programs are available for and used by juvenile offenders.
- *Professional development of juvenile officers.* Each statewide drug enforcement strategy should promote increased professionalism and public recognition of juvenile officers. Each statewide plan should provide for the recruitment and retention of the most skilled and competent personnel, and should provide specialized training for all juvenile officers.

. . . Strict discipline is not incompatible with the rehabilitative goals of the juvenile justice system. It is inhumane to tolerate drug abuse by juveniles . . .

- *Juvenile prosecution units.* Every prosecuting agency should allocate sufficient resources to aggressively prosecute juvenile offenders. At least one assistant prosecutor in each office should be responsible for coordinating and handling all juvenile matters. When the volume or seriousness of juvenile cases so warrant, a separate juvenile unit should be established within each prosecuting agency.

- *Juvenile arrest policy.* Each state should require all sworn law enforcement officers to take into custody any juvenile where there is probable cause to believe that the juvenile has violated any state or local drug law.
- *Uniform response to juvenile delinquency.* Each statewide drug enforcement strategy should include guidelines concerning the proper exercise of law enforcement discretion to ensure an appropriate, proportionate and uniform law enforcement response to juvenile delinquency. Each statewide strategy should specify when and under what circumstances juvenile matters may be diverted, and each strategy should make certain that the terms imposed as a condition of diversion or adjustment are fully satisfied.
- *Prosecutors' role in dispositions.* Prosecutors should take an active role in the disposition of juvenile offenders. Where a juvenile is adjudicated delinquent for any drug offense, the prosecutor should make certain that applicable mandatory penalties are imposed. Prosecutors should be encouraged to recommend to the court an appropriate disposition based upon the offense committed, the juvenile's prior delinquency record and the juvenile's social and educational background.
- *Evaluation and treatment as part of the disposition.* Where a juvenile is adjudicated for an offense committed while under the influence of a controlled dangerous substance, or where substance abuse is otherwise indicated, prosecutors should seek, as a condition of disposition, appropriate substance abuse evaluation and treatment.
- *Parental responsibility and treatment.* Where the conduct or neglect of a parent has contributed to delinquency, and where parental substance abuse is indicated, prosecutors should take steps authorized by law to require parents to submit to appropriate substance abuse evaluation and treatment.
- *Targeted juvenile offender program.* Each statewide strategy should provide a comprehensive and coordinated response to

serious repetitive juvenile offenders, who account for a disproportionate percentage of all crimes committed by young people. This program should address the prevention, apprehension, investigation and prosecution of juveniles identified as targeted offenders. The program should address:

- Criteria for defining targeted juvenile offenders;
- Procedures for early identification and intervention;
- Charging and screening determinations;
- Priority case processing;

- Pre-adjudication detention policy;
- Adjudication goals;
- Disposition considerations and recommendations; and
- Criteria for seeking waiver to adult court.

- *Tracking repetitive juvenile offenders.* Targeted juvenile offender programs should address the identification and aggressive prosecution of repeat offenders who continue criminal activities as adults. Each state should develop a system to track these habitual offenders.

National Community Involvement and Interaction Strategy

All law enforcement and prosecution activities must be part of a comprehensive *community-oriented* program involving other criminal justice actors, education and health professionals and members of the general public. Every community must develop its *own* plan of action which is consistent with the framework established by a statewide drug abuse strategy, but which is tailored to meet specific local needs. The law enforcement community must play a key leadership role. Law enforcement and prosecuting agencies must be a catalyst and help to bring together representatives from various disciplines to develop local drug enforcement strategies which raise public awareness of the problem and which focus on reducing the community's demand for illicit drugs.

First Objective: Establish Close Working Relations With Education Professionals

- *Drug-free schools policy.* Each statewide drug enforcement strategy should make drug-free schools the single highest priority of law enforcement.
- *Non-interference with education programs.* Law enforcement activities should not interfere with school substance abuse

counselling or education programs, and operations on school property should not be undertaken without considering the impact on the educational environment, existing substance abuse counselling programs and the relationships between school authorities, the law enforcement community and the student population.

- *Cooperation and model agreements.* Each state should develop model agreements between law enforcement and school officials which specify their mutual rights and responsibilities with respect to drug offenses committed on school property. Law enforcement and school officials should be encouraged to meet and enter into these agreements.
- *Periodic conferences.* Each state should encourage the chief executive officers of local law enforcement and prosecuting agencies to meet periodically with education officials to discuss matters of mutual concern and to revise and adapt their written agreements or memoranda of understanding.
- *Liaisons.* Each local law enforcement agency should designate a liaison to work directly on a day to day basis with local school officials. The role and function of a liaison would be to:

- Facilitate communication and cooperation between the two professional communities;
 - Identify issues or problems of mutual concern and facilitate the resolution of these problems;
 - Act as the primary contact person between the schools and the law enforcement community;
 - Develop joint training and other cooperative efforts, including information exchanges and joint speaking engagements;
 - Coordinate intervention and prevention efforts.
- *School zone patrol plans.* Every local law enforcement agency should develop a plan on how best to patrol schools, schoolyards and the areas surrounding schools, including any "drug-free school zones" which may be created by statute. Each state should develop a model patrol plan to assist local police departments in making the best use of limited patrol resources.
 - *Consultation with school officials.* Appropriate school officials should be consulted and allowed to participate in planning law enforcement operations conducted in school buildings or on school grounds.
 - *Referrals to law enforcement.* Each state should develop a policy which specifies when and under what circumstances school officials are required to turn over evidence or otherwise refer a suspected violation of state or local drug laws to law enforcement officials.
 - *Arrest protocols.* Each state should develop standard procedures concerning the manner in which law enforcement officers may enter onto school grounds to execute planned or spontaneous arrests. These protocols should be designed to minimize the disruption of the educational environment and should be developed in consultation with appropriate school officials.
 - *Notice of arrests.* Each state should determine when law enforcement officers

should notify appropriate school officials when a student has been arrested for a drug offense.

- *School search guidelines.* Each state should develop guidelines and training programs to explain when school officials may lawfully conduct searches and seizures. Each state should authorize school officials to request legal advice concerning school searches.
- *Law enforcement programs in schools.* Each state should encourage school officials to arrange lectures, seminars and workshops explaining the drug abuse problem from a law enforcement perspective. Each state should also develop standardized curricula and a methods of instruction course for use by law enforcement officers who lecture at elementary and secondary schools.
- *School dropouts and outreach programs.* Each state should encourage law enforcement and prosecuting agencies to work with school officials and community groups to develop programs to encourage students, including those who enter the juvenile justice system, to remain in school, and to encourage dropouts to return to school.

Second Objective: Respond to Community Needs and Establish Positive Relations with Citizens

One of the most valuable resources for any law enforcement agency is the community which it serves. Citizens must become more actively involved in supporting law enforcement efforts to deal with the nation's drug problem. To accomplish this, local law enforcement prosecuting agencies must remain responsive to community needs. Throughout the country, there is a growing desire to take back streetcorners and whole neighborhoods from the influence of violent drug predators. Law enforcement and prosecuting officials must explain to citizens how they can help themselves by working cooperatively with the law enforcement community.

- *Participation of citizen groups.* Local law enforcement and prosecuting officials should work with representatives of civic and community groups, tenant associations, social and fraternal organizations, religious institutions and the business community to explain the state and local drug enforcement program and statewide strategy. Citizens should be invited to participate in the development and implementation of these programs and strategies.
- *Neighborhood meetings.* Local law enforcement and prosecuting agencies should sponsor town hall and neighborhood meetings to discuss enforcement problems and drug abuse "hot spots" so as to fully understand and remain responsive to community expectations.

. . . Citizens must become more actively involved in supporting law enforcement . . .

- *Visible police presence.* Each local law enforcement agency should maintain a visible presence in high drug crime areas and at times and places necessary to meet the community's security expectations.
- *Citizen assistance and support groups.* Each state should develop a victim assistance, counseling and support program to address the needs of residents of high drug crime areas or "vice centers" who are constantly victimized by drug-related crime and the threat of drug-related violence.
- *Community crime watch programs.* Every local law enforcement agency should design

nate a crime prevention officer to work with citizen groups and to implement a community awareness program. Law enforcement agencies should support and coordinate citizen volunteer watch groups and neighborhood watch programs.

- *Confidential drug "tip" lines.* Each state should develop a comprehensive program to create and publicize local drug "tip" lines and post office boxes to encourage citizens to report suspicious activities. All information provided by citizens should be carefully evaluated, and investigative leads should be pursued as appropriate. Where confidential information provided by a concerned citizen leads to an arrest or successful prosecution, that fact should be publicized to convince citizens that their cooperation is vital.
- *Drug-free housing.* Each state should develop a comprehensive program to guarantee that tenants have a right to reasonable security. These programs should provide for the eviction of resident drug dealers and should actively involve tenant associations in the creation and enforcement of curfews, visitor control procedures, resident watch groups, off-duty police patrol programs and other means to achieve drug-free public and private housing.
- *Drug-free workplaces.* Local law enforcement and prosecuting agencies should work with the business community and employee groups to develop drug-free workplace programs.
- *Athletic and recreational programs.* Each state should develop a comprehensive program to promote positive relations between the law enforcement community and law abiding citizens. Law enforcement and prosecuting agencies should sponsor recreational, social and athletic events designed to foster self-respect and respect for authority among young people.

Third Objective: Promote Public Awareness of the Nature and Scope of the Drug Problem and Law Enforcement's Contribution to the Overall Effort to Combat Drugs

The deterrent thrust of the criminal law, especially for drug users, is lost if state and local efforts to enforce tough drug laws are kept secret. The law enforcement community must convince the public that the era of leniency is over, and that law enforcement's single highest priority will be to apprehend and punish all drug offenders, especially those who operate on or near schools.

- *Anti-drug campaigns.* Each state should encourage all law enforcement and prosecuting agencies to publicize the nature and scope of the state's drug problem and enforcement efforts designed to deal aggressively with that problem. These campaigns should explain the adverse effects

. . . Law enforcement's single highest priority will be to apprehend and punish drug offenders, especially those who operate on or near schools . . .

of drug use, and should alert citizens to the penalties for all drug offenses, including the use or simple possession of illicit drugs.

- *Events to raise public awareness.* Every local law enforcement and prosecuting agency should develop and publicize a speaker's bureau, and should promote public events to raise public consciousness and demonstrate the community's intolerance of illicit drugs. These activities can help to prove to concerned citizens that they are not alone, but rather are part of a large and growing national movement to protect children and to take back streets and neighborhoods.

Conclusion: Developing a Nationwide Drug Enforcement Planning and Evaluation Process

It is clear that solving the nation's drug problem will be an arduous task requiring a long-term commitment of resources. There are no quick fixes or easy answers. Tolerant attitudes about drug use can be changed, but this will not happen overnight. Our goal is to raise a generation that is drug free, and this can only be achieved through a fifteen to twenty year effort of intensive education, treatment and prevention programs—all supported, directly or indirectly, by law enforcement efforts as outlined in this Blueprint.

. . . Tolerant attitudes about drug use can be changed. Our goal is to raise a generation that is drug free . . .

Because of the complexity of both the problem and law enforcement responses, it will be necessary periodically to review and revise the provisions of this Blueprint. Similarly, each state must amend its own strategy to account for new technologies, substances of choice and illicit marketing techniques. Each statewide plan must remain flexible and responsive to the evolving drug problem and to new threats.

The law enforcement community must focus less on the traditional yardsticks of success, such as the

number of arrests made or the quantity or value of drugs seized. These statistics do not necessarily reveal whether law enforcement efforts are making a difference. The law enforcement community must instead depend more on qualitative measures and public opinion to determine whether efforts are viewed as having a genuine impact. The public's perception is crucial, since deterrence will only be achieved where citizens believe that selling, buying and using drugs is a dirty, secretive and risky business.

Finally, every law enforcement and prosecuting agency at every level of government must become co-equal partners in the anti-drug effort. For this reason, a truly national drug enforcement planning and evaluation mechanism is needed. State and local drug enforcement efforts should not conform to federal criteria; rather, federal, state and local drug enforcement goals and standards should all be part of an integrated planning process which defines the roles and contributions of each constituent member of the nation's vast law enforcement community. It is therefore respectfully submitted that the National Drug Policy Board, or its successor, include standing representation of state and local law enforcement and prosecution agencies. The input and participation of parents, educators and the clergy should also be sought. This will ensure that the nation's comprehensive drug enforcement strategy is one in which every law enforcement officer and prosecutor can share a sense of pride and a sense of participation.

Appendix

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

**Attorney General Robert Abrams of New York, President
Attorney General Tom Miller of Iowa, President-Elect
Attorney General Mary Sue Terry of Virginia, Vice President
Attorney General Kenneth Eikenberry of Washington, Chair,
Criminal Law Committee**

RESOLUTION

Adopted

Winter Meeting

December 4-8, 1988

IN SUPPORT OF THE NATIONAL BLUEPRINT FOR STATE AND LOCAL DRUG CONTROL STRATEGIES

WHEREAS, the National Association of Attorneys General has previously recognized the national crisis resulting from the unlawful importation, distribution, sale and use of narcotics; and

WHEREAS, members of the National Association of Attorneys General participate in the Executive Working Group on Prosecutorial Relations along with representatives from the U.S. Department of Justice and the National Association of District Attorneys; and

WHEREAS, the Executive Working Group reviewed the National Drug Strategy and Implementation Plans developed by the National Drug Policy Board and concluded that the strategies regarding state and local drug enforcement initiatives should be expanded; and

WHEREAS, Associate U.S. Attorney General Francis A. Keating II, agreed to a proposal by the Executive Working Group that it develop a state and local strategy to complement the federal strategies of the National Drug Policy Board; and

WHEREAS, there was convened an EWG Drug Resource Subcommittee chaired by New Jersey Attorney General Cary Edwards, and comprised of representatives of the Attorneys General of Mississippi, California and Pennsylvania, federal representatives, members of local law enforcement associations and NAAG staff; and

WHEREAS, the Drug Resource Subcommittee set out to develop a truly national drug strategy involving law enforcement agencies at all levels of government and has developed a National Blueprint for State and Local Drug Control Strategies as adopted by the Executive Working Group.

NOW, THEREFORE, BE IT RESOLVED THAT THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL:

1) commends the EWG and the EWG Drug Resource Subcommittee, chaired by General Edwards, for its efforts and contributions in developing state and local strategies which can be applied by law enforcement agencies at all levels in the fight against drugs; and

2) endorses the overall strategies contained in the National Blueprint for State and Local Drug Control Strategies and encourages state and local law enforcement agencies to adopt and implement those specific policies of this initiative which are appropriate for their jurisdictions; and

3) emphasizes the importance of intergovernmental cooperation which allowed the development of these strategies and which is an underlying theme in their implementation and urges that it be made a priority of all law enforcement agencies.