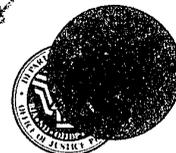


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*Issues and
Practices*

**Multijurisdictional
Drug Law
Enforcement Strategies:**

**Reducing Supply
and Demand**

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Charles B. Dewitt
Director
National Institute of Justice

U.S. Department of Justice
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National Institute of Justice

Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand

by
Jan Chaiken
Marcia Chaiken
Clifford Karchmer

December 1990

Issues and Practices in Criminal Justice is a publication series of the National Institute of Justice. Designed for the criminal justice professional, each *Issues and Practices* report presents the program options and management issues in a topic area, based on a review of research and evaluation finding, operational experience, and expert opinion on the subject. The intent is to provide criminal justice managers and administrators with the information to make informed choices in planning, implementing and improving programs and practice.

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Charles B. Dewitt

Director

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Foreword

Few disagree that cooperation and coordination are essential to advancing community anti-drug efforts. What is lacking is practical know-how for building and maintaining cooperative ventures that attack both the supply and demand for drugs.

This *Issues and Practices* report helps fill that gap. It offers a varied menu of collaborative approaches that can satisfy different kinds of community needs as well as resources.

The case studies in the report detail novel approaches as well as more traditional strategies that are now

working in cities and counties across the country. They illustrate how to mobilize a variety of agencies—not just criminal justice, but health, education, business and citizen organizations—to join forces against drug abuse. And they explain how to focus programs on the most serious problems, devise the right tactics, and marshal the needed resources.

This report recognizes that drugs affect communities in different ways. While programs from one community can't always be transplanted to another, we at NIJ believe that the concepts, strategies, and lessons learned can be widely shared to the benefit of all.

Charles B. DeWitt
Director
National Institute of Justice

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Summary

Introduction

Federal, state, and local law enforcement agencies are increasingly recognizing the value of coordinating efforts for reducing drug abuse. Interagency cooperation for drug law enforcement has existed for more than twenty years, but recently the nature and goals of these cooperative efforts have changed dramatically in some jurisdictions, and different types of agencies and organizations are working together on drug enforcement. This report provides information about types of cooperative efforts you may want to implement in your own jurisdiction.

Based on site visits, interviews, and analysis of program documents, specific examples are given of multijurisdictional drug law enforcement efforts, along with more general information about federal cooperative efforts. Together the examples illustrate horizontal coordination (cooperation among law enforcement agencies across jurisdictional boundaries), vertical coordination (among law enforcement agencies at the city, county, regional, state, and/or federal levels), and cooperation between law enforcement agencies and other government agencies, private organizations, business firms, and community groups.

The types of multijurisdictional cooperation described in this report are so varied that nearly all readers will find one or more sites' organizational principles or operational details surprising. Some of the cooperative efforts are based on established concepts about actions that law enforcement agencies can take to reduce the supply of drugs. They include federally-led and locally-organized task forces that bring together officers from multiple police or sheriffs' departments, together with state or federal drug agents. Other types of cooperative efforts are based on more recent concepts about concerted efforts needed to reduce the demand for illicit drugs. These efforts recognize that only by working together with other types of organizations and community members can law enforcement agencies make a major dent in the nation's drug problem.

Three types of enforcement strategies were identified: **case-oriented drug law enforcement**, **network-oriented drug law enforcement**, and **comprehensive problem reduction strategies**.

Case-oriented drug law enforcement is essentially reactive and seeks sufficient evidence to arrest, prosecute, and convict known drug distributors. Methods for building cases include use of informants, undercover and surveillance, and "buy and bust" operations. Virtually all police departments with narcotics or dangerous drug units carry out this type of enforcement.

Network-oriented drug law enforcement is a proactive effort in which distribution is traced from street-level drug sellers through mid-level and high-level distributors, and at times to top-level kingpin distributors. This type of enforcement also requires the use of undercover and surveillance methods, but often also involves complex financial investigations to build prosecutable interlocking cases.

Comprehensive problem reduction strategies are proactive initiatives taken to reduce harms to the community resulting from both the supply and demand for drugs. They typically involve not only law enforcement agencies but also community members and relevant community agencies such as those providing education, health, and mental health services for high-risk populations involved in the problem. Law enforcement agencies that participate in comprehensive problem reduction strategies ordinarily also participate simultaneously in case-oriented and network-oriented drug law enforcement strategies.

The report presents case studies of ongoing efforts that incorporate these approaches. Enough details are provided for readers to picture each type of cooperative effort and to understand what portions of it might be applicable in their own jurisdictions. Appendices provide source materials from the study sites that readers can use or adapt to local needs, and names and addresses of contacts for further information.

Cooperative Law Enforcement Strategies for Demand Reduction: A Case Study in Maricopa County, Arizona

The Maricopa County Demand Reduction Program is an example of a comprehensive problem reduction strategy that utilizes both horizontal and vertical coordination, combines law enforcement, prosecution, education, and treatment components, and entails cooperation among federal, county, and local public and private agencies. The county, whose major city is Phoenix, started its demand reduction program in March 1989. It now has the following components:

- Periodically (usually two or more times each month), a location in the county where drugs are known to be used openly is targeted for a "user accountability" strike. During the selected time period, ranging from several hours to a few days, a task force of law enforcement officers from nearby communities arrests persons at the targeted location for drug possession and begins proceedings for seizing their vehicles and other property related to their drug possession.
- Each of the county's law enforcement agencies has instituted a policy of encouraging arrests to be made under any circumstances when a person is found to possess illegal drugs (e.g., during the course of routine traffic stops). These offenses are all felonies in Arizona.
- Persons arrested on drug charges are formally booked (not given a summons or otherwise diverted from the arrest process), so that they necessarily spend some time locked up in the county jail's intake facility.
- The county prosecutor's office screens arrest reports for drug offenses to determine whether the arrestee meets criteria specified for participation in drug treatment as an alternative to prosecution. Typical arrestees who meet the criteria are first-time felony drug offenders over the age of 18 without a prior history of other felonies or recent misdemeanors involving drugs. Prosecution is temporarily suspended for qualifying arrestees, who are later sent a letter from the county attorney explaining the conditions which they must meet in order to avoid subsequent filing of criminal charges.
- The alternative offered to the arrestee typically entails filing a written "statement of facts" admitting to the offense charge, participating in a period of drug-abuse treatment and mandatory drug testing, paying a treatment program fee, paying additional fees and assessments, and paying the sheriff for the costs of having been housed in the county jail's intake facility.
- Eligible arrestees who opt for the treatment alternative undergo up to two years of group therapy, seminars, and routinely repeated urinalysis. At the end of the assigned period, arrestees who complete the treatment program and remain drug-free have their charges dropped.
- Arrestees who are ineligible for the treatment alternative or who fail to complete it successfully are handled by the county attorney's normal procedures for prosecuting drug arrests. Arrestees who do not respond to the letter offering them the treatment alternative have an arrest warrant or summons issued against them.
- An imaginative media campaign continually reminds the county's populace about the program through television, billboards, and print media. The message: if you're caught with drugs, you're going to jail. "You then face felony charges, a prison sentence, and stiff financial penalties. Or pay to enter a year-long rehab program." The media are well informed about task force operations in progress, and their coverage helps demonstrate that the "Do Drugs. Do Time." campaign is more than rhetoric.

The demand reduction program is based on the assumption that a large proportion of drugs purchased in the county are consumed by casual or infrequent drug users. By reducing the number of casual drug users, law enforcement agencies hope to disrupt the drug markets in their communities. Once the county's criminal justice agencies had decided to target a population that was assumed to have had little prior contact with the criminal justice system, they concluded that even modest interventions could alter patterns of drug abuse. Spending a few hours in jail, or even just seeing television commercials of casual users

behind bars, could possibly produce major behavioral changes. Surveys have shown very high public awareness of the demand reduction program and its slogan. Other outcomes of the program are under independent evaluation at this writing.

A potentially conflicting goal of the county attorney's office was to avoid processing increasing numbers of persons arrested for drug possession or use. In fact, the diversion program incorporated as part of the demand reduction strategy was intended to reduce work for county attorneys and courts; for example, by eliminating the filing of a criminal case and having it later dismissed. The key ingredient in this aspect of the program was pre-filing diversion—eligible arrestees' cases are not filed in court at all if arrestees accept the conditions of the diversion program. Whether the reduction in prosecutor's workload can continue over the long term is not yet clear. Arrestees on minor drug possession charges who fail to respond to the letter offering the diversion option must be rearrested and prosecuted, and they represent a potential future burden on the criminal justice system.

The county prosecutor's participation, and willingness to impose suitably structured sanctions on arrested users, was considered vital for initiating and maintaining the county's user accountability program. Otherwise, probable cause for arrest would have been undermined and police officers would have lost motivation to make arrests that were merely going to be dismissed by the prosecutor. Many thorny legal issues were researched by the county attorney's staff before procedures for arrests and pre-filing diversion were established, and these were continually fine-tuned over the following year.

The treatment component of the program is operated under a county contract by TASC, a private, non-profit, outpatient facility that has been incorporated for more than ten years. (TASC stands for "Treatment Assessment Screening Center," but the organization is otherwise similar to the Treatment Alternatives to Street Crime units found in many other jurisdictions.) TASC operates various educational programs, urinalysis and breathalyzer testing, client assessment, and counseling and treatment services on a statewide basis for agencies such as Arizona's supreme court and corrections department. TASC's ongoing operations in the jail intake facility and in the community facilitated rapid establishment of an efficient diver-

sion program. The main problem faced by TASC management in providing drug treatment is covering the expenses of indigent clients.

Educational components of the demand reduction program are coordinated by a Drug Enforcement Administration (DEA) agent in Phoenix, who supplies schools and other community agencies with materials available through DEA and other national distributors. However, the current demand reduction program in Maricopa County does not have other activities oriented specifically toward drug possession among juveniles. Juvenile arrests are uncommon under the demand reduction program because the strike force targets are places frequented by adults. Still, juvenile arrestees in Maricopa County are unlikely to be undetected drug users; the county has one of the few programs in the country for universal urinalysis of juvenile arrestees who enter detention.

The drug test results of arrested juveniles are made available to assigned probation officers, who may make the information available to others, such as parents, teachers, or attorneys, at their discretion. Probation staff are enthusiastic about the juvenile arrestee urinalysis program. They find that their previous impressions of juvenile detainees in their custody did not give them a good perspective for distinguishing drug abusers from nonusers.

Cooperative Law Enforcement Strategies for Street-Level to Mid-Level Distribution: A Case Study in Cook County, Illinois

Originally founded in 1971, the Northeastern Metropolitan Narcotics and Dangerous Drugs Enforcement Group (NEMEG) is a horizontally coordinated case-oriented cooperative effort of municipal police departments that includes also the Illinois State Police and the Cook County Sheriff's Department. NEMEG, covering an area that circles Chicago to the north, west, and south, does not include participation by all Cook County communities. Presently most nonparticipating agencies are either in large cities that believe themselves to be self-sufficient regarding drug law enforcement, or in small villages with no identified drug enforcement problems. Chicago is not

considered part of the MEG region. Participating agencies share in the following NEMEG resources:

- Training of officers to investigate and arrest persons involved in drug-related crimes
- Ongoing access to and use of NEMEG officers experienced in special forms of investigation and activities, such as financial investigation and asset seizures
- Realistic educational materials for residents about drug abuse, including information about "new" forms of drugs such as crack cocaine
- Relatively rapid response to requests for NEMEG officers and other resources needed for crackdowns on local problems with drug dealers.

The command staff of NEMEG are primarily officers on a long-term assignment from the Illinois State Police or the Cook County sheriff's police. However, most NEMEG officers are provided by member police departments in communities in Cook County. Some communities join NEMEG directly, some join as part of a coalition administered by the South Suburban Mayors and Managers Association (SSMMA), and a couple of communities do both. Some members participate by sending a sworn officer to be a member of the NEMEG staff, while other members contribute only financially.

In the last few years NEMEG has almost doubled the number of participating agencies through the combined efforts of SSMMA, the NEMEG director, and local chiefs of police. The SSMMA plays two major functions in promoting interagency cooperation for drug law enforcement: it relieves local agencies of the task of fiscal administration and provides participating agencies' chiefs with information about NEMEG activities, while ensuring that NEMEG commanders are aware of the chiefs' needs for services.

The main advantages to participating communities are:

- Fast response to local problems
- Centralized fiscal administration
- Training of officers

- Availability of drug enforcement officers unknown to local dealers
- Access to special investigation units
- Greater safety for law enforcement officers
- Shared resources
- Solid information for public education.

Cooperative Law Enforcement Strategies for Reducing Mid-Level Distribution: A Case Study in San Diego County

Founded in 1973 by the San Diego County Sheriff and the City of San Diego Chief of Police, and joined early on by the DEA, the San Diego County Narcotics Task Force (NTF) is a vertically and horizontally coordinated cooperative arrangement focusing on network-oriented drug enforcement. Task force operations are targeted primarily on mid-level drug dealers and are carried out jointly by members of all municipal police departments in the county, the sheriff's department, and DEA. On-going cooperation for task force operations is provided by the staffs of the district attorney and U.S. Attorney.

This task force is known among law enforcement officials nationwide as an excellent example of interagency cooperation. On-site observations confirmed that interagency contacts are frequent, intense, productive, and highly cooperative. Factors that foster this kind of cooperation in San Diego County include the following:

- Rapid interagency communication, enhanced by insistence on a "team effort," direct access to agency supervisors, and an emphasis on innovation rather than routinization
- Coordination of actions taken by individual agencies on the same case, including coordination of issuing warrants, arrests, and civil and criminal prosecution
- Cross-designation of law enforcement staff from

different agencies and of prosecuting attorneys from different agencies

- Continuous rotation of officers between local law enforcement agencies and the task force
- Formal procedures for selecting task force officers, coupled with informal procedures for ensuring compatibility between officers from different agencies
- Clear-cut criteria for assigning responsibility for cases, including specific amounts of drugs and money involved
- Pooling resources, including information, expertise, money, and equipment
- Sharing rewards, including seized and forfeited assets.

Focus on Upper-Level Distribution: Federally Organized Efforts

Drug task forces are the principal vehicles of federally organized cooperation. Task forces' organizational arrangements have varied forms, but two principal types of federal task forces that involve state and local agencies are:

- **DEA state and local task forces.** These are created by DEA and include DEA personnel as well as state and/or local agency personnel operating under DEA supervision and organizational direction.
- **Organized Crime Drug Enforcement Task Forces (OCDETFs).** These highly formalized, ongoing federal arrangements are housed in selected U.S. Attorneys' offices in major cities throughout the country. They may involve state or local agencies routinely or on a case-by-case basis.

The precursors of DEA state and local task forces were actually launched in 1970, prior to DEA's creation. In that year, a pilot federal task force was set up in New York City by DEA's predecessor, the Bureau of Narcotics and Dangerous Drugs (BNDD). The task force was created in response to drug traffic that

spilled beyond municipal, county, and state boundaries in metropolitan New York.

The early state and local task forces were based on the concept of "creative federalism." In order to foster mutual respect among levels of government, with each treated as an equal, creative federalism relied heavily on the notion of "coordination," which was never formally defined. The federal agencies that first tried to hammer out working definitions of coordination found the experience frustrating.

Nowadays, formal cooperation in DEA state and local task forces has matured into a routine bureaucratic arrangement documented by compacts, memoranda of understanding, and sometimes contracts binding federal and non-federal jurisdictions. Federal agency staff now believe that a clear delineation of roles and responsibilities is vital to successful drug investigations to the leadership and personal communication among the participating investigators.

Organized Crime Drug Enforcement Task Forces (OCDETFs), first created in 1984 as a Presidential initiative, are charged with targeting major national and international trafficking organizations, the highest levels of importing and wholesale distribution. OCDETFs are administrative clusters of federal investigative and prosecutive agencies. The U.S. Attorney's office that has an OCDETF designates coordinators who oversee OCDETF investigations. The coordinators work with both the participating federal law enforcement agencies and the lead Assistant U.S. Attorney to see that cases are developed in a prosecutable manner.

The composition of investigators in a particular OCDETF investigation is determined by the initiating agency. In one case, the lead could be the FBI, and in another, Customs or DEA. OCDETF Assistant U.S. Attorneys become involved early in complex narcotics investigations. Working with the initiating law enforcement agencies they help establish electronic surveillance, investigative grand jury proceedings, asset forfeiture, and the other investigative and prosecutive components typically needed in large scale cases.

In contrast with DEA state and local task forces, OCDETFs infrequently involve non-federal investigators. In general, OCDETFs focus on dealers one or two trafficking levels above those targeted by state or

local investigators. When state or local investigators work on an OCDETF case, they are deputized only for the duration of the specified investigation. This provision contrasts with DEA policy, where the state or local investigators are deputized for the full length of their participation in a task force. State or local investigators who are invited to participate in an OCDETF case work with a specific federal agency, such as the FBI, and only for the period of time necessary to make the case. Although the case development period may be lengthy, at the close of the case the investigators return to their departments.

According to the FBI coordinator of OCDETFs and DEA agents interviewed, good working relationships have now been established among federal, state, and local law enforcement agencies in many task force arrangements around the country.

Getting Started: The Initial Implementation Process in Portland, Oregon

The Regional Drug Initiative (RDI) in Portland, Oregon, exemplifies the community problem reduction strategy for drug law enforcement and presently represents a program in the early stages of development. RDI is a public/private anti-drug effort formed in December, 1986, to address the Portland area's drug problems. Chaired by the Multnomah County District Attorney, RDI is composed of about 50 policy makers in state and local government, business, education, health care, health insurance, and drug treatment organizations. Its missions are to reduce the availability of illegal drugs by supporting law enforcement, to reduce the demand by fostering changes in social attitudes, and to increase opportunities to recover from drug abuse. It does not provide any services directly, but coordinates resources and information for the public/private partnerships that result from its efforts.

A strong connection exists between RDI and ongoing drug enforcement efforts, and the control board members of the regional organized crime and narcotics task force also belong to RDI. Most of RDI's activities during the first year were under the aegis of its drug-free workplace committee, which developed a campaign based on the theme "Drugs Don't Work."

The second major area of focus is in the hands of the prevention committee.

The RDI has put considerable effort into developing a "Community Index" of the extent of the local drug abuse problem. The index is an inter-related set of indicators used to track trends in the impact of drugs on the community over time. Additionally, the RDI director has developed clear guidelines concerning membership, funding, organization, and staffing of community problem reduction task forces.

Implementing Cooperative Drug Law Enforcement Strategies in Your Area

Potential obstacles to implementation of multijurisdictional drug enforcement strategies include:

- Corruption
- Violations of civil rights
- Differing agency accountability practices
- Maintaining operational secrecy.

Although these and other problems with task forces are part of the lore of law enforcement, they were not found to be serious impediments in the study sites. With sufficient advance planning and legal research, problems can be anticipated and avoided.

The successes and difficulties experienced at the study sites suggest the following strategy for readers considering establishment of multijurisdictional drug law enforcement efforts.

Get the facts. A community-wide effort should be made to gain a fix on the extent of the drug use problem. This process entails assembling local and regional statistics; it identifies the most serious problems and permits monitoring of progress as proposed solutions are implemented. In addition to the information available from Drug Use Forecasting (DUF), surveys of households and students, and drug market analyses, useful measures of the harm resulting from drug abuse include information collected about community disruption and health statistics.

Identify the problem. Multijurisdictional cooperation for drug law enforcement requires identifying a prob-

lem that all participating agencies agree is serious. It is not necessary, or even sensible, to initiate a cooperative effort toward solving every major problem that can be identified. Rather, the assessment process should find a particular critical issue around which participants can unite.

Evaluate the various cooperation strategies. The choice of which strategy to use (case-oriented drug law enforcement, network-oriented drug law enforcement, or a comprehensive problem reduction strategy) depends on the problem to be addressed. Each strategy requires different types and levels of resources and different levels of interagency cooperation. A comprehensive problem reduction strategy, for instance, requires active involvement by agencies and groups outside the criminal justice system, while case-oriented and network-oriented strategies operate primarily within the criminal justice system.

Virtually all types of law enforcement, corrections, and treatment agencies have worked together fruitfully in drug law enforcement. Among the law enforcement agencies involved in the efforts described in this report were: municipal police departments ranging from some of the smallest in the country to some of the largest, county law enforcement agencies, state police, county and district attorneys, and such federal agencies as the Drug Enforcement Administration, Internal Revenue Service, Immigration and Naturalization Service, Bureau of Justice Assistance, and U.S. Attorneys and OCDETFs. Other agencies cooperating in efforts described in this report include federal, state, and county research units, private drug-treatment organizations, and many businesses that have donated staff time and other resources in the interest of reducing the supply and demand for drugs in their communities.

In the planning stages of a cooperative venture, members of organizations that serve defendants, such as the ACLU, can provide valuable advice about protection of defendants' rights. While prosecutors typically consider the legal ramifications of a proposed cooperative drug law enforcement effort, failure to anticipate valid objections of defense counsel may lead to legal challenges and disruption of the cooperative effort when procedures need to be changed.

In interviews, practitioners suggested that the only agencies that should not be involved in cooperative

efforts are those suspected of condoning or harboring drug use or drug distribution. Since the heads of such agencies normally do not desire to participate, ordinarily no special action needs to be taken to exclude them.

Practitioners also discussed the difficulty of dealing with agencies whose directors are not team players. Staff members in each site mentioned one or two local police chiefs who frequently antagonized others at committee meetings. Prior conflicts between DEA and local staff were also sometimes attributed to the attitudes of previous directors of DEA regional offices. However, such problems have been either transitory or well handled by astute coordinators. At all the sites we visited, practitioners from different agencies realized that they didn't have to like each other to work well together.

Involve top leadership in initial stages. Regardless of the type of cooperation undertaken, the top leadership of criminal justice agencies should be involved in designing a strategy to combat the problem. It is also important to choose an experienced agency head or CEO to garner support for the effort. In the sites we studied for this report, the planning stages were directed by an agency head or CEO who had been in the area for a relatively long time, who had participated in formal and informal networks with practitioners from many different agencies, and who had demonstrable political skills. Although bright young persons in the sites had innovative law enforcement ideas and organizational skills, they recognized that officers in higher positions had more political clout to elicit cooperation from the heads of agencies.

Involve professionals experienced in educating the public. Some law enforcement agencies have attempted to launch campaigns on their own to publicize the harm caused by drugs and the enforcement tactics they were using to reduce the harm. They rapidly learned that the most effective methods for educating the members of their community required skills not commonly found among law enforcement officers. Public education campaigns designed by professional advertising agencies are considered to be very effective.

Appraise the benefits to be achieved from the cooperative effort. Tangible resources typically shared in multijurisdictional cooperative efforts include

personnel, equipment, buildings, special systems, and funds; less tangible resources include expert knowledge, pre-existing effective approaches, and laws. Other benefits commonly experienced include:

- Availability of undercover officers or agents from other agencies whose faces are unknown in the local community
- Availability of skills or specialized equipment that cannot be supported in small jurisdictions
- Increased morale of law enforcement staff
- On-the-job training of officers cooperating with more experienced narcotics officers or agents who then apply the skills in their home agency
- Good public relations and media coverage
- Availability of federal funds earmarked for cooperative drug law enforcement efforts
- Enhanced cooperation among agencies for other types of enforcement not directly related to the organized cooperative effort.

Finalize important details. The details of cooperation need not be nailed down before beginning a multi-jurisdictional effort. However, the following

considerations must eventually be addressed:

- Written interagency agreements
- Personnel issues such as overtime, workers' compensation, pay rates, liability, and insurance
- Selection criteria for staff, and tenure and rotation policy
- Training
- Policies on use of weapons
- Sharing seized assets
- Handling informants
- Access to systems with confidential information.

Do your own networking. Everyone contemplating establishment of a new multijurisdictional cooperative effort for drug enforcement could benefit from contact with practitioners who have already been through the experience. Appendix A of this report provides names and addresses of people who were contacted in preparation of this report and who agreed to answer questions from readers.

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Chapter 1

Introduction

Cooperation among agencies for drug law enforcement is not new. But in recent years the nature and goals of these cooperative efforts have changed dramatically in some jurisdictions, and the types of agencies and organizations working together are very different from those cooperating ten or twenty years ago. This report, directed at law enforcement personnel and administrators in other criminal justice agencies, describes the roles of the people and organizations that participate in several different currently operating cooperative drug enforcement efforts.

Forms of cooperation for drug law enforcement are varied and include:

- Cooperation among law enforcement agencies across jurisdictional boundaries (horizontal coordination)
- Cooperation among law enforcement agencies at the city, county, regional, state, and/or federal levels (vertical coordination)
- Cooperation between law enforcement agencies and other criminal justice agencies (within jurisdictions, across jurisdictions, or both)
- Cooperation among criminal justice agencies and other government agencies, private organizations, business firms, and community groups.

Advantages of Cooperation

Reasons for implementing horizontal cooperation among agencies are not hard to identify and include:

- Many drug distributors cross jurisdictional boundaries after buying drugs for resale; simi-

larly many users come into an area, obtain drugs, and leave.

- The law enforcement efforts that one agency undertakes can displace drug users or distributors into other agencies' jurisdictions.
- Agencies can avoid duplication of effort, which frequently occurs if uncoordinated agencies focus on the same offenders, sites, or operations. In extreme cases uncoordinated agencies can interfere with each other or endanger each other's personnel.
- Nearby agencies can provide mutual aid: intelligence, offenders' records, equipment, expertise, manpower, and planning of operations.
- Resources of many small agencies can be pooled into a single effort with the critical mass necessary to genuine impact on the problem at hand.

For local law enforcement agencies, the advantages of vertical coordination include:

- Access to personnel with specialized skills, such as accountants and financial analysts, whose employment cannot be justified by a local law enforcement agency
- Availability of alternative venues of prosecution (county, state, or federal), tailored to the nature and geographical spread of the criminal activity being investigated
- Access to advanced investigative techniques or information, such as wiretaps or financial records
- Improved sharing of intelligence information

- On-the-job training of officers who cooperate with narcotics officers or agents who typically handle complex investigations.

Cooperation with criminal justice agencies outside law enforcement, and with other community agencies, brings advantages of access to personnel with legal and other skills, better coordination of the criminal justice system's proceedings against a suspect from investigation to arrest to prosecution, and development of broader ranges of alternatives for identifying and dealing with problems related to violations of drug laws.

Despite the many apparent benefits, past efforts at interagency cooperation, even of a limited nature, have sometimes gone awry. Many law enforcement personnel remain wary of entering into cooperative relationships for drug enforcement. Law enforcement officers who are more or less resistant to multiagency cooperation commonly mention specific obstacles. The problems they mention include difficulties in working together when goals or operational policies differ among participating agencies, difficulties in handling informants, and the need to be vigilant against corruption and its potential to compromise major law enforcement efforts.

How this Report was Compiled

This report is based on interviews and site visits in jurisdictions that appear to have overcome some or all of the major obstacles. In addition, materials from other studies of drug abuse and law enforcement practices were analyzed to describe important issues to consider before entering into cooperative drug enforcement arrangements. Different types of cooperative arrangements are described in this report. The forms are so varied that nearly all readers will find one or more sites' organizational principles or operational details surprising, challenging some of their long-held assumptions. While specific details of other sites' operations may well be inapplicable in the reader's jurisdiction, the features presented in the site descriptions should be adequate to permit the reader to envision opportunities for similar innovative operations in their own agencies.

Some types of cooperative efforts described in this report are based on established concepts about ac-

tions law enforcement agencies can take to reduce the *supply* of drugs. They depend on task force approaches that bring together officers from multiple police or sheriffs' departments, and often involve also state and federal drug agents. Such task forces have been formed in many areas of the country for both temporary and permanent purposes. They coalesce the resources of multiple agencies with the goal of removing known dealers from the drug distribution market. Some focus on mid-level or high-level dealers and often entail complex criminal investigations; others focus on street-level or relatively low-level dealers who have infiltrated a specific neighborhood. Over the years the operations of these types of task forces have been gradually polished through the shared experiences of their participants.

Other types of cooperative efforts described in this report are based on more recent concepts about concerted efforts needed to reduce the *demand* for illicit drugs. These efforts recognize that many people who use drugs interact with the criminal justice system only on rare occasions. Without working together with other types of organizations and community members, police, sheriffs and other law enforcement agencies *cannot* make a major dent in the nation's drug problem.¹ The community-oriented cooperative efforts described in this report attempt to deal with larger aspects of the drug problem, pertinent to local circumstances. All of them have drawn some of their leadership from outside law enforcement, including elsewhere in the criminal justice system and from government, community, and business groups.

A key feature of these kinds of interagency cooperative arrangements is that their policy board or leadership group is broadly representative of the served community and has a genuine impact on the day-to-day operations of the participating law enforcement officers. At the same time, however, federal agencies such as the Drug Enforcement Administration (DEA) also provide active support for local demand reduction programs—and in turn create a more cooperative federal/local environment for carrying out supply reduction tactics.

Types of Cooperation

The sites that we selected for detailed description in this report illustrate a range of types of currently

operating cooperative efforts. Generally, we found three types of orientations, all incorporating both horizontal and vertical coordination: **case-oriented drug law enforcement**; **network-oriented drug law enforcement**; and **comprehensive problem reduction strategies**.

Case-oriented drug law enforcement is essentially reactive and seeks sufficient evidence to arrest, prosecute, and convict known drug dealers. Methods for building cases include use of informants, undercover and surveillance, and "buy and bust" operations. Virtually all police departments with units or officers designated to enforce narcotics or dangerous drug laws carry out this type of enforcement. For example, although Chapter 2 in this report describes a county-wide multijurisdictional demand reduction effort which includes the Phoenix Police Department, most of the Phoenix PD's narcotics officers are involved in case-by-case investigations of specific offenders in the city.

Network-oriented drug law enforcement is a proactive effort in which distribution is traced from street-level drug sellers through mid-level and high-level distributors, and at times to top-level kingpin distributors. This type of enforcement also requires the use of undercover and surveillance methods, but often also involves complex financial investigations to build prosecutable interlocking cases. Asset seizures are undertaken, not only to reduce dealers' profits but also to prevent defendants from hiring experienced, expensive defense attorneys. Additionally, a wide range of laws is enforced, not simply those concerning possession or distribution of controlled substances. Typically, task forces that undertake network-oriented drug enforcement include state or federal agencies and are coordinated vertically. The cooperative efforts described in Chapters 3 and 4 are two forms of such task forces.

Comprehensive problem reduction strategies are proactive initiatives taken to reduce harm resulting from both the supply and demand for drugs. They are designed as an "in-depth defense against the most pressing problem."² They typically involve not only law enforcement agencies but also community members and relevant community agencies such as those providing education, health, and mental health services for high-risk populations involved in the problem. They are a logical outgrowth of the efforts among law enforcement agencies to move toward problem-

oriented and community policing.³

An agency that participates in a comprehensive problem reduction strategy might well also participate in case-oriented and network-oriented drug law enforcement strategies. For example, Chapter 6 in this report describes the initial steps in implementing a comprehensive problem reduction strategy in a region around Portland, Oregon. At the same time, most of the law enforcement agencies in this area are participating in a network-oriented Regional Organized Crime and Narcotics Task Force that is also the subject of an evaluation funded by the National Institute of Justice. (It will be described in a separate report at the end of that study.⁴)

The Case Studies

The case studies in the chapters that follow present enough details for readers to picture each type of cooperative effort and to understand what portions of it might be applicable in their own jurisdictions. The report also provides source materials from the study sites that readers can use or adapt to local needs, and names and addresses of contacts for further information. The case studies are not evaluative and do not attempt to present measures of outcome or performance. Discussions of the observed strengths and weaknesses of the observed multijurisdictional efforts appear in Chapter 7, which is not focused on any particular study site.

The sites were chosen to provide examples of types of programs currently being implemented; in most respects there are other jurisdictions with similar program elements. A literature review and discussions with knowledgeable persons were undertaken to collect suggestions for potential study sites. The people contacted were researchers and practitioners who were familiar with a broad spectrum of cooperative drug-enforcement programs in cities and counties throughout the country. Included were program monitors from the Bureau of Justice Assistance and the National Institute of Justice and directors of federally-funded projects that provide technical training and advice to drug law enforcement agencies. The sites they nominated were thought to be informative because of the quality of cooperation achieved there, obstacles overcome, or innovative practices in use.

The sites chosen for this report had been independently nominated by at least three sources. A number of other sites also with reputedly exemplary multi-jurisdictional cooperative efforts were omitted, in some instances because we found adequate information about them already available in the literature. In other instances, we knew of research projects in the works that are covering these sites.

The descriptions in this report are based on on-site interviews, except in the case of the Regional Drug Initiative around Portland, Oregon. There information was collected by telephone and mail. Component activities illustrated in this report's case studies include:

- Formation of broadly based county-wide leadership coalitions to set priorities, goals, and an agenda for action
- Development of fiscal structures for funding cooperative efforts and sharing seized assets
- Horizontal and vertical coordination among law enforcement agencies, focusing on low-level (street) dealers and on mid- or high-level drug distributors
- Cooperation between law enforcement and prosecutors to focus on a particular category of drug offenses (ranging from drug use and possession cases to cases involving relatively high-level dealers)
- Coordination for preventing drug use among juveniles and handling those who are found to be already involved
- Cooperation between criminal justice and drug treatment agencies
- Development of media campaigns
- Development of educational materials
- Other forms of cooperation with the business community
- Collecting data for problem identification and monitoring progress toward goals.

How this Report is Organized

Two chapters present case studies of sites that have comprehensive problem reduction strategies. The focus of these sites to date has been primarily on demand reduction, emphasizing reduction of drug use among people who are otherwise basically law-abiding citizens. The site described in Chapter 2 (Maricopa County, Arizona) has developed a drug user accountability program with the slogan "Do Drugs. Do Time." It focuses on possession offenses and on persuading drug users to seek treatment as an alternative to entering the criminal justice process. The other site, described later in Chapter 6 because it illustrates the initial implementation process, is the Regional Drug Initiative (RDI) around Portland, Oregon. Although the RDI format could potentially encompass many types of cooperative efforts, to date it has focused primarily on workplace drug abuse policies, adopting the slogan "Drugs Don't Work."

Chapters 3, 4, and 5 present details of cooperative efforts focused on supply reduction. The site described in Chapter 3 is the Chicago metropolitan area, where long-standing metropolitan enforcement groups have targeted street- and mid-level dealers and have recently enhanced the organizational strength of their operations. The site described in Chapter 4 is San Diego County, where mid- to high-level supply reduction is being carried out by many different local law enforcement agencies cooperating together with DEA, INS, and other agencies. Chapter 5 describes federally organized efforts focused on high- to top-level drug distribution.

Information about the initial implementation process appears in Chapter 6. Chapter 7 presents conclusions and recommendations based on all our observations and research. It discusses potential obstacles to instituting multijurisdictional cooperation and gives answers to questions that the reader might have about establishing and maintaining interagency cooperation for drug enforcement. It also provides additional details about the various forms of interagency cooperation that have been outlined briefly in this Introduction.

Appendix A gives names and addresses of practitioners who were contacted for this study and agreed to serve as resource persons for readers of this report.

Other appendices provide examples of written policies, forms developed for use in the study sites, and media materials.

Endnotes

¹Chaiken, Marcia and Bruce D. Johnson (1988). *Characteristics of Different Types of Drug-Involved Offenders*. Washington, DC: National Institute of Justice.

²Mugford, Stephen K. (1989). "The Drug Legalization Debate: An Australian View on What We Should Do but Probably Won't," presented at the 41st Meeting of the American Society of Criminology.

³Eck, John E., Deborah Weisel, and Diane Hill (1989). *Taking a Problem-Oriented Approach to Drug Enforcement* (produced for the Bureau of Justice Assistance).

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Spelman, William, and John E. Eck (1987). *Problem-Oriented Policing* (Research in Brief NCJ-102371). Washington, DC: National Institute of Justice.

Goldstein, Herman (1977). *Policing a Free Society*. Cambridge, MA: Ballinger Publishing Company.

Goldstein, Herman (1990). *Community Policing*. New York: McGraw Hill.

⁴Coyle, Kenneth R., and Chip Coldren (forthcoming 1990). "Case Studies in Multijurisdictional Task Force Implementation and Operation." Washington, DC: Criminal Justice Statistics Association, Inc. This study, currently in progress, covers details of task force supervision, training, interagency agreements, personnel policy, operations, asset forfeiture, and general financing.

Chapter 2

Cooperative Law Enforcement Strategies for Demand Reduction: A Case Study in Maricopa County, Arizona

The Maricopa County Demand Reduction Program is an example of a comprehensive problem reduction strategy that utilizes both horizontal and vertical coordination, combines law enforcement, prosecution, education, and treatment components, and entails cooperation among federal, county, and local public and private agencies. The law enforcement component, called "user accountability," was launched on March 7, 1989, by a joint announcement of all 26 law enforcement agencies in the county. Accompanied by a media campaign with the theme "Do Drugs. Do Time."—intended to focus on and deter the casual user—this was the first cooperative effort involving all law enforcement agencies in the county for any purpose.

Maricopa County

Maricopa County is a thriving sun-belt region that includes Phoenix and stretches to its west and north. Phoenix is the largest state capital in the nation, with a population of nearly one million. The county also includes other cities with population over 100,000, suburban communities, open desert areas, Indian reservations, and large military bases. Its populated areas are 80-140 miles north of the Mexico border. Sprawling shopping areas, ranch style houses, and Spanish colonial and Indian pueblo architecture give the area a distinct western flavor, while high-rise buildings in the Phoenix downtown business district are reminiscent of those in similar-sized eastern cities. The landscape is flat but punctuated by colorful mesas.

The county's residents are predominantly conservative and middle-class. Numerous retirees have chosen to live in the county because of its dependably warm and dry weather, and recreation opportunities abound for residents and visitors alike. Recently completed buildings, renovations, and construction in progress attest to the county's strong economy and growing population.

History of the Demand Reduction Program

Early in 1988, several representatives from federal and local enforcement agencies met in Phoenix to discuss strategies for reducing the demand for drugs. Members of all agencies generally agreed that most demand was created by occasional users and that demand reduction ought to focus on such users. However, previous experience suggested that mass arrests of users overburdened the entire criminal justice system and generated negative reactions, not only from the agencies coping with arrestees but also from the media. The meeting ended with a commitment to devise a strategy to overcome these obstacles.

One of the primary architects of the strategy, Phoenix Police Chief Ruben Ortega, began a series of informal discussions with heads of other law enforcement agencies and organizations whose cooperation was needed, including the county prosecutor and the press. By August 1988, Chief Ortega had elicited sufficient positive response to warrant asking DEA agent Thomas

Childers to convene a breakfast meeting of all the county's top law enforcement officers to discuss Maricopa County's drug problems and the kinds of responses that could be undertaken cooperatively. Reportedly, Chief Ortega did not set forth a specific approach or program, but merely posed the question "What shall we do together to improve drug law enforcement?"

The meeting produced an agreement by all the participants to work cooperatively to focus on drug users, the appointment of an executive coordinating committee, and the appointment of committees such as a "media committee" to work on specific organizational and legal elements of the strategy. Thereafter, Chief Ortega and Sheriff Thomas Agnos—recently elected sheriff after serving as assistant chief in the Phoenix Police Department—spearheaded the overall effort as the key members of the coordinating committee. (However, they were alert from the start not to dominate, or appear to dominate, the overall effort.)

After the initial meeting, a joint session of all committees was held at intervals of between four and six weeks to report on progress. Individual committees met on a more regular basis. Although each committee forged alliances with other organizations and explored legal and mutually acceptable methods of implementing drug-use and drug-possession law enforcement, no formal joint decisions or written documents were prepared or considered necessary to solidify the agreement. The underlying informal commitment of the agencies' chief executive officers was adequate to gain the assignment of resources and personnel to design the program. And, even as more details of the plan were discussed, decided, and implemented in early 1989, informal agreements prevailed.

Many of our interviewees in Maricopa County felt that an attempt to formalize the relationships among jurisdictions and agencies at the early stages of development would have been counterproductive. Various executive and legislative bodies would necessarily have become involved, thereby delaying the program's inauguration and possibly derailing it. Even in late 1989, seven months after the actual start of the program, a number of legal and legislative questions had emerged and had not yet been firmly resolved.

These included issues related to liability insurance and workers' compensation. The attorneys of some towns were restricting their police department's participation until such details had been settled.¹

The Demand Reduction Program in Operation

The county's overall demand reduction program has the following major components (described in detail later):

- Periodically (usually two or more times each month) a location in the county where drugs are known to be openly used is targeted for a "user accountability" strike. During the selected time period, ranging from several hours to a few days, a task force of law enforcement officers from nearby communities arrests persons at the targeted location for drug possession and begins proceedings for seizing their vehicles and other property related to their drug possession.
- Each of the county's law enforcement agencies has instituted a policy of encouraging arrests to be made under any circumstances when a person is found to be possessing illegal drugs (e.g., during the course of routine traffic stops).
- Persons arrested on drug charges are formally booked (not given a summons or otherwise diverted from the arrest process), so that they necessarily spend some time locked up in the county jail's intake facility.
- The county prosecutor, here called the county attorney, maintains a staff of two attorneys who screen arrest reports for drug offenses to determine whether the arrestee meets criteria specified for participation in drug treatment as an alternative to prosecution. Typical arrestees who meet the criteria are first-time felony drug offenders over the age of 18 without a prior history of other felonies or recent misdemeanors involving drugs. Prosecution is temporarily suspended for qualifying arrestees (the county attorney exercises discretion not to file a criminal charge), the arrestees are released from the jail intake

facility and are later sent a letter from the county attorney explaining the conditions which they must meet in order to avoid subsequent filing of criminal charges.

- The particular alternative to prosecution offered to an arrestee depends on the drug offense being charged. Typically the arrestee must file a written "statement of facts" admitting to the offense charge, participate in a period of drug-abuse treatment and mandatory drug testing, pay a treatment program fee along with additional fees and assessments, and pay the sheriff for the costs of having been housed in the jail's intake facility.
- Eligible arrestees who opt for the treatment alternative are handled by the local Treatment Assessment Screening Center (TASC).² TASC determines the appropriate treatment modality for arrestees, assigns arrestees to selected programs, and supervises the treatment and urine-testing programs. At the end of the assigned period, TASC reports back to the prosecutor, indicating whether the arrestee has fulfilled the conditions.
- Arrestees who are ineligible for the treatment alternative or who fail to complete it successfully are handled by the county attorney's normal procedures for prosecuting drug arrests. Arrestees who do not respond to the letter offering them the treatment alternative (whether by failing to respond or by not receiving the letter) have an arrest warrant or summons issued against them at the request of the county attorney's office.
- An imaginative media campaign continually reminds the county's populace through television, billboards, and print media that if you're caught with drugs, you're going to jail. "You then face felony charges, a prison sentence, and stiff financial penalties. Or pay to enter a year-long rehab program." The media are well informed about task force operations in progress, and their coverage helps demonstrate that the "Do Drugs. Do Time." campaign is more than rhetoric.

Defining the Demand Reduction Program

Initial steps in defining the program entailed extensive work by the county attorney's office to establish legally acceptable program elements and procedures. County Attorney Richard Romley was running for office at the time Chief Ortega was pressing for a demand reduction program, and after his election Romley embraced the idea. The county attorney faced a critical need to reduce the workload associated with drug possession and low-level distribution offenses (all of which are felonies in Arizona). Previously the Phoenix City Attorney had processed offenses such as marijuana possession as misdemeanors, with the fines collected being credited to the city treasury. But in August 1987, a change in legislation eliminated the incentive of the fine revenue, and the city attorney required drug offenses to be processed as felonies by the county attorney.

A diversion program for marijuana possession had already been developed in the county attorney's office, and it served as a framework for thinking about an expanded demand reduction program. TASC was already participating in the marijuana possession diversion program, which made it seem the best agency to handle the treatment aspects of the demand reduction program.

Deferred Prosecution is Key

A goal of the county attorney's office was to avoid the added work of processing increasing numbers of arrests of drug users. In fact, the diversion program incorporated as part of the demand reduction strategy was intended to reduce work for county attorneys and courts (for example, by eliminating the filing of a criminal case and having it later dismissed). The key ingredient in this aspect of the program was *pre-filing* diversion—eligible arrestees' cases are not filed in court at all if arrestees accept the conditions of the diversion program.

Potentially, pre-filing diversion conflicted with the goal of giving arrestees a brief taste of incarceration. However, both diversion and incarceration were accomplished by delaying the decision whether to prosecute the arrestee and taking no prosecutorial

action at the time of arrest. Figure 1 shows the sequence of events from arrest through initial appearance, release, and the diversion decision. (These and other portions of this flowchart are explained in detail in the remainder of this chapter.)

The authority for deferring prosecution up to seven years is specifically permitted by Arizona statute when a diversion program has been established. The law states: "Prior to a guilty plea or trial, the prosecution [may be deferred for] a person accused of committing a crime, other than a person who has been previously convicted of a felony, is accused of committing a felony involving the use or exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury, or has previously completed a [similar diversion] program" (A.R.S. § 11-361).

A delayed decision on prosecution leaves the arrestee facing the possibility of a later prosecution. The arrestee makes an initial appearance, used for setting conditions of release, within 48 hours (in actuality, usually within 8 hours). Nearly all arrestees who would qualify for the deferred prosecution program are eligible for release on their own recognizance (OR) then. (Through 1989, over 98 percent of eligible arrestees were released on OR at their initial appearance.)

Legal Issues Addressed

Several legal issues were researched by the county attorney's staff before procedures for pre-filing diversion were established. One issue entailed the conflict of interest that arises if a county attorney directly contacts arrestees to explain the conditions of the diversion program while the arrestees are represented by defense counsel. This conflict was initially resolved by delaying contact with arrestees until their representation by defense counsel expired. This confused and surprised arrestees who had no formal information about the progress of their case; all they knew was that nothing happened in court and they were released from custody. Later, the county attorney's office instituted the filing of a motion with the court, with a copy sent to the arrestee, asking that the preliminary hearing be vacated in order to permit the arrestee to enter the diversion program. This motion not only informs the arrestee of the status of the case

but also causes the defense counsel's appointment to expire, permitting direct contact with the arrestee.

A second issue revolved around requiring arrestees to pay fines and treatment fees if they accepted the diversion option, which could be interpreted as theft by extortion under Arizona law (A.R.S. § 13-1804). This issue was resolved by the wording and statute references in the letters sent to arrestees who are eligible for diversion (as in the example letter reproduced in Appendix C).

A third issue was that deferred filing required the county prosecutor to make a "reasoned determination" that there was a reasonable likelihood of conviction, based on the information in the arrest report. This led to the establishment of a formal diversion unit within the county attorney's office, and a clear paper trail of the decisions made on each arrest. The unit staff also determines whether arrestees qualify for diversion by checking their records for prior felony convictions or pending felony proceedings or warrants. If an arrestee has a record of a prior felony (or does not qualify for diversion for other reasons) normal felony filing procedures are followed.

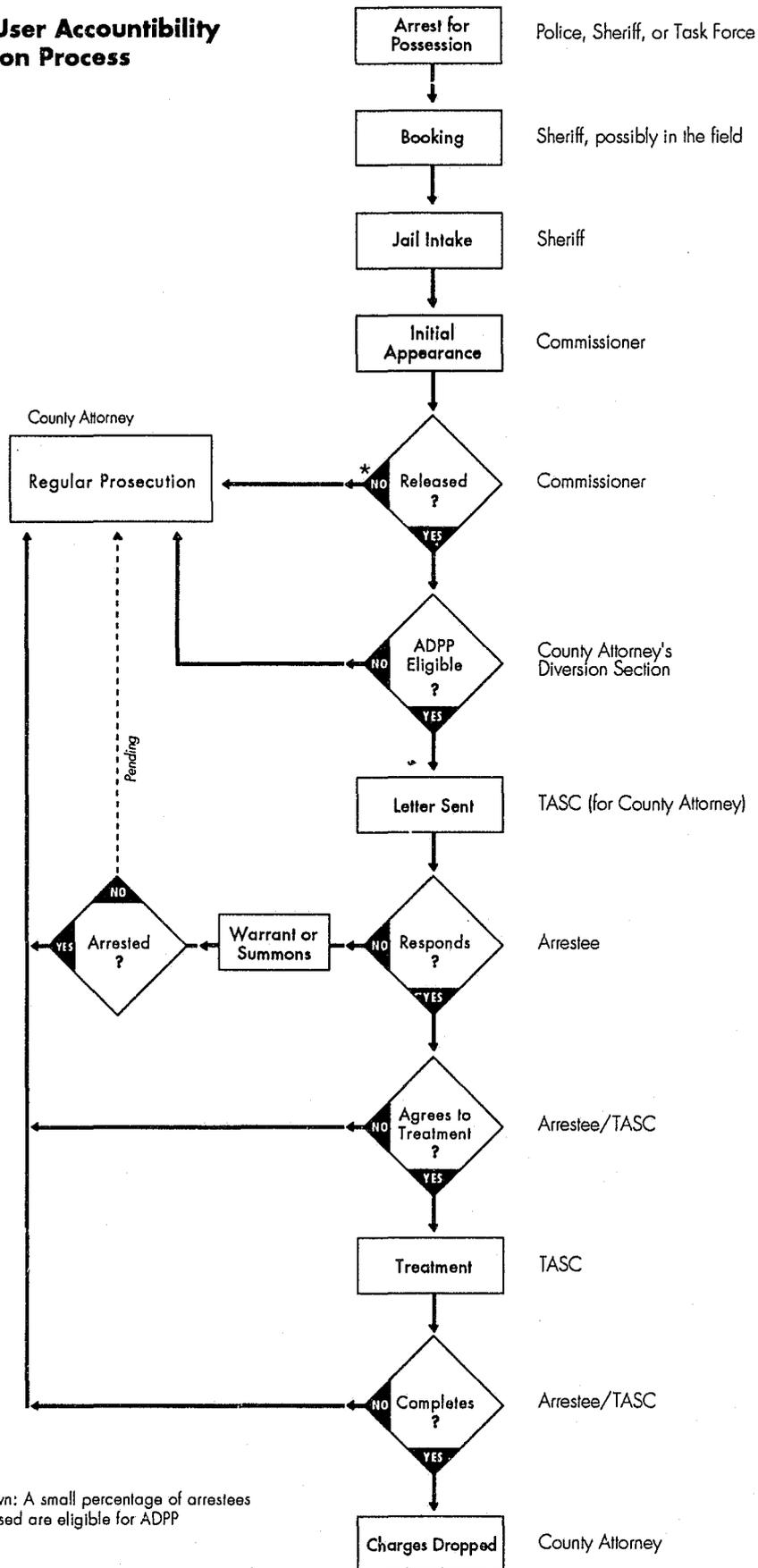
Coordination

While these legal issues were being researched by the county attorney's staff, plans were being made on four other fronts: law enforcement user accountability operations, treatment programs, education programs, and the media campaign. In addition to these developments, described in the sections that follow, a system of overall program coordination was developed. Responsibility for coordination of specific day-to-day operations was assigned to particular staff members in the sheriff's office, the DEA, and several police departments.

Lieutenant John Buchanan, of the Phoenix Police Department, was appointed overall coordinator of the program. Given the variety of agencies cooperating in the program, overall coordination requires attention to and a balanced perspective of many needs and interests. For example, the county's demand reduction program seeks extensive public media attention, but the media's participation in operations had to be organized and limited to protect the operations themselves, the legal rights of the arrestees, and

Figure 1

**Maricopa County User Accountability
Deferred Prosecution Process**



* Not shown: A small percentage of arrestees not released are eligible for ADPP

the safety of the law enforcement officers. Buchanan was particularly well trained for the coordinator's role having recently completed a fellowship program at the National Institute of Justice, an agency that attempts to balance the needs of practitioners from various criminal justice agencies, politicians, researchers and the press.

Task Force Organization

The user accountability program operated by the county's police departments and the sheriff's department is organized into three geographical zones with a major on the sheriff's staff acting as central coordinator. Departments located in each zone supply one or more designated officers, normally patrol officers, for participation in user accountability task force operations conducted in the zone. Officers supplied by the Phoenix Police Department to its zone's operations include a lieutenant and detectives assigned from the vice and narcotics unit, plus patrol officers usually assigned from street crimes units.

Officers are also assigned to the zone teams by the sheriff's department, and at least one zone has been assigned a sheriff's department narcotics detective. In addition, the sheriff's detention staff operates a mobile booking van (for handling paperwork associated with arrests) and provides transportation of detainees to the county jail (also run by the sheriff's detention division).

Each zone has an operations coordinator—a lieutenant from one of the zone's police departments—who in turn coordinates with the central coordinator, currently a major in the sheriff's department. When a user accountability task force strike is planned, the central coordinator arranges for any special equipment that the team might need, for staff from the sheriff's detention division, for adequate bed space in the jail facility, and for media coverage after, and possibly during, the operation.

"What we have here is a public relations campaign backed up with a little bit of enforcement."

- A coordinator

Any task force operations that are planned as part of the user accountability program are undertaken by the entire zone team, sometimes with the assistance of officers from other zone teams. No special legal arrangements are needed since, with the exception of tickets for motor vehicle infractions, sworn peace officers in Arizona are authorized to carry out police activities anywhere in the state. Police activities in different zones are coordinated at least to the extent of assuring that no two user accountability operations are ongoing simultaneously in the county. A typical task force operation may last for two or three days and focus on a location where open drug use by adults is known to occur. Examples include nightclub parking lots, concerts, fairs, and residential areas where a "curb service" operation is being run at a particular house. Additionally, large-scale efforts involving more than 50 officers from all zones have been carried out in public recreational areas in the county. Juveniles are not targeted, in part because the details of the program were established by the prosecuting agency for adults and in part because of uncertainty about juveniles drug users' attitudes toward what they have to lose if arrested.

"Many offenders are college students, entrepreneurs, professionals, housewives, and other middle-class people who have a significant stake in mainstream society and are otherwise law abiding citizens. They cannot afford a felony record with the attendant restrictions on employment, licensing, bonding, and normal social relationships." - Deputy county attorney

A Typical Operation

A typical operation involves approximately 18 officers including a couple of sergeants. The officers in plainclothes are assigned to teams of "spotters" located in unmarked vans or "strollers." At least one marked police car with uniformed officers is located nearby to monitor the precinct radio channel for pos-

sible incidents likely to interfere with the user accountability action and to respond if such incidents do occur. The plainclothes officers must react quickly after discovering persons using or buying drugs; the suspect must be properly arrested, searched for weapons, cuffed and moved out of the area before other drug users (or dealers) become aware of the operation. To insure that lawful arrest procedures are carried out, a member of the county attorney's staff often takes part in operations.

The particular site of the operation may be recommended by the local police chief, the local department's officer assigned to the user accountability program, or the zone coordinator. Towns that have community policing or problem-oriented policing³ invite their patrol officers to point out problem areas that are suitable for user accountability task force strikes. There is little, if any, central coordination of the particular sites chosen for user accountability task force strikes. Initially those planning the program thought that narcotics detectives would have good intelligence information for selecting targets, but narcotics detectives had never focused on open use (as opposed to drug selling) and considered themselves unsuitable for the role of target selection. However, once a potential site is selected, the following central coordination steps must be carried out:

- Obtain approval from those in the relevant chains of command
- Notify the sheriff
- Inform the nonparticipating task forces in other zones
- Arrange for use of vans, wagons, mobile phones, and marked unit
- Plan location of deployed resources
- Notify other relevant agencies and media.

Because the user accountability operations are openly visible and the program is intended to send a message to users throughout the county, nonparticipating task forces and media representatives can be informed in advance without much risk to the program as a whole. Occasional leaks of information about planned task force strikes are tolerated by participating officers as

a price that must be paid in order to achieve overall effectiveness.

The details and goals of task force strikes need to be constantly adjusted in response to media coverage and local community reactions to previous operations. A tactic of observing and recording publicly visible drug use may succeed at first and then become untenable as users become more circumspect. Then the task force members may adopt a strategy of posing as dealers or otherwise enticing those who possess drugs to come into public areas.

Task Force Strategy

Advance planning incorporated in the user accountability program includes general training for the participating officers and specific briefings for each site and operation. Many of the officers assigned to user accountability task force operations are unaccustomed to working in plainclothes and are unfamiliar with search and seizure practices, and statutory and constitutional issues related to drug offenses. One benefit of the demand reduction program is that patrol officers gain some experience, however limited, in such matters.

Experienced narcotics officers claim that making good arrests of users is substantially more difficult than arresting sellers. In particular, the elements of possession or use offenses are more difficult to substantiate and document than are transactions where a police officer has purchased illegal drugs from a seller. Establishing probable cause for arrest, and carrying out the arrest in such a way as not to blow the entire operation, are also difficult elements of user accountability operations. However, officers who participate in making user accountability arrests pointed out that details of prosecution are less important when an explicit program goal is to convince arrestees to accept diversion away from prosecution and into treatment.

Aside from specifically planned strike force operations, the user accountability program seeks to establish a favorable attitude among law enforcement officers about the possibility of arresting drug users. This attitude is conveyed to officers in all positions within the agencies, including traffic officers, patrol officers, and vice and narcotics detectives. For example, per-

sons who are found to be possessing marijuana during a routine traffic stop are supposed to be arrested on felony charges as part of the user accountability program. When narcotics officers raid a drug-selling location, they are supposed to arrest the purchasers who happen to be present at the time of the raid, in contrast with past practice which focused only on the sellers and the particular site or activity that was the target of the search warrant. The attitude-changing aspects of the user accountability program appear to have gained widespread acceptance and produce a steady influx of arrested users in the jail's intake facility.

Processing Arrestees

Anyone who is arrested as part of the user accountability program is processed through the normal booking procedures applicable to felony arrests in Arizona. See Figure 1 (p. 11) for an overview of the events that follow a user accountability arrest. The particular procedures that immediately follow an arrest would normally include:

- Transportation in handcuffs to the booking facility
- Filling out formal booking papers
- Search by the arresting officer
- Admission to the jail intake facility
- Another search by the sheriff's detention division staff
- Turning over personal belongings and valuables to detention intake staff
- Identification, including fingerprinting and checking of criminal records
- Remaining in a group "tank" facility with other arrestees until record checks have been completed and a hearing is scheduled
- Appearing before a commissioner for the initial appearance hearing, and setting of bail or own recognizance

- Telephoning an attorney and arranging for release on bail
- Providing urine specimens for drug testing
- Meeting with a drug treatment adviser
- Establishing a date for a first court hearing (which will later be canceled if the arrestee qualifies for diversion).

The procedures, facilities, and appearances and demeanor of other arrestees, as observed by this report's authors, seem certainly adequate to frighten, or at least give second thoughts to, anyone who has never previously experienced arrest or criminal justice system processing. Not until several weeks later, when arrestees receive a letter from the county attorney's office, do they learn the magnitude of the penalty that awaited them had they been prosecuted. That letter also spells out the conditions under which arrestees can maintain their temporary freedom.

Arrestees' belongings and vehicles may also be seized, under a strict Arizona forfeiture statute which permits forfeiture and disposition of any "vehicles to transport or in any manner facilitate the transportation, sale or receipt of, or in which is contained or possessed, any item or drug..." (A.R.S. § 13-3413). However, targets of user accountability strikes who enroll in the diversion program do not have their cars seized.

"We don't want to take his transportation away. We want him to be rehabilitated ... to continue working." - Sheriff Thomas J. Agnos

Prosecution

The county prosecutor's participation, and willingness to impose suitably structured sanctions on arrested users, was considered vital for initiating and maintaining the county's user accountability program. Otherwise, probable cause for arrest would have been undermined and police officers would have lost the

motivation to make arrests that were merely going to be dismissed by the prosecutor.

"I was looking for a method of dealing with first-time drug offenders without overburdening prosecutors, courts, and incarceration facilities, but at the same time holding the offender financially and socially accountable through a self-paid rehabilitation program." - County Attorney Richard Romley

The prosecution program component is called the Adult Deferred Prosecution Program (ADPP).⁴ It is intended to apply to first-time felony drug offenders over the age of 18 who are likely to benefit from TASC's community-based treatment program. The treatment program is not designed for individuals who inject drugs or sniff vapors or who are arrested for driving under the influence of any substance. Consequently, such arrestees are not eligible for deferred prosecution. While the treatment program focuses on arrestees prior to any case being filed against them, drug treatment is also available to qualified defendants as an alternative to prosecution after a complaint has been filed. The program allows arrestees or defendants to avoid prosecution and possible conviction by:

- Providing a statement of facts admitting the offense and agreeing that this statement will be admissible in a court of law should the defendant fail to complete the drug treatment program satisfactorily. (Appendix B contains a blank example of the "Statement of Facts" form. Persons arrested for possession of marijuana are not required to complete a statement of facts.)
- Submitting to ongoing monitored urinalysis, to insure that a drug-free status is maintained throughout the period of deferred prosecution
- Following all treatment program rules and regulations established by TASC

- Participating in all seminars, lectures, and counseling sessions that are required as part of the TASC treatment program
- Paying jail house fees, an Arizona Drug Enforcement Fund fee, and TASC's fees for supervision, urine testing, counseling, seminars, and lectures. The Drug Enforcement Fund Fee is collected by the county attorney and returned to the county treasury. The fee requirements are waived for indigent arrestees (following guidelines for indigency established by public assistance agencies), and there is a sliding scale of fees for persons whose income is slightly above the indigent level.

The required fees and treatment program activities depend on the offense charged. They are:

Possession or use of marijuana. Submitting to urine tests for a minimum of 90 days and a maximum of six months, attending a six-hour seminar, and paying fees totalling \$685. (If the urinalysis yields positive tests for other drugs, the length of the program may be extended to one year.)

Possession or use of narcotics or dangerous drugs (including obtaining by fraud, and attempts). Submitting to urine tests for a minimum of one year and a maximum of two years, monthly TASC office visits, attending a six-hour seminar and specified lectures, weekly group therapy sessions (for a minimum of six months), and paying fees totalling \$1,605-2,845. The lower range of fees apply to clients who can complete the treatment program in one year.

The Diversion Process

To be eligible for ADPP, arrestees must not have any other felony charges (instant offense, pending case, or outstanding arrest warrant), any prior drug felony convictions, any drug misdemeanor convictions within the preceding year, any prior participation in drug diversion programs, or any current felony probation or parole status. They must also have ties to the local community. In addition, the drug possessed by the arrestee must have been for the offender's personal use and not for sale.

Diversion of eligible arrestees is not automatic. Every arrestee is booked and detained in the jail intake facility until the initial appearance, when release status is determined and a public defender is appointed for defendants who cannot obtain private counsel. Legally, the prosecutor must file a charge within 48 hours or the arrestee must be released; in fact, few persons arrested for drug possession remain incarcerated for the maximum allowable time. However short, the lag between booking and the initial appearance before a commissioner assures the fulfillment of the "Do Time" component of the "Do Drugs. Do Time" slogan.⁵

*"We're going to let the jail door slam
...at least for a couple of hours." -
Sheriff Thomas J. Agnos*

Arrest reports for cases involving drug possession are first reviewed by the county attorney's clerical staff at the central intake unit or the branch units. If an arrest for drug possession does not include a more serious charge and if the arrestee does not have other pending cases, the arrest report is referred to the "diversion section" along with a rap sheet and any other criminal history information obtained from the county's data system.

The diversion section established by the county attorney is staffed by two deputy county attorneys who review each drug possession arrest to determine the arrestee's eligibility for ADPP. For eligible arrestees, the diversion section completes the necessary processing, such as canceling the arrestee's scheduled preliminary hearing, authorizing a letter to the arrestee explaining the alternatives open under the deferred prosecution program, and preparing a "TASC Diversion Submittal Form" which initiates the arrestee's diversion and is used to record completion of TASC's various program activities.

At the completion of the TASC treatment program, the completed submittal form is returned to the county attorney's diversion section, and prosecution is either dropped (for successful program completion) or a felony complaint is filed.

The letters to arrestees explaining the circumstances of their diversion (like the example in Appendix C) lay out explicitly the option of criminal prosecution, including a description of the maximum sentence possible upon conviction on the arrest charge, along with the option of participating in the TASC drug diversion program. The letters, on the county attorney's stationery, are mailed by TASC several weeks after the date of arrest, sufficient lead time to assure that before the letter is sent the preliminary hearing has been canceled and there is no pending proceeding for which the arrestee is represented by defense counsel. When arrestees agree to the terms of diversion their computerized criminal history records are assigned a special code. If they are later arrested for another offense, the diversion code signals the clerical staff accessing the record to notify the diversion section.

Some arrestees experience a period of uncertainty until the preliminary hearing is canceled and the letter arrives. Lest arrestees find out directly, by contacting the Justice Court, that their hearing was scratched and think there is no need for them to respond to TASC's letter, they are also informed that their charges were scratched only to give them an opportunity to respond to the county attorney's letter in the appointed time.

In Maricopa County, felony arrestees who are eligible for pretrial release provide urine samples under the Drug Testing Intensive Supervision program, also operated by TASC employees. If these TASC employees could explain the deferred prosecution program, the notification process could be simplified. But the county attorney's office has not found legally proper procedures that would permit early discussions between TASC and the arrestee, or even more rapid processing of the preliminary letter, despite a desire among the county attorney's staff to expedite the deferred prosecution. Some of this study's sources believed that a period of uncertainty can enhance the arrestee's willingness to participate in drug treatment.

If the letter is returned for lack of a correct mailing address, or if the recipient declines the treatment option or fails to respond to the letter, the arrest report is forwarded to the county attorney's prosecution staff in the trials bureau for filing of a complaint. If the mail has been returned for lack of a valid address, a felony arrest warrant is also issued.

Future Concerns

The necessity to process felony complaints for arrested drug users who do not receive, or fail to respond to, the preliminary letter has been an acknowledged weak point in the demand reduction program. Repeated revisions of the program were undertaken in an attempt to deal with this problem. At first, regular prosecution staff handled the cases of nonrespondents. They could, however, potentially make decisions contrary to those of the ADPP staff, such as dismissing arrests due to weakness of cases or workload considerations. Later, all processing of ADPP cases was centralized.

Under either organizational scheme, prosecutors face a conflict. To the extent that cases of nonrespondent arrestees are dismissed, the concept of "Do Drugs. Do Time." is undermined. Arrestees can potentially avoid both prosecution and the treatment program by just doing nothing when they receive the preliminary letter. On the other hand, if prosecutors issue arrest warrants for persons who failed to respond to the county attorney's letter, they burden police and other agencies with additional processing of relatively minor felonies. In Maricopa County, law enforcement agencies decided it was worthwhile to support the program by making periodic sweeps to execute warrants issued under the ADPP.

Pursuing prosecutions of nonrespondent arrestees may have serious consequences for the long-run stability of the demand reduction program. Subsequent prosecutions can overload the resources of the county attorney's office. During the first 13 months of the program, nearly 2,500 arrestees in the county had been found eligible for deferred prosecution and had passed the deadline for responding to the county attorney's letter. Of them, 37 percent accepted treatment, 9 percent refused treatment in favor of felony prosecution, and 54 percent failed to respond to the letter. In other words, well over half either refused treatment or failed to respond. If all of these arrestees were actually prosecuted, the county attorney's office would face more than 1,200 felony drug cases per year of program operation. To reduce this potential burden, the county attorney again offers the option of drug treatment diversion after eligible defendants are arraigned.

Additional program functions performed by the county attorney's diversion section include providing legal advice to law enforcement officers concerning the procedures for making arrests on drug possession charges. In some instances the prosecutors accompany law enforcement task forces on a user accountability strike and provide specific legal advice. The job of the diversion section staff is quite unlike prosecuting criminal court trials, and its main satisfactions come from helping defendants overcome their drug abuse. The Maricopa County Attorney was fortunate to have some deputy attorneys whose career goals corresponded with the program's.

*"Just seeing that the program is working is rewarding. Maybe I help turn some defendants' lives around."
- Diversion section attorney*

The Treatment Program

The treatment program is operated under a county contract by TASC, a private, nonprofit, outpatient facility that has been incorporated for more than ten years. In addition to deferred prosecution programs, TASC operates various educational programs, urinalysis and breathalyzer testing, client assessment, and counseling and treatment services on a statewide basis for agencies such as Arizona's supreme court and corrections department. Its services include programs for juveniles as well as adults, and TASC also conducts professional training seminars.

TASC operates its own laboratory for urinalysis testing of probationers under intensive supervision and felony arrestees at the booking facility, and of those assigned to the Adult Deferred Prosecution Program. In 1989, eight TASC staff members were specifically assigned to Maricopa's ADPP, including a clinical psychologist, therapy group leaders, and case managers.

Arrestees who have been granted permission for deferred prosecution by the county attorney's office may respond by telephone to the letter mailed to them by TASC. They receive a verbal explanation of the

program's requirements and the steps they must fulfill during their first visit to the TASC offices. These include providing a urine sample for baseline drug testing, agreeing to submit to mandatory urinalysis screening twice weekly for three months and then to random testing. They must also complete the "statement of facts" regarding their offense (waived for the possession of marijuana program), paying the \$150 application fee and other applicable fees, and signing a "TASC ADPP Client Contract" specifying their agreement to 17 conditions concerning their treatment (see blank example in Appendix D).

The fees for TASC ADPP clients, listed above, range as high as \$2,845. However, the clients do not have to pay the fines levied for conviction of drug possession (e.g., the minimum fine for cocaine possession is \$3,000), nor are they responsible for the \$40/week fee assessed by the probation department for those found guilty of drug possession and remanded to the department's custody. And clients who meet indigency criteria have their fees waived or reduced on a sliding scale. In 1989, fee waivers and reductions were becoming a heavy burden for TASC. The organization was absorbing treatment costs for indigent clients; approximately fifty percent of its ADPP clients could not afford to pay their full fees. The long-term fiscal solvency of the treatment program concerned TASC management, which was attempting to develop alternative funding sources.

The contract for defendants other than those charged with marijuana possession specifies that they agree to participate each week for one year in a minimum of one group counseling session led by a psychologist and two self-help group sessions, such as meetings of Alcoholics Anonymous or Narcotics Anonymous. Marijuana possessors contractually participate for thirty to sixty days.

"Individuals with substance abuse problems must admit to having this problem and display a willingness to participate in counseling." - TASC brochure

After TASC informs them of the details of the ADPP program, arrestees may decide to consult an attorney or to take their chances on prosecution (about 20 percent do). In this case they neither leave a urine sample nor sign any contracts or statements of facts.

Clients who enter the program are assigned a case manager and a case therapist who establish and monitor their specific treatment program. The case manager is concerned with the client's completion of criminal-justice or legal requirements of the program, such as payment of fees, providing samples for urinalysis, or attending therapeutic sessions. The case therapist is concerned with the treatment aspects of the program and attempts to tailor the combination and intensity of clients' group and individual therapy to their individual needs and progress in the program.

At any point in the treatment program either the case manager or the case therapist can decide that the client has failed to fulfill the program and inform the county attorney's office. As the required treatment period nears its end, all parties involved are keenly aware of the upcoming termination date and the need to return paperwork signifying successful completion of the ADPP to the county attorney's office. Due to the short history of the demand reduction program, it is not possible at this writing to present statistics on treatment outcomes.

The Media Campaign

The professional advertising campaign is the most widely known aspect of the program and is in many ways its cornerstone. All interviewees agreed that the largest potential effects on drug demand reduction can arise from general community impressions of the program, rather than from the specific program elements detailed in this report.

The media campaign was prepared with the contributed efforts of four segments of the community: Cramer-Krasselt Advertising and Public Relations, a local firm; After Hours Creative Consultants; PRO-ACT, Phoenix Residents Organized Against Crime Task Force; and public relations staff of law enforcement agencies. The media campaign was developed under the direction of a committee established by the Demand Reduction Program's executive coordinating

committee, and was not actually completed and fielded until four months after the program's initiation in March 1989.

Prior to the start of the media campaign and the invention of the "Do Drugs. Do Time." slogan, media coverage was limited primarily to stories on the individual user accountability task force strikes. Law enforcement agency training staff had prepared some videos of all the police chiefs in the county talking about drug use in ten-second spots for public service announcements, but they were believed to lack professional quality. The current media campaign is coordinated by three assigned regional public relations officers. In a survey conducted in early 1990, over 80% of respondents in the county were familiar with the slogan "Do Drugs. Do Time." and the associated program.

The media relations staff of law enforcement agencies in Maricopa County had been accustomed to drawing on the services of public sector firms for assistance in areas of their expertise, and they had ongoing relationships with several advertising agencies at the start of the demand reduction program. They approached one advertising agency for assistance, but after a while no concepts or ideas had been offered. The involvement of Cramer-Krasselt began when the general manager of the agency's local branch office approached Chief Ortega and inquired whether the police department would be interested in promoting some public service announcements about gang violence that the agency had developed in another city, or if the agency could be useful to the police department in any other way. Since the Chief was at the time looking for a way to get the media campaign for demand reduction off the ground, he welcomed their interest and put them in touch with the media committee.

The general manager of Cramer-Krasselt obtained his staff's commitment to volunteer their time to this effort and gained the cooperation of another local advertising agency. The firms' staffs met with law enforcement executives involved in the user accountability program, brainstormed the concept of the program, and invented the "Do Drugs. Do Time." slogan. After approval of the concept by the media committee, the four cooperating segments of the community obtained all the talent and production resources needed to prepare the campaign materials, charging only for purchased supplies such as paper and videotapes.

One of the law enforcement coordinators for the media campaign estimated that the total value of contributed time, equipment, facilities, materials, print space, and television time amounted to \$450,000 in the first year alone. This figure excludes agencies' costs for the time spent by the coordinators and others to attend meetings about the media campaign, work on media campaign planning, review contracts and related legal materials, or arrange for and control traffic at filming locations.

The media campaign materials include bumper stickers, billboards, buttons, television public service announcements, print advertisements, and media information kits for interested journalists. Examples of the media materials are reproduced in Appendix E. Included in Appendix E are forms that readers of this report can sign and mail in to obtain permission for use of Maricopa County's media materials in their own jurisdictions. Working with local advertising agencies, readers could modify the body copy of these materials to serve the needs of their own demand reduction programs, but recipients of the materials must agree to retain Maricopa County's slogan, artwork, type fonts, layout, and related design features.

Education and Prevention

The Maricopa County Demand Reduction Program includes an educational services coordinator, currently an agent at the Phoenix Division of the DEA, who primarily coordinates these preexisting programs in participating agencies:

- Youth education programs, such as law enforcement agencies' DARE (Drug Abuse Resistance Education) programs
- Involvement of community organizations in demand reduction programs, including churches and social service providers
- Assistance to private firms that are developing policies on drugs in the work place and need education programs, sample policies, or sample handouts
- A speakers' bureau that provides speakers on topics related to demand reduction and the Maricopa County program.

In addition to staffing the coordinator position, DEA provides resources for the education component of the county's demand reduction program. Since October 1987 all DEA divisions have had a budget allocation for cooperating with local demand reduction programs. DEA has several nationwide drug education programs, and local DEA offices develop or acquire educational materials which DEA then disseminates nationally. For example DEA divisions learn of, catalogue, and acquire copies of private vendors' handouts and videotapes for use by employers who adopt workplace drug abuse programs.

DEA's nationally organized demand reduction efforts include a sports drug information program, a several-day series of seminars to train high school, college, and professional coaches to recognize signs of drug abuse and help them adopt team policies and activities designed to reduce abuse of drugs or sports medicines. DEA also operates the National Alliance with DARE, which helps obtain nationally- or locally-recognized speakers to help law enforcement officers with their presentations in school drug resistance education programs.

According to interviewees in Maricopa County, DEA is a valuable partner in conducting a demand reduction program. The DEA staff like to work with local law enforcement officers in a context where conflicts between federal and local goals or strategies are unlikely to arise, and federal resources and materials are welcomed. As in many regions of the country, relations between federal and local drug enforcement agents have not always been smooth, and working together on demand reduction programs provides an opportunity to improve them. Also DEA gets favorable local exposure and media coverage by assisting locally organized demand reduction programs.

One of the initial goals for the demand reduction program in Maricopa County was to develop good interagency working relationships for all forms of drug enforcement and perhaps for other enforcement matters as well. Interviewees in DEA, the sheriff's department, and several police departments said this was happening.

Programs for Juvenile Drug Users

Its educational components aside, the current demand reduction program in Maricopa County does not have a component specifically aimed at drug possession among juveniles. The county attorney's deferred prosecution program, for example, applies only to adult arrestees. However, on some occasions juveniles are picked up during one of the user accountability task force strikes. Such arrests are uncommon because user accountability target locations are places normally frequented by adults. When youngsters are arrested by a task force, they are turned over to the juvenile authorities.

Maricopa County is home to one of the few programs in the country for universal urinalysis of juvenile arrestees who enter detention. (Other juveniles, apprehended by the police under less serious circumstances, are released into the custody of parents or guardians, and they don't provide urine samples. A small number of juveniles arrested for very serious felonies are processed as adults.)

The juvenile urinalysis program began in January 1989 after the National Institute of Justice suggested that Maricopa County cooperate with juvenile Drug Use Forecasting (DUF). The juvenile DUF testing would have applied to a sample of arrestees and only for limited time periods, but the county extended the testing to a 100 percent continuous sample of arrestees entering juvenile detention.

The drug test results of arrested juveniles are available to assigned probation officers, who may make the information available to others, such as parents, teachers, or attorneys, at their discretion. The urinalysis for juveniles, like that for adults, is operated by TASC. TASC also provides juvenile drug treatment programs for those who were arrested for a drug offense or tested positive for drugs and are under the supervision of the courts, probation, or parole.

*"If you don't use the information you have, you can't help the kid." -
County probation administrator*

Probation staff are enthusiastic about the juvenile arrestee urinalysis program. They find that their previous impressions of juvenile detainees in their custody did not give them a good perspective for distinguishing drug abusers from nonusers. In the past, if arrested juveniles were given urinalysis tests days or weeks after arrest, they knew when the test was scheduled and could take appropriate precautions. But the juveniles don't plan to get arrested. A urinalysis test at the time of arrest is unexpected and gives a valid indication of their drug use at a randomly selected time.

By having the urinalysis results available before interviewing the juvenile, the probation officer can:

- Help juveniles stop denying drug use to themselves, friends, and families
- Confidently devise drug treatment interventions and monitor progress by subsequent urinalysis
- Take extra precautions for juveniles who test positive to assure that they show up for scheduled court appearances. (In the past, juveniles who failed to show up for scheduled appointments or court appearances were disproportionately likely to be drug users)
- Force the parents to face facts and take action themselves
- Get more valid information from the juvenile on related topics.

Half of the juvenile detainees test negative on urinalysis, which is often a surprise to their assigned probation officer. The negative tests, even if they merely indicate a temporary suspension of known drug use, provide very useful guidance for subsequent case management by the probation officer.

Although juveniles who are detained for drug use or drug possession cannot participate in the adult diversion program, they are likely to be beneficiaries of the in-school educational components. The juvenile probation officers typically spend much time in the county schools following up on cases. When a youngster has been identified as a drug user and a drug prevention

program is provided in his or her school, the probation officer makes sure the youngster is in the program. Still, the director of juvenile court services believes that, although the user accountability program is a valuable deterrent for adults in upscale places, it probably would not be effective if focused on juveniles because "kids just don't think they can get caught." The youngsters' perception appears correct. Relatively few drug use referrals are made to juvenile services in any given year.

Benefits of the Demand Reduction Program

Chapter 7 discusses the comparative benefits of all the forms of multijurisdictional cooperation described in this report's case studies. Firm conclusions cannot yet be drawn regarding the overall costs and benefits of the Maricopa County Demand Reduction Program, since an evaluation is now under way. But locally and nationally the program is viewed positively for its innovativeness. Its participants have focused on an aspect of drug abuse, the casual user, where they believe they can have a salutary influence on their area's drug problems. Their efforts to date have persuaded hundreds of drug users to enter treatment, and this has been accomplished without placing undue burdens on the police or courts. Police agencies believe they have benefited from favorable publicity and from interacting with neighboring agencies in a context that opens up opportunities for interagency cooperation on other law enforcement matters.

Endnotes

¹See Chapter 7 for a discussion of the details of issues related to interagency cooperation, and appropriate timing for resolving them.

²In other jurisdictions, TASC stands for Treatment Alternatives to Street Crime.

³Goldstein, Herman (1990). *Community Policing*. New York: McGraw Hill.

⁴This section is adapted from a written summary of the ADPP provided by County Attorney Richard Romley.

⁵Some interviewees interpreted the slogan "Do Time" to mean that the participating arrestee would have to spend time in a drug treatment program.

Chapter 3

Cooperative Law Enforcement Strategies for Reducing Street- to Mid-Level Distribution: A Case Study in Cook County, Illinois

Founded in 1971, the Northeastern Metropolitan Narcotics and Dangerous Drugs Enforcement Group (NEMEG) was organized to pool the drug law enforcement resources of relatively small jurisdictions in Cook County, Illinois. Originally NEMEG was one of the federally-funded Metropolitan Enforcement Groups established in a number of states with LEAA funds. When, after two years of operation, LEAA funds were withdrawn, Illinois state funds maintained NEMEG for two more years. These state funds were supplemented with local contributions in 1975 and 1976. In 1977, when state funds were not allocated, the unit was dissolved.

In 1978, NEMEG was reconstituted. It presently serves the same purpose proposed by the original organization, "...to combat illicit drug trafficking by concentrating enforcement efforts primarily within contributing municipalities." It is now primarily a horizontally-coordinated case-oriented cooperative effort of municipal police departments, including also the Illinois State Police and the Cook County Sheriff's Department. From its inception to 1986 NEMEG reportedly made over 10,000 arrests with a 90% conviction rate.¹

Unlike the cooperative efforts in San Diego County and Maricopa County described in this report, NEMEG does not include participation by all cities and towns in Cook County. However, over the last few years increasing numbers of municipalities have bought into the organization. Presently most nonparticipating agencies are either in large cities that believe them-

selves to be self-sufficient regarding drug law enforcement, or in small villages with no identified drug enforcement problems. Participating agencies share in the following NEMEG resources (described more fully later in this chapter):

- Training of officers to investigate and arrest persons involved in drug-related crimes
- Access to and use of NEMEG officers experienced in special forms of investigation and activities, such as financial investigation and asset seizures
- Access to realistic community educational materials about drug abuse, including information about "new" forms of drugs such as "crack" cocaine
- Relatively rapid response to requests for NEMEG officers and other resources needed for crackdowns on local drug dealers.

Recently, a number of towns in the south part of the county joined NEMEG as a block. They provide an example of second-tier interagency cooperation within NEMEG. Overviews of both NEMEG and the Southern Suburban coalition are given in this chapter. Interested readers may obtain additional details by contacting the NEMEG director at the address listed in Appendix A.

Cook County

Although dominated economically by Chicago and its population of close to three million people, Cook County is a conglomerate of over one hundred other politically independent villages and cities. Some of Chicago's neighbors in the county, such as Evanston (population approximately 75,000), are relatively large; others are small enough to almost fit within one major central city park. Most of the county's towns and villages lie in a cluster northwest of Chicago or in a cluster southwest of Chicago. A narrow band of contiguous villages to the west of Chicago forms a bridge between these northern and southern suburban areas.

In this environment, the street signs that announce the names of the cities, towns, and villages are the only indication that one has passed from one jurisdiction to another. The county is overlaid with a grid work of streets that continue north/south or east/west for mile after mile, passing through working class to middle class areas. Tollways and other interstate highways, buses, and trains carry commuters into the city in the morning and to the suburbs at night. Except for the old brick fortresses and modern buildings in downtown Chicago, and for the few recently constructed office buildings punctuating the skies of the suburbs, the county appears to be a suburban sprawl of shopping centers surrounded by relatively modest established neighborhoods.

The northern suburbs are more affluent than the southern ones, and those on the west lie between the two areas geographically and economically. The northern suburbs have stable income from sources such as major industries, universities, and colleges, while the southern suburbs have lost their early economic base of mills and factories. The differences in standards of living are apparent. The shopping areas in the north cater to a population with sufficient discretionary funds for indulging relatively expensive hobbies and tastes for imported clothes, food, and furniture. Stores in the southern suburbs are geared more to those living on a tight budget. The southern suburbs also visibly have a greater ethnic and racial mix, reportedly the cause of occasional conflict among communities.

History of Cooperation

Cooperation among law enforcement agencies in Cook County has been spotty, and cooperation for drug law enforcement among neighboring law enforcement agencies has never been complete. Recognizing the gaps in cooperation, the Illinois Criminal Justice Information Authority convened a series of meetings of representatives from Cook County and adjacent law enforcement agencies to promote "everyone working together." Although these meetings appear to have helped resolve interagency disputes, there is no evidence of a resulting increase in operational cooperation among agencies.

According to several persons interviewed, past lack of cooperation resulted in incidents in which cases were compromised, safety of undercover officers was jeopardized, and, except for flagrant cases, there was a virtual lack of drug law enforcement in some of the most economically depressed villages in the county. Although NEMEG existed off and on for over fifteen years, until recently most of the 126 local law enforcement agencies in Cook County did not actively participate.

Chicago is not considered part of the region covered by NEMEG. The Chicago Police Department has its own district and citywide narcotics units. It does not participate in any joint planning or operations with NEMEG and has only "very infrequent" contact with the Cook County Sheriff's police. According to our Chicago Police Department source, NEMEG stays out of Chicago.

Like Chicago, some of the other agencies in the county formerly perceived no need to participate. They had no recognized drug problem or, according to police chiefs in the relatively large nonparticipating agencies, believed they had sufficient resources to deal with their own problems. Other agencies were leery of the services they would receive in return for their investment, while others have been in and out of NEMEG over time as a result of changing local budgets and drug problems. Still others reportedly are believed to have wanted to remain separate because of their own problems with internal corruption. Our interviewees in Cook County, however, meticulously avoided confirming these reports.

Organization of NEMEG

The command staff of NEMEG includes the director, a deputy director, two area supervisors, and seven group supervisors. They are mostly officers assigned on a long-term basis from the Illinois State Police and the sheriff's police of the Cook County Sheriff's Department. The officers who serve as special agents in NEMEG's seven tactical groups and in its administrative and financial investigation positions are provided by member police departments in communities in Cook County. The total complement is 34 sworn officers, and the annual NEMEG budget is approximately \$2 million.

Communities in Cook County that do not join NEMEG must provide for drug law enforcement independently or not at all. Some communities join NEMEG directly, some join as part of a coalition administered by the South Suburban Mayors and Managers Association (SSMMA), and a couple of communities do both. Some members participate by sending a sworn officer to be a member of NEMEG staff, while other members contribute financially only. Financial contribution through the SSMMA is via a formula (\$3,000 flat fee plus a *per capita* assessment, not to exceed \$0.165, calculated from the total budget necessary to cover five officers). Members that contribute through SSMMA and also send a participant officer are reimbursed for the salary and other expenses of the officer (aside from their own fair share). These contributions and expenditures are handled entirely by SSMMA and are not included in the NEMEG annual budget.

In September 1989 NEMEG was staffed primarily by sworn officers; only four employees were civilians. Although the officers could be on short-term assignments to NEMEG from their home agencies, those with whom we talked had been in NEMEG for years and hoped to remain for many more. Policy and operations are established and reviewed by a policy board consisting of one representative from the State Police, one from the Cook County Sheriff's Police, and one from each participating local law enforcement agency. NEMEG's continuing role has been to supply needed services to relatively small villages in the county.

Role of the South Suburban Mayors and Managers Association

In the last few years NEMEG has almost doubled the number of participating agencies through the combined efforts of the South Suburban Mayors and Managers Association, the NEMEG director, and local chiefs of police. In September of 1989, slightly over half (71) of the municipal law enforcement agencies in Cook County were participating in NEMEG; of these, twenty-nine were affiliated through the SSMMA.

The South Suburban Mayors and Managers Association was formed approximately twenty years ago as a volunteer-run council of representatives from mayors' offices in neighboring villages. The council evolved in reaction to the perceived inability of a previously established regional planning organization to respond to the subregion's growing economic needs. Over the initial years during which the council met, committees were formed to address specific problems, and the value of continued coordination of local planning was recognized. Eventually, the council decided to combine fiscal resources for providing needed services, and it became clear that a permanent professional staff was necessary to administer cooperative projects.

SSMMA first hired a professional coordinator in 1978. Although the cooperating communities are involved in relatively large projects, including an insurance cooperative, an employee assistance program and a bond bank, the administrative staff has remained small. Four full-time staff, two administrative assistants, two part-time support staff and a consulting programmer administer these programs, provide technical assistance on minor local problems, and coordinate a referral service for family counselling for drug and alcohol abuse. More recently they have assumed fiscal responsibility for the South Suburbs NEMEG Unit.

The South Suburbs NEMEG Unit

To organize the South Suburbs NEMEG unit, the executive director of SSMMA worked with the police

chief in one of the south suburban villages, the director of NEMEG, and the one officer from a south suburban police department who had been previously assigned to the task force. According to the SSMMA director, the initial organization required a concerted sales effort to involve both the mayors and the chiefs of police.

"It was a sell job. We had to explain what we were doing and why we were doing it." - Executive Director, SSMMA

The major issue for both groups was financing drug enforcement. The mayors were generally concerned about the returns for the money invested. The executive director told us, "Many of our communities are struggling with finances. We have a tougher time down here. They've been hurting for money since [the change in the allocation for] federal revenue sharing. [The mayors wanted to know] What am I going to get for my money?" The police chiefs too were concerned about finances, but they focused particularly on distribution of seized assets. NEMEG did not present a history of sharing asset seizures that satisfied the chiefs in the south suburbs. "It was a bone of contention ...one of the hardest things they had to deal with." A less contentious issue raised by the chiefs was the variation among the different police departments in officers' salaries at the same rank. "One officer made \$20,000 a year, another \$25,000. [If they were going to work together on the same job,] a decision had to be made on who gets paid what."

The strategy for the sales effort was essentially planned by William Nolan, a south suburban village's police chief who was strongly committed to cooperation among police departments in general and the concept of MEGs in particular. Having served as president of the Illinois Chiefs' Association and president of the Cook County Association of Chiefs of Police, Chief Nolan had long experience in achieving consensus among law enforcement agency heads in his state. Operating under the assumption that "you have to bring people along slowly," he first convinced the director of SSMMA to join him in addressing the concerns of the mayors and other chiefs. He made it

clear from the outset that it would not be up to police departments to be fund raisers or fund dedicators and that SSMMA would handle many of the fiscal concerns of the mayors and chiefs. The director of SSMMA was able to draw on her long reputation for fairness and responsibility while administering other cooperative projects in convincing the local administrators that she would ensure equitable fiscal operations and responsiveness from NEMEG.

"The main point (made to the mayors) was if they were not satisfied they knew they had someone they could talk to." - Executive Director, SSMMA

Assessing Costs

Once the director of SSMMA was on board, the SSMMA Public Safety Committee became involved in designing a formula for assessing communities for participation in NEMEG. To offset costs, the SSMMA director then applied for federal funds for the project; these funds became a selling point for participation. Two other selling points were gained through Chief Nolan's negotiations with the director of the NEMEG: local departments won more control over NEMEG policy and greater shares of seized assets. Chief Nolan was in a particularly strong position to negotiate with NEMEG since he had been active in obtaining additional state funding for all MEG units. He therefore was recognized by the NEMEG director as a vital proponent of the unit, one who had the best interests of all parties in mind.

By pointing out that, as NEMEG retained increasing amounts of forfeited assets, the state's contribution to NEMEG's budget was simultaneously declining, the chief convinced NEMEG that it might benefit by sharing more assets with local departments. And by involving the chiefs of the local police departments in the advisory board and assuming the role of chair, he helped assure greater local control over policy. The last shreds of resistance were removed through the efforts of a NEMEG officer from a south suburban department who still had fears that local officers might play subservient roles in the organization.

Benefits of Participation in NEMEG through SSMMA

South Suburban members now recognize that benefits they receive from SSMMA/NEMEG services include centralized fiscal administration and fast response to local problems.

Centralized Fiscal Administration. One of the two major functions SSMMA plays in interagency cooperation for drug law enforcement is relieving the local agencies and NEMEG of the task of fiscal administration. The assessment billing of participating agencies is relatively complicated since the per capita portion of the assessment formula must be calculated each year and take into account the fact that officers assigned to NEMEG may be paid at different base rates and different overtime rates. Adjustments must also be made for communities that are contributing their own officers. Additionally, some member agencies are experiencing difficulties with cash flow, and requests for payments must be repeated several times. SSMMA's experience with administering other cooperative projects in the region permits them to provide overall administration for a handling fee of one percent of the budget.

Included as part of the handling fee is the second function SSMMA plays: providing chiefs in participating agencies with information about NEMEG activities. NEMEG provides SSMMA with statistics on operations and results. SSMMA in turn prepares regular statistical reports to the participating communities explaining "what they are getting for their money." Additionally, the Executive Director of SSMMA is immediately available to any mayor or police chief who does not feel that NEMEG is responding rapidly enough to requests for drug law enforcement.

Fast Response to Local Problems. Many communities joined NEMEG in part in response to citizen complaints about drug trafficking in their neighborhoods. Some problems involve relatively small transactions carried out by low-level dealers and occasional users. However, although such cases may be considered trivial by the NEMEG team officers, a lack of response may result in an irate citizen calling the mayor, the mayor calling the administrator at SSMMA, and the administrator calling the NEMEG director. At this point, the NEMEG director will contact the mayor to discuss actions which need to be taken.

A likely response to a persistent problem of small scale transactions is a "buy and bust" operation by NEMEG's south suburbs unit, a response that many member communities could not take on their own because they lack officers trained in narcotics enforcement. Besides providing experienced narcotics officers for special operations, the NEMEG staff also provides training for local officers likely to come into contact with drug-involved offenders in the course of routine enforcement activities.

Benefits of Participation in NEMEG

All participants in NEMEG benefit from training of officers, access to fresh officers and special investigation units, improved officer safety, and access to shared resources and public education information.

Training of Officers

Where drug abuse is prevalent, patrol officers have a high probability of encountering persons possessing drugs while enforcing other laws such as traffic violations, theft, or disorderly conduct. Untrained officers have been known to build unprosecutable cases, e.g. by passing around seized drugs and getting fingerprints on evidence. Or, as new drugs emerge, the officers may stop cars for traffic offenses and not even recognize drugs in transit. NEMEG places substantial emphasis on its training programs and carries out formal training sessions for police officers in the area it serves. Member agencies can also send officers for ride-alongs in which they learn how undercover operations work and how they can best cooperate.

"We tell them what dope looks like and how to deal with the bad guys so they 'make informants.'" - NEMEG officer

Formal training sessions involve forty hours of in-class lectures and discussions and cover the following areas of narcotics enforcement:

- Basic information about drug abuse and identification of illicit drugs
- Use and accuracy of field test kits for preliminary screening of suspect material
- State laws and penalties for violating laws involving controlled substances (both licit and illicit drugs) and laws about forfeitures and seizures
- Methods for investigating diversion of controlled substances from legitimate distribution (such as identifying phony prescriptions)
- Recruitment and development of informants
- Development of on-view drug possession cases including "throw-away" cases and traffic stop cases
- Investigations, including undercover operations, forfeiture investigations, technical investigations, following up anonymous leads, and surveillance
- Arrest and seizure procedures, including raid planning and physical search techniques of cars, persons, and residences; court decisions on search and seizure; and processing evidence and maintaining the chain of custody
- Ingredients in investigative and arrest reports needed for quality cases
- Civil liability.

Some officers who receive training are from departments large enough to have their own narcotics units; for them the program serves to sharpen their skills and increase their ability to enforce drug laws. Officers from the small departments are not likely to be able to handle complicated investigations on their own; for them, training facilitates their ability to cooperate with NEMEG officers.

Access to "Fresh" Officers

Since many of the participating agencies are small, officers from the agency are easily recognized by

residents, including dealers. Undercover work, therefore, is best carried out by NEMEG officers who are not known there. Conversely, in larger departments with a separate narcotics unit, participating in arrests and seizures can compromise undercover status of the departments' narcotics officers, yet experienced officers are needed to insure that arrests and seizures are conducted properly. Bringing in a NEMEG officer from a distant Cook County village can facilitate these procedures.

Access to Special Investigation Units

A number NEMEG officers have been trained to conduct financial investigations and complete all necessary procedures for asset seizure. Their actions can link the activities of a drug trafficker in one community to other individuals in the same community or other communities. For example, if a local agency reports a dealer working out of a business, information about the business, such as ownership and financing, can be researched by the financial investigation team. In several cases the team has discovered several businesses owned by the same individual are fronts for drug trafficking.

The NEMEG financial investigation team also provides a link to federal agencies with even more specialized knowledge and computer files, such as the IRS. IRS investigation in one case demonstrated that the total income unearthed in the investigation could not possibly have been derived legitimately.

Improved Safety for Officers

One of the modes of undercover operation used by the largest law enforcement agencies in Cook County, including Chicago, are "reversals" or "reversestings" in which officers pose as dealers who wholesale drugs to suspected drug retailers or sell drugs to users. Before NEMEG provided a vehicle for coordinating information about undercover operations, undercover officers conducting "reversals" were in danger of being arrested by other agencies' officers. At best such situations resulted in embarrassment and a waste of time and resources. At the worst, said one NEMEG officer, "we had a bunch of cops holding guns at each others' heads or shooting at each other."

Even the Chicago Police Department, which has very limited cooperation with NEMEG, now always informs NEMEG if there's any chance of another Cook County law enforcement agency becoming involved in a reversal. The importance of coordinating such operations appears to be even more important in the suburbs, where there are numerous law enforcement agencies whose officers could trip over each other in covert operations.

Shared Resources

By participating in NEMEG, member communities are able to share in forfeited monetary assets they ordinarily would not have seized by themselves; this form of monetary return appears to be a strong motivation for participation. Additionally, they can jointly buy and use resources too expensive for one agency alone, including vans with electronic surveillance equipment, large sums of cash for drug buys, and vehicles. Although the paperwork of tracking and maintaining seized vehicles was described as a nightmare by NEMEG administrators, officers in NEMEG and in municipal departments find the cars useful for undercover and surveillance activities.

NEMEG also provides access to several computer systems that can be used for checking out cars and criminal histories of suspects and arrestees, informants, and the progress of specific cases. These computer systems include a network shared by over 40 municipal police departments and a network shared by all MEGs in the state. Though sharing information on computer networks requires time to enter and retrieve information, support staff dedicated to entering information are provided by NEMEG.

According to NEMEG officers assigned from municipal departments, other shared resources valued by their chiefs and mayors are good publicity, and "information about what's going on." Since all public officials are under strong pressure to "do something about the drug problem," mayors and chiefs from participating communities are happy to share credit in local media reports on NEMEG successes. A dealer

in one village, one police chief reasoned, can supply drugs to children in surrounding areas. And his arrest can be just as important for neighboring villages as it is to the jurisdiction where it occurred.

In addition to tangible resources and information, participating communities also share in a common pool of knowledge and networks. As one officer participating in NEMEG noted, "Every squad is like a little family and the families work together. We introduce each other to state's attorneys, federal agents, and [members of] other squads."

Access to Public Education Information

In addition to cooperation for enforcing drug laws, NEMEG also provides member communities with materials to educate community members about drug abuse, information that typically is more realistic and informative than media presentations.² For example, in their pamphlet, *The Silent Enemy: Drug Abuse*³, NEMEG does not overstate the numbers of people who experiment with drugs and develop a dependency on drugs, nor is the connection between drug use and crime grossly exaggerated. Instead, the pamphlet is factual, well reasoned, and draws on and acknowledges many sources of information. The pamphlet itself typifies the highly professional and cooperative mode in which NEMEG operates.

Endnotes

¹Palmer, David S. (1987). *The Silent Enemy: Drug Abuse* (prepared for Northeastern Metropolitan Narcotics and Dangerous Drugs Enforcement Group). Springfield: Illinois State Police.

²For example, Braglia, S. Thomas (1988). *What is Crack*. Broadview: Northeastern Metropolitan Enforcement Group (NEMEG).

³Palmer, David S. (1987). *The Silent Enemy: Drug Abuse* (prepared for Northeastern Metropolitan Enforcement Groups). Springfield: Illinois State Police.

Chapter 4

Cooperative Law Enforcement Strategies for Reducing Mid-Level Distribution: A Case Study in San Diego County

Founded in 1973 by the San Diego County Sheriff, the City of San Diego Chief of Police, and (at their request) the DEA, the San Diego County Integrated Narcotics Task Force (NTF) is a vertically and horizontally coordinated arrangement that focuses on network-oriented drug enforcement. Task force operations are targeted primarily on mid-level drug dealers and are carried out jointly by members of all municipal police departments in the county, the sheriff's department, and DEA. Street-level narcotics investigations are handled independently by each of the county's law enforcement agencies. Ongoing cooperation for task force operations is provided by the staffs of the district attorney and U.S. Attorney. The U.S. Attorney's office also houses an Organized Crime Drug Enforcement Task Force (OCDETF), which operates mostly independently of the NTF. (OCDETFs are described in Chapter 5.)

The factors that appear to foster cooperation in San Diego County include the following:

- Rapid interagency communication enhanced by insistence on a team effort, direct access to agency supervisors, and an emphasis on innovation rather than routinization
- Coordination of actions taken by individual agencies on the same case, including coordination of issuing warrants, arrests, and civil and criminal prosecution
- Cross-designation of law enforcement staff from different agencies and prosecuting attorneys from different agencies
- Continuous rotation of officers between local law enforcement agencies and the task force
- Formal procedures for selecting task force officers, coupled with informal procedures for ensuring compatibility between officers from different agencies
- Clear-cut criteria for assigning responsibility for cases, including specific amounts of drugs and money involved
- Pooling resources, including information, expertise, money, and equipment
- Sharing rewards including seized and forfeited assets.

Administration of the task force is quartered in a small complex of business offices at the end of a quiet street in National City. Though its exterior seems tranquil, inside it is bustling, with phones ringing continuously and law enforcement officers arriving and leaving. The officers with whom we talked (Appendix A) appeared to find their work pace exhilarating and were enthusiastic about their task force activities and their cooperative operations with colleagues in their home and associated agencies. Almost all talked about the long hours they worked, but in the context of accomplishments that were a great source of pride. Like many staff members in San Diego County government agencies, they had a hard time imagining a better place to live or work.

San Diego County

Although residents justifiably contend that they enjoy year-round near-perfect weather, in many other ways San Diego County is a microcosm of the United States. The county encompasses a relatively large central city with a population just over 1.1 million people (the sixth largest city in the U.S.), a busy seaport, suburban bedroom communities, and isolated rural areas. Crossing its southern border with Mexico, a constant flow of migrant workers enter legally and illegally to seek jobs. At the northern end of the county Camp Pendleton separates San Diego County from Orange County and, together with the large naval station in San Diego harbor, provides a steady supply of sailors and marines on temporary leave and looking for a good time.

The city's downtown business district is within sight of expensive residential areas, a large complex of naval installations, a glittery harbor area, sleazy run-down areas, and regentrified communities. The county's pockets of poverty include hovels constructed out of cast-off materials by a reportedly growing population of homeless inhabitants of canyons and arroyos (normally dry watercourses). They are a mix of black, Chicano, and white males, plus some women. The majority of the county's residents are solidly middle-class, concerned about maintaining a clean and safe environment while their region experiences population increases and changing economic structures.

History of Intergovernmental Cooperation

As in many parts of the country, rapid growth in San Diego County over the past decades produced the need for additional services. To meet this need, incorporated cities and the county government banded together almost twenty-five years ago (1966) to form the organization known today as the San Diego Association of Governments (SANDAG). Similar to many Councils of Governments (COGs), the organization provided a structure for sharing resources. SANDAG has carried out many multijurisdictional projects involving urban development, transportation, information systems, and environmental protection.

Elements of Growth

Three developments appear to have enhanced the organization's ability to grow to its present size of 66 full-time staff with an operating budget of \$7.1 million. They are:

State and federal funding. In addition to utilizing funds provided through assessments of all participating local governments, SANDAG staff members have become skillful at gaining federal and state grants for special projects. Although proposals for state and federal funding demonstrate ability to meet the goals of administrators in funding agencies, the resulting projects also provide participating local governments with valuable information or funds that otherwise would not be available.

Institutionalization of intergovernmental cooperative agreements. Although SANDAG has since 1972 operated as an independent organization, it is empowered through a formal joint powers agreement among member governments. Utilization of this type of agreement has become an established means of formally structuring cooperation for different ventures.

Continual informal interaction. SANDAG staff value continual interchange with executives and administrators in member governments. "Talk to as many people as you can," cautioned one staff member. "Be aware of their concerns. You must be responsive."

Development of this fiscal, legal, and interactional context within SANDAG may have strengthened interagency cooperation for criminal justice in general and for enforcing drug laws in particular. Ten years after SANDAG was formed, a criminal justice unit was created. Supported by federal, state, county, and multijurisdictional local funds, research carried out by the unit serves the dual purpose of guiding national strategies for dealing with drug-involved offenders and providing a wealth of statistics used by many local agencies for management and planning.

A Shared Criminal Justice Information System

SANDAG is the only COG with its own criminal justice data analysis unit. When the SANDAG criminal justice research unit was originally formed in 1977

with LEAA funds, the director of the unit was hired as a SANDAG consultant to provide independent evaluation and planning information for the Regional Criminal Justice Council, a small *ad hoc* committee of local and county criminal justice agency chief executives.

Gradually a greater number and variety of practitioners joined the council, and although there are no by-laws and no formal organizational structure, the members have taken various actions to share information for planning purposes. These include establishment of the SANDAG criminal justice unit, which acts as a clearing house for information such as standardized arrest reports (entered and analyzed using a shared information system) and statistics needed for the county-wide annual report on crime.

Although the director of the SANDAG criminal justice unit formally reports to the SANDAG director, the unit's focus and mission are shaped in response to the council members who act as an advisory board. Shared concerns of the council have been addressed through locally funded studies on such topics as community perceptions, police morale, and crime clearance rates. Other concerns have been met by the SANDAG unit's involvement in federally funded studies, such as one on the involvement of illegal aliens in the criminal justice system and the continuing National Institute of Justice-funded Drug Use Forecasting (DUF) Project.

The history of SANDAG, its criminal justice unit, and its advisory council indicates that intergovernmental and interagency cooperation in the county extends well beyond drug law enforcement. As in any cooperative effort, personalities of participants and agency concerns have periodically raised rough spots in ongoing operations. And the unit director noted that cooperation, even if fully institutionalized, requires ongoing nurturing. "You have to talk to everyone [in the criminal justice system]. You can't just decide what to do and expect them to appreciate it—you need to find out what they need to be done."

Universal Participation

All law enforcement agencies in San Diego County presently participate in the Narcotics Task Force. Unlike the criminal justice planning council, which achieved universal participation in relatively short

time, the NTF slowly accrued participating agencies. The task force was the brain child of the sheriff and the San Diego city police chief, and their officers were the first local participants. According to the task force historian¹, the initial concept involved creating a task force that united the entire narcotics divisions of both agencies. However, the early planning activities, which included attempting to create a joint procedures manual, revealed that substantial differences existed in organizational philosophies, policies, and procedures. These differences did not have to be resolved completely in order to create a workable task force that focused on activities that could benefit from joint action by both agencies. After much give and take on both sides, the present concept of the task force was developed.

The DEA was the third agency to join the task force, entering before operations began. (DEA's agreement with the task force, in Appendix F, is similar to typical DEA state and local task force agreements discussed in Chapter 5.) Over the following years several other federal agencies, including the Internal Revenue Service and U.S. Customs joined the task force, as did all remaining municipal police departments in the county. Nonetheless, the three founding agencies have continued to provide the major resources for the task force and to take the lead in administration and supervision. The DEA contribution includes the building where the task force is housed, buy money and informant payments, and overtime pay for some of the officers from smaller cities. The Sheriff's Office and the San Diego Police Department together contribute most of the enforcement personnel.

Task Force Organization

Nominally, the task force is headed by two project coordinators, a full-time DEA Special Agent in Charge and a captain assigned on a regular rotating basis by the sheriff or the San Diego city police. Formally, the project coordinators report to an executive board composed of a DEA representative, the sheriff, the San Diego police chief, the county's district attorney, and the U.S. Attorney. Rather than schedule formal routine advisory meetings, the executive board, the project coordinators, and task force commanders meet from time to time on an as-needed basis.

Operationally, NTF is directed by a DEA special agent-in-charge and two division commanders, a lieu-

tenant from the Sheriff's Office and a lieutenant from the San Diego Police Department. These commanders supervise seven enforcement teams and a financial investigation team headed by police or sheriff's sergeants or by DEA group supervisors. The enforcement teams are assigned to specific geographical areas of the county, and each team is composed of at least one DEA special agent and undercover officers drawn from a pool of fourteen sheriff's deputies, seventeen San Diego police officers, and a total of eight additional police officers assigned by the other municipalities. The enforcement and financial investigation teams are supported by a clerical staff of thirteen members (detailed on the organization chart).

Supervisors have responsibilities for specific operational units, which are organized geographically and by function. The supervisors' agency affiliations shown on the organization chart refer to their home agencies, but the chain of command within the task force is unrelated to home agencies. For example, the officers in the units under a particular supervisor are not necessarily drawn from the same agency as the supervisor. The project coordinator's position, currently shown as a captain in the San Diego Police Department, can rotate to another agency.

In addition, the geographical areas assigned to enforcement teams are unrelated to the jurisdiction covered by the home agency of the supervisor. However, supervisors also have administrative responsibilities, not shown on the organization chart, for the personnel matters of officers from their home agencies.

Although the chart indicates that coordination between the task force and local law enforcement agencies is handled by the project coordinators, operational coordination actually occurs regularly among officers of all ranks. The NTF enforcement teams work closely with officers in individual city police departments, primarily police officers assigned to narcotics enforcement street teams, including two special project units operating in the city of San Diego. They also are in close contact with sheriff's narcotics teams assigned to unincorporated parts of the county. Additionally, task force officers stay in close contact with the offices of the U.S. Attorney and district attorney. A number of channels exist for rapid communication between the agencies.

Interagency Communication

Rapid communication occurs between the NTF officers and other law enforcement and criminal justice agencies at every organization level. We found extensive evidence of frequent interactions, by telephone, meetings, office visits, and joint operations. All of our interviewees knew who held any job positions we specified and who was the right person to establish contacts. Several consensually held attitudes and informal policies appear to facilitate rapid communication.

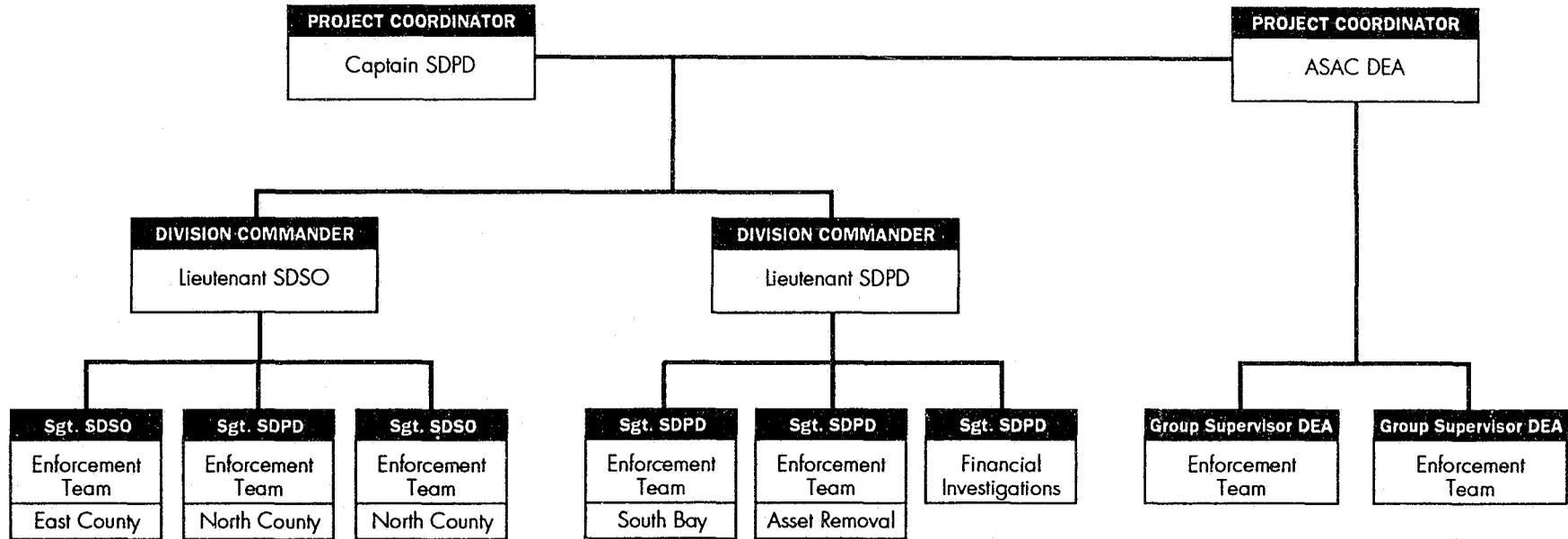
Day-to-day insistence and reliance on a team effort to get the job done from the tops of agencies through the ranks. Virtually everyone to whom we spoke mentioned that drug enforcement required closely coordinated actions on the part of all people in each agency dealing with a specific case. The chief of the forfeiture unit in U.S. Attorney's office mentioned the need to coordinate civil actions by his staff with criminal prosecutions carried out by the district attorney's office. The district attorney, who chairs a national Executive Working Group for Federal-State-Local Prosecutorial Relations, emphasized his early involvement in cross-designation of prosecutors for handling drug enforcement, fraud, RICO, and weapons cases.

The deputy district attorney directing the Major Narcotics Violators Unit explained in detail the necessary procedures for cooperation between his unit and law enforcement officers *before a drug arrest* was made. The commanders of the task force were firm in their conviction that no officers could refuse to share informants or hold their allegiance to their home agency above their commitment to the task force.

"There are no deputy sheriffs here. There are no police officers here. There are no DEA agents here. We're all members of the task force." - NTF officer

An "open-door" direct access policy. Not only did the drug enforcement officers and prosecutors talk about the need for a team effort, but the activities taking place in their offices indicated that they were engaged

San Diego County Integrated Narcotic Task Force Organization Chart



SAN DIEGO SHERIFF'S DEPARTMENT PERSONNEL	
Lieutenant	1
Sergeant	2
Deputy	13
Administrative Secretary	1
Senior Clerk	1

SAN DIEGO POLICE DEPARTMENT PERSONNEL	
Captain	1
Lieutenant	1
Sergeant	4
Police Officer II	17
Intermediate Steno	1
Word Processor Operator	4

OTHER LOCAL POLICE DEPARTMENT PERSONNEL	
Police Officer	8

DRUG ENFORCEMENT ADMINISTRATION PERSONNEL	
Assistant Special Agent in Charge	1
Group Supervisor	2
Special Agent	12
Secretary	6

in an ongoing cooperative effort, not a bureaucratic exercise. Although the work areas were secure, the doors of offices inside were for the most part open, and law enforcement officers from the task force or city narcotics units felt free to interrupt to share information about specific cases, to check on the availability of equipment, or to return packets of sting money. Task force members also made themselves readily available to answer incoming phone calls from any prosecutors or law enforcement officers.

An obvious enthusiasm for their jobs. All of our interviewees at the task force were enthusiastic about "locking up bad guys." The mid-level and top-level dealers who had developed sophisticated methods for evading arrest, prosecution, or conviction were considered interesting challenges. A commonly voiced benefit of participating in drug law enforcement was the inherent job satisfaction.

"[Our goals are to] get'm in custody, keep'm in custody, give'm a sense of hopelessness." - NTF supervisor

An emphasis on innovation rather than routinization. The law enforcement officers and prosecutors regard most cases as requiring thoughtful actions based on discussion of the facts, not routinized procedures. For example, while criteria for responsibility among DEA, the task force, and street teams is clearly defined on paper (as discussed later), the assignment of responsibility and procedures for handling a particular case still depend on discussions between the parties concerning the drugs, money, and persons involved.

Although the history of interagency cooperation in San Diego helps explain the attitudes that facilitate communication, these attitudes and communication are also enhanced by several practices discussed in the following sections.

Cross-Designation of Staff

Staff in criminal justice agencies throughout the county wear two or more hats: U.S. Attorney's office and district attorney's office, SANDAG and Criminal Justice

Council and NTF Executive Board, San Diego Police Department Narcotics Unit and NTF officer. The NTF officers can go directly to the U.S. Attorney's office to prosecute a case or get a federal search warrant, because they're cross-sworn as Title 21 DEA agents. Further, every deputy district attorney in the Major Narcotics Unit is cross-designated as a special assistant U.S. attorney, and one deputy district attorney in the assets seizure unit is cross-designated and also physically located in the U.S. Attorney's office along with her clerical staff. Each NTF team has a DEA agent assigned to it.

According to the San Diego District Attorney, Edwin L. Miller, Jr., cross-designation of staff occurred in the county earlier than in most other jurisdictions. It has operated there at least since the 1960s, when he was a U.S. Attorney and had appointed a deputy from the State Attorney General's Office as a special U.S. Attorney.

After being elected district attorney, Miller concluded that many state investigations were more proper for federal prosecution, especially cases involving grand jury hearings and federal statutes such as mail fraud. The subsequent appointment of a deputy district attorney from his office as U.S. Attorney for the region furthered the ability to achieve cross-designation. Currently, attorneys in both offices find the arrangement satisfying and efficient, and they find it hard to imagine how jurisdictions operating without cross-designation can effectively manage cases.

Similarly, officers on the law enforcement teams find cross-designation a satisfactory arrangement. Some career police officers reportedly were initially disgruntled when young inexperienced DEA agents were assigned to their teams. But the value of cross-designated DEA agents rapidly became clear; they knew how to cope with the intricacies of the reports and other paperwork required for asset forfeiture or pursuing federally prosecuted cases.

Too, some of the smaller police departments cannot afford to pay overtime for the long hours worked by their officers on the task force. Cross-designation allows the DEA to compensate the officers for overtime, though this results in longer waits for pay checks and more paperwork.

Cross-designation not only facilitates communication

and efficient division of labor but also enhances coordination of timing of actions taken on particular cases.

Coordination of Timing

Actions taken by different agencies on cases involving the same alleged offenders are coordinated for maximum effectiveness. For example, civil and criminal proceedings involving the same defendants are coordinated for legal and tactical purposes. As a result, investigators can first produce evidence for the U.S. Attorney in civil asset forfeiture hearings and then supplement such evidence for the district attorney's criminal proceedings, where a greater level of proof is needed.² Tactically, such timing also works in favor of successful prosecution, since seizure of assets can diminish defendants' ability to hire attorneys who specialize in defending dealers.

Conversely, state search warrants are simpler to obtain than federal search warrants. In addition to more complicated legal procedures required for issuing federal warrants than state warrants, more district attorneys than U.S. attorneys are available for assisting law enforcement officers in obtaining the necessary judicial approval. To prevent dealers from disposing of drugs, money, assets, or other evidence after being detected, a 24-hour telephone hot-line allows a state warrant to be issued in under twenty minutes. Obtaining a warrant involves the following steps:

- The law enforcement officer requiring the warrant phones his or her agency (DEA, police department, sheriff, or task force) and informs them of the need for a warrant.
- Deputy district attorneys are scheduled to be on duty for telephonic warrants and must carry a beeper during their assigned periods. The officer or agent at the law enforcement agency contacts the deputy district attorney on duty and connects him or her to the officer in the field.
- The deputy district attorney reviews the facts with the officer, if necessary guides the officer through filling out the warrant and then informs the officer on duty in the agency to call the marshal's office to set up and record a conference call.

- A conference call is set up by the marshal between the officer in the field, the deputy district attorney, and the judge on duty.
- The judge swears the officer, conducts the call as if it were a court investigation (including determining probable cause) and then directs the officer to sign the judge's name to the warrant.

A transcript of a sample telephonic search warrant is in Appendix G. One deputy district attorney reported that, given an experienced narcotics officer and judge, the warrant can be issued in twelve minutes from the time he is contacted. If the officer or judge has not previously participated in a telephonic warrant, it will likely take fifteen to thirty minutes.

In cases not requiring immediate action, task force officers are also assisted on an ongoing basis by the county and federal prosecutors in preparing warrants and other necessary case documents. An attorney who has cross-sworn prosecutor status visits task force headquarters regularly to review witness interviews, evidence reports, and warrants. Knowledge gained by the task force officers working with the attorneys is carried back to their home agencies when they return.

Continuous Rotation of Officers

Officers assigned to the task force are on temporary assignment and rotate relatively frequently between NTF and local law enforcement agencies. The officers consider the assignment a plum position in spite of the long hours they work and frequent interruption of their home lives.

"[To be a task force officer] what you need most is an understanding spouse." - NTF officer

The rotation of officers, designed to prevent corruption, benefits officers since it is a path to upward career mobility. For example, a San Diego police lieutenant, one of the task force division commanders, previously served on the task force as the head of an

enforcement team at the rank of sergeant. To be promoted, he had to transfer back to the San Diego Police Department, where he served on the narcotics squad.

Rotation of officers appears to enhance cooperation in the following ways:

- Knowledge gained in the task force is carried back to the home department. For example, a narcotics officer in one of the participating police departments suggested that his unit had substantially improved their ability to carry out investigations.

"We used to be mainly a street unit — rousting as many dealers as possible. Now we're mainly an investigative unit. [We do] less flying by the seat of our pants. There's more integrity [higher quality] to the cases we do." - Task force officer

- Task force officers know they will be returning to their home agency and, therefore, need to respond to demands of the home force. When, for example, the Oceanside Police Department requested assistance in cleaning up weekend drug dealing in their city, the request for a specific weekend came through the Oceanside officer assigned to the task force. That officer arranged for two officers to accompany him, for an informant, for necessary equipment, and for the Oceanside police to handle the actual arrests and paperwork. In this way, dealers who ordinarily would not have been the focus of the task force were arrested with its assistance.
- Officers in local agencies know and trust NTF officers assigned from their agencies. For example, in the weekend operation described above, the Oceanside officers did not care who the other task force officers would be nor did they worry about the informant. They were satisfied with the "luck of the draw" as long as their own officer, whom they knew and trusted, was coordinating the joint activities.

- Former NTF officers now with their home agencies, some at fairly high ranks, cooperate well with the NTF. The narcotics teams from the sheriff's department and the police departments meet monthly with the task force. According to a task force commander, everyone knows everyone else's priorities and comes ready to "put the drug dealer out of business. It doesn't matter where he is."
- Officers in local agencies who hope to be assigned to the NTF demonstrate their qualifications by providing ongoing assistance to task force officers.

Assigning Staff and Cases

Officers formally are recommended for the NTF by supervisors in their home agency, but informal selection processes are used to assure NTF chooses experienced, dedicated officers who are "team players." The NTF commanders indicate their preferences for particular people from the police departments, but the chiefs of police also exercise their own judgments following their agency's selection procedures. As a result, the task force considers itself an elite group with outstanding qualifications and commitment. "We have the cream here," one officer remarked.

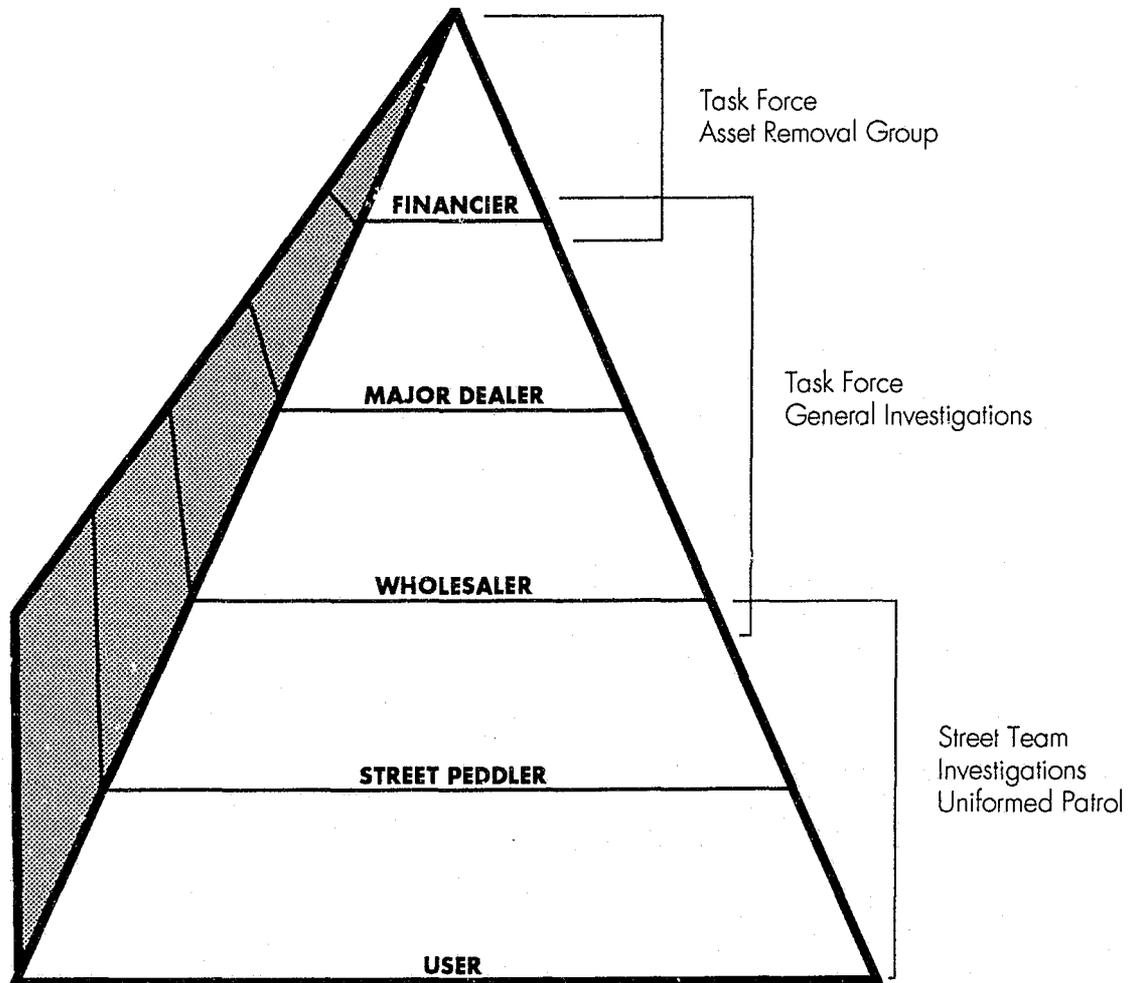
DEA assignments to the task force, however, typically are arranged without input from the local law enforcement officers and have resulted in a few tense situations. For example, local officers say one DEA agent assigned to the task force "had no enthusiasm and didn't fit." The perceived mismatch was brought to the attention of the responsible DEA supervisor. DEA then investigated the matter according to its own assignment criteria and determined it would be best to take the agent back.

Criteria for Assigning Cases

Clear-cut understandings have been established concerning the nature of the drug problem faced by San Diego County and which cases should be referred to which law enforcement or prosecutorial agency. Some of the pertinent factors are formally decided (see for example, Figure 2), while others are undocumented.

Figure 2

**San Diego County
Narcotic Enforcement**



SOURCE: Kerins, 1989

Assignment for Investigation and Arrest

Eight factors are taken into account in determining whether to assign a case to a federal agency, the task force, or a local agency for investigation.

Geographical spread of the criminal operation (between adjacent cities, across the county, across state boundaries or national borders). Adjacent police departments regularly cooperate with each other, but they ask for task force assistance if the operation appears to be taking place in other parts of the county. The task force also cooperates with agencies in other parts of the county. DEA, Customs, or another federal agency takes the lead in international investigations.

The amount of drugs involved. NTF has the mission of handling mid-level cases ("one ounce to one pound") while street-level cases are handled individually by each of the departments, and high-level cases are handled by DEA or the OCDETF.

Amount of cash needed by the investigation. Ocean-side can afford at most \$600 for "buy money," usually less. But money for buying drugs can be borrowed from NTF by local police departments. Up to \$10,000 has been borrowed to buy a pound of cocaine. If the local officers or their supervisors think they might not be able to return the borrowed money immediately, they prefer to turn the entire case over to NTF. Similarly, DEA supplies NTF with money for both buys and informants; however, the highest-level buys are conducted by the DEA.

Shared knowledge about the suspect. Although NTF handles mid-level cases, the narcotics officers recognize that some street-level dealers who handle small amounts of drugs or money occasionally may have mid-level amounts. Therefore, if the target of a local police department's enforcement operation is found (by either group) to be handling drug amounts "one-step up from street level," there would not ordinarily be any effort to shift the investigation to NTF.

On the other hand, dealers who come off the naval bases to avoid federal law enforcement are in for a surprise. Local police departments also cooperate directly with the Naval Investigative Service.

The need to coordinate federal and local actions. The NTF handles cases where close coordination is needed,

such as coordinating seizure warrants with arrest warrants.

Legal status of the offender. Regardless of the amount of drugs involved or the geographical extent of the operation, juveniles are turned over to juvenile division officers. And, as always, crimes committed on federal property are handled by federal agencies.

Considerations of bail release. Agencies differ in their ability to keep the defendant off the street after arrest, based on differences between the provisions of the Federal Bail Reform Act of 1984 and California provisions for bail.

Ability to gather evidence. DEA and FBI are perceived to have greater latitude in the use of wire-taps than local law enforcement officers. On the other hand, local law enforcement officers are more likely to have gained rapport with informants. Since NTF combines both DEA and local officers, the enforcement teams share in the best of both worlds.

Assignment for Prosecution

Factors used to decide whether to assign a case to a federal agency, task force, or local agency for prosecution include the following:

- The relative benefits of state and federal procedures. For example, cooperation with federal prosecutors is facilitated by a local perception that the state forfeiture law is not practical and takes too long to implement (no civil action is taken by county prosecutors until the entire criminal case has been settled). At regular training sessions conducted by the OCDETF attorney in the U.S. Attorney's Office, local law enforcement officers learn "what the rules are for getting the most mileage."
- Sentence length for the crime under investigation. Some sentences are longer under federal law than under California state law, and even if the investigating or arresting agency is local, such cases may be adopted by the U.S. Attorney. However, this is tempered by the realization that federal prisons are "softer" than state prisons for serving time. Therefore, if there is no great difference between allowable state and

federal sentence lengths, state prosecution may be preferred.

- The need to subpoena out-of-state records. If extensive out-of-state records are needed, a federal prosecution is preferred.
- Status of informants. The federal grand jury process is perceived to be a better system for protecting informants than the state system.
- Probability of conviction. A common perception in the county is that the district attorney will more likely handle a case having initial impediments to conviction than the U.S. Attorney.

Benefits of Participation

Pooling Resources

Systematic expectations have been developed for sharing information, expertise, and physical resources, within and between agencies. These expectations are firmly enforced. For example, NTF supervisors consider refusal to share informants a serious breach of professional conduct. Informants are registered and checked out before being used by law enforcement agencies. And, since DEA supplies money to the task force for paying informants, informants can't play NTF off against DEA for a larger take.

An agency that contributes officers to the NTF seems to feel that over the long run it gets its "fair share" of NTF operations in its own city or community, yet it understands that its officers on the NTF do not really work for their home agency. Additionally, the local agencies can call on NTF to borrow equipment for their own independent operations.

"You have to accept that your officer is 'gone.'" - Police department narcotics unit supervisor

Among supervisors and officers we observed a widespread lack of concern about the exact source of funding for NTF operations and overtime pay. Several officers were unaware, until asked with other

officers present, that their overtime pay came from different sources and followed different rules. And, while the co-commanders assigned by the sheriff and the San Diego Police Department knew exactly how many officers were assigned by each home agency, neither of them knew nor appeared interested in determining the relative proportion of the operating budget supplied by their departments.

Sharing Rewards

Systematic expectations and institutionalized procedures have been developed for sharing tangible and non-tangible profits, such as seized assets and public recognition. The local participating law enforcement agencies appear satisfied with the arrangements. Under the forfeiture procedures, even though asset forfeiture cases are officially adopted by the DEA (so they can be handled by the U.S. Attorney), the home law enforcement agencies of NTF team members share up to 90% of all assets seized—that is, if the case is characterized as a 100% local operation. Approximately twenty-five to thirty percent of all asset forfeiture cases handled by the U.S. Attorney's San Diego Forfeiture Unit are designated as 100% local.

Since the DEA handles cases usually involving larger amounts of drugs, assets, and money than NTF's, they ordinarily receive approximately 90% of the total assets seized in the area. Yet according to the NTF officers from local agencies, the monies their home agencies received from seized assets have become a major motivation for their chiefs' continued cooperation.

The district attorney, however, is less satisfied with the distribution of assets and has suggested that a major flaw in the procedures is that insufficient funds are allocated from asset seizures for enhancing the criminal prosecution of individuals in those cases. The director of the Asset Forfeiture Unit in the U.S. Attorney's office was also concerned that the procedures placed undue emphasis on the monetary aspects of the case rather than law enforcement. At the end of 1989, discussions among the cooperating agencies were under way to iron out these wrinkles. However, although the issue of distribution of seized assets was considered important by all, the emphasis in all agencies and among all levels of personnel is on "getting the job done."

Endnotes

¹Kerins, Patrick (1989). *San Diego Integrated Narcotic Task Force: Historical Background*. San Diego: unpublished manuscript.

²Legally, a preponderance of evidence is sufficient for a judgment in favor of the plaintiff in a civil case, while evidence proving guilt beyond a reasonable doubt is required for a criminal conviction.

Chapter 5

Focus on Upper-Level Distribution: Federally Organized Efforts

Federal agency cooperation in drug enforcement with state and local police has developed gradually since the mid 1960s. As with other forms of law enforcement cooperation, there are two principal modes: informal and formal. Informal, largely ad hoc, cooperation occurs on a case-by-case basis, typically driven by the willingness of investigators from two or more agencies to help each other. This chapter deals primarily with formal cooperation.

Formal cooperation is documented by instruments of bureaucratic and legal agreement: compacts, memoranda of understanding, and sometimes contracts binding federal and non-federal jurisdictions together. It has developed in large measure due to pressures on all levels of law enforcement to keep up with the growth and sophistication of drug trafficking. Federal agency staff believe that a clear delineation of roles and responsibilities also promotes leadership and personal communication among the participating investigators.

The principal vehicle of federally organized cooperation is a drug task force. Task forces' organizational arrangements have varied. There are, however two principal types of federal task forces involving state and local agencies:

- DEA state and local task forces, which are created and managed by DEA and staffed by its personnel as well as state and/or local investigators operating under DEA supervision and direction.
- Organized Crime Drug Enforcement Task Forces (OCDETFs), which are highly formalized, ongoing federal arrangements that may involve state

or local agencies routinely or on a case-by-case basis. OCDETFs are federal interagency bodies that are housed in selected U.S. Attorneys' offices in major cities nationwide.

Federal cooperation in drug enforcement gradually evolved as different approaches and methods were tried, and some worked in certain situations better than others. Therefore, this chapter begins by looking back through the history of federal cooperation, in order to appreciate the lessons learned along the way.

History of Federal Cooperation

When federal drug enforcement cooperation with state and local agencies began over twenty years ago, the environment did not include the mutual inducements, protections, and controls that are the key ingredients today.

The major factor contributing to federal, state, and local agencies' willingness to cooperate was a shared perception of a worsening national drug problem. Heroin was becoming increasingly available at comparatively cheap prices. At the same time, the growing drug counterculture created a market for marijuana, hashish, and a variety of psychotropic drugs. Substantial national markets developed around each drug, and dealers at a broad range of wholesale and retail levels emerged.

Continual media coverage and demands for governmental action converged to define the growing problem in almost dire terms. The federal effort had been led by the Bureau of Narcotics and Dangerous Drugs

(BNDD), a Justice Department agency created by combining the Treasury Department's Prohibition-era Bureau of Narcotics with HEW's Bureau of Drug Abuse Control (BDAC). The latter was a small agency charged with combating interstate traffic in amphetamines and other domestically manufactured but illegally diverted drugs. BNDD was created in 1968 in what was to become the first in a series of reorganizations of the federal anti-drug effort. BNDD had fewer than 1,000 agents nationwide who focused substantial resources on both syndicate-dominated heroin traffic and lower-level retailers and wholesalers.

The increasing heroin traffic, due in part to developments in Southeast Asia, and the domestic importation and production of other drugs by an assortment of counterculture groups led to a call for quick and decisive action. BNDD resources were severely taxed. Local police were likewise swamped by problems of imports and domestic manufacture of drugs. Limited federal interdiction could not interrupt the transit of these drugs.

An array of national level responses followed. First, in 1972, the White House initiated an anti-drug crusade to attack highly visible retail drug traffic. The Office of Drug Abuse Law Enforcement (ODALE) was created to place federal investigators at the street level to attack the retail drug trade. Basically, ODALE represented a sweeping federalization of drug enforcement. The ODALE strategy was to position federal investigators at the same street levels where local police were also increasing their enforcement response. Because of the federal intrusion into what had been a local police effort, conflicts between local police and ODALE agents surfaced. Local and federal investigators realized they were often targeting the same dealers, but without effective communication.

Out of adverse publicity surrounding ODALE came the realization that federal agencies needed better mechanisms to promote cooperation with their non-federal counterparts. After a few years of operation, it was rare indeed to find anyone in law enforcement willing to speak out in favor of the ODALE approach to federalizing street-level drug enforcement. Throughout government and in the press, ODALE was viewed as a strategic and operational disaster. But an important lesson had been learned. ODALE was the first failed federal experiment in simply throwing more investigators at a local drug problem. Quite possibly,

the failure can be traced to the rapid implementation of ODALE without first carefully planning a strategy or convening all the agencies involved to hammer out a mutually agreeable course of action.

DEA State and Local Task Forces Created

The next development that helped frame the terms of federal-local cooperation was the creation of DEA in 1973. This event was touted as a major accomplishment in streamlining federal law enforcement. DEA was formed by integrating BNDD with the border drug interdiction agents of the U.S. Customs Service, who were experienced mainly with smuggling cases. In spite of the increase in enforcement personnel involved in the creation of DEA, the agency's complement of investigators familiar with street level drug investigation remained almost level. DEA found that state and local task forces represented an opportunity to increase its investigative power by drawing on local expertise.

The precursor of DEA state/local (DEA-SL) task forces began in 1970, prior to DEA's creation. In that year, a pilot federal task force was set up in New York City by DEA's predecessor, BNDD. The task force was created in response to drug traffic that spilled beyond the municipal, county, and state boundaries in metropolitan New York.

The state and local task force was a federal enforcement response loosely tied to the concept of "creative federalism." Applied to law enforcement, this notion represented a vague theme rather than a blueprint for enforcement action. In order to foster mutual respect among levels of government, with each treated as an equal, the concept relied heavily on the notion of coordination. However, that term was never formally defined, and federal agencies trying to hammer out working definitions found the experience of defining the term through trial and error very frustrating.

The New York City Joint Task Force

New York City was a logical locus for the prototype joint task force because the metropolitan area contained all levels of drug trafficking, from importing to street dealing, and numerous importation points,

including the Brooklyn docks and Kennedy Airport. The New York region also offered a tremendous pool of knowledgeable state and local police. Local and state police investigators had substantial experience targeting low- to mid-level wholesalers, more such experience than federal drug agents who had been focussing on higher distribution levels.

In addition to organizational and personnel factors, the underlying nature of the narcotics problem encouraged the formation of the New York joint task force. The growing national system of illegal drug markets was serviced by swelling ranks of dealers whose members were thought to have formed elaborate and often intertwined distribution networks. Special problems were posed by wholesalers who traveled throughout broad metropolitan areas and wholesalers who lived in municipalities bordering a city where they actively sold drugs. No single agency, including DEA, had adequate resources to keep track of all those highly mobile dealers, or to place the members of every network under investigation.

Although wholesalers might be identified, there was no centralized or coordinated mechanism or clearinghouse for dividing up the candidate dealers and assigning one agency to target one wholesaler, and a second agency another. Lack of coordination resulted in various problems, from gaps in intelligence and targeting at the one end, to conflict-ridden overlaps at the other. For example, a wholesaler who straddled two distribution networks could be targeted by two different agencies (e.g., DEA and a local department) whose investigations or undercover investigators might well be unknown to each other. Occasionally, lack of coordination resulted in interference when an agency discovered a second, unwelcome investigation on the same dealer and resolved to make its case first, beating the other agency to the arrest. This led in some instances to artificially quick closures of cases, sometimes before the second agency had developed the necessary evidence against all the traffickers in a ring.

DEA's New York Joint Task Force was composed of investigators from major state and local agencies in the region, but primarily New York City and New York State Police. In order to assure participating departments of their role in both policymaking and supervision of investigations, DEA instituted two mechanisms. First, an executive committee comprised of agency heads developed policies on such major

issues as personnel selection, targeting, and investigative supervision. Second, because of its size the task force was divided into several investigative groups. Group supervisors were chosen from participating state and local departments, as well as from DEA.

DEA Incentives

As a major inducement to the participation of state and local agencies, DEA assumed the costs of investigative overtime for non-federal personnel. Their overtime costs easily could reach hundreds of thousands of dollars annually. In addition, DEA also provided investigative expenses, such as payments to informants and "buy money" to purchase contraband, as well as undercover vehicles and surveillance equipment. Although the lure of sharing assets under the federal asset forfeiture program would not become a substantial incentive until the 1980's, forfeited vehicles were often made available to the state and local participants. Each of these resources represented DEA's intent to develop genuine cooperation, and were backed up by dollars or equipment that either went directly to the task force investigators or were made available to them, sometimes for their exclusive use in the enhanced investigations. Federal resources also provided police administrators in state and local agencies with justifications to governing bodies in support of their continued participation in task forces.

At present, there are two main types of Federally organized task forces, DEA state and local (DEA-SL) and Organized Crime Drug Enforcement Task Forces (OCDETFs). Other cooperative arrangements exist as well.

DEA State and Local Task Forces

The basic organizational structure of DEA-SL task forces has been kept fairly standard, based on the New York Joint Task Force prototype. However, as the task force model was replicated in localities outside New York, the workings of task forces became more formalized and administratively streamlined. By 1989, the number had grown to 44 throughout the country, with plans for additional groups to be formed later. Creation of task forces now follows a standard set of procedures, starting with the creation by DEA of a

provisional task force for a probationary period of about a year. Agreements on state and local contribution of manpower, federal deputization of non-federal investigators, and other key provisions have been reduced to formal agreements. (A sample DEA-SL compact is included in Appendix H, while DEA's agreement with the San Diego County NTF, not formally a DEA-SL task force, is in Appendix F.)

The lessons on federal sharing of responsibility and credit with state and local agencies originally grew out of the New York task force experience. Subsequently, those lessons were factored into the steps that are now standard for creating new task forces.

The basic DEA task force model has been kept simple, starting with a few DEA group supervisors and a complement of state and local investigators. Modifications are made in response to unique local conditions and specialized geographic drug enforcement problems. For example, clandestine laboratories or violence-prone drug gangs may not necessarily require more investigators, but different types of specialized investigators working in non-undercover capacities.

Each investigator from a state or local agency is a multi-faceted asset, representing much more than his or her own expertise. Above all, the DEA-SL task force investigators are a direct link to the narcotics investigators and other detectives in their own departments. Task force investigators also provide a communications pipeline to their police executive, whose blessing may be needed in order to sustain task force participation. The intervention of the police chief may also be important in emergencies, such as when additional personnel are needed for major raids or long-term surveillance. Finally, the state and local investigators are the task force's intelligence contacts regarding dealers in the investigators' home communities. Often, those contacts are critical in cases where more background is needed than DEA alone might be able to provide. Such information and contacts are invaluable resources for DEA when it operates in a new locality or where new dealers surface who may not be well known to DEA.

DEA has continued to support the state and local task forces, and federal budgetary resources have increased each year. Beginning in 1985, the DEA task forces

received a line-item federal appropriation to support overtime and investigative expenses. From that year, when the appropriation stood at \$13.5 million for 26 DEA task forces, the separate funding grew to \$32 million for 44 task forces in fiscal year 1989.

In 1986, Congress passed the Anti-Drug Abuse Act, which in part mandated that DEA integrate the task forces into its overall national drug enforcement program. Together with the increased appropriation, that legislation institutionalized the DEA-SL task forces, and in one section provided state and local task force participants with federal investigative and arrest powers. By receiving federal investigative authority, the non-federal investigators have arrest powers throughout the country.

Granting task force investigators federal enforcement powers was a significant development. Since the early 1970's, DEA task force participants had been deputized as U.S. Marshals, a controversial status that conveyed sweeping investigative and arrest powers far beyond the enforcement of drug-related federal statutes. After 1986, designation as a state or local DEA task force investigator carried federal enforcement authority that was limited to drug-related violations of federal Title 21 of the U.S. Code. Thus, DEA-SL task force personnel had the same powers as DEA agents, no more and no less.

The 1986 Anti-Drug Abuse Act provisions institutionalized the DEA task force program. The informality that originally had fanned some interagency jealousies was replaced with formal procedures and attractive financial inducements. Now, local task force agreements are prepared by DEA's Office of the Chief Counsel and are signed by local or state chief executives and DEA officials. The agreements have been written with the intent to leave nothing implied that might lead to a misunderstanding. All major aspects of investigative jurisdiction, overtime compensation, and liability are set forth in the agreement, including what DEA expects of the investigators contributed by the agency.

As with contractual instruments in general, the agreements inform each party about where it stands and what it should expect from investigative cooperation. Although the agreements are prepared in Washington as standard documents, DEA reports

that modifications to satisfy the requirements of participating jurisdictions are not unusual and are typically accommodated.

Organized Crime Drug Enforcement Task Forces

OCDETFs were first created in 1984 as a Presidential initiative. They are charged with targeting major national and international trafficking organizations—those at the highest levels of importing and wholesale distribution. In contrast to DEA-SL task forces, which are organizationally housed within DEA, OCDETFs are administered through selected U. S. Attorneys' offices. Each federal investigative agency in a jurisdiction with an OCDETF has a coordinator designated to work exclusively on oversight of OCDETF investigations. Coordinators work with both the law enforcement agencies and the lead Assistant U.S. Attorney to see that cases are developed in a prosecutable manner, but they usually do not oversee particular cases or supervise any agents. Thus, OCDETFs are administrative clusters of federal investigative and prosecutive agencies.

Organization of the OCDETF

The composition of investigators in a particular OCDETF investigation is determined by the initiating agency. In one case, the lead could be the FBI, and in another, Customs or DEA. OCDETF Assistant U.S. Attorneys become involved in the early stages of complex narcotics investigations, and they work with the initiating law enforcement agencies to help build in electronic surveillance, grand jury proceedings, asset forfeiture, and other investigative and prosecutive components that accompany large scale, often financially oriented cases.

In contrast with DEA-SL task forces, it is the exception rather than the rule for OCDETFs to involve non-federal investigators. In general, this is because the high level of trafficker upon which OCDETFs focus usually are one or two trafficking levels above those targeted by state or local investigators. However, it is important to understand the instances of state and local involvement in OCDETFs, since they represent

the only other major example of formalized federal task force cooperation with non-federal agencies in drug enforcement. The fact that such interaction occurs on a case-by-case basis is a key distinction.

On many points, the cooperation of the OCDETF lead agency with state and local participants in a joint case is covered by the same types of policies and procedures that govern DEA Task Forces. For example, written agreements cover the scope and nature of the joint investigations, but with special provisions that define the limits—the ad hoc nature—of state and local involvement in OCDETF cases. The chain of command and dual federal and non-federal responsibilities are also set forth explicitly. (A copy of an FBI OCDETF agreement with state and local agencies is included in Appendix I, and the associated OCDETF deputization form in Appendix J.)

OCDETFs have also received specific appropriations for investigative expenses that are distinct from non-OCDETF federal agency budgets. A portion of those funds are used to pay for the overtime and other costs associated with involvement of state and local investigators. In addition, assets that are seized as a result of OCDETF cooperative investigations are shared with the state or local participating agencies—a powerful inducement here as in the case of DEA-SL task forces.

Finally, state or local investigators working on an OCDETF case are deputized only for the duration of the specified investigation. This provision contrasts with DEA policy, where the state or local investigators are deputized for the full length of their participation in a task force.

A state or local investigator who is invited to participate in an OCDETF case works with a specific federal agency, such as the FBI, and only for the period of time necessary to make the case. Although the period of case development may be lengthy, at the close of the case the respective investigator returns to his or her department.

An FBI OCDETF Case

An example of a specific OCDETF federal-local relationship may be instructive here. The example involves an FBI-local department investigation, which

differs from DEA task force cases in that the FBI targets organized crime and international drug trafficking organizations at high national and international levels. In this case, an FBI task force was formed in Baltimore to target long entrenched managers of heroin distribution organizations who were using young gang members to kill off their competitors. Instead of trying to solve the drug homicide cases alone or to apprehend the leaders through conventional narcotics investigation, the Baltimore FBI office involved a Baltimore city police detective in an ad hoc task force arrangement.

The detective had specialized expertise that was valuable to the FBI, having served tours in the Baltimore Police Department's homicide and narcotics squads. The detective used his extensive local informant contacts, and after a protracted undercover and grand jury investigation, the FBI developed evidence that resulted in the arrest of several suspected assassins on federal firearms charges (which carry a 15-year mandatory minimum sentence). Faced with the certainty of long-term punishment, some assassins became government witnesses and worked with the FBI to implicate the drug kingpins. The first defendant who pleaded guilty, the ringleader, received a 70-year prison sentence. At the close of this investigation, the Baltimore detective returned to his department.

Other Federal Cooperative Arrangements with State and Local Agencies

There are other federal cooperative arrangements that do not involve task forces, but their incidence is even less frequent than state or local cooperation in an OCDETF case, and appears to be governed by informal, person-to-person relationships. For example, DEA may develop a case with a local department, with the local investigator(s) assigned to the case agreeing to work directly with DEA agents. These investigators would not be deputized as federal investigators, as would their DEA state and local task force counterparts, and they would receive no federal overtime pay. Furthermore, their investigative expenses would not be underwritten by DEA. However, their cooperation with DEA might result in a showing of any assets forfeited as a result of the case.

In this type of informal, ad hoc cooperation, the principal inducements for local agencies are the ability to remove a major trafficker from the locality and the sharing of any assets that DEA seizes as a result of the investigation. Since the importance of a dealer may be reflected by the value of his identifiable assets, departments whose local investigators work on high-level wholesalers tend to reap a substantial amount from eventual asset forfeitures, even after DEA claims its share. Therefore, this type of informal, ad hoc arrangement remains a popular and increasingly frequent phenomenon.

Benefits of Cooperation

Several basic factors seem to be associated with positive task force experiences and help account for the continued operation of DEA state/local task forces, OCDETFs, and informal, ad hoc modes of cooperation:

- Pooling federal and local agency resources ensures broad geographic coverage for investigations, helps build a critical mass of resources (starting with intelligence information), and provides each participating agency with an investigative capability that can enter its jurisdiction when need be, bringing the full force of a mobile strike team.
- Participating local investigators become exposed to cases usually more complex and demanding than those they had been working. This provides investigators with valuable on-the-job training and the opportunity to develop or refine such specialized skills as report writing, testifying before grand juries, use of court authorized electronic surveillance, working closely with an experienced prosecutor from the inception of a case, and seeking hidden assets through financial investigations.
- Participating agencies also stand to benefit from a portion of the assets seized from criminals. In many cases, the agency's cost for the loss of an investigator to a task force is made up out of forfeiture proceeds, although the agency may have to wait for adjudication of the forfeitures so that the assets can liquidated.

Problems With Task Force Cooperation

Organizational conflicts and questions over leadership occasionally still surround efforts to establish task force cooperation. However, there now is a history of both successful task force experiences and strategies to prevent or mitigate the most commonly encountered problems. Many of the problems that are labeled "political" in nature may actually stem from local reaction to the federal agency's selection of a task force commander with limited experience in dealing with non-federal investigators. Hence, plans to prevent or reduce task force problems need to incorporate a process of careful leadership selection.

When choosing leaders of interagency task forces, it may be sufficient simply to take into account the candidates' reputations for getting along with personnel from other agencies, and other criteria relevant to selecting supervisors of drug enforcement units. During the course of field work for this report we were told of numerous jurisdictions where cooperative efforts between state and local agencies are working very well, so it appears that the leadership difficulties experienced in the past no longer predominate.

Avoiding Problems

Standard techniques for avoiding problems also include formalizing the terms of cooperation through contracts between federal agencies and each partici-

pating state or local agency. The importance of communication, both formal (through contracts) and informal (through frequent communication), cannot be overemphasized. Although not required by federal agency headquarters policy, several task force directors routinely prepare monthly status and progress reports for chiefs whose personnel work in their respective task forces. In larger task forces, such as the New York City Joint Task Force, a formal policy board exists. State and local chiefs whose departments are represented in the task force meet periodically to discuss broad issues of strategy and policy, leaving specific operational and tactical issues to the personnel immediately affected.

A detailed discussion of the FBI philosophy on task force cooperation, as well as illustrations of its recent experience, has been provided by a former FBI coordinator of its OCDETF program. That material is included in full in Appendix K.

Both the FBI coordinator's description of his agency's role in OCDETFs and the interviews with DEA agents about their state and local task forces indicate that in many parts of the country good working relationships have been established among federal, state, and local law enforcement agencies. These agencies are enjoying a variety of substantial benefits, including increased progress against major drug trafficking organizations, enhanced asset forfeiture productivity, and perhaps above all, satisfaction with the reality that previously competing organizations can put their differences aside and work together against a major national problem.

Chapter 6

Getting Started: The Initial Implementation Process in Portland, Oregon

The Regional Drug Initiative (RDI) around Portland, Oregon, exemplifies a community problem reduction strategy for drug enforcement. Presently in the early stages of development, RDI's written materials clearly document the initial stages of the implementation process.¹

RDI is a public/private anti-drug effort formed in December, 1986, to address the Portland area's drug problems. Chaired by Michael Schruck, the Multnomah County District Attorney, RDI is composed of about 50 policy makers in state and local government, business, education, health care, health insurance, and drug treatment organizations. Its missions are to reduce the supply and availability of illegal drugs by supporting law enforcement and to reduce the demand by fostering changes in social attitudes and increasing opportunities to recover from drug abuse. It does not provide any services directly but coordinates resources and information for the public/private partnerships that result from its efforts.

A strong connection exists between RDI and ongoing supply reduction drug enforcement efforts similar to those described in earlier chapters of this report. These include narcotics units within law enforcement agencies and a Regional Organized Crime and Narcotics (ROCN) Task Force in the Portland metropolitan area. Members of the ROCN Control Group also serve as RDI task force members. These include Michael Schruck, chairman of both; Charles Turner, U.S. Attorney; Chief Richard Walker, Portland Police Bureau; Sheriff Bill Brooks, Clackamas County; Sheriff Robert Skipper, Multnomah County; and DEA RAC Larry McKinney.

History of the RDI

Initial funding for RDI from local businesses, with some governmental support, permitted establishment of eight study committees to analyze issues and recommend actions. The specific areas of study were youth, minorities and special needs populations, women, offenders, low income populations, mentally ill populations, families, and workplaces.

Based on data collected by the study groups and information gained from public hearings, the RDI prepared and adopted, after ten months, a "Community Agenda to Combat Drug Abuse and Illegal Use of Drugs." This document lays out the RDI's goals, and the continuing process of solidifying and updating the community agenda helps coordinate the concerted effort of the various participants. The goals stated in the latest version of the agenda are:

- Change social attitudes regarding drug abuse
- Make communities safe from drug abuse and crime
- Support healthier lives for citizens and families
- Promote a more productive work force
- Provide an attractive climate for economic development, and
- Increase coordination among government, business, schools, service providers, and citizens.

The International Association of Chiefs of Police has included a copy of the RDI Community Agenda in its manual *Reducing Crime by Reducing Drug Abuse*, and DEA recognized it as a model community coalition document for use in demand reduction efforts.

Most of RDI's activities during the first year were under the aegis of its drug-free workplace committee, chaired by Fred A. Stickel, publisher of a local newspaper, *The Oregonian*. In 1988 RDI received an Occupational Safety and Health Administration (OSHA) grant in conjunction with the Greater Portland Business Group on Health. Under this grant:

- A series of employer workshops was prepared and presented, covering drug abuse problems, legal issues, and potential solutions for drug abusing employees.
- A videotape was produced promoting workplace drug abuse policies and made available on loan to employers.
- Documents were prepared, including "How You Can Have a Drug-Free Workplace" and "Drugs on the Worksite: The Employer's Concerns, Options, and Needs." The latter particularly focuses on the problems of small businesses, whose owners and managers commonly believe they do not have the personnel, staff, or financial flexibility to respond to performance problems in the workplace in ways other than by terminating employees.

RDI also encourages and distributes related documents produced under other auspices. For example, the Oregon Business Council's report *Fightback Against Drugs: Fighting Illegal Drug Use In the Workplace—A Guidebook for Employers* presents employer strategies for developing workplace drug abuse policies and provides case studies, legal opinions, and lists of resources such as testing laboratories. The business council, a group of CEOs representing 42 of Oregon's largest corporations, encourages a proactive stand against illegal drug abuse. As stated in their report, "we wish to serve as a catalyst among Oregon employers in mounting a dynamic response to this problem which affects every aspect of our lives."

The Media Campaign

RDI's media campaign was also developed around the theme of workplace drug abuse. As in Maricopa County, Arizona, the Oregon RDI succeeded in obtaining a coalition of companies and individuals to provide free services, materials, and equipment for the media campaign. Based on the theme "Drugs Don't Work," the campaign was conceived and executed by creative and administrative staff at the advertising agency Marx/Knoll, Denight & Dodge. MIRA Film & Video and Spectrum Studios provided production staff and services. In addition, over two dozen advertising vendors provided services and materials, and RDI incurred no cost for the entire campaign. (Example media materials are in Appendix L.)

The coalition of private sector organizations was not difficult to achieve, partly because the theme of drug use in the workplace directly affects nearly all companies and partly because the chair of the drug-free workplace committee was widely known, persuasive, and influential. The newspaper published by the committee chair took the lead in providing free services, such as advertising space, which helped in persuading others to do likewise. The advertising agency staff, once they joined the effort, also invested personal time to garner support from other companies.

The media campaign addresses employers and focuses on the economic cost of drug use. The television and radio spots and print advertisements provide a toll free telephone number that employers can call to get materials and information on workplace drug abuse policies.

In meeting with company CEOs to enlist them in the program, the committee members and RDI staff found that the CEOs had an immediate positive response, often based on a personal experience with substance abuse in their families or companies. They reacted in a public-spirited way and in some cases pointed out reasons for cooperating that the sponsors had not anticipated. For example, one billboard firm pointed out that empty billboards look bad and hurt their business. Since otherwise empty billboards can be filled with public service announcements having a positive message, the firm benefits from the resulting good will. The RDI staff reported that no one contacted for assistance ever requested any kind of compensation or favor from criminal justice agencies,

before agreeing to participate or afterwards.

The second major area of focus is be under the aegis of the prevention committee, chaired by Dr. Anthony Palermini, Superintendent of the David Douglas School District. Its action plan was due for completion in June 1990.

Assessing the Problem

Another major area of RDI effort has been the development of a "community index" of the extent of the local drug-abuse problem. The index is an inter-related set of indicators which together help track trends in the impact of drugs on the community over time. (Chapter 7 includes a more complete discussion of the availability, strengths, and weaknesses of data sources for evaluating drug abuse problems.) As of early 1990, the indicators chosen for inclusion in the RDI Community Index were:

- Annual number of deaths from drug overdoses (data from state Medical Examiner)
- Annual number of births of drug-affected babies in the county (reported to the state Children's Services Division)
- Percent of adult arrestees testing positive for specified drugs (data from the National Institute of Justice's Drug Use Forecasting (DUF) program in Portland)
- Annual number of hospital emergency room visits for drug- or alcohol-related causes (data from the Drug Abuse Warning Network (DAWN))
- Annual number of students referred for alcohol and drug policy violations (data from the public school district)
- Percent of juvenile detainees with positive urinalysis tests for specified illegal substances (data from the county juvenile court)
- Prevalence of drug use during the last 30 days among school-aged youngsters, grades 8-11 (data from a local self-report survey)

- Annual number of adult arrests for drug offenses (data from Uniform Crime Reports)
- Annual number of juvenile arrests for drug offenses (also from Uniform Crime Reports).

Establishing a Coalition

Based on his experiences in directing the RDI effort, Michael Schrunk developed guidelines for others who may wish to set up similar multijurisdictional coalitions. Some of his main conclusions are listed here, and an expanded discussion of this topic appears in Chapter 7. According to Schrunk, the *principal players* must be leaders from within the community. The strength of a drug initiative task force is in its broad base of leadership and support. Leadership should include:

- district attorneys and U.S. attorneys
- mayors
- representatives of the judiciary
- city and county legislators
- state and federal legislators
- sheriffs and chiefs of police
- adult and juvenile corrections and courts
- chemical dependency program directors
- superintendents of schools
- religious leaders
- business leaders.

The *chair* should have long-standing relationships within the community and a non-partisan political reputation.

The *members* of the task force should be selected based primarily on their ability to make, not simply influence, the policy of their agencies or firms. In addition, members may be selected for their needed expertise in organizational or substantive areas.

A *steering committee* of not more than ten members should be established to handle operational roles. The task force members can then delegate to the steering committee various routine planning and implementation activities. Numerous meetings must be held to coordinate the task force's efforts with representatives of law enforcement, treatment, government, the schools, private business, and ethnic and cultural minority groups. These can be organized and scheduled by the steering committee.

The steering committee should be supported by a hired *coordinator*. The coordinator handles contacts among the task force members and their agencies, serves as a spokesperson and liaison with other committees and community groups, and handles writing assignments and administrative tasks such as preparing grant applications and contractual agreements. The coordinator should be neutral with respect to political divisions within the community.

Funding can be sought by incorporating the task force as a not-for-profit agency or by having one of the constituent agencies or jurisdictions act as its funding agent. Local sources of funding should be tapped before attempting to obtain grants from outside the region.

A period of six to nine months is required at the start for the task force to meet privately and develop into a

consensus-building body. A *committee format* should be used to identifying problems and assess resources in the community. Committees should hold public hearings to increase their knowledge and build community support. The recommendations of the committees should be organized and compiled by the coordinator and the steering committee so as to represent a comprehensive picture of the task force's efforts. The assembled reports should then be distributed widely in order to increase awareness of the effort and encourage additional input.

The steering committee should then review all the data and recommendations and distill the material into a *plan for action*. The plan should contain goals that can be acted upon within a time frame of one to five years and specify the activities required and responsible organizations. Data collection and evaluation efforts should be established to permit measuring progress to the goals. Specific steps to be taken in the short term, for example the first year, should also be specified.

Endnotes

¹Unlike Chapters 2, 3, 4, and 5, this chapter is based on written materials and telephone interviews rather than on-site and in-person interviews.

Chapter 7

Implementing Cooperative Drug Law Enforcement Strategies in Your Area

The cooperative efforts described in previous chapters illustrate different types of drug enforcement strategies which may be applicable in your agency. This chapter summarizes some conclusions that can be drawn about implementing strategies similar to those that we found in the studied sites.¹ It also discusses obstacles that can emerge when attempting to implement nearly any kind of innovative criminal justice program. The potential obstacles to implementation are discussed first, not to detract from the programs that have been established in the exemplary sites but to encourage realistic appraisal of the implementation process.

Obstacles to Implementation

Corruption

Most law enforcement agencies have established procedures for preventing corruption, such as conducting background investigations for applicant officers, new chiefs and support personnel; training of supervisors to recognize potential signs of corruption; formal audits; and internal monitoring of officers' behavior.² Any form of innovation or inter-agency cooperation may be considered as potentially disruptive of an agency's procedures for assuring integrity. Drug law enforcement is considered a particularly tempting area for corruption, especially if officers have frequent contact with criminals, handle quantities of "buy" money or drugs, or encounter offers of large sums of money from high-level dealers. Although the people we interviewed said that corruption was not a problem in their agencies, our field interviews were not focused on the issue of corrup-

tion and we could hardly expect interviewees to volunteer adverse information.

It appeared, however, that long-lived cooperative arrangements had established both formal and informal safeguards to prevent corrupt practices from developing. Most formal safeguards against corruption were essentially the same as those a single agency might use. These included maintaining central safes and secure areas for storing monies, other assets, and drugs seized or used for operations; establishing chains of command, detailed logs, and signatory procedures for accessing and tracking valuable forfeitures and resources; registering informants and allowing payments only to registered informants; and regularly rotating officers assigned to undercover drug law enforcement. Other formal safeguards involved establishing dual procedures for selecting officers to participate in cooperative projects and investigating suspect officers. Although officers assigned to cooperative endeavors were nominated by their home departments, generally commanding officers in charge of cooperative efforts had rights of final approval. Conversely, initial investigations of complaints about an officer's integrity were carried out by a ranking officer in the chain of command in the cooperative project; if the complaints were founded, they were then referred back to the compromised employee's home agency.

Avoiding Corruption

Many informal procedures for isolating, encapsulating, and avoiding sources of corruption were also observed in the study sites. Although there were a few

instances where a need had arisen to remove individual officers from cooperative endeavors, the larger problem appeared to be whole departments informally suspected of harboring corruption. Rather than "whistle-blowing," the typical response simply was to avoid cooperating with such departments. This tactic can be questioned on both ethical and practical grounds. Drug dealers provided with a safe haven in a nearby town or city can provide a ready source of drugs to the residents of your community. If your department is near an agency that is known to be associated with or protecting drug distribution, case-oriented horizontal cooperation would not be a sensible enforcement strategy. But other types of cooperation could be fruitful. For example, network-oriented vertical cooperative efforts could feasibly result in prosecution of dealers previously protected through corrupt local practices.

Differences in Accountability

Perhaps the most difficult and omnipresent barriers to cooperative efforts are based on differences in cooperating agencies' needs for accountability and the problems of satisfying those requirements. The range of issues that need to be resolved involve the following forms of accountability: political, professional, fiscal and administrative.

Political accountability. Heads of local criminal justice agencies are highly visible to and accountable to their constituency. When undertaking cooperative efforts, they must demonstrate publicly that the new procedures can make or have made positive improvements for their own residents. In Cook County, Illinois, this issue was never totally resolved. Police departments in some cities and villages did not cooperate with NEMEG because they could not justify the need for participation in NEMEG to their mayors or constituencies.

Before setting a mission and focus for a cooperative effort in your area, determine whether the plan is politically viable. In areas we visited where full cooperation was achieved, the political benefit to many cooperating agencies was actually tangential to the primary mission of the cooperative effort. For example, although the San Diego Task Force was targeted on mid-level drug distribution, to gain the support of local police chiefs they also participated in

crackdowns on street-level drug distribution. Additionally, directors of cooperative efforts have learned that they must give credit to heads of participating local agencies when contacted by the media. And federal and state agencies are increasingly sharing seized assets with cooperating local agencies.

Professional accountability. Cooperating agencies encompass a wide range of differing professional goals that can cause conflict. While everyone theoretically agrees on the goal of winning the war on drugs, police traditionally have their effectiveness measured in terms of arrests, prosecutors in terms of convictions, federal agencies in terms of the magnitude of drugs and assets seized, treatment agencies in terms of recidivism of clients, and educators in terms of drug use trends. Even within one agency, professional goals may differ. For example, even though Maricopa County has adopted a strategy focused on drug users, officers in traditional narcotics units still see their mission as trying to arrest major drug dealers, not to arrest the targets of the user accountability program. Requiring practitioners to carry out tasks that they think are professionally demeaning can lead to morale problems or resentment of what they consider to be inappropriate allocations of resources.

The sites we visited had not completely solved the friction caused by these differences. Prosecutors and law enforcement agents occasionally were at loggerheads over arrest methods. Local prosecutors at times expressed displeasure with their federal counterparts' taking credit for the products of joint efforts and receiving the forfeited assets. Law enforcement officers and agents at times complained about spending time on cases that were less serious than those they generally handled. However, ruffled feathers were most generally smoothed because the practitioners knew that their chief executive officers cared about and ultimately credited them for carrying out cooperative efforts not directly relevant to their traditional professional goals. Before beginning a cooperative venture you might ask yourselves whether your agency heads are committed enough to do the same.

Fiscal and other administrative accountability. The most common problem we observed in cooperative efforts involved agencies' procedures for accounting for personnel time and fringe benefits, insurance, performance measures, audit trails for weapons and

evidence, and other case-related accountability requirements. Complaints about paperwork were expressed by officers at every rank and in every program.

Handing over a large part of this task to the experienced manager in the South Suburban Mayors and Managers Association alleviated much of the problem in Cook County. But in most locations visited, officers groaned about the paperwork and more or less accepted it as coming with the job. No doubt you have heard similar complaints about paperwork in your own department; however, the problem is aggravated when officers have to complete unfamiliar forms or similar forms for multiple agencies.

Rather than accepting increases in time needed for administrative record keeping as an inevitable outcome of interagency cooperation, you may want to form a committee in the initial stages of planning to streamline the group's accounting and audit procedures. It might be worth developing an easily managed computer system capable of meeting joint audit requirements. A design team could be formed, including a person from each agency who knows the details of reporting requirements, plus outside consultants knowledgeable in management information and financial software. Just as public relations firms have contributed staff time to anti-drug efforts, local management consulting and software firms might be convinced to make similar investments for the good of the community.

Maintaining Secrecy

A less-frequently mentioned problem was leaks about operations during planning or early implementation stages. This appeared to occur more often in cooperative efforts that sought media coverage and included officers from multiple agencies serving for relatively short periods. The extent to which operations were protected by a "need to know" rule for dissemination of information varied from site to site and depended on the nature of the effort. NEMEG had relatively tight constraints on the number of individuals who shared in operational information. In Maricopa County, on the other hand, a relatively large number of individuals knew about forthcoming operations, and, whether inadvertent or not, leaks sometimes led to "crackdowns" where no one was arrested.

The types of multijurisdictional efforts described in this report do not necessarily depend on maintaining tight control over dissemination of operational plans. If, as in NEMEG, your goal is to arrest mid- to high-level dealers, leaks clearly would be counter-productive. However, if your mission, as in Maricopa County, is to deter occasional users, leaks can help attain the primary goal—deterrence through word of mouth reports about police operations. Given such an objective, you might not consider a task force strike to have failed if someone's access to inside information resulted in drug users' avoiding the target area.

Protecting Defendants' Rights

Innovation in law enforcement almost by definition requires scrutiny to determine whether the new procedures are themselves legally permissible. Important issues of constitutional rights have been raised in reference to several types of procedures carried out in the Maricopa County Demand Reduction program. For example, while there is research support for the efficacy of legally coerced drug treatment³, legal scholars have expressed concern about the constitutionality of such procedures⁴. And while the ability to comparison shop for long sentences in state and federal courts is noted as a boon by San Diego County prosecutors, other practitioners have suggested that these practices may fall outside the spirit of the law.

Before implementing innovative forms of drug law enforcement in your jurisdiction, your agency will need to obtain legal advice about compatibility with state and federal legislation and constitutions. In the sites described previously, such advice was provided by prosecutors and other attorneys who traditionally counsel law enforcement agencies. However, to further ensure that new drug law enforcement approaches will not be successfully challenged in court, you may want to invite public defenders, private defense attorneys, and law-school faculties to serve on a legal planning committee. Involvement of such persons in initial planning stages can help you implement procedures less likely to violate constitutional rights.

Typical Questions to be Addressed When Planning Cooperative Strategies

The law enforcement agencies described in this report's case studies obviously found many advantages to carrying out cooperative drug law enforcement strategies. However, the advantages they experienced may not be sufficient motivation for you to replicate these forms of cooperation in your own jurisdiction. The overarching reason for establishing or participating in a task force or other form of cooperative venture is to combine resources for a concerted effort toward solving a serious common problem. Before initiating a cooperative effort in your area, you may want to address the following questions.

Question: The communities in our area have very different problems with drug use. Some have widespread use and visible drug markets, while others have less visible problems. Doesn't this mean we shouldn't try to get involved in a cooperative effort?

Answer: Not necessarily. To involve all or a majority of law enforcement agencies in an area in a cooperative effort requires *identifying a problem that all potential participants agree is serious*. If your community or nearby communities do not have any recognized widespread problem of drug use or drug distribution, law enforcement agencies probably will not be able to justify expending resources on multijurisdictional cooperation for drug enforcement. In fact, communities that are trying to cope with a high volume of other types of serious crimes may have difficulty allocating resources for such activities as enforcing drug use or possession laws. However, if there is a *common problem of harm to community members specifically related to violations of drug laws, then interagency cooperation can be considered*.

Question: How can communities determine whether they have a common serious problem?

Answer: A realistic assessment of the type of substance abuse problem faced by communities is itself best carried out through cooperative efforts of a broadly based group of leaders representing boards of education as well as law enforcement, public health, and

human service agencies. This process is described in Chapter 6 for the Oregon Regional Drug Initiative. It is easy to agree with a general statement such as "drug use is a serious problem." But a realistic mission and focus cannot be developed for law enforcement unless the problem is more clearly defined in terms of the types of drugs sold or used in the area and the extent of harm caused by the use of specific drugs or types of drug-involved offenders. It is not necessary, or even very sensible, to initiate a cooperative effort toward solving every major problem that can be identified. Rather, the assessment process should try to find a particular critical issue around which participants can unite.

A community-wide effort could be undertaken to assemble local and regional statistics that are indicators of the extent of the drug use problem. This process serves not only to identify the most serious problems but also, later, to permit monitoring progress as proposed solutions are implemented. In the last ten years, United States agencies have sponsored the development of several systematic methods for monitoring trends in drug abuse. Most notably they are:

- The Drug Use Forecasting (DUF) system for monitoring drug use among arrestees, now operating in 23 cities⁵, has systematically provided data for estimating drug abuse trends among populations coming to the attention of the criminal justice system. Also, data about populations already involved in drug abuse have been systematically collected as part of the Treatment Outcome Prospective Study⁶.
- National surveys of high school seniors have produced valuable information since 1975 for monitoring trends in the prevalence and frequency of substance abuse among American youth⁷. More recently, the National Youth Survey⁸ has provided data that supplement our understanding of the characteristics of youthful drug abusers and the relationship of drug abuse and other forms of social and mental-health problems.
- The Drug Abuse Warning Network (DAWN) system has since 1976 provided data on drug abuse resulting in medical emergencies. Based on information gathered from 62 medical exam-

iners and emergency room admissions in 564 metropolitan hospitals, DAWN data have provided a resource for determining the characteristics of patients involved in drug-related medical episodes, trends in their patterns of multiple drug use, and trends in rates of specific types of drug-related episodes in participating hospitals.⁹

- The National Household Survey on Drug Abuse has since 1972 provided data for estimating prevalence of specific forms of substance abuse among residents over the age of 12 and has provided data useful for monitoring trends in substance abuse among the general population.¹⁰
- The National Institute of Justice has initiated a program of Drug Market Analysis in four sites (Pittsburgh, Pennsylvania; Hartford, Connecticut; Kansas City, Missouri; and Jersey City, N.J.). The program seeks to develop ways for law enforcement agencies to identify the location and nature of drug markets quickly, and to track the markets' movements on a "real time" basis in response to law enforcement efforts. The Drug Market Analysis data systems are specifically intended to enhance interagency cooperation through information sharing.

Analysis of data about drug abuse suggests that the United States has a higher proportion of drug users than other industrialized nations. In the late 1970s in the United States, 65 percent of adolescents reported use of illicit drugs, compared to 26 percent in France and 8 percent in Israel.¹¹ However, there are many different types of drug-involved offenders, ranging from occasional users of marijuana (and alcohol) to addicts who frequently use multiple drugs including heroin and cocaine. The vast majority of people who use illicit substances are occasional users, while only a small percent are addicts and the remainder fall somewhere in between.¹²

Although data from existing sources have been useful for estimating national trends, *data from the systems mentioned above must be used cautiously in determining local patterns of use and distribution of specific drugs.* One obstacle to using many existing data sources is their reliance on self-reported information. In addition to people simply lying about their drug use, drug users can be unaware of the composition of substances they

are abusing. Most know only names idiosyncratic to their local area. The same illicit drug can be called by a multitude of names, such as coke, base, snow, nose candy, blow, powder, toot, and white Christmas. Worse, the same name may be used in different areas for different types of drugs; for example, the term "crank" is used on both the East Coast and West Coast, but for different compounds.

Systems based on laboratory tests also are flawed. DAWN incorporates medical information, but procedures for collecting these data are initiated by relatively rare events. DUF utilizes urinalysis, but only for a select population and limited number of types of drugs. As law enforcement strategies change, there are corresponding changes in the types of drug users who are arrested and thereby become eligible for urinalysis under the DUF program. And forensic analyses of drugs seized from street-level users and dealers are usually conducted by local laboratories that differ greatly in their methods, accuracy, and the soundness of their reporting systems.¹³

Problems of sampling, validity, and reliability must be properly handled in virtually all collection of drug abuse information.¹⁴ However, when data from different available sources are compared, and essentially the same patterns and trends are found, the information can be used with greater confidence. Therefore, in determining what problem your community needs to address, it is advisable to use multiple sources of information.

While combinations of available data sources are informative about the types of drugs used and the extent of drug use, they are less helpful in determining the *harms* caused by specific forms of substance abuse. Even drawing the conclusion that drug use causes other types of crimes is questionable, because research evidence indicates that many offenders start committing crimes before they become involved with drugs and continue to do so even when they are drug free.¹⁵ Among people who are both committing crimes and using drugs, the extent of their drug use is related to their frequency of committing crimes. But since the currently recorded urinalysis results simply indicate drug use, but not its extent, it is not really logical to conclude that the crimes of arrestees with positive urinalysis tests resulted from their drug use.

Some of the most useful measures of harm resulting

from drug use include information collected about community disruption and damage to health. Hospital emergency room admissions for drug-related cases are obviously relatively good measures of harm to the health of community members. However, the same warning against using only one source of information to determine patterns of use also applies to determining harm. The following, *when used in combination*, are additional sources for measures of community disruption and health hazards:

- Accident reports and investigations
- Coroners' or medical examiners' reports on drug-involved accidental deaths or drug-induced suicides
- Statistics on perinatal substance abuse among pregnant/postpartum women
- Calls to police reporting visible drug trafficking
- Calls for more stringent law enforcement from grass-roots organizations focussing on harmful outcomes, such as MADD, parent/teacher organizations, or sports leagues
- Crime reports involving homicides, robberies, burglaries, or other index crimes in and around areas known to be drug distribution hot spots
- Employers' statistics on drug-related job termination, chronic absenteeism or lower productivity
- School statistics concerning student suspensions, transfers, or expulsions due to drug use
- Statistics gathered by public health or social welfare agencies concerning drug-related disorders such as AIDS, serum hepatitis, and child-neglect.

These types of community data are used to monitor drug use trends and patterns by epidemiologists at the National Institute on Drug Abuse. Information is compiled and compared at yearly meetings of the Community Epidemiology Work Group. Data from your community may already be available from a member of the work group, research staff in your health department, or a faculty epidemiologist at a

local university or medical school.

Since the types of drug users vary from community to community, available data may highlight the nature of the problems resulting from drug use. Some communities may find that the most serious harms arise from illegal use of alcohol, such as sales to juveniles or driving under the influence, rather than with sales and use of controlled substances. Other communities may find their problems involve drug-related employee absenteeism, high rates of infant mortality among heroin-injecting mothers, or rising homicide rates in cocaine-selling areas. Still other communities may find few obvious substance abuse problems. In the absence of specific data, neighboring communities may be thought to face very different problems, and yet the statistics may show that the communities actually have one or more serious problems in common.

Question: In general, what types of drug law enforcement strategies are amenable to a cooperative effort?

Answer: Depending on the problem you decide to address, you might consider one of the three main types of cooperative drug law enforcement strategies defined in the Introduction and described in this report: case-oriented drug law enforcement; network-oriented drug law enforcement; and comprehensive problem reduction strategies. Each type of enforcement requires different types and levels of resources and different levels of interagency cooperation.

Case-oriented drug law enforcement, focused on obtaining sufficient evidence to arrest, prosecute, and convict known drug distributors, primarily requires officers who are well trained in the intricacies of drug law enforcement, a network of informants, "show" money or drugs for buys or reversals, and surveillance equipment. Small police departments normally lack these resources. Cooperative agreements have enabled such departments to carry out case-oriented enforcement, or to carry it out more effectively.

Network-oriented drug law enforcement, focussed on tracing distribution from street-level to top-level dealers, often involves complex financial investigations, asset seizures, and enforcement of a wide range of laws, in addition to those concerning possession or distribution of controlled substances. The resources

required for this type of enforcement include those required for case-oriented enforcement but also include law enforcement officers with specialized training and access to relevant financial records. To handle the legal intricacies of this form of drug enforcement, even those law enforcement agencies with specialized resources have found it beneficial to establish a close working relationship with state and Federal prosecutors and agents in relevant financial organizations.

A good example, from the San Diego Narcotics Task Force case study, is the relationship established among the NTF officers and the cross-designated prosecutors working in state and Federal offices. Additionally, since the chances are good that two different agencies will become involved with the same case in this form of enforcement, the need for a good mechanism of interagency communication is crucial. At a minimum, interagency coordination prevents duplication of efforts. It also prevents situations where undercover officers from different agencies working the same case might buy and sell drugs to each other or, worse, hold guns to each others' heads.

Comprehensive problem reduction strategies taken to reduce harm resulting from both the supply and demand for drugs typically involve many community members and agencies. They also requires imaginative, innovative redeployment of existing resources. For example, the Demand Reduction Program in Maricopa County draws on resources that already existed in many agencies. Crackdowns are conducted by police officers who already have various levels of training in conducting drug arrests. They work directly with prosecutors who know how to ensure legal procedures, while the diversion of arrestees is handled by a local organization with a long history of dealing with drug users. Educational activities are carried out by DEA agents with first-hand knowledge about drug users and drug distributors, and publicity is creatively carried out by media members and advertising agency staff experienced in capturing public attention. Because such approaches draw on existing resources in multiple organizations and close working relationships between staff from different agencies, the need for interagency cooperation is high.

Question: Which agencies should be involved in a cooperative effort for drug law enforcement? Are any types of agencies counter-productive when involved?

Answer: The types of agencies to be involved depend on the overall strategy being pursued. Obviously a comprehensive problem reduction strategy requires active involvement by agencies and groups outside the criminal justice system, while the other two strategies operate primarily internal to the criminal justice system.

Virtually all types of law enforcement agencies and other agencies dealing with offenders have worked together fruitfully in drug law enforcement. Law enforcement agencies participating in or providing resources for the efforts described in this report include large and small municipal police departments, county law enforcement agencies (sheriffs and county police departments), state police, offices of county and district attorneys, and federal agencies including the Drug Enforcement Administration, Internal Revenue Service, Immigration and Naturalization Service, Bureau of Justice Assistance, Organized Crime and Drug Enforcement Task Forces, and U.S. Attorneys. Other agencies cooperating in efforts described in this report include federal, state, and county research units, private drug treatment organizations, and many private businesses that have donated staff time and other resources in the interest of reducing the supply and demand for drugs in their communities.

As mentioned, members of organizations that serve defendants can early on provide valuable advice about protecting defendants' rights. Representatives from organizations such as the ACLU or Public Defenders can raise vital questions about changes in procedures that appear to threaten those rights. In all innovative efforts, prosecutors have had to consider carefully the legal ramifications of the details of proposed cooperative drug law enforcement practices before they are implemented. However, failure to initially anticipate valid objections of defense counsel may lead to legal challenges and disruption of the cooperative effort when procedures need to be changed.

The only agencies that practitioners said should not be involved in cooperative efforts are those which are suspected of condoning or harboring drug use or drug distribution. Since the heads of such agencies normally do not desire to participate, no special action needs to be taken to exclude them. However, a broad goal of involving all relevant agencies should not be established, as it can unintentionally result in pressures for participation by undesired groups. Practitioners

have also found difficulties dealing with agencies whose directors are not team players. Staff members in each site mentioned one or two police chiefs in the area who frequently antagonized others at committee meetings. And prior histories of conflict between DEA and local staff were attributed to the attitudes of previous directors of DEA regional offices. However, such problems have been either transitory or have been well handled by astute coordinators. Antagonistic police chiefs retired, DEA regional directors were eventually replaced, and staff members learned to act as intermediaries for bosses who didn't mesh well with other police chiefs. At all the sites we visited, practitioners from different agencies realized that they didn't have to like each other to work well together.

Question: Police, prosecutors, and other community leaders in our area agree that we have a common serious problem involving substance abuse. What are the most important steps taken in other areas for initiating cooperative drug law enforcement?

Answer: Regardless of the type of cooperation undertaken, these initial steps appear to be important:

- Launching a publicity campaign to inform the community about the realities of the problem, and
- Involving the top leadership of criminal justice agencies in designing a strategy to combat the problem.

Publicity. As in other aspects of law enforcement, broad-based community support is needed to support any plans for controlling the problem. Although widespread use of drugs in the U.S. commonly is perceived as a serious problem, many communities do not recognize substance abuse as a problem in their own area. Widespread occasional use may not be considered a serious community problem if there is no visible harm to local substance abusers, their associates, or the community's quality of life.¹⁶

In some communities, the damage wrought by substance abusers or drug dealers is so flagrant that community members clamor for effective strategies for drug law enforcement; however, even more virulent forms of harm such as child abuse and wife battering may not

be as readily noticed. In other communities, the extent of any form of harm is invisible. In most communities, widespread use of any drug without a perceived harm is likely to cause community apathy or even resistance to supply-reduction efforts or enforcement of laws controlling possession. Therefore, if inter-agency cooperation is to be initiated, the type of harm resulting from drug use or drug sales in the community must be publicized. Otherwise, the cooperative effort must focus on a problem that is already recognized as harmful.

Involving top leadership of agencies. Establishing cooperative drug law enforcement efforts requires agencies to commit often scarce resources to the effort and to share resources, both tangible and intangible, with other agencies. Agency heads have the authority to make such commitments for potentially cooperating agencies. Although responsibility can be delegated once a cooperative effort has been launched, we found that direct communication among chiefs, sheriffs, district attorneys, and other key leaders appears to be essential.

Of course, even the heads of criminal justice agencies do not have unrestricted authority. They too are accountable to mayors, boards of supervisors, and other governing bodies. But, if the residents of a community and the heads of the criminal justice agencies are solidly behind a cooperative program for reducing drug abuse, the probability of opposition will be greatly reduced.

Question: What types of publicity have been found to be most useful?

Answer: Media campaigns designed by professional advertising agencies are considered to be very effective.

Several law enforcement agencies have attempted their own campaigns to publicize their enforcement tactics of the harm caused by drugs. They rapidly learned that the most effective methods for educating their community required skills not commonly found among law enforcement officers. These skills include:

- Designing a campaign that highlights the seriousness of the problem while avoiding negative images of the whole city or specific areas or populations

- Creating attractive media messages for television and radio ads or billboard artwork
- Developing curricula appropriate for teaching different age groups and community members in various social and economic groups
- Forming coalitions of leaders from numerous community groups to endorse the seriousness of the problem
- Forming political coalitions or bipartisan support for addressing the problem.

Media messages that are punchy and appealing have been designed by advertising agencies and public relations firms in several communities with little or no cost to law enforcement agencies who enlisted their aid. Two examples are Maricopa County's "Do Drugs. Do Time." campaign and the Oregon Regional Drug Initiative's "Drugs Don't Work" campaign described in this report.

Media messages should not overstate the problem nor the potential outcomes of the cooperative effort. Overstating the problem or the solution can lead to community disillusionment if the media messages are shown to be wrong. More seriously, the evidence of history suggests that overstatements about the consequences of drug abuse can lead to disbelief about all negative consequences and ultimately to an increase in drug abuse.¹⁷

Question: What type of person is best qualified to garner support from agency heads for interagency cooperation?

Answer: In the sites we studied, the planning stages were directed by an agency head or CEO who had been in the area for a relatively long time, who had participated in formal and informal networks with practitioners from many different agencies, and who had demonstrable political skills. Although bright young persons in the sites had innovative law enforcement ideas and organizational skills, they recognized that they didn't have sufficient political clout to elicit cooperation from the heads of agencies. Rather than trying to muster cooperation on their own, they sold their ideas to a key person in the political network. This key person who effectively elicited cooperation

had developed the respect of other practitioners over many years and approached each agency head individually and informally before calling for a more formal coordinated agreement.

Question: What tangible resources have been shared in cooperative drug law enforcement efforts?

Answer: Tangible resources include personnel, equipment, buildings, special systems, and funds. Examples are:

Personnel. Officers, agents and other staff members from various criminal justice agencies were assigned to task forces for hours, weeks, months, or years or were more or less permanently cross-designated to carry out responsibilities in two or more agencies.

Equipment. Equipment and materials that were commonly shared by cooperating agencies in the sites visited for this report included vans (including a mobile booking van), night-vision and other surveillance equipment, special communications equipment, unmarked cars, and large amounts of money for buys, and drugs for reverse buys.

Buildings. Implementing new drug enforcement strategies often involves a stress on already cramped quarters, such as booking rooms and other intake areas, office space, jail space, court rooms, or treatment facilities. Even practitioners who philosophically agree with the objectives of a drug law enforcement strategy will not appreciate a rapid increase of offenders with no concurrent increase in physical resources for dealing with them. The practitioners interviewed for this report suggested that space constraints must be taken into account in planning overall strategies and in implementing day to day operations. For example, the DEA was able to provide building space for the San Diego Narcotics Task Force. When planning a crackdown, the user accountability coordinator in Maricopa County always checks with the sheriff's custody division to find out how much jail space will be available, and then sets the maximum number of arrests allowed for the operation.

Special systems. Access to systematically collected data about local drugs and drug users has been found to be useful in planning and carrying out drug law enforcement. A computerized system containing data

about informants was used extensively in Cook County by the NEMEG officers and officers in local departments. And although San Diego, Maricopa, and Multnomah counties adopted different cooperative approaches, all of them used data about the drug use of their arrestees (DUF data) for strategic planning purposes. A log of agencies requesting DUF data in San Diego County alone included the Crime Prevention Center of the attorney general's office, County Drug Abuse Service, Probation, the County Health Department, San Diego Police Department's special operations unit, the City of San Diego's mayor's office, the Vista Detention Facility, the San Diego Sheriff's Office, and the offices of several assemblymen. The specific types of data they needed ranged from data comparing adult and juvenile use of cocaine and crystal (methamphetamines) to data on percent of arrestees who tested positive for any drug use.

Funds. Recently, one of the primary incentives for cooperating in drug law enforcement has been to obtain a share of forfeited assets. Formulas have been devised for dividing seized assets and money among participating agencies. And police chiefs in communities with relatively few problems with illicit drugs have found that the income helps offset the cost of participation. Additional sources of funds have been derived from federal agencies charged with reducing drug use through fostering cooperative efforts. And in Cook County, an experienced fiscal manager has formulated a cooperative agreement that allows for participation in NEMEG by realistically apportioning the tax on police departments.

Question: What intangible resources have been shared in cooperative drug law enforcement?

Answer: Intangible resources include knowledge, proven experience, and laws. Examples are:

Expert knowledge. By working cooperatively, a vast store of experiential knowledge was shared to design and implement drug law enforcement strategies. These included general knowledge about federal, state and local arrest, prosecution, and asset seizure procedures and about populations involved in selling and using drugs. They also included specific knowledge about procedures for financial record checks, criminal record checks, and tracing real estate or financial transactions. And, as described above, public rela-

tions expertise was used to gain community support.

Proven experience. Rather than implementing untested strategies or tactics, the agencies described in this report drew on proven approaches developed in their agencies and elsewhere for purposes other than drug law enforcement. For example, cross-designation of federal and local prosecutors was found to be fruitful in San Diego before its application to drug offense cases. In Phoenix, TASC had previously developed diversion programs for drug-involved offenders, which formed one of the bases for the user accountability program. And in South Suburban Cook County, instead of attempting to form a new independent group for enforcing drug laws, the towns formed a unit within an experienced drug enforcement agency, the NEMEG.

Laws and penalties. Laws and penalties involving the use and distribution of controlled substances vary from jurisdiction to jurisdiction and from agency to agency. Cooperating agencies have been able to draw on the strengths of each others' laws and penalties. Some federal laws which are barriers to strategies have been supplemented by state laws which facilitate the strategy, or vice versa. For example, the procedures for issuing warrants in San Diego County are innovative uses of California law.

Additionally, laws that are barriers to traditional law enforcement have, through astute legal interpretation, provided resources for innovative cooperative approaches. For example, traditional modes of enforcing laws which make drug possession a felony in Arizona could have overwhelmed the resources of all criminal justice agencies in the state and caused prosecutors to refuse most such cases. Instead, the county attorney developed an imaginative legal interpretation as the basis for the user accountability program, and a large portion of cases are now diverted before they strain the county's prosecutorial capabilities.

Question: How do we find out what resources are available for sharing? And how do we persuade agencies to share them?

Answer: By challenging your agency director to work cooperatively with other criminal justice leaders to design a strategy for drug law enforcement. In the sites we visited, police chiefs and other executive

officers had not been presented with a well-researched plan for interagency cooperation. Instead, they were personally involved in the planning processes. They formed and were members of subcommittees that studied problem areas and the availability of resources. By being involved in these planning stages, top leadership came to realize the value of the resources being contributed by all participants and could negotiate the return they would attain for their contributions.

Question: What types of organizational structures work best for cooperative drug law enforcement?

Answer: There does not appear to be a best organizational structure. Cooperative arrangements may simply be ad hoc task forces of personnel assigned from participating organizations for a specific limited operation, or they can be institutions housed in separate quarters and composed of officers and other staff with more or less permanent assignments. The strategic focus of the cooperative effort needs to be considered in deciding on the organizational structure. As discussed above, network-oriented strategies require the most secrecy, access to specialized resources and knowledge, and cross-agency communication to avoid duplication of effort and working at cross purposes. On the other hand, comprehensive problem reduction strategies require high public visibility, innovative use of public and private resources, and ongoing facilitation to assure that the people who are the focus of the strategy do not slip through the cracks between agencies. Therefore, while a more or less traditional interagency task-force organization composed of experienced sworn officers and agents may be appropriate for network-oriented strategies, comprehensive problem reduction strategies require a more open, inclusive, flexible organization composed of staff members who work well with and understand the constraints on personnel from a wide range of both criminal justice and other types of community agencies.

Policy boards that provide operational direction to the coordinator, however, are best composed of the heads of the participating agencies. Regular meetings of these executives can iron out any difficulties that may arise and insure that the effort is responsive to the needs of cooperating communities.

Regardless of the organizational structure selected,

the choice of an operational coordinator is extremely important. All coordinators in study sites were highly articulate, experienced practitioners with finely honed political skills. They appeared to be constantly aware of the sometimes conflicting needs of their commanding officers, the commanding officers in other participating agencies, those staffing the cooperative effort, the media, and the public. Although possessing different personalities, they were all team players who had risen through the ranks in their organizations. All generously shared credit for smooth operations and assumed responsibility when operations did not proceed as planned.

Question: Aside from the major barriers already mentioned, are there other special problems coordinators have in dealing with multiple agencies, and how do they deal with them?

Answer: Coordinators who were employed by the largest participating agency (for example, the central city police department) indicated that they had to be constantly vigilant not to appear to be representing the interests of their agency alone, or of trying to pull resources away from other agencies. Within their own agencies they had to be champions of the position that all participating agencies, particularly the small ones, deserved respect.

There was little or no evidence of many of the problems we originally anticipated, including difficulties in assigning responsibility for disciplining officers, elitist attitudes of officers from larger departments, unevenness in performance because of differences in recruitment and training, and resentment among officers because of differences in compensation. The absence of these problems appeared to be attributable to the selection process for the officers and agents of the cooperative effort. Selected personnel were committed career officers who said they loved their jobs and would work many hours carrying out their missions. They were considered by their commanding officers and peers as the "cream" and worked hard to maintain that image.

Question: Aside from sharing resources and the possible reduction of drug supply and demand, have participating agencies realized any other benefits?

Answer: Several. Those frequently mentioned by participating agencies include:

- Availability of undercover officers or agents from other agencies whose faces are unknown in the local community
- Availability of skills or specialized equipment that cannot be supported in small jurisdictions
- Increased morale of law enforcement staff
- On-the-job training of officers cooperating with more experienced narcotics officers or agents who then apply the skills in their home agency
- Good public relations and media coverage
- Availability of federal funds earmarked for cooperative drug law enforcement efforts
- Enhanced cooperation among agencies on other types of enforcement not directly related to the organized cooperative effort.

Unfortunately, the benefits of interagency cooperation in absolute terms are still inadequately understood. For example, the impact of multijurisdictional cooperation on case outcomes, drug sales, drug abuse patterns in cooperating jurisdictions, and the cost-effectiveness of law enforcement operations, have not been determined quantitatively. There is a great need for additional evaluation studies to clarify these issues; some evaluations are already underway.

Even the basic assumptions that underlie some of the cooperative efforts described in this report have not been quantitatively validated. For example, Maricopa County's Demand Reduction Program is based on the assumption that much of the drugs purchased in the county are consumed by casual or infrequent drug users. But available data are inadequate to ascertain the total quantity of illicit drugs purchased by casual users and the quantity purchased by heavy drug users.

Question: Can the same types of cooperative efforts described in this report be implemented in areas of the country with different laws?

Answer: Yes—with modifications. Where local law permits only minor penalties, applying similar related laws and penalties in the jurisdiction may suggest alternative innovative approaches. For example, Arizona's felony offense level for possessing any amount of marijuana can be used to threaten or achieve forfeiture of vehicles in which marijuana is found, but such a policy would be impractical in a state like California where possession of small amounts of marijuana has been decriminalized. Nonetheless, the basic idea of a user accountability program focused on middle-class users can be adapted to the California environment. Since the most frequent users of marijuana are often also frequent users of alcohol¹⁸, user accountability programs could be applied to driving under the influence (DUI) charges rather than drug possession, with approximately the same results.

Question: Do the details of a cooperative agreement need to be finalized before beginning operations?

Answer: If you have some momentum going, it may be best to just get started, and then straighten out the details later. Many interviewees pointed to thorny legal or bureaucratic issues that could have thwarted a cooperative effort if they had been addressed comprehensively at the start. Once the cooperative effort was underway, however, ways were found to deal with the issues.

Question: What details will need to be ironed out?

Answer: Whether addressed at the start or later, the following issues should eventually be settled: written interagency agreements, personnel issues, staff selection criteria, training, weapons policy, sharing seized assets, handling informants, and access to confidential information systems.

Written interagency agreements. In some counties, such as San Diego, joint powers agreements are commonly used for many purposes. In other areas, cooperative agreements are nonexistent. If your agency does not have a written interagency agreement that can simply be modified for participating in a cooperative horizontal law enforcement effort, you may want to contact one of the San Diego County sources listed in Appendix A to obtain a current example of an

agreement used there. (Appendix F displays a copy of their agreement with DEA.)

Personnel issues such as overtime, workers' compensation, pay rates, liability, and insurance. Law enforcement agencies have different fiscal arrangements for their personnel. Cooperative efforts involving officers from different agencies must take these differences into account. In some cooperative efforts, officers continue to participate under the arrangements made by their home agencies, realizing that a superior officer may earn lower pay than officers under his or her command. Other task forces have found funding to provide equitable compensation for all participating officers. For example, in San Diego the DEA helps compensate officers for overtime when their home agency would not ordinarily do so.

Selection criteria for staff, and tenure and rotation policy. Most officers consider participation in the cooperative drug law enforcement efforts a prize assignment; many would like to be selected, and those who are would like to remain as long as possible. Participating agencies need to set formal procedures for selection and the allowable length of time officers and agents may participate. At the same time, it should be recognized that some cooperative task forces described in this report were staffed by top-notch officers primarily because formal selection procedures had been supplemented with informal selection processes. For example, although the police chiefs in San Diego County had formal responsibility for selecting officers in their agencies to participate in the NTF, informal suggestions for nominations were made by task force members after working with officers in local agencies who had proved to be extremely able in joint operations. While informal requests appeared to enhance operations in San Diego, they need to be carefully scrutinized to assure that they are not simply pretexts for excluding certain kinds of officers, including women, minority members, or those whose high standards of integrity could present problems for the staff.

Decisions will also need to be made about the length of time an officer devotes to a cooperative task force before returning to his or her home agency. Officers drawn from smaller agencies or those who once had less exciting jobs frequently do not want to return and may instead look for a job in some other agency. To

encourage task force officers to return to their home agencies, some have instituted promotions or salary increases after return from participation in multi-agency task forces and denied such advances until the officer did return. Others allow their officers to remain away for as long as they desire.

Policies for rotation and tenure of top leadership must also eventually be addressed. Although the people who spearhead the formation of a coalition may be its natural initial leaders, changes in job incumbency or the interests of some members will inevitably raise issues concerning a change in leadership. If formal procedures such as elections, appointments, and terms of office are established in advance, changes in top leadership need not pose any threats to the cooperative effort. Too, standardized rotations to prevent corruption can be instituted without implying that any individual is suspect.

- Training. Officers from different agencies frequently have different levels of training and experience regarding drug law enforcement. Some cooperative efforts involve intensive courses to bring novices up to par with well-trained officers who have more experience. Others pair novices with more experienced officers and depend on on-the-job training.
- Weapons. Many agencies allow their officers to use particular types of weapons and forbid the use of others. Policies on the circumstances when weapons may be used also differ. Decisions about types of weapons to be used and policies for use should be jointly addressed by the heads of participating agencies on the policy board.
- Sharing seized assets. Forfeiture of seized assets, and sharing of the assets among law enforcement agencies, is a common practice in multijurisdictional drug law enforcement arrangements, but procedures and formulas for sharing have not been standardized. Usually they must be developed locally through a process of negotiation. (In federally-organized task forces, the federal/local distribution formula has been standardized, but additional formulas need to be specified for sharing among local agencies that participated in or provided resources for an operation that resulted in seizures.) The U.S. Bureau of Justice

Assistance supports the publication of numerous technical support documents related to asset forfeiture which can be helpful in developing local policies.¹⁹

- Handling informants. Some agencies have larger allocations for paying informants than others. Where cooperating agencies neglected to agree on standard payments, informants tried to up the ante by playing one agency against another. In addition to standardizing payments, successful task forces insisted that their officers could not own informants, and attempts to make informants belong to particular officers or particular home agencies were considered injurious to the cooperative effort. In some areas this understanding was formalized by centrally registering informants and disallowing payments to any informant not registered.
- Access to confidential information systems. Although information systems frequently are a shared resource, procedures for access need to be determined to preserve data confidentiality, to provide for time-sharing, and to prevent excessive expense when information retrieval requires use of a mainframe computer and phone line. Some task forces designate a limited number of officers to access information and control access by changing logon passwords frequently.

Question: Where can I get more details about the cooperative efforts described in this report?

Answer: The participants will be glad to provide more details about their operations. Their names and addresses are listed in Appendix A.

Endnotes

¹Additional useful guidance about narcotics enforcement operations appears in the monograph: Connors, Edward F., III, and Hugh Nugent (1990). *Street-Level Narcotics Enforcement*. Washington, DC: Bureau of Justice Assistance

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¹³Finkle, Bryan (1989). "Technological Issues Associated with Monitoring Drug Abuse in the Workplace," *Workplace Drug Abuse Policy*, ed. J. Michael Walsh and Stephen Gust, pp. 11-20. Rockville: National Institute on Drug Abuse.

¹⁴Rouse, Beatrice, Nicholas J. Kozel, and Louise G. Richards (1985). *Self-Report Methods of Estimating Drug Use: Meeting Current Challenges to Validity (NIDA*

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- Wexler, Harry K., Douglas S. Lipton, and Bruce Johnson (1988). *A Criminal Justice Strategy for Treating Drug Offenders in Custody*. Washington, DC: National Institute of Justice.

Appendix A

Contacts for Further Information

Note: All titles and addresses date to the time of interviews for this study: mid- to late-1989.

Criminal justice practitioners interviewed in Maricopa County, Arizona

Barbara A. Zugor
Executive Director
TASC
2234 North 7th Street
Phoenix, Arizona 85006

Richard M. Romley
Maricopa County Attorney
Arizona Title Building
111 West Monroe, Suite 1800
Phoenix, Arizona 85003

Dr. John A. Blackburn, Special Assistant
Henry H. Ong, Deputy County Attorney

Ruben B. Ortega, Chief of Police
Phoenix Police Department
620 West Washington Street
Phoenix, Arizona 85003

Assistant Police Chief Jerry Oliver
Lt. John Buchanan
Lt. Ronald Hergert
Officer Andrew Hill
Sgt. Andrew Anderson (Media Relations)

Hon. Thomas Agnos
Sheriff
Maricopa County
102 West Madison
Phoenix, Arizona 85003

Major John Coppock

Ernesto Garcia
Director of Court Services
3125 West Durango
Phoenix, Arizona 85009-6292

Lieutenant Ray Martinez
Glendale Police Department
7119 North 57th Drive
Glendale, Arizona 85301

David S. Wood
Special Agent in Charge
Drug Enforcement Administration
One N. First Street
Suite 201
Phoenix, Arizona 85004

Criminal justice practitioners interviewed in San Diego County

Lt. John Gallardi
Oceanside Police Department
1617 Mission Avenue
Oceanside, California 92054

Lt. Patrick Kerins
Lt. Skip Dicerchio
Narcotic Task Force
402 West 36th Street
National City, California 92050

John A. Houston
Assistant U.S. Attorney
Chief, Forfeiture Unit
U.S. Attorney's Office
U.S. Courthouse Room 5-N-19
940 Front Street
San Diego, California 92189

Susan Pennell
Director, Criminal Justice Research Unit
San Diego Association of Governments
1200 3rd Avenue Suite 554
San Diego, California 92101

William D. Holman
Deputy District Attorney
Chief, Narcotics Division
Major Narcotics Violators Unit
Office of the District Attorney
County of San Diego
220 W. Broadway
San Diego, California 92101

Edwin L. Miller
District Attorney of San Diego County
P.O. Box 1011
San Diego, California 92112

Rudy Rudershausen
NTS Agent
1200 "A" Avenue
National City Police Department
National City, California 92050

George L. Hart
NTS Agent
Chula Vista Police Department
276 4th Avenue
Chula Vista, California 92010

Michael Hook
NTS Agent
El Cajon Police Department
100 Fletcher Parkway
El Cajon, California 92021

**Criminal justice practitioners interviewed in
Cook County, Illinois**

Captain Frank Gomilla
Director
Northeastern Metropolitan Narcotics and
Dangerous Drugs Enforcement Group
P.O. Box 6605
Broadview Illinois 60153

Deputy Director Tom Braglia
Group Supervisor Dennis Kalinoski
Special Agent Nick Cozzolino
Special Agent Mark McNabney

Captain Raymond Risley
Commander
Narcotics Section
Organized Crime Unit
City of Chicago
Department of Police
3540 S. Normal Avenue
Chicago, Illinois 60609

Barbara McDonald
Illinois Criminal Justice Information Authority
120 South Riverside Plaza, 10th Floor
Chicago, Illinois 60606

Candice Cane
Roger Przybyski

Melody Heaps
Executive Director
TASC
1500 North Halsted
Chicago, Illinois 60622

Susan Stein, Special Assistant to the Director
Ken Thornburg, Director, Planning and Program
Development
James Swartz, MIS Coordinator
Jane Verry, Quality Assurance Coordinator
Myron Clark, Placement Coordinator

Beth Ruyle
Executive Director
South Suburban Mayors and Managers Association
The Center, 1154 Ridge Road, Suite 100
Homewood, Illinois 60430

William Nolan
Chief of Police
Homewood Police Department
17950 Dixie Highway
Homewood, Illinois 60430

**Contacts for the Regional Drug Initiative,
Portland, Oregon¹**

Michael D. Schrunck (chair)
District Attorney
Multnomah County
1021 SW Fourth, Room 600
Portland, Oregon 97204

Judith Phelan, Staff Assistant

**Contacts for federally organized
cooperative efforts**

Frederick W. Kramer, Director
OCDETF office
Executive Office for U.S. Attorneys
Department of Justice
Washington, DC 20530

Gerardo Medina, Chief
Task Force Section
Drug Enforcement Administration
Washington, DC 20537

Peter Rieff
Resident Agent-in-Charge
Drug Enforcement Administration
498 Palm Springs Drive
Altamonte Springs, Florida

William Ruzzamenti
Task Force Supervisor
Drug Enforcement Administration
1 N. First Street
Phoenix, Arizona 85004

Walter Smith
OCDETF Coordinator
Criminal Investigation Division
Federal Bureau of Investigation
Washington, DC 20535

Ernest Staples
State-Local Task Force
Drug Enforcement Administration
400 Sixth Street SW
Washington, DC 20024

¹The authors obtained information by telephone and mail about the RDI. No interviews were conducted in Oregon for this study.

Appendix B

Statement of Facts for Arrestees in Maricopa County, Arizona

**TASC ADULT DIVERSION PROGRAM
STATEMENT OF FACTS**

DATE _____

APPLICANT'S NAME _____ DATE OF BIRTH _____

ADDRESS _____

DR # _____ SUBMITTAL # _____

You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to the presence of an attorney to assist you prior to questioning, and to be with you during questioning, if you so desire. If you cannot afford an attorney, you have the right to have an attorney appointed for you prior to questioning.

Do you understand these rights? _____

- 1) Offense under investigation? _____
 - 2) Date of offense? _____
 - 3) Location and county? _____
 - 4) What substance did you possess or use? _____
 - 5) Was it a usable amount? _____
 - 6) Did you have a valid doctor's prescription for the substance? _____
 - 7) What are the facts of the offense? _____
- _____
- _____
- _____

I HAVE MADE THIS STATEMENT WITHOUT COERCION AND OF MY OWN FREE WILL. I FULLY UNDERSTAND THAT WHAT I HAVE WRITTEN HERE MAY BE USED AGAINST ME IN A COURT OF LAW SHOULD I FAIL TO SATISFACTORILY COMPLETE THE TASC PROGRAM.

APPLICANT'S SIGNATURE _____ DATE _____

ATTORNEY'S SIGNATURE _____ DATE _____

I HAVE WAIVED MY RIGHT TO AN ATTORNEY AND HAVE ANSWERED ALL QUESTIONS: _____ DATE _____
(APPLICANT'S SIGNATURE)

TASC SIGNATURE _____ DATE _____

Appendix C

Example Letter from Maricopa County Attorney to Arrestees Eligible for the Adult Deferred Prosecution Program

OFFICE OF THE MARICOPA COUNTY ATTORNEY

ARIZONA TITLE BUILDING
111 WEST MONROE, SUITE 1800
PHOENIX, ARIZONA 85003
(602) 262-3411



RICHARD M. ROMLEY, COUNTY ATTORNEY

JAMES H. KEPPEL, CHIEF DEPUTY

Dear

The Maricopa County Attorney's office has received a request from a local law enforcement agency to file a criminal complaint charging you with the crime of possession or use of a narcotic drug, a class 4 felony. The Maricopa County Attorney's office has reviewed that request. You are accused of committing the crime of possession or use of a narcotic drug, a class 4 felony.

Pursuant to County Attorney policy, this office has made the decision not to file a criminal complaint against you at this time, and is offering you the following options:

OPTION ONE: CRIMINAL PROSECUTION

If convicted of a class 4 felony, you could receive a maximum sentence of 5 years in prison and a maximum fine of \$150,000.00 plus 37% surcharge. You will also have a criminal record.

Also if convicted of a class 4 felony, you would be required to pay a fine of not less than \$2,000 plus 37% surcharge (total: \$2,740.00) or three times the value of the narcotic drugs involved, whichever is greater. If granted probation, in addition to the mandatory fine you would be required to perform not less than 360 hours of community service with a drug rehabilitation agency, submit to regular drug testing, and not use illegal drugs.

OPTION TWO: TASC DRUG DIVERSION PROGRAM

You would be required to complete the following:

1. A one (1) year Program with mandatory drug testing throughout the year.
2. Mandatory six hour drug abuse seminar (1 session).
3. Mandatory TASC one year program fee of \$630.00 with \$150 payable upon enrollment and the

-
- balance payable in monthly installments.
 4. Mandatory assessment of \$1,200.00 which is payable in monthly installments.
 5. Payment of additional fees for seminar, counseling, and drug testing.

NOTE: If you successfully complete the TASC Drug Diversion Program, criminal charges will not be filed and there will be no record of a criminal complaint having been filed against you for possession or use of a narcotic drug.

You may have been informed by Justice Court personnel that the charges against you have been scratched or not filed. This has been done to allow you to participate in the TASC Drug Diversion Program. If you decide to refuse the opportunity to do so, the charges will be filed against you.

You may wish to consult an attorney regarding your Options.

If you select Option Two, you must call 254-7328 not later than _____ to schedule an appointment to enter the TASC Drug Diversion Program. The TASC office is located at 2234 North 7th Street, Phoenix, Arizona 85006.

If you select Option one or fail to notify TASC by the above deadline, a criminal complaint will be filed charging you with the crime of possession or use of a narcotic drug, a class 4 felony.

Sincerely,

Henry H. Ong
Deputy County Attorney

Appendix D

TASC Client Contract for the Maricopa County Adult Deferred Prosecution Program

TASC ADULT DEFERRED PROSECUTION PROGRAM

TASC ADPP CLIENT CONTRACT

I have fully read and understand the ADPP client contract and have initialed all rules as stipulated in the contract. My obligations will be:

RULES AND REGULATIONS

Urinalysis/Breathalyzer Testing

- ___ 1. Submit to scheduled urine testing as directed by the case manager. Missed testing days may result in a termination from ADPP. Altered urine samples will not be accepted.
- ___ 2. Pay the required fee for testing prior to submitting the urine sample. Show proof of I.D. prior to leaving the test.
- ___ 3. Continued use of illicit substances will result in my termination from the TASC Program.
- ___ 4. Report any prescribed medication and bring in said medication.

Program Supervision Requirements

- ___ 5. Arrange to have at least one office visit each month with the case manager as directed.
- ___ 6. Report any change in address or living conditions. Report any change in employment. If unemployed, seek and obtain employment.
- ___ 7. Inform the case manager if leaving the Maricopa County area for more than one day. You are not permitted to leave the state or relocate out of state without special permission from the TASC case manager and County Attorney's office.
- ___ 8. Understand that any arrest may result in my immediated termination from TASC. Agree to report any type of police contact.

Counseling Requirements

- ___ 9. Agree to cooperate with any treatment program I am referred to.
- ___ 10. Understand missed appointments with my counselor without 24 hour notice will result in my being charged for the session.
- ___ 11. Attend the seminar on the date assigned or be charged again for the seminar if no 24 hour notice is given.
- ___ 12. Attend the outside self-help groups (AA, CA, NA, or PA) as assigned by my case manager, and bring required proof of attendance.

___ 13. Adhere to strict confidentiality of all other clients.

Program Fees

___ 14. Agree to: Pay the monthly fee for TASC supervision each month.

___ 15. Pay for the assigned seminar, and group/individual counseling sessions prior to participation.

___ 16. Pay stipulated fines and funds in cash, money order, or credit card as stipulated in the contract once a month.

___ 17. Understand that failure to adhere to fee contracts may result in my termination from TASC.

A violation of any of the above provisions will be grounds for termination from TASC ADPP Program. A written report of the contract violations will be submitted to the court.

I HEREBY UNDERSTAND AND AGREE TO THE TASC ADPP CONTRACT

CLIENT SIGNATURE _____ **DATE** _____

CASE MANAGER SIGNATURE _____

**TASC ADULT DEFERRED PROSECUTION
POSSESSION OF MARIJUANA PROGRAM
TASC ADPP CLIENT CONTRACT**

My obligations will be:

CLIENT INITIAL:

- _____ 1. Attend and cooperate with any treatment program I am referred to.
- _____ 2. Will provide urinalysis samples at the direction and schedule of the TASC program.
- _____ 3. Will pay the stipulated fee for urinalysis testing prior to testing.
- _____ 4. Will pay the Arizona Drug Enforcement Account in the amount of \$_____ at the rate of \$_____ per month as stipulated in the Arizona Drug Enforcement Agreement.
- _____ 5. Will pay the TASC seminar fee of \$125 prior to participating in the seminar.

A violation of any of the above provisions will be grounds for termination from the TASC ADPP. A written report of the contract violations will be submitted to the court.

I have fully read and understand the ADPP Client Contract and have initialed all rules as stipulated in the contract.

Client Signature

Date

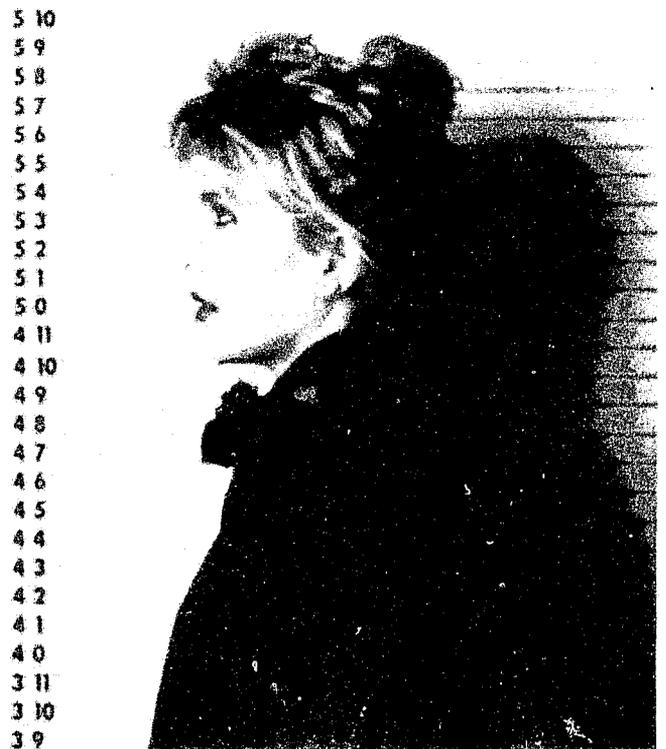
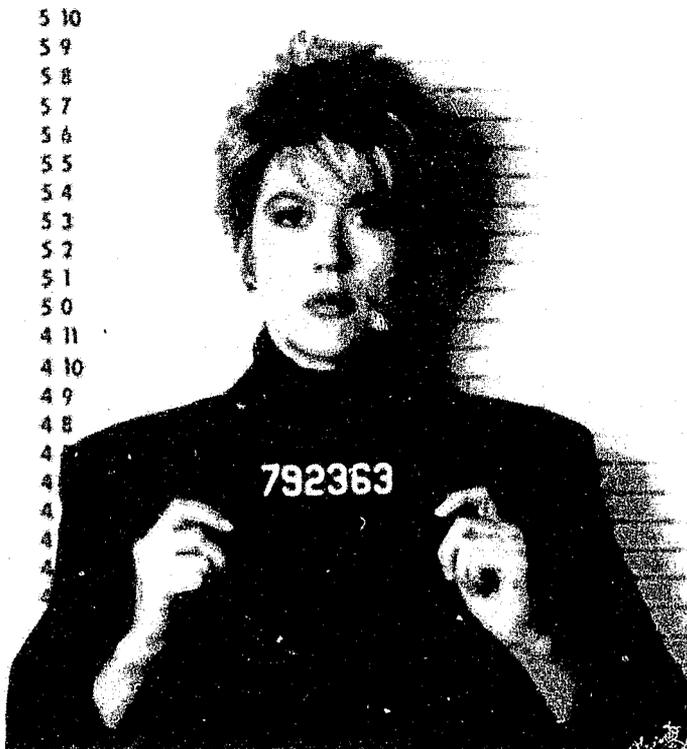
Case Manager Signature

Date

Appendix E

Media Materials for the Maricopa County “Do Drugs. Do Time.” Campaign

WE'RE TAKING A WHOLE NEW LOOK AT THE CASUAL DRUG USER.



In Maricopa County, you can no longer do drugs and expect to get away with it. A tough new anti-drug police task force is now on the streets. And if they catch you with drugs, they're taking you to jail. You then face felony charges, a prison sentence and stiff financial penalties. Or pay to enter a year-long rehab program. So before you do drugs, think about how they could make you look.

DO DRUGS. DO TIME.

Maricopa County Demand Reduction Program.

© 1989 Maricopa County Demand Reduction Program.

DO DRUGS. DO TIME.

DO DRUGS. DO TIME. CAMPAIGN IN YOUR CITY/COUNTY

9/89

If you are interested in localizing the "DO DRUGS. DO TIME." posters or television public service announcements for use by your city/county, it will be necessary to obtain written permission from the representative of the Maricopa County Demand Reduction Program. The campaign is copyrighted.

Attached you will find request forms, information on how to produce the public service announcements, posters, outdoor advertising, and suggestions on how to distribute the materials. If you have questions, please contact Lieutenant John L. Buchanan, Demand Reduction Program Coordinator at (602) 262-7311, or Leslie Mihata Bloom, Public Relations Representative for the Phoenix Police Department at (602) 262-7331.

Sincerely,

RUBEN B. ORTEGA
Police Chief


JERRY A. GLIVER
Assistant Police Chief

POLICE DEPARTMENTS

Arizona State University
Avondale
Buckeye
Chandler
El Mirage
Gilbert
Glendale
Goodyear
Guadalupe
Mesa
Paradise Valley
Peoria
Phoenix
Scottsdale
Surprise
Tempe
Tolleson
Wickenburg
Youngtown

AGENCIES

AZ Dept. of Liquor Licenses and Control
AZ Dept. of Public Safety
Drug Enforcement Administration
Federal Bureau of Investigation
Maricopa Co. Attorney's Office
Maricopa Co. Sheriff's Office
U.S. Attorney's Office

DO DRUGS. DO TIME.

REQUEST FOR PERMISSION TO USE COPYRIGHTED TELEVISION PUBLIC SERVICE ANNOUNCEMENTS

TO: John L. Buchanan, Lieutenant
Maricopa County Demand Reduction Program Coordinator
Phoenix Police Department
Special Investigations Bureau
620 West Washington Street
Phoenix, Arizona 85003

The Undersigned, _____, of
(requesting agency)
_____ requests permission to
(address)
reproduce for circulation (or distribute, display, or
exhibit) in _____, and not elsewhere the
(geographical area)
following material:

Seven (7) television public service announcements

The material is to appear without change and
according to the attached specifications, except in the
closing graphic where the words "Maricopa County Demand
Reduction Program" will be replaced with the name of the
requesting agency's program which is: _____.

The material is to be distributed by _____.

The probable distribution or exhibition date is
_____.

The undersigned agrees to give full credit to the
Maricopa County Demand Reduction Program in the following
form:

POLICE DEPARTMENTS

- Arizona State University
- Avondale
- Buckeye
- Chandler
- El Mirage
- Gilbert
- Glendale
- Goodyear
- Guadalupe
- Mesa
- Paradise Valley
- Peoria
- Phoenix
- Scottsdale
- Surprise
- Tempe
- Tolleson
- Wickenburg
- Youngtown

AGENCIES

- AZ Dept. of Liquor Licenses and Control
- AZ Dept. of Public Safety
- Drug Enforcement Administration
- Federal Bureau of Investigation
- Maricopa Co. Attorney's Office
- Maricopa Co. Sheriff's Office
- U.S. Attorney's Office

**REQUEST FOR PERMISSION TO USE COPYRIGHTED
TELEVISION PUBLIC SERVICE ANNOUNCEMENTS
PAGE 2**

- © 1989 Maricopa County Demand Reduction Program is to appear on the closing graphic below the name of the requesting agency's program.
- The campaign is copyrighted and it originated in Maricopa County, Arizona.
- Creative credit must be given to advertising agencies Cramer-Krasselt, and After Hours, both of Phoenix, Arizona;

to restrict the use of the material to those uses mentioned above; to forward one VHS copy of the public service announcements to you; and if at any time, further distribution (publication or exhibition) is contemplated, to secure further permission from the representative of the Maricopa County Demand Reduction Program.

Dated _____, 19__.

(Signature)

(Title)

Permission granted on the above terms dated _____,
19__.

Lt. John L. Buchanan
Maricopa County Demand Reduction
Program Coordinator
Phoenix Police Department

DO DRUGS. DO TIME.
Television Public Service Announcements

Specifications

Production work must be done by a television station which has broadcast quality one-inch editing equipment.

Type/Font: Clearface Regular

The requesting agency's program name is to appear below "DO DRUGS. DO TIME." in the clearface regular type style, and in the size of the attached example.

Production

There are basically two ways to produce the public service announcements. First, one of your local television stations might be willing to donate production time in order to add the name of your program to the seven public service announcements. If this is not the case, you could obtain an estimate from the station or television production company, and pay for their services. If you choose this route, you will first need to obtain a one-inch master dub of the original P.S.A.'s produced for Maricopa County.

V.I.P. Productions has Maricopa County's master on file. V.I.P. will provide you a one-inch tape with the seven P.S.A.'s for \$120* plus shipping and handling. Contact: Mark Chance

V.I.P. Production Center
2235 West Alice Avenue
Phoenix, Arizona 85021
Phone: (602)861-2666
FAX: (602) 944-5391

You also have the option of having your P.S.A.'s entirely produced by V.I.P. The cost for editing, adding your local program's name to the P.S.A.'s, and the one-inch tape, is \$335* plus shipping and handling. If you are interested in this package, please contact Mark Chance.

*Price subject to change.

Distribution

There are several ways to distribute the public service announcements once you have your custom one-inch master dub. First, a local television station or production company could make additional dubs for you at a cost, and then you distribute the tapes to the stations. Or, you might be able to loan the one-inch master tape to each station, allowing the station to make its own dub (most stations would be able to do a dub like this one in 5-10 minutes once the equipment is set up). The stations might be willing to do this at no cost because "DO DRUGS. DO TIME." is a public service campaign. Please keep in mind that while most television stations across the country use one-inch for public service announcements, there are some markets that will need a 3/4" dub, so you may have to make special arrangements. Appendix E 97

Appendix F

Agreement between the San Diego Integrated Narcotics Task Force and the Federal Drug Enforcement Administration

AGREEMENT

This agreement is made this first day of October, 1988, between the San Diego Police Department, hereinafter called the SDPD, and the Drug Enforcement Administration, hereinafter called DEA.

Whereas there is evidence that trafficking in narcotics and dangerous drugs exists in the San Diego area and that such illegal activity has a substantial and detrimental affect on the health and general welfare of the people of San Diego, California, the parties hereto have agreed to the following.

1. The San Diego Integrated Narcotic Task Force will perform the activities and duties described below:
 - (a) disrupt the illicit drug traffic in the San Diego area by immobilizing targeted violators and trafficking organizations;
 - (b) gather and report intelligence data relating to the trafficking in narcotics and dangerous drugs, and
 - (c) conduct undercover operations where appropriate and engage in such other traditional methods of investigation in order that the Task Force's activities result in effective prosecution before the courts of the United States and the District Courts of the State of California.
2. The Sheriff of San Diego County, Chief of Police of the City of San Diego, and the Special Agent in Charge of the DEA San Diego Field Division, known hereinafter as the "Executive Board," shall have the authority to regulate and manage the Task Force and to make and enforce all necessary and desirable policy rules and regulations. Additionally, the selection, direction, or removal of law enforcement personnel and support personnel assigned to the Task Force will be in accordance with interagency concurrence at the Project Coordinator level, with maximum cooperation between coordinators and in a spirit of a one-agency concept, as well as parent agency procedures.

-
- (a) The Executive Board shall establish policy and procedure for the Task Force.
 - (b) The Executive Board shall meet as deemed necessary for the purpose of receiving reports relative to the progress, functions, and special duties of the Task Force.
 - (c) The Sheriff of the County of San Diego and Chief of Police of the City of San Diego, alone, shall exercise final authority over City and County resources through their designated Project Coordinator. The Special Agent in Charge of the San Diego Field Division of the Drug Enforcement Administration, alone, or through his designated Project Coordinator, shall exercise final authority over Federal resources.
 - (d) The objectives, principles, policies, procedures, rules, and regulations set forth in the Narcotic Task Force Manual and the DEA Administrative Manual shall govern the activities, conduct, and responsibility of all members assigned to the Task Force. Unless expressly provided in these manuals, the policies, rules, procedures, and regulations of the parent agency shall apply.
 - (e) All SDPD officers assigned to the Task Force shall adhere to all DEA and Departmental policies and procedures. Failure to adhere to DEA and parent department policies and procedures shall be grounds for dismissal from the Task Force.
 - (f) Officers assigned to the joint DEA Task Force pursuant to this agreement are detailed pursuant to the Intergovernmental Personnel Act 5 USC 3371-3376.
3. The SDPD agrees to detail approximately twenty-two (22) experienced officers to the San Diego Task Force for a period of not less than two years.
 4. Officers of the SDPD assigned to the San Diego Integrated Narcotic Task Force shall be deputized as Task Force Officers of the Drug Enforcement Administration and shall function under the supervision and control of the Drug Enforcement Administration.
 5. To accomplish the stated objectives of the San Diego Task Force, the DEA will assign a sufficient number of special agents to the Task Force and provide the necessary funds and equipment to support the activities of the officers assigned to the Task Force. This support includes office space, overtime payments described below, office supplies, travel funds, funds for the purchase of evidence and information, funds for clerical support, investigate equipment, training and other support items.
 6. DEA will provide the San Diego Integrated Narcotic Task Force with funds as set forth below out of annually appropriated funds, or any continuing resolution thereof to reimburse the SDPD for the following:

From 10-01-88 through 09-30-89, overtime payments for officers assigned to the program not to exceed 25% of each officer's base salary of 25% of a GS-10, Step 1, whichever is less.
 7. In no event will the SDPD charge any indirect cost rate to DEA for the administration or implementation of this agreement during the term thereof.
 8. The San Diego Integrated Narcotic Task Force shall maintain, on a current basis, complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

Appendix G

Transcript of an Example San Diego Telephonic Search Warrant Conference Call

1 DEPUTY DISTRICT ATTORNEY: This is Deputy District
2 Attorney William Holman of the County of San Diego. With me on
3 this telephonic search warrant conference are Judge Ronald
4 Domnitz of the San Diego Municipal Court and Deputy Kenneth
5 Gordon of the San Diego Sheriff's Department Narcotic Street
6 Team. It is now October the ... at 3:12 P.M. Judge Domnitz,
7 would you swear the affiant prior to taking the affidavit.

8 JUDGE: Yes. Officer Gordon, raise your right
9 hand please. Do you solemnly swear to tell the whole truth,
10 nothing but the truth, so help you God?

11 OFFICER: Yes, I do.

12 JUDGE: Please state and spell your name.

13 OFFICER: Kenneth Earl Gordon, G-o-r-d-o-n.

14 JUDGE: Go ahead.

15 DDA: Thank you, Your Honor. This is Deputy District
16 Attorney Holman again. Deputy Gordon, I'm going to ask you a
17 number of questions. First, what is the address and the descrip-
18 tion of the premises that you wish to search?

19 OFFICER: The address is ... Unit
20 No. 9, in the City of San Diego, in the County of San Diego, in
21 the State of California. Said premises is further described as a
22 2-story condominium complex primarily of wood siding construction
23 with light brown stucco foundation, dark brown trim, and a shake
24 type shingle roof. The numerals ... are affixed to the
25 east side of the structure, which is on the west side of the
26 ... block of ... The numeral "9" is affixed to
27 the east wall of the building and is located immediately to the
28 right of the alcove that leads to the east-facing front door of

1 Unit No. 9 as one faces the front of said premises. And the
2 person known as ~~Robert William Baker~~, that's spelled ~~R. W. B.~~
3 a white male, approximately 44 years old, being about 5'6" in
4 height and 180 pounds in weight and believed to be residing at
5 the above-described premises.

6 DDA: And can you tell us, Deputy Gordon, what
7 property do you wish to seize at the, at those premises?

8 OFFICER: Controlled substances, including methamphetamine,
9 compounds containing and derivatives of methamphetamine, folded
10 papers, small plastic baggies, funnels, straws, syringes, scales,
11 cutting agents, written articles on the use and effects of
12 controlled substances, and papers, fingerprints, handwriting,
13 handwriting, documents and effects which tend to show possession,
14 dominion and control of said premises, including keys, canceled
15 mail envelopes, rental agreements and receipts, bills from
16 telephone and utility service, photographs, undeveloped photographic
17 film and notices from government agencies.

18 DDA: All right. And can you tell me, Agent Gordon,
19 what education, training and experience have you had as a
20 narcotics investigator?

21 OFFICER: I am a peace officer employed by the San Diego
22 Sheriff's Department and have been so employed for about nine
23 years. I am currently assigned to the Street Narcotics Unit of
24 the San Diego Sheriff's Department and I have been so assigned
25 for about one and one-half years. During this time I have
26 investigated illicit controlled substance traffic within the
27 County of San Diego. I have had formal training and extensive
28 experience in controlled substance investigations, and I am

1 familiar with the manner in which controlled substances,
2 including methamphetamine, are packaged, marketed and consumed.
3 I have received training in the identification of all types of
4 controlled substances by sight and odor, including methamphetamine.
5 I have made in excess of one hundred arrests for violations
6 involving controlled substances. In the course of my current
7 duties I have become familiar with the ordinary meaning of
8 controlled substance slang and jargon, and I am familiar with
9 the matters and techniques of traffickers in methamphetamine as
10 practiced locally.

11 DDA: Thank you. Can you tell us please, Agent
12 Gordon, within the past few days have you received some informa-
13 tion from a confidential informant?

14 OFFICER: Yes, I have.

15 DDA: And do you wish to keep said confidential
16 informant anonymous at this time?

17 OFFICER: Yes, I do.

18 DDA: And is that because, in your experience as a
19 peace officer and a trained narcotics investigator, that
20 confidential informants who give information to narcotics or to
21 law enforcement agencies upon the revelation of their identity
22 are subjected to both physical and emotional abuse and sometimes
23 their lives are, in fact, threatened if their identity becomes
24 known to those individuals whom they've given information against?

25 OFFICER: Yes, that's correct.

26 DDA: All right. Now can you tell the court please,
27 or tell the judge what did the informant tell you regarding the
28 above-described premises and the individual that you've described?

1 OFFICER: This informant told me that an individual
2 known to said informant as "Bob" was selling methamphetamine out
3 of the described premises. The informant added that Bob is an
4 occupant of said premises based on the informant seeing Bob inside
5 the described premises on numerous past occasions. The informant
6 stated that he/she has personally purchased methamphetamine from
7 Bob at the described premises on numerous occasions. The last
8 transaction occurred within the last 30 days. The informant
9 described Bob as being a white male in his mid-40s, being approx-
10 imately 5'6 in height and weighing about 170 pounds. The
11 informant also stated that Bob was arrested in the early months of
12 1986 by federal agents for possessing several pounds of meth-
13 amphetamine. The informant did not know the address of the
14 described premises however described the residence as being Unit
15 No. 9 of an apartment or condominium complex located on Columbia
16 Street near Upas Street in the City of San Diego. The informant
17 added that Unit No. 9 is a 2-story structure that has a brown
18 wooden exterior. The informant then furnished me with Bob's home
19 telephone number. This telephone number was 295 Upon
20 receipt of this information I initiated an investigation that has
21 revealed the following facts: As printed in the San Diego County
22 crisscross directory, the phone number 295- is assigned to a
23 _____, _____, at _____ Street, San Diego;
24 2) As printed in the 1986-87 Pacific Bell telephone directory,
25 _____ lists a telephone
26 number of 295- 3) On March 25th, 1986 _____
27 was arrested by Special Agent Armand McClintock, that's spelled
28 M-c-C-l-i-n-t-o-c-k of the United States Drug Enforcement

1 Administration for violating various federal statutes involving
2 controlled substances. Special Agent McClintock told me that
3 Prater was arrested in a local restaurant and was charged with,
4 in part, possessing six and a half pounds of 96% pure
5 methamphetamine with the intent to distribute same. This meth-
6 amphetamine was seized pursuant to a search warrant for Prater's
7 residence located at ----- Street, No. 9, San Diego.
8 Prater is scheduled for sentencing in this case, which is Federal
9 Case No. R, as in Robert, 2-86-015 on October 7th, 1986. 4) Sgt.
10 Alan Truett, supervisor of the San Diego Sheriff's Street
11 Narcotics Unit, has personally viewed the residence located at
12 -----, Unit No. 9, San Diego, and had found it to
13 be so described as the first page of this affidavit. The
14 description of said premises matches that which was given to me
15 by the above-mentioned informant. After ascertaining the above
16 facts, and within the past three days, I again met with the above
17 confidential informant . . .

18 DDA: Excuse me for just a moment.

19 OFFICER: Sure.

20 DDA: Did the informant give you any information
21 which, during the course of your investigation, you found to be
22 false or misleading in any way, shape or form?

23 OFFICER: No, he did not.

24 DDA: All right. Go ahead please.

25 OFFICER: After ascertaining the above facts, and within
26 the past three days, I again met with the above confidential
27 informant and directed him/her to call -----'s residence and
28 arrange a purchase of methamphetamine. I dialed the telephone

1 | number 295- which the informant had provided. I listened to
2 | the subsequent conversation and heard the informant talk to a
3 | subject who answered the phone to the name of "Bob". The
4 | informant and Bob talked about qualities of methamphetamine, and
5 | Bob stated that he had methamphetamine now. Bob then agreed to
6 | sell the informant a quantity of methamphetamine and told the
7 | informant that he/she could come over, meaning to the described
8 | premises. This conversation was terminated at that point.

9 | DDA: And at the time that Bob indicated to the
10 | informant that the informant could come over to the above-
11 | described premises was that for the purpose of the informant
12 | obtaining a quantity of methamphetamine?

13 | OFFICER: Yes, it was.

14 | DDA: All right. And did that telephone conversation
15 | take place within the past 72 hours?

16 | OFFICER: Yes, it did.

17 | DDA: All right. And did the in... did Bob at the
18 | time that he was engaged in that telephone indicate to the
19 | informant that you heard that, in fact, he did have a quantity of
20 | methamphetamine on hand for distribution at that point in time?

21 | OFFICER: Yes, he did.

22 | DDA: All right. Do you believe, based upon your
23 | education, training and experience, that Bob, the person described
24 | as Bob, is in the business of trafficking controlled substances,
25 | specifically methamphetamine?

26 | OFFICER: Yes, I do.

27 | DDA: And is it your experience that those indi-
28 | viduals who, who traffic in controlled substances maintain an

1 inventory of controlled substances as well of all^{of}/the materials
2 that you have described above in the affidavit?

3 OFFICER: Yes, it is.

4 DDA: All right. Your Honor, do you have any
5 further questions of the officer, . . .

6 JUDGE: No, I think . . .

7 DDA: . . . at this time?

8 JUDGE: . . . he's covered the situation well.

9 DDA: All right. Det... Detective Gordon, do you
10 believe that the above information provides grounds for the
11 seizure of the property that you have described earlier within
12 the purview of Penal Code Section 1524?

13 OFFICER: Yes, I do.

14 DDA: And do you therefore pray that a search
15 warrant be issued for the seizure of the above-described property
16 or any part thereof at the above-described premises?

17 OFFICER: Yes, I do.

18 DDA: Your Honor, would you be so kind as to direct
19 that a search warrant be issued based upon probable cause for the
20 above-described property . . .

21 JUDGE: Yes, I find . . .

22 DDA: . . . at this time.

23 JUDGE: . . . probable cause for a search warrant,
24 and the search, search warrant shall issue.

25 DDA: And, Your Honor, would you also direct that
26 the preprinted language of the form MIS 111 be incorporated
27 specifically by reference into the warrant itself at this time.

28 JUDGE: Yes.

1 DDA: Let's see.
2 JUDGE: You need to authorize him to sign my name.
3 DDA: Yes. Would you do that, sir.
4 JUDGE: I'm authorizing you to sign my name in the
5 appropriate place on the warrant and then sign your name below it.
6 OFFICER: Yes, sir.
7 DDA: All right.
8 JUDGE: That's it, I think.
9 DDA: All right. Well, and, Agent, excuse me,
10 Detective Gordon, would you tell us please for the record, you're
11 going to put your name and badge number down there, are you not?
12 OFFICER: Yes, I am.
13 DDA: All right. What is your badge number, for
14 the record?
15 OFFICER: 0-1-9-1.
16 DDA: All right. And it is now 3:23 P.M. on
17 October the , 1986. And I believe, unless Your Honor has
18 anything else, that concludes our conversation.
19 JUDGE: I think that concludes it. Thank you.
20 DDA: Thank you so much.
21 JUDGE: All right. Good bye now.
22 DDA: Good bye, gentlemen.
23 OFFICER: Okay.

24 * * * *

25 Transcribed by:
26 PATRICIA J. WALSINGHAM
27 October , 1986
28 Patricia J. Walsingham
Tape Index Begins: 003
Tape Index Ends: 149

H. RONALD DOMNITZ certifies:

1. That he is a Judge of the Municipal Court, San Diego Judicial District.

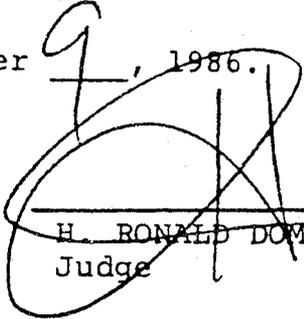
2. That he files herewith the original tape recording of an oral statement by Officer Kenneth Gordon of the San Diego Sheriff's Department, made to him under oath, telephonically, on October , 1986, which recording is marked _____, beginning at Index No. 003 and ending at Index No. 149.

3. That he files herewith the transcript of said recorded oral statement described in paragraph 2 above, which said transcript was prepared by PATRICIA J. WALSINGHAM, under his direction, on October , 1986.

4. That he files herewith the original search warrant signed and issued by him on receipt of the sworn oral statement described in paragraph 2 above, together with the duplicate original of said warrant;

5. That this certification is made pursuant to the provisions of Section 1526(b) and 1528(b) of the Penal Code of California.

Dated: October 9, 1986.



H. RONALD DOMNITZ
Judge

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

County Courthouse 220 W. Broadway, San Diego, California 92101

San Diego Judicial District

TELEPHONIC SEARCH WARRANT

(ORIGINAL)

INDEX NO.

CASE NO.

(For Court's use only)

THE PEOPLE OF THE STATE OF CALIFORNIA, to any Sheriff, Constable, Marshal, or Policeman in the County of San Diego: Proof by oral statement under oath made in conformity with Penal Code Section 1526(b) having been made this day to me by Kenneth E. Gordon, that there is probable cause for the issuance of a Search Warrant on grounds set forth in Penal Code Section 1524, YOU ARE THEREFORE COMMANDED to make a search at any time of the day good cause having been shown therefore, of the following described persons or property:

unit number 9, in the City of San Diego, County of San Diego, State of California. Said premises is further described as a two-story condominium complex, primarily of wood siding construction, with light brown stucco foundation, dark brown trim and a shake-type shingle roof. The numerals are affixed to the east side of the structure, which is on the west side of the block of at. The numeral "9" is affixed to the east wall of the building and is located immediately to the right of the alcove that leads to the east facing, front door of unit 9, as one faces the front of said premises; and the person known as a white male, approximately 44 years old, being about 5'6" in height and 180 lbs. in weight, and believed to be residing at the above-described premises in the

County of San Diego, California, for the following described property: Controlled substances including methamphetamine, compounds containing and derivatives of methamphetamine, folded papers, small plastic baggies, funnels, straws, syringes, scales, cutting agents, written articles on the use and effects of controlled substances; and papers, fingerprints, handwritings, documents and effects which tend to show possession, dominion and control of said premises, including keys, canceled mail envelopes, rental agreements and receipts, bills for telephone and utility service, photographs, undeveloped photographic film, and notices from governmental agencies,

and if you find the same or any part thereof, to retain the same in your custody, subject to order of court as provided by law.

This Search Warrant was issued (Time) 3:23 P.M. (Date) 10- -86

Magistrate

Hon. H. Ronald Donnitz Magistrate

By Kenneth E. Gordon

Department San Diego Sheriff's Dept.

Badge No. 0191

Time/Date of Execution 1650/10- -86

TELEPHONIC SEARCH WARRANT

Appendix H

Blank DEA Agreement for a State and Local Task Force

This Agreement is signed the Fiscal Year of 1989, between the _____ Police Department and the Drug Enforcement Administration, hereinafter called DEA.

WHEREAS, there is evidence that trafficking in narcotics and dangerous drugs exists in the _____ County area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of _____, the parties hereto agree to the following:

1. The DEA of _____ Task Force will perform the activities and duties described below:
 - (a) Disrupt the illicit drug traffic in the _____ County area by immobilizing targeted violators and trafficking organizations.
 - (b) Gather and report intelligence data relating to the trafficking in narcotics and dangerous drugs.
 - (c) Conduct undercover operations where appropriate and engage in such other traditional methods of investigation in order that Task Force activities result in effective prosecution before the courts of the United States and the Circuit Courts of the State of _____.
2. To accomplish the above, the _____ Police Department agrees to detail two (2) experienced Investigator/Deputy positions to DEA Task Force for not less than one year. During this period of assignment, the Police Officers will be under the direct control and supervision of DEA Task Force supervisory personnel assigned to the _____ Task Force. DEA Task Force supervisory personnel will make reports to the _____ Police Department regarding the job performance of the assigned Officers. The _____ Police Department will be responsible for the evaluation of its personnel under State and Local Law.
3. All of the Officers assigned to the Task Force shall adhere to DEA policies, procedures and current policy and procedures of the _____ Police Department. Any inconsistencies in the policies, procedures and regulations will be resolved by the Resident Agent-In-Charge (RAC) and the Chief or his designee.
4. Officers of the _____ Police Department assigned to the DEA Task Force shall be deputized as Task Force Officers of the Drug Enforcement Administration (DEA) pursuant to the authority granted to the Attorney General by Public Law 99-570, Section 1869, and delegated to the Administrator, DEA by Section 0.100, Title 28, Code of Federal Regulations authorizing them to exercise the power of enforcement personnel set forth in Section 878, Title 21, United States Code.

-
5. To accomplish the stated objectives of the DEA of _____ Task Force, the DEA will assign two (2) Special Agents to the Task Force and provide the necessary funds and equipment to support the activities of the officers assigned to the Task Force. This support includes office space, overtime payments described below, office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training and other support items. DEA will provide one (1) experienced secretary.
 6. The Chief or his designee(s) shall receive copies of all Task Force activity reports depicting Officer activity, especially reflecting productivity. In addition, the Chief or his designee(s) shall be provided, at a minimum, monthly briefings of Task Force activity. Also, the Chief or his designee(s) may request special briefings when same is determined to be necessary and in the best interest of his Office. The briefing sessions are hereby specifically identified and defined as a forum for the Chief or his designee(s) to provide, in writing, input to the Task Force in the establishment, modification or refinement of Task Force goals and objectives as well as identification of specific criminal targets.
 7. DEA will provide the _____ Police Department with funds as set forth below out of annually appropriated funds, or any continuing resolution thereof to reimburse the _____ Police Department for the following:

Overtime payments for Officers assigned will be paid at the minimum rate of one and one-half (1½) times the Officers base hourly rate not to exceed 25% of a GS-10, Step 1 (currently \$6,546.80).
 8. In no event will the _____ Police Department charge any indirect cost rate to DEA for the administration or implementation of this Agreement during the term thereof.
 9. The _____ Police Department shall maintain on a current basis complete and accurate records and accounts of all obligations and expenditures of funds under this Agreement in accordance with generally accepted accounting principles and instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.
 10. The _____ Police Department shall permit and have readily available for examination and auditing by the DEA, the United States Department of Justice or the Comptroller General of the United States, or any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts, or expenditures relating to this Agreement. In addition, the _____ Police Department will maintain all such foregoing reports and records until all audits and examinations are completed and resolved, or for a period of three (3) years after termination of this Agreement, whichever is sooner.
 11. The _____ Police Department will comply with Title VI of the Civil Rights Act of 1954 and all requirements imposed by or pursuant to the regulations of the Department of Justice (28 CFR, Part 42, Subparts C and D) issued pursuant to color, creed, sex, age or national origin and equal employment opportunities.
 12. The terms of this Agreement shall take effect upon signature to September 30, 1989. This Agreement may be terminated by either party for good cause shown by notice in writing given to the other party thirty (30) days prior thereof. Billing shall be received by DEA on all obligations that are outstanding on the above prescribed termination date within ninety days thereof. DEA will only be liable for obligations incurred by the DEA Task Force during the term of this Agreement.

-
13. The Police Department shall be provided an opportunity to participate in the sharing of assets resulting from Federal forfeitures, to the extent as provided by the Attorney General's Guidelines on seized and forfeited property.

Appendix I

Organized Crime Drug Enforcement Task Force Agreement

OCDE-S/L-1

AGREEMENT

Agreement Number _____
(OCDE Task Force Case Number)

This agreement is between the (State or Local Agency) hereinafter called the Agency and the (Region) Organized Crime Drug Enforcement Task Force, hereinafter called the Task Force. This agreement shall be effective when signed by the state or local agency official, the (Federal) Task Force agency(ies) coordinator(s) and SAC(s), hereinafter called the sponsoring Federal agency(ies), the Drug Enforcement Administration Task Force Coordinator and the Assistant United States Attorney Task Force Coordinator.

1. It is agreed that the state or local law enforcement personnel named on this agreement will assist in approved Organized Crime Drug Enforcement Task Force investigations and prosecutions as set forth in the Organized Crime Drug Enforcement Guidelines as adopted by the Attorney General of the United States on January 20, 1983, and revised on October 29, 1984. The named personnel shall participate jointly with the federal law enforcement agency(ies) in investigations as needed to effect prosecution before the courts of the United States and/or the State courts.
2. The Agency agrees to provide experienced law enforcement personnel (as identified in form OCDE-S/L-2 and attached as part of this agreement) to the Task Force for assistance in high-level investigations. Any modification to the attached list of law enforcement officers must be agreed to in writing by the parties to this agreement and made a part of this agreement.
3. The Agency personnel provided to the Task Force shall adhere to the policies and procedures of the sponsoring federal law enforcement agency(ies). Failure to adhere to these policies and procedures shall be grounds for dismissal from the Task Force and/or termination of this agreement. The Agency personnel during joint investigations shall continue to be subject to the established lines of supervision of the Agency. In the event of conflict with these policies and procedures, no investigatory activity shall be performed by the named Agency personnel until the conflict is resolved. When resolution cannot be reached at the case or district levels, the Assistant United States Attorney Task Force Coordinator shall be the final level of arbitration and resolution. Failure to resolve such conflict will be cause to terminate this agreement.

-
4. It is agreed that the Agency shall strictly adhere to the requirements of Rule 6(e) of the Federal Rules of Criminal Procedure relating to grand jury secrecy. Further, any disclosure of such grand jury information shall be made only after permission has been granted by the United States District Court upon notice or motion of a Task Force attorney.

IMPORTANT: SELECT THE APPROPRIATE PARAGRAPH(S) BELOW BY CHECKING THE BOX PROVIDED:

5. Officers of the Agency assigned to the Task Force shall be deputized.

NOTE: If this paragraph is selected, Form OCDE-S/L-4 and OCDE-S/L-5 must be completed and attached. Refer to Sections 6 and 7 of the "Policies and Procedures" manual.

AND/OR

5. Officers of the Agency detailed to the Task Force are detailed for the duration of a particular case or cases pursuant to the Intergovernmental Personnel Act (IPA) (5 U.S.C. Section 3371). Officers so detailed under the IPA are considered to be employees of the United States for purposes enumerated therein. However, officers so detailed are not considered Federal law enforcement officers and possess no law enforcement authority other than that conferred by virtue of their position as an officer of their respective Agency.

NOTE: A copy of Optional Form 69—Assignment Agreement and Addendum, must be completed for each officer and attached to this agreement.

OR

5. Officers of the Agency who are members of the Task Force will not be deputized or detailed to the Task Force under Intergovernmental Personnel Act. Therefore, said officers shall not be considered employees of the United States for any purpose and shall possess no law enforcement authority other than that conferred by virtue of their position as an officer of their respective Agency.
6. The Task Force and the sponsoring federal law enforcement agency(ies) for the approved Task Force cases will provide to the Agency personnel the clerical, operational and administrative support that is mutually agreed to by the parties to this agreement.
7. The U.S. Department of Justice will reimburse the Agency for overtime costs and authorized travel and per diem expenses for personnel assigned to the Task Force. To ensure proper and complete utilization of Task Force overtime and expense allocations, reimbursement claims must be submitted monthly or quarterly on the reimbursement request memorandum (Form OCDE-S/L-3). Analysis of monthly reimbursement claims by the Task Force may result in a modification of the obligation of funds contained within this agreement as well as the time period concerned. The Agency affected by any such modification will be telephonically advised at least (30) days in advance with follow-up confirmation in writing. Overtime payments, in any event, may not annually exceed 25% of a GS-10, Step 1 (annually \$6565.25) per person. The state/local agency is responsible for ensuring that this annual payment is not exceeded. The field office of the sponsoring federal agency should also continuously monitor these payments.
8. In no event will the Agency charge any indirect cost rate for the administration or implementation of this agreement during the term thereof.

-
9. The Agency shall maintain on a current basis complete and accurate records and accounts of all obligation and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions required by the Task Force to facilitate on-site inspection and auditing of such records and accounts.
 10. The Agency shall permit and have readily available for examination and auditing by the Task Force, the Drug Enforcement Administration, the U.S. Department of Justice, or the Comptroller General of the United States, or any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts, or expenditures relating to this agreement. In addition, the Agency will maintain all such foregoing reports and records until all audits and examinations are completed and resolved, or for a period of six (6) years after termination of this agreement, whichever is sooner.
 11. The Agency will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations of the Department of Justice (28 C.F.R. Part 42, Subparts C and D) issued pursuant to Title VI relating to discrimination on the grounds of race, color, creed, sex, age or national origin and equal employment opportunities.
 12. This agreement may be terminated by any of the parties for good cause shown by notice in writing given to the other parties thirty (30) days prior thereto. Billing shall be received by the Task Force on all obligations that are outstanding on the above prescribed termination date within 90 days thereof. The Task Force will only be liable for obligations incurred by the Agency during the term of this agreement.
 13. The term of this agreement shall be from (Date) to (Date).

During Fiscal Year a total of \$ will be obligated. (\$ for overtime and \$ for authorized expenses.) The bills will be submitted (specify monthly or quarterly).

Funding obligations for the time period set forth and agreed to herein represent projections only and are based upon consultation between the sponsoring federal agency and the state or local law enforcement agency. They are, therefore, subject to modification by the Task Force, as described in paragraph 7 above, based upon the progress and needs of the Task Force investigation implicated.

14. Funds are obligated for the Agency overtime costs and authorized expenses approved by the Task Force Coordination Group during the term of this agreement.

[SIGNATURE LINES OMITTED.]

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE
STATE OR LOCAL LAW ENFORCEMENT PERSONNEL

Agency: (State and/or Local Agency)

Agreement (Case) Number: _____

The law enforcement personnel listed below are provided to assist with the Task Force's investigation of the above identified Task Force case or cases. Any modification of the attached list of law enforcement personnel must be agreed to in writing by all of the parties to this agreement and made a part of this agreement.

<u>NAME</u>	<u>RANK</u>	<u>DOB</u>	<u>YEARS OF EXPERIENCE</u>	<u>DATE OF LAST FIREARMS QUALIFICATION</u>
-------------	-------------	------------	--------------------------------	--

Appendix J

Deputization Form for State or Local Officer to Act as a Drug Enforcement Administration Agent

DRUG ENFORCEMENT ADMINISTRATION
DEPUTIZATION REQUEST/AUTHORIZATION

Must be typewriter completed. See reverse for Privacy Act.

PART I - CERTIFICATION

FROM: (Enter Name of State/local Agency) _____ TO: Special Agent in Charge _____
_____ Field Division

Name of Employee: _____ Social Security No.: _____
Home Address: _____
Sex: _____ Date of Birth: _____ Place of Birth: _____

The character and internal investigations for subject named have been reviewed. I certify that he/she is a favorable candidate for the Task Force. I further certify that a security check to include an FBI fingerprint check was conducted with no derogatory information developed on (date) _____

Typed Name and Title of State/local Official _____ Signature and Date of State/local Official _____

PART II - CERTIFICATION

FROM: Special Agent in Charge _____ TO: Security Programs Manager _____
_____ Field Division Date: _____

Favorable NADDIS and NLETS and/or NCIC checks concerning this subject have been completed and are attached. When additional processing by your office has been conducted, appropriate action will be taken by this Field Division.
It is understood that the subject's access is restricted to his/her need-to-know, as operational circumstances dictate.

Special Agent in Charge (Signature and Date) _____ CONCUR: Security Programs Manager (Signature and Date) _____

PART III - DEPUTIZATION STATEMENT

FROM: Administrator, Drug Enforcement Administration TO: _____

Pursuant to the authority granted to the Attorney General by Public Law 99-570, Section 1869, and delegated to me by Title 28, Code of Federal Regulations, Subpart R, Section 0.100 et. seq., you are hereby authorized to exercise the powers of enforcement personnel set forth in Section 878, Title 21, United States Code, which are to:

- (1) carry firearms;
- (2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of the United States;
- (3) make arrests without a warrant (A) for any offense against the United States committed in your presence, or (B) for any felony, cognizable under the laws of the United States, if you have probable cause to believe that the person to be arrested has committed or is committing a felony;
- (4) make seizures of property pursuant to the provisions of this Subchapter (21 U.S.C. 801-904); and
- (5) perform such other law enforcement duties as the Attorney General may designate.

Deputization authority is authorized from the date affixed to my signature for the period checked below unless sooner terminated in writing:

- While you are a DEA Task Force Officer
- For investigation _____ with an automatic expiration date of _____
- Other _____

OSF USE ONLY

Administrator, Drug Enforcement Administration _____ Date _____

PART IV - OATH OF OFFICE

I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I understand that, upon deputization, I will be subject to the provisions contained in 5 U.S.C. 3374(C), including the provisions relating to the unauthorized use of official Government vehicles. I further certify that I have read, understand, and agree to abide by the standards of conduct described in Section 2735 of the DEA Personnel Manual and Subchapter 632 of the DEA Agents Manual pertaining to the dissemination of information.

Task Force Officer (Signature and Date) _____ Special Agent in Charge (Signature and Date) _____
_____ Field Division

Appendix K

Answers to Questions Posed to the FBI Coordinator of the Organized Crime Drug Enforcement Task Force Program

QUESTION #1: What is your view of the value of FBI cooperation with local agencies in OCDE Task Forces to attack drug trafficking? In general, are such efforts worthwhile or do they tend to create more problems than they solve?

ANSWER: Although the FBI enjoys an exceptional working relationship with state/local law enforcement that pre-dates our entry into drug investigations, the OCDETF Program provides a number of distinct advantages over *ad hoc* task forces:

- Formal agreements setting out duties, responsibilities and chain of command
- The opportunity to pursue regional drug organizations identified at the state/local level to national wholesale levels and beyond
- The ability to augment the budgets of small law enforcement agencies by paying overtime to participating officers
- Ensuring an effective Federal presence in those marginal areas where Federal budget restraints prohibit extensive resource commitments
- Expansion of the FBI's drug intelligence base by following street-level witnesses developed by state/local officers up the chain to distribution level informants and witnesses.

Either in OCDETF or *ad hoc* task forces, benefits for state and local police include tapping the FBI's ability to conduct multijurisdictional investigations; using the Bureau's specialized resources in the areas of technical, forensic and legal assistance; and sharing in federally forfeited assets. The FBI likewise benefits from the experiences and knowledge of local police regarding criminal problems peculiar to specific territories and from an infusion of local expertise into joint cases.

QUESTION #2: What are the factors, or ingredients, that you feel should go into a formal task force arrangement in order to help make it work? That is, what are the roles of FBI and the non-federal participants in

such issues as management, investigative personnel, policies and guidelines, monetary and equipment resources, and other factors?

ANSWER: The most important issues, from the FBI's perspective, relate to management of resources, target selection, chain of command and dispute resolution.

- Management of resources entails both human and financial resources. Optimally, this responsibility should be shared equally with perhaps a slight tilt toward the agency controlling prosecution. In our larger field offices where such task forces have been established—New York (Colombian/South American Cocaine Groups), Miami (Joint Intelligence Working Group) and Los Angeles (Bloods and Crips Task Force)—this management sharing is equitable. In some of our smaller field offices, the FBI provides the bulk of financial resources, including buy-money, forensic services and technical support, and the balance swings slightly in favor of Federal prosecution and oversight.
- Target selection is based upon intelligence demonstrating the importance and pervasiveness of drug organizations. Targets of opportunity generally do not meet National Drug Strategy (NDS) criteria. The FBI will limit its participation to task forces that address trafficking organizations that are sufficiently prominent to meet NDS standards.
- Chain of command, policy and guidelines issues are also controlled, to a large extent, by the forum of prosecution. In joint FBI, state/local investigations, it has been our experience that most state jurisdictions will accept evidence gathered under Federal rules. In a few jurisdictions, Pennsylvania, for instance, consensual monitoring is effectively precluded by the state law. Under those circumstances prosecution must be Federal and the FBI's guidelines are followed exclusively. Clearly, the FBI usually enters an otherwise state/local case when the target of investigation is of sufficient import, when the FBI's expertise in conducting expansive, conspiracy-type investigations is required, and where the initiating agency is unable to support the investigation without human or financial resources in specialized areas requiring technical, forensic and legal assistance. In all but the latter instance, the investigation usually follows a mutually set course under the FBI's policy and guidelines, and the state/local entity is under operational direction of our field office SAC.
- Dispute resolution is always most effective when resolution occurs at the lowest possible level in the chain of command. In the OCDETF situation, dispute resolution occurs at the field office executive level as a last resort. In those rare instances where disputes cannot be resolved, an individual agency can continue the investigation unassisted. Such a situation has not arisen in the recent past.

QUESTION #3: Are there effective means for FBI to work cooperatively with state and local investigators that do not involve formal task force arrangements? That is, one-on-one types of cooperation between FBI agents and local investigators. If so, how and why do those informal relationships work better than formal task force relationships?

ANSWER: The issue of formal versus informal working relationships is simply a matter of magnitude of force. In any management forum, the larger the resource commitment, be it human or financial, the more involved and complex the management scheme. Informal working relationships are most effective and efficient in a one-to-one, Agent and officer investigation. In fact, it is doubtful that formal agreements between agencies would be at all effective in governing the relationship between an FBI Agent and his or her state/local "partner" on the street without a general spirit of cooperation. At this stage of a working relationship or investigation, the interaction in a one-on-one situation is more an issue of human dynamics than management theories.

As an investigation expands beyond the initial stages, the initiating Agent/officer team must be supported by additional resources. As the resource commitment continues to expand to meet case needs, management must decide which direction the team will follow—formalized task force, such as OCDETF, or an *ad hoc* joint investigation. Again, some will rest on the needs and resources of the state/local entity. OCDETF provides some obvious benefits for financial support during the course of an investigation, while the seizure and forfeiture laws provide substantial financial assistance to state/local law enforcement in the after-case situation.

Regardless of the forum chosen, complex, long-term drug investigations require a substantial commitment of resources over an extended period of time. Such undertakings require, at the minimum, an agreement between managers or executives regarding policies, guidelines, resource management, chain of command and dispute resolution. Whether this scheme is developed *ad hoc*, orally or in a formal written agreement, is relatively unimportant. It must be established and communicated to all participants. Ideally, of course, even the largest, most convoluted joint investigation should be composed of a multitude of one-to-one teams of FBI agents and state/local officers.

QUESTION #4: Do non-federal agencies whose personnel participate in FBI OCDETF investigations understand what they are getting involved in when they join, what their roles are, and what they are expected to contribute? Do their expectations change over time, and what are usually the results?

ANSWER: Appendix I (OCDE Form S/L-1) is a standardized formal agreement among the AUSA Coordinator, Sponsoring Federal Agency and state/local agency. This agreement is required only if OCDETF overtime payments will be required for state/local participation. The agreement is specific as to policies and procedures to be followed (Section 3—Sponsoring Federal Agency) and experience level of police officers provided (Section 2—most experienced).

OCDE Form S/L-2 (end of Appendix I) is a standardized OCDETF form devised to support the S/L-1 when deputations of state/local law enforcement officers are necessary. Officers assigned to an OCDETF investigation are deputized for that case only and must be identified by name, rank, years of experience and last firearms qualification date.

By design, neither of the above standardized forms specify the course or duration of the investigation, investigative techniques to be employed, or the deployment or duties of assigned personnel. These operational issues are addressed on a case-by-case basis. The standardized forms do not preclude other formal or informal agreements between the parties that do not contravene the specific requirements of the OCDETF S/L agreements. In fact, many such task force investigations involve other agreements, such as the sharing of assets at case conclusion.

In most cases, non-Federal agencies have developed a prior working relationship with the FBI field office in their region and expectations on both sides have an historical basis. Again, expectations of the success of the investigation or the sum total of assets seized are subject to any number of uncontrollable factors. The key to managing a joint investigation is a firm commitment of resources at the outset and continuity of resources through the course of the investigation. Expectations will change over time, however, and it is essential that all interested parties are "in the loop" of communications. The Drug Section is not aware of any operational situations involving state and local law enforcement that have resulted in either negative impact on case results or an impasse due to disagreements or unresolved disputes arising from changes in investigative progress.

QUESTION #5: What are some of the shortcomings or problems that you are aware of regarding formal task force arrangements involving state and local personnel? Do they tend to be common or isolated problems, and are they due to local or other factors beyond the control of FBI?

ANSWER: Outside of OCDETF, the FBI's experience in formal, standing task forces with state/local law enforcement is somewhat limited. Our New York field office has seven formalized criminal task forces (TF) operating from FBI facilities in conjunction with the New York City Police Department (NYCPD). By definition, such a formalized, non-OCDETF task force requires a standing complement of personnel from a state/local law enforcement agency housed in FBI sponsored facilities, using substantial FBI financial support (excluding salaries and overtime) and working jointly with FBI Agents on investigations involving violations of Federal law. A TF recently formed in Los Angeles comprises Los Angeles Sheriff's Office and Police Department personnel working jointly on Bloods and Crips street gangs. The New York TFs address Organized Crime (three TFs), Drugs (two TFs), Bank Robberies (1 TF) and Terrorism (1 TF) respectively.

Generally, the NY TFs have been in place for at least four years and the Bank Robbery and Terrorism TFs were formed over ten years ago. All of the FBI's formalized TFs have performed according to expectations and perform optimally when the TF combines the best elements of both agencies for a common objective. The FBI does not attempt to use state/local TF personnel as a manpower pool or as strictly surveillance support. Police officers have an intimate knowledge of the community they serve that is often not available to FBI Agents who are usually non-natives of the area and are subject to national transfers. Police officers typically have substantial street level contacts as well as access to a far broader city-and state-wide network of contacts and information. This localized network is often quite effective at developing street level intelligence sources that can be of significant value in piecing together a regional or even national intelligence picture.

The FBI's experience in formal TFs has been exceptionally productive. Those problems encountered have usually been solved over time by experience; however, some generic problems persist and are endemic to the TF concept.

Scheduling and overtime problems are most often encountered in large, unionized metropolitan police agencies. Officers are traditionally scheduled for specific shift work, sometimes days or weeks in advance. Shift changes require police management approval and advance notice that is sometimes inconsistent with the fast moving nature of drug investigations. Since the FBI does not fund police overtime, extended shift hours characteristic of prolonged drug transactions also often require advance notice, internal funding allocations and approval levels that may work at cross purposes to immediate case objectives.

Command structure and demands within these same metropolitan departments are more rigid than those within the FBI. For example, an assignment of six NYCPD officers to a specific shift requires the assignment of a sergeant to oversee the officers. NYCPD policy precludes the deployment of the officers without a sergeant despite the fact that a FBI Supervisor or ASAC may be on-the-scene. Again, FBI operational guidelines apply to our joint investigations, but officers must still comply with internal departmental rules and regulations.

Target-specific TFs, as opposed to case-specific TFs, may become self perpetuating. For example, a TF designed to target Jamaican drug trafficking gangs should eventually create its own obsolescence. Although the TF is not expected to completely wipe out all the Jamaican trafficking, it should be successful enough to lower the impact of the groups so that manpower commitments can be significantly lowered and the TF eventually disbanded. As a practical matter, an alternative course of action is to "find" another crime problem and redirect the TF mission.

Most, if not all of these issues can be managed effectively by laying the proper ground rules and objectives at the outset. Memorandums of understanding are highly recommended for each formal task force. Secondly, the mission must lend itself to a joint state/local—FBI TF, requiring the particular expertise of *both* agencies. Police officers, by the nature of their historical enforcement role, training, and the milieu in which they operate are most effective at reacting to street-level crime problems. On the other hand, FBI Agents are trained and expected to conduct some of our investigations proactively, drawing on our intelligence base to design, develop and implement a long-term investigative plan. The two perspectives, FBI Agent and police officer, must be used to complement each other in an investigation that requires both approaches throughout the course of the investigation, not just at its inception.

Ideally, Task Forces with state/local law enforcement officers work best when the criminal activity is reactive—Bank Robbery TFs are a prime case in point and our success in BR-TFs has been exceptional.

QUESTION #6: How do each of the problems or shortcomings noted above get started, and what specific ways would you suggest to (a) prevent the problems, and (b) limit the damage that any one problem can have on cooperation?

ANSWER: Many of the problems that the FBI has encountered in TF operations are ministerial in nature and have been easily solved through experience. The Task Force concept in the FBI has been effective over many years. Over time, we have developed some axioms that may be of value in assessing standing TFs. It should be noted that although OCDETF is a formalized DOJ Program these same guidelines can be applied to cases sponsored by the FBI for OCDETF status.

- Purpose of the TF

There must be a single over-riding investigative purpose for TF development. The need for a TF must be dictated by the specific crime problem to be solved; not by the perception that a TF may be publicly or politically appropriate at the time. The fact that there is insufficient manpower in any one agency to attack the problem is a perfectly acceptable reason for TF development.

- Mission of the TF

The TF mission should simply be to solve that specific crime problem. Once the problem is either solved or brought to manageable proportions, the TF should be disbanded. The mission should be specific enough to set reasonable goals and objectives. As an example, a bank robbery TF's overall mission may be to decrease the number of bank robberies; however, a more definable mission would be to raise the solution rate of bank robberies. The latter mission statement recognizes that "note job" bank robberies or "street sales" of drugs can only be attacked by near-impossible infusions of manpower. Bank robberies committed by an organization or gang, and drug distribution by an organization at wholesale levels are more susceptible to solution under a TF concept.

- Stay with the Mission

Many ancillary crimes support the principal crime problem. Drug cases are a prime example. If the realistic mission of the TF is to decrease the availability of a specific drug or drugs on the street, it is not realistic to expect the TF to solve all of the murders associated with drug distribution on the street. This axiom can also be classified under the "find a new problem(s)" for the TF to solve after the original mission becomes either unsolvable or less newsworthy.

- TF Complement

The mission of the TF should dictate the make-up of the TF. This requires a very real assessment of the institutional skills and abilities of all of the law enforcement agencies that can be considered potential contributors of resources to the TF. There is ample work for every law enforcement agency, Federal, state, or local, in their own areas of expertise and jurisdiction. Even in situations that require a pool of manpower to address a significant crime problem, the expertise of the participating agencies must be effectively deployed. As an example, every agent will claim that its officers/agents can conduct physical surveillance; however, it must be recognized that some law enforcement agencies are far more effective at surveillance than others.

- TF Policies/Procedures

The policies and guidelines under which a TF operates must be clearly understood and agreed to *before* manpower is committed. Legal guidelines will be dictated by the forum of prosecution. Internal procedures and policies should be those of the sponsoring agency—that is the agency that will bring the case into the prosecutive forum. Finally, internal agency rules and regulations will govern the individual Agents/Officers. Although the overall TF may be under the direction of an FBI SAC, as a practical matter, an FBI supervisor will confer with his police counterpart on a course of action and the commanding police officer will assign his own personnel to the team effort. State/local police agencies should not be expected to abrogate their own authority for the sake of a TF. These collective issues should be addressed at the outset in a memorandum of understanding signed by the participants.

- Task Force Flexibility

This axiom is not as contradictory as it may appear at first. A TF must have a defined mission and should not be directed at ancillary problems that arise during the course of an investigation. On the other hand, the mission cannot be so inflexible that the TF cannot pursue a course of the investigation that may complement the overall mission. Finally, it may become apparent through investigation and experience that the mission was poorly defined and requires refinement or redirection. State and local agencies are an exceptional resource for defining the problem. As an example, local officers will, or should know, if the drug problem in their community is strictly retail sales supplied by outside national distribution networks, or if the street sales are merely ancillary to a large international smuggling and distribution network based in their community.

- Task Force Duration

This issue is a corollary to the mission of the TF. Will this particular TF become so institutionalized that it becomes a standing TF for an indefinite period of time? Is the crime problem so chronic or pervasive that a "holding action" is the best that law enforcement can expect? In that case a standing TF may be the only viable alternative. Therefore, this axiom does not imply that every formal or *ad hoc* TF must have a definitive start and end point. It is clear, however, that executive personnel must be willing to continuously assess the viability of the TF and, when the mission has been completed, be equally willing to disband the TF in favor of a continued individual commitment of resources to either prevent or control the problem from resurfacing.

Appendix L

Media Materials from the Regional Drug Initiative around Portland, Oregon



THERE'S A SPECIAL HOLIDAY FOR EMPLOYEES WHO USE DRUGS. IT'S CALLED MONDAY.

When people are chronically absent from work, it could be a sign of drug abuse. And since 30% of Oregon's work force uses drugs, your company is affected as well. Which is no cause for celebration. If a drug control program is missing from your company, call the Oregon Prevention Resource Center at 1-800-822-OPRC for help. And bring back the five-day work week.

DRUGS DON'T WORK
REGIONAL DRUG INITIATIVE