



U.S. Department of Justice
Office of Liaison Services



A Report to the Attorney General

Recommendations of Law Enforcement Leaders on Legislation Against Drug Trafficking and Abuse



128358

OLS Report No. 1
June 1988



U.S. Department of Justice

Office of Liaison Services

Director

Washington, D.C. 20530

June 1988

Dear Mr. Attorney General:

In recent meetings with leaders of the national law enforcement community you noted that the Department of Justice and you would soon be called upon to advise the President and Congress on legislative measures relating to drug abuse and illicit drug trafficking. You invited the community to submit recommendations for the Department's consideration on these issues so that you could take them into account as you contributed to the formulation of the Administration's policies respecting relevant legislative proposals. You further stated that you wanted to be sure that the law enforcement community's views were available to Congress and the Administration whether or not their views were ultimately incorporated into Administration policy decisions.

You instructed the Office of Liaison Services to encourage law enforcement leaders to offer their views and to assemble their submissions into a report for your use. That task has been completed and our report is now respectfully submitted.

Sincerely yours,

A handwritten signature in cursive script that reads "Joseph A. Morris". The signature is written in black ink and is positioned above the typed name.

Joseph A. Morris

The Honorable Edwin Meese III
The Attorney General
Washington, D.C. 20530

UNITED STATES DEPARTMENT OF JUSTICE
Office of Liaison Services

A REPORT TO THE ATTORNEY GENERAL

Recommendations of Law Enforcement Leaders
on Legislation
Against Drug Trafficking and Abuse

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U.S. Department of Justice
National Institute of Justice

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Washington, D.C.
June 1988

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SUMMARY

Fifteen organizations responded to the Justice Department's call at the end of May for views on legislative proposals relating to drug abuse and drug law enforcement that the Department should advance, support, oppose, or forego. Eleven of those organizations are major national bodies constituted by, and representative of, significant elements of the American law enforcement community, including both the prosecuting bar and the ranks of the police, Federal, State, and local.¹ Four are public policy research institutions who have worked with national law enforcement leaders in analyzing key questions affecting police administration and the criminal justice system.²

It is clear from these submissions that law enforcement leaders do not perceive drug abuse and narcotics trafficking as problems for the Federal Government alone. To the contrary, they

¹ The eleven, set forth in alphabetical order (along with the abbreviations by which reference is made to them in this summary), are the Federal Criminal Investigators Association (FCIA), the Fraternal Order of Police (FOP), the International Association of Chiefs of Police (IACP), the International Narcotics Enforcement Officers Association (INEOA), the International Union of Police Associations (IUPA), the Major City Chief Police Administrators (MCCPA), the National Association of Attorneys General (NAAG), the National Association of Police Organizations (NAPO), the National District Attorneys Association (NDAA), the National Troopers Coalition (NTC), and the Police Executive Research Forum (PERF).

² The four, who collaborated on a joint submission, are the Free Congress Foundation, the Heritage Foundation, the Institute for Government and Politics, and the Washington Policy Group. (Reference is made to them in this summary using the abbreviation FCF/THF/IGP/WPG).

advocate a substantial strengthening of investigative, arrest, prosecution, custodial, penal, rehabilitative, dissuasive, and educational efforts at State and local levels. They recognize, as well, the need for increased allocations of State and local governmental resources to meet these needs. Because, however, the Attorney General and the Department of Justice will be called upon primarily to advise Congress regarding proposals for Federal legislation, the submissions, and this summary, relate primarily to issues of Federal policies, operations, programs, and law.

Major recommendations for Federal action contained in the leaders' submissions included the following:

I. Definition of Problem; Public Education.

- o Oppose legalization of drug abuse.
FCF/THF/IGP/WPG; IACP; IUPA; PERF.

- o Generate popular demand for drug-free schools, sports, and entertainment.
INEOA.

- o Emphasize dissuasion efforts aimed at juveniles.
NDAA.

- o Encourage or provide for drug-testing in workplaces and other appropriate contexts.

FCF/THF/IGP/WPG; INEOA.

II. Structure and Coordination of Effort.

- o Establish a cabinet-level coordinator of all Federal enforcement activities.

FCIA; FOP; IACP.

- o Establish a joint Federal, State, and local enforcement coordination board.

IACP; PERF.

- o Increase Federal funding of Federal, State, and local coordination efforts.

IACP.

- o Continue and/or increase Federal funding of State and local investigation, prosecution, and penal activities; provide multi-year funding of such activities.

FOP; FCF/THF/IGP/WPG; IACP; NAAG; NDAA; NTC; PERF.

III. Investigation and Enforcement Activities.

- o Establish a well-publicized target zone for intense activity leading to eradication.

FCF/THF/IGP/WPG (Target the District of Columbia as a drug-free zone); INEOA (Target schools and sports and entertainment industries).

In some instances recommendations were inconsistent.

The "Zero-Tolerance" issue was a case in point:

- o Adopt a "Zero-Tolerance" approach to drug abuse; vigorously prosecute all detected illegal drug users.

FCF/THF/IGP/WPG.

OR

- o Do NOT adopt a "Zero-Tolerance" approach to drug abuse; Federal efforts would be better directed at interdiction of supply.

MC.

OR

- o Avoid overreaction in user-oriented Federal enforcement efforts; be specially sensitive to concerns of minority communities regarding enforcement practices.

IUPA.

Another point on which views were sharply divided was on the question of military involvement in law enforcement:

- o Use military to enforce Federal drug laws.

IACP; NAAG.

OR

- o Do NOT use military (or be cautious in use of military) to enforce Federal drug laws.

IUPA; NAPO.

IV. Prosecution.

- o Amend the United States Constitution to abolish or provide alternatives to the Exclusionary Rule.

FOP; NAAG.

- o Adopt lower thresholds of prosecution of drug use and possession offenses.

NAPO.

- o Discourage or reject plea bargaining in drug cases.

IACP.

V. Punishment.

- o Provide a death penalty for murder committed in the course of narcotics trafficking.

FOP; ICAP; INEOA.

- o Adopt and swiftly impose "Measured Response" penalties for drug offenses, including stiff, non-custodial penalties for juvenile and low-level offenders (who might otherwise go completely unpunished).

FCF/THF/IGP/WPG.

- o Impose longer mandatory sentences for drug offenses than are currently provided.

NAPO.

- o Build more Federal prisons and jails; increase Federal assistance for the construction of more State and local prisons and jails.

MC; NAPO; PERF.

VI. Related Matters.

- o Revise Federal firearms laws, particularly adopting measures to prohibit production of undetectable firearms.

IACP; NAPO.

- o Adopt "money-laundering" measures enabling enforcement agencies more readily to track transfers of large quantities of cash.

NAAG; PERF.

- o Establish a computerized narcotics violator tracking system.

IACP.

The complete texts of the recommendations submitted by the law enforcement leaders follow.

Federal Criminal Investigators Association



Federal Criminal Investigators Association

Office of the President

P.O. Box 691145

San Antonio, Texas 78269-1145

Ernest J. Alexander
National President

May 25, 1988

The Honorable Edwin Meese III
Attorney General of
the United States
U. S. Dept. of Justice
Washington, D.C. 20530

Sir:

In response to Joseph Morris' mailgram of May 24, 1988, I submit the following comments with regard to Drug law enforcement on behalf of the Federal Criminal Investigators Association.

1. Interdiction is being judged a failure and not cost effective prior to the principal elements of the interdiction net being in place. This country has invested considerable resources toward the interdiction effort and it would be criminal to dismantle a system before it is built. The missing elements on the southwest border include detection and sorting, i.e., low level radar coverage. An almost complete system has been tested and proved successful in southern Florida.
2. The following players represent the major leagues in drug law enforcement.
 - A. N.N.B.I.S.
 - B. Operation Alliance
 - C. E.P.I.C.
 - D. DEA/FBI
 - E. Coast Guard
 - F. Border Patrol
 - G. Customs

"Dedicated to Recognition of Criminal Investigation as a Profession"
Member - National Law Enforcement Council
Member - National Law Enforcement Officer's Memorial Fund

The drug policy board supposedly sets the rules for the teams. Those seven major league teams do not play by the same rules. Their efforts need to be pulled together and coordinated for maximized results. Duplication, redundancy, and fragmentation exist concurrently between each team, which contributes to ineffectiveness in combating the drug problem. Call it what your like, we need a cabinet level drug czar.

Sincerely,



Ernest J. Alexander
National President

Fraternal Order of Police



FRATERNAL ORDER OF POLICE NATIONAL LEGISLATIVE COMMITTEE

347 WIDEWATER ROAD
STAFFORD, VIRGINIA 22554



WRITER'S DIRECT DIAL NUMBER

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DONALD L. CAHILL
CHAIRMAN

June 7, 1988

ROBERT ROBBINS
HARRY CUNNINGHAM
TIM MULLANEY
FRED KEENEY

Mr. Joseph Morris
Director
Office of Liaison Services
United States Department of Justice
Washington, D.C. 20530

Dear *Mr. Morris*:

In response to your telegraphic inquiry of the legislative priorities of the Fraternal Order of Police; I have prepared a general overview. To assist you in understanding the credibility of our program, I am also giving you some background on how the FOP legislative agenda comes into being.

As you are aware, the Fraternal Order of Police is the largest law enforcement organization in the United States with a membership of over 191,000. Conventions are held biennially with delegates representing each local and state lodge, numbering well over two thousand.

Prior to the conference, usually at least sixty to ninety days, the National Legislative Committee prepares resolutions on legislative matters pertaining to law enforcement that will affect FOP members it believes will come up in the United States Congress during the following two years. In addition to these matters the committee also prepares resolutions on legislative matters that the National Executive Board feels the Legislative Committee should approach Congressional members on. These resolutions are then mailed to the local and state lodges so that the members have a chance to discuss them and advise their elected delegates on how they feel on these issues. Therefore, when these resolutions are brought upon the convention floors, the delegates, representing the members at large, can vote on them with the knowledge of the wishes of the members who elected them.

In addition, some resolutions are also prepared and presented by members and delegates to the convention.

Mr. Joseph Morris
June 7, 1988

All in all, this is basically how the FOP National Legislative Committee receives its legislative agenda and mandate; and how we, as representatives can say, "yes, we are speaking for our members".

Included in the legislative priorities from the 48th Biennial Conference which was held in August 1987 at Mobile, Alabama are the following mandates.

Support for legislation referred to as the "Terriorist Firearms Prevention Act" making it unlawful to sell, import or possess weapons which are not detectable to electronic detection equipment.

Support legislation requiring a waiting period on handgun purchases and to also support legislation which enhances the safety of law enforcement officers and reduces the exposure of the public to firearms related dangers.

Oppose liberalization of laws dealing with fully automatic weapons, silencers and the carrying of concealed firearms by non-law enforcement individuals.

Support legislation that would enhance the "Public Safety Officers Death Benefit Program" to include:

- Raising the benefit to \$100,000
- Affix future raises to death benefit to CPI
- Coverage on single incident stress related deaths
- Include non-dependent parents as beneficiaries
- Include other forms of line-of-duty death not currently covered by the Act

Support legislation, establishing a national law enforcement officers "Bill of Rights"

Oppose legislation mandating all public employees be included in Medicare and Social Security.

Support legislation that would restore the three year basis recovery rule for retiring public employees.

Support a total law enforcement exemption from the provisions of the ADEA so that proper hiring and retirement ages can be left at the proper government level.

Mr. Joseph Morris
June 7, 1988

Support legislation geared toward the reduction of the nation's drug abuse problems to include but not limited to:

- A Cabinet level position for an individual to coordinate national drug enforcement activities
- An increase in the level of funding for drug abuse enforcement and prevention activities.
- Authorizing, and expanding local retention of funds and property forfeited due to illegal drug activity
- To permit the death penalty in certain cases for drug traffickers whose acts cause drug related deaths.

Support and assist passage of S.1250 which would re-authorize through 1992, all the state and local law enforcement and juvenile justice assistance programs administered by the Department of Justice; and will assist state and local governments in the prevention and enforcement of juvenile crimes.

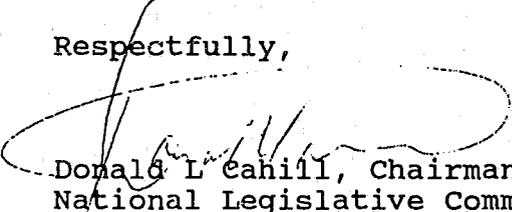
Support a constitutional amendment abolishing the exclusionary rule.

Support legislation that will remove the crippling changes to the Electronic Security and Surveillance Act and restore the reasonable provisions existing prior to the passage of this recent legislation in the last Congress.

As indicated earlier in this letter; these are some of the legislative priorities of the FOP membership. I will be happy to go over any or all of them at your convenience. The FOP would certainly welcome any assistance on these matters the Department of Justice could render.

I remain,

Respectfully,


Donald L. Cahill, Chairman
National Legislative Committee

DLC:jhl

cc: Dewey Stokes, National President

Free Congress Foundation,
The Heritage Foundation,
Institute for Government and Politics,
and
Washington Policy Group

(Joint Submission)



THE INSTITUTE FOR GOVERNMENT AND POLITICS

STUART ROTHENBERG
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721 SECOND STREET, N.E. WASHINGTON, D.C. 20002 202-546-3013

May 31, 1988

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*Titles for Purpose of Identification Only

Honorable Edwin Meese, III
U.S. Department of Justice
10th & Constitution Ave., NW
Washington, DC 20530

Dear General Meese:

We are very pleased to have this opportunity to respond to your request for views on the role the Federal government should be playing in combatting use of illegal drugs.

We share your concern that our efforts to date have not produced the desired results, and we support your initiatives to formulate a new strategy for fighting and winning the war on drugs.

In our opinion, the current extent and costs of drug use in America are intolerable. We believe new policies must be adopted with the specific objective of making America drug free within a specified period.

Despite arguments by advocates of legalization that drug use is a "victimless" crime, the evidence shows clearly that the costs of drug use are imposed on society as a whole. For example, it is estimated that ten to 15 percent of all automobile fatalities are drug-related. Drug users also are estimated to be three times as likely as non-users to be involved in workplace accidents, resulting in injuries to their co-workers as well as themselves. And there is irrefutable evidence that drug users commit thousands of crimes to support their drug habits -- and would continue to do so even if drugs were legalized and made less expensive.

We do agree with the advocates of legalization about one thing: We are losing the drug war. The Department of Health and Human Services reports, for example, that drugs are cheaper and more available today than ever before; and, despite efforts at international eradication, the State Department reports that drug production is "up all over the world."

As a result of this troubling evidence, we have concluded that a major new policy initiative is needed to reduce the demand for drugs. If we are going to win the war on drugs, we must provide strong incentives for the 23 million regular drug users in America to stop. A policy of "zero tolerance" with respect to drug use is both appropriate and necessary if we are to achieve this goal.

At the same time, we believe the "zero tolerance" approach must be tempered by the principle of "measured response." We do not support long prison terms, for example, for first-time marijuana convictions. Indeed, we suggest that penalties that clearly are excessive relative to the magnitude of the offense are likely to produce selective enforcement and erode faith in the criminal justice system. Thus, we support a "zero tolerance" approach that combines strict enforcement with "measured response" penalties.

Penalties for first time drug users should be designed with two purposes in mind, deterrence and rehabilitation. Penalties must be strict enough to deter use, and should be designed to offer the opportunity (and incentive) for users to break their drug habits. Thus, we support mandatory sentences for first-offense drug users that include: (1) suspension of drivers licenses and eligibility for selected government programs (e.g. student loans); (2) mandatory rehabilitation programs, including drug testing, as a condition of reapplication for these privileges; (3) mandatory jail sentences for those failing successfully to complete rehabilitation programs; (4) a requirement for those financially able to do so to pay for their own rehabilitation.

We believe that a significant law enforcement effort targeted on drug users is the single most important component of a new strategy for fighting the drug war. Furthermore, while we understand that such a program would require a substantial increase in resources, we are appalled that the Federal government is spending less on fighting drugs in FY 1988 than it is spending on subsidizing urban mass transit systems. Given the extraordinarily low level of resources being committed to this fight currently, the need for additional funding should not stand in the way of pursuing truly worthwhile initiatives.

In addition to increased law enforcement activity, we believe that those responsible for managing schools and workplaces, and for policing the highways and our prison

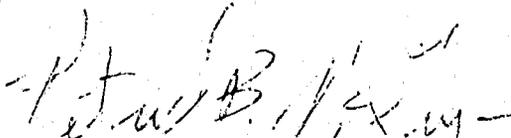
systems, should be given the responsibility and the tools needed for implementing a zero tolerance approach to drugs. In particular, barriers to the use of drug testing in these environments must be eliminated so that this useful tool can be implemented at the discretion of the responsible officials.

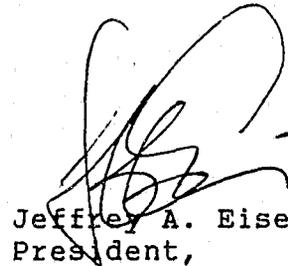
Finally, we believe that winning the war on drugs is as much a matter of societal commitment as of programmatic tinkering. Our failure to make progress over the past decade has begun to raise questions about both our capability and our will to win. To restore that will, and to demonstrate that America can and will emerge victorious from this attack on our system of values, we believe it is important to achieve some early, visible victories.

Thus, we recommend that a careful study be made of the drug situation in the District of Columbia, and that whatever Federal resources determined to be necessary be devoted to eliminating drugs from our nation's capital within 24 months. We realize this is an ambitious, even staggering, goal -- but that is why we have chosen it. And, if we are not willing to make this sort of commitment, we should ask ourselves, are we really serious about winning the drug war?

Again, thank you for the opportunity to submit these comments. We hope they are of use, and wish you every success as you lead the battle against drugs in America.

Sincerely,


Patrick B. McGuigan
Senior Scholar,
Free Congress Foundation
Institute for Government
and Politics


Jeffrey A. Eisenach
President,
Washington Policy Group
Visiting Fellow,
Heritage Foundation

International Association of Chiefs of Police



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Jerald R. Vaughn
Executive Director

June 1, 1988

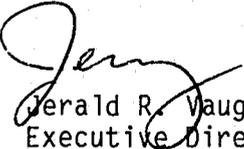
Joseph A. Morris
Department of Justice
Office of Liaison Services, Room 4213
Constitution Avenue & 10th St. N.W.
Washington, D.C. 20530

Dear Mr. Morris:

On behalf of the International Association of Chiefs of Police, I am pleased to present you with the following recommendations concerning legislative measures we believe the Reagan Administration should pursue.

Should you have any questions or comments, please don't hesitate to contact me.

Sincerely,


Jerald R. Vaughn
Executive Director

Enclosure



85th Annual IACP Conference
October 15-20, 1988
Portland, Oregon



"WE CAN NO LONGER AFFORD THE DISEASE--
AND SEEM UNWILLING TO PAY FOR THE CURE"

The following are recommendations regarding actions and legislative measures to deal with the drug and associated crime problem:

1. Invest more money in the entire criminal justice system.

The Reagan administration and the Congress have certainly attempted to bolster the law enforcement end of the criminal justice system. Arrests and seizures are higher than ever before. But they are having little impact because the rest of the system is clogged to the point of dysfunction.

We must deal with the problems of overcrowded courts, overcrowded and inadequate jails and prisons, overworked and inadequate numbers of prosecutors, probation and parole officers. We must conduct more research into developing prison alternatives and treatment, and a mandatory system to track whether we are dealing with a first offender or one who has been through the system twenty times.

Only 1.4 percent of total government spending goes for providing law enforcement services at the federal, state, and local level. Only 3 percent of total government spending goes for our entire civil and criminal justice system which includes police, prosecutors, courts and prisons. Those amounts are simply inadequate to deal with the crime problems we are experiencing.

2. Establish a Cabinet level official who has not only the responsibility but the authority to set national priorities for combating crime and drug problems in our country. There is considerable research dealing with crime, treatment and rehabilitation, and related subjects but there is no central responsibility within government to translate this activity into comprehensive national program or strategy to effectively deal with the problem.

We have all engaged in the debate concerning whether or not we need a "drug czar." IACP has not supported the suggestion because of our fear that such a proposal would simply establish another layer of bureaucracy and do nothing to really solve the problem of national coordination.

All the current legislative proposals set responsibility but do not sufficiently **empower** any cabinet official to **direct** other agencies. If we have a drug czar who can only "suggest" a set of priorities, we will be no further along in the war on drugs than we are now.

A "drug czar" in our opinion does not go far enough. We believe a "Secretary of Law Enforcement" is more appropriate. This individual would consolidate all federal law enforcement agencies, especially those within the Department of the Treasury and the Department of Justice, and direct their activities jointly. We would also recommend the establishment of a position entitled "Undersecretary for State and Local Law Enforcement" whose responsibility it would be to coordinate between the federal and state and local agencies. We feel that this level of coordination is necessary if we are to make a dent in the organized crime cartels which now victimize our citizens.

3. Recognize the connection between the illicit drug trade and the illegal firearms trade by adding federal firearms offenses to the list of predicate offenses for RICO prosecutions. It is irrefutable that those who traffic in narcotics also traffic in violence, murder, and wholesale illegal firearms. They are the "staple" of the trade in that they offer protection for the large sums of cash generated by the trade and the huge caches of fungible drugs.

We are appalled at the position adopted by the Department of Justice on this issue. It was the Justice Department's position which provided "cover" for the Senators who wished to defeat this measure. This position must be reversed.

4. Reduce the amount of plea bargained justice. The process of plea-bargaining has undermined the integrity of our criminal justice system. There may be an appropriate role for plea bargaining to further the cause of justice on a rare occasion, but for the most part it serves mostly to expedite court proceedings, to reduce caseloads, provide quick and easy money for defense attorneys and ultimately lets the guilty off without just punishment for the true criminal acts committed.

5. Increase federal assistance to state and local law enforcement and increase the number of joint task forces with both federal and state/local agencies participating. The law enforcement community has experienced the greatest amount of success when there has been cooperation between federal and state/local agencies. We should capitalize on this success by placing more of our resources in this area.

6. Enunciate a strong, formal position against the legalization of drugs. We should stand firm in our opposition to decriminalizing or legalizing drugs. We want our national position to be very clear. While much is being said about the failure of the law enforcement solution to the drug problem, the fact is law enforcement has done its job as evidenced by overcrowded court dockets and prisons. It is the other parts of the criminal justice system that have been unable to handle what law enforcement has generated, thus undermining the basic requisites of punishment. It is neither swift, certain, fair or serves as an appropriate example to others. Instead of dealing with the inadequacies of our criminal justice system, we are now being moved toward a legalization path that has a potential price higher than this nation may be willing to pay.

7. Congress should establish a death penalty for narcotics related homicides. It is clear that the issue of narcotics related homicides are totally out of hand. The price of a life is viewed as nearly worthless by those engaging in the narcotics industry. We believe in the deterrent effect of capital punishment.

8. Create a National Narcotics Commission to Replace the National Drug Policy Board. The current National Drug Policy Board has one major flaw--it lacks the input and regular participation of state and local law enforcement and government. Without the input of state and locals, the work of the Board will

always focus on only part of the total drug problem. A Narcotics Commission could have identified slots to ensure full representation from all levels of government and the various elements such as education, treatment, enforcement, etc.

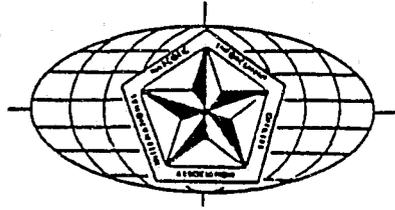
9. Employ Military Forces Along the U.S. Borders to Lead our National Interdiction Efforts. Use of the military along and outside the borders is easily justifiable; the more skilled our military becomes in controlling the influx of narcotics across the border, the more skilled they will become in controlling the borders against any threat. Civilian law enforcement forces, federal, state and local, should be responsible for law enforcement efforts within the borders of the United States.

10. A National Narcotics Violator Tracking System. There is presently no system to provide a comprehensive record of narcotic violations committed by criminals as they move from one jurisdiction to another. Many violators, both juvenile and adult, have extensive criminal records yet there is no assurance that a jurisdiction investigating such individuals can obtain those records in a timely fashion.

International Narcotics Enforcement Officers Association

International Narcotic Enforcement Officers Association, Inc.

DIAL 518 INEOA-32
463-6232
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112 STATE STREET — SUITE 1200
ALBANY, NEW YORK 12207 U.S.A

JOHN J. BELLIZZI
EXECUTIVE DIRECTOR

May 24, 1988

Honorable Edwin Meese III
Attorney General
Department of Justice
425 Eye St., N.W.
Room 4110
Washington, DC 20530

Dear General:

The following views and recommendations, relating to drug abuse and drug law enforcement, are submitted for consideration to be included in the administration's proposals for congressional action pending and contemplated:

Recently traffickers have suffered some serious setbacks as a result of an intensified and concentrated effort by law enforcement. The U.S. Department of Justice, Drug Enforcement Administration, U.S. Customs, U.S. Border Patrol, the O.S.I. of the U.S. Air Force and other military services and the FBI and several state and municipal law enforcement agencies have succeeded in making serious inroads in combatting the traffickers here in the United States and abroad, especially in Mexico, Colombia, the European area and Far East and other source countries.

The impact of the multitude of seizures of drugs, money and other assets brought about by these successful investigations, arrests and prosecutions has put such a dent in the illegal trafficking operations that by furious retaliation the traffickers are committing assaults, violence and murder on our drug agents and other officials responsible for drug enforcement.

Narcotic law enforcement agents have always operated under high risk conditions, but recent events have created a situation where their lives are at stake constantly.

Attorney General Edwin Meese III
May 24, 1988

A surge of violence erupted in the first two months of 1988 resulting in the wounding and killing of several drug enforcement agents and international officials.

Two DEA agents were killed in the most recent incident on February 5, 1988. On January 25, Colombian Attorney General Carlos Mauro Hoyos-Jiminez was kidnapped at the Medellin Airport as he was preparing to return to Bogata, and his two bodyguards were killed in the shoot-out. The body of the Attorney General was later found; he was shot numerous times.

Drug violence continued to plague law enforcement as a rookie New York City Police Officer was killed.

The officer, Edward Byrne, 22, on the job only eight months, was shot execution-style while guarding the home of a prosecution witness in a drug case in the Southeast Queens New York City area on Friday, February 26, just two days before his birthday.

Over 10,000 police officers from as far away as Ohio and Texas lined the street at the officer's funeral in Seaford, Long Island to pay tribute to the slain officer.

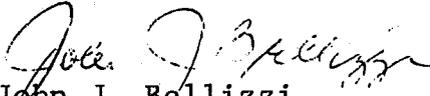
As a former member of the New York City Police Department and head of the New York State Bureau of Narcotic Enforcement for over 25 years and as spokesman for the thousands of officers of the International Narcotic Enforcement Officers Association, I appeal to the Administration not to overlook the need for protecting our drug enforcement officers who risk their lives each time they go out on an assignment.

- We need to furnish our drug agents with the latest surveillance and support technology available.
- We need to increase the penalties for dealing in drugs.
- We need to remove drugs from our schools.
- We need to adopt the death penalty in the killing of any law enforcement officer.
- We need mandatory random drug testing for all airline personnel, railroad and transportation employees and for personnel in law enforcement and other key security jobs.
- We need to eliminate drugs from sports and the entertainment field.
- We need to increase from \$50,000 to \$100,000 the benefits to the family of a police officer killed in the line of duty.

Attorney General Edwin Meese III
May 24, 1988

The highest risk of anyone involved in drug abuse prevention and drug trafficking lies with our drug enforcement agents - they deserve the highest priority of all from the Administration.

Respectfully submitted,


John J. Bellizzi
Executive Director

JJB/vlc

International Union of Police Associations



INTERNATIONAL UNION OF POLICE ASSOCIATIONS AFL-CIO

THE ONLY UNION FOR LAW ENFORCEMENT OFFICERS

National Headquarters • 815 16th Street, N.W. • Suite 507 • Washington, DC 20006 • (202) 628-2740
 West Coast Regional Office • 175 E. Olive Ave. • Suite 400 • Burbank, CA 91502 • (818) 841-5426

Robert B. Kliesmet
President
Al Angele
Secretary-Treasurer

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May 27, 1988

Office of Liaison Services
c/o Joseph A. Morris
Justice Department
425 Eye Street, N.W., 411
Washington, D.C. 20530

Dear Attorney General Meese:

In responding to your mailgram of May 24, 1988 our position on the issue of drug abuse and drug enforcement is as follows.

The issue of drug abuse and drug enforcement is indeed a serious proposition. Law enforcement must not make similar mistakes as that they did in previous issues such as prostitution, alcohol and other moral matters. The myth that we can have a drug free society is not at all possible in view of the freedoms enjoyed by citizens in this country. The mistakes made in previous similar issues have impacted heavily on members of the law enforcement community who serve as rank and file members. It is our opinion that the decriminalization or legalization of drug use in this country would be counter-productive. Additionally, there should be no moral endorsement of the use of drugs for any reason. What needs to be accomplished is we should use the existing laws more aggressively. In prosecuting hard core drug dealers or users, we should use the present system and if needed enlarge the use of our law enforcement agencies, the courts and the prosecutorial divisions of our criminal justice system.

One of our greatest dangers in over reacting to the issue of drug abuse and drug law enforcement is that the police may destroy the good relationships that presently exist between our minority community and law enforcement. Over-reaction would not be in our best interest to engage in over aggressive enforcement which could be perceived as racist in our minority communities. Any enforcement program needs to be very carefully worked out with members of our minority communities in order to permit the

existing law enforcement agencies to be successful in combatting drugs. We should have learned something from the problems created during the early civil rights movement when minorities had little input in the system. If the administration is truly interested, they should seriously consider working with minority communities in the development of any programs. It is our opinion that the use of U.S. Military in the enforcement of drug laws in this country would not be in our best interest. The U.S. military forces have a definite mission and role which could adversely affect our law enforcement relationships with the various communities we serve. They should have no function in the enforcement aspects of the drug problem in this country.

Sincerely,

A handwritten signature in black ink, appearing to read 'RBK', with a stylized flourish extending from the end.

Robert K. Kliesmet

RBK/db

Major City Chief Police Administrators



THE CITY OF

SAN DIEGO

POLICE DEPARTMENT • 1401 BROADWAY
SAN DIEGO, CALIFORNIA 92101 - 5729 • TELEPHONE (619) 236-6566

OFFICE OF
WM. B. KOLENDER
CHIEF OF POLICE

IN REPLYING
PLEASE GIVE
OUR REF. NO.

202

May 29, 1988

Mr. Joseph A. Morris
Director of Liaison Services
Department of Justice
Tenth Street and Constitution Avenue
Room 4214
Washington, D.C. 20530

Dear Joe:

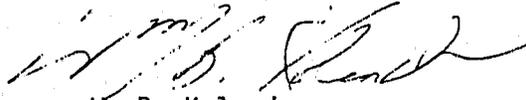
Thank you on behalf of the Major City Police Chiefs for the opportunity to provide input on legislation being contemplated by the Justice Department.

There are several areas in which federal legislation would greatly assist state and local law enforcement in addressing the drug crisis. I recommend:

- In the area of asset seizures, the process of getting local law enforcement's share of seized assets to them needs to be simplified and more expedient. We are all struggling to find the resources needed to increase drug enforcement and the asset seizure program is of great assistance.
- Interdiction of drugs at our borders needs to be increased. The efforts of federal agencies should be focused on drug smugglers opposed to using resources to seize small quantities, as in the Zero Tolerance Program.
- A national drug education program is needed to address the demand side of the problem.
- Federal assistance to build more jails and prisons is needed. California has a severe shortage of space to confine prisoners, most of which are drug users. For example, a recent study which tested all prisoners booked into our county jail showed seventy-five percent of them had restricted drugs in their systems. Other cities have conducted studies and obtained similar results.

I appreciate your asking for my views and recommendations on these very important issues. If I can be of more assistance in furthering federal action on drug issues, please call upon me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'W. B. Kolender', written in dark ink.

W. B. Kolender
Chief of Police

National Association of Attorneys General

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

HALL OF THE STATES
444 NORTH CAPITOL STREET
WASHINGTON, D.C. 20001
(202) 628-0435

CHRISTINE T. MILLIKEN
Executive Director
General Counsel

PRESIDENT
DAVE FROHNMAYER
Attorney General of Oregon

PRESIDENT-ELECT
ROBERT ABRAMS
Attorney General of New York

May 26, 1988

VICE PRESIDENT
TOM MILLER
Attorney General of Iowa

IMMEDIATE PAST PRESIDENT
STEVE CLARK
Attorney General of Arkansas

BY MESSENGER

Mr. Joseph A. Morris
Director
Office of Liaison Services
Department of Justice
10th Street & Constitution Avenue
Room 4214
Washington, D.C. 20530

Dear Joe:

We very much appreciate General Meese's invitation to submit the views of this Association on legislation relating to drug abuse and drug law enforcement.

The NAAG Criminal Law Committee chaired by Attorney General Kenneth Eikenberry has designated the following matters as priority issues on the Committee's agenda. Copies of the Association's resolutions on these matters are attached. They are as follows:

1. **Forfeiture** - The Association supports legislation that would facilitate the ability of prosecutors to recover money from drug traffickers from criminal forfeiture and allow property and proceeds from the liquidation of assets seized in drug enforcement cases to be transferred to state and local law enforcement agencies that participate in those cases.
2. **Racketeer Influenced Corrupt Organizations Statutes (RICO).**
The Association supports efforts by states to enact legislation patterned after the federal RICO provisions. The Association supports civil RICO as a litigation tool in the war on drugs.
3. **Assistance to states for drug enforcement activities.**
The Association urges Congress to enact a comprehensive program of assistance to states for drug enforcement activities.
4. **Military interdiction of narcotics in cooperation with drug enforcement officers.**
NAAG supports legislation that would allow the military to participate in drug enforcement operations and to transmit information it receives from surveillance or other intelligence activities to federal drug enforcement authorities, who may then transmit the information to state and local drug enforcement officials, with civilian officials maintaining ultimate control over the activities and direction of the operations.

5. **Money Laundering** - the Association supports federal legislation providing for a federal offense that prohibits the laundering of money by prohibiting monetary transactions both through financial institutions and other transfers that affect interstate commerce, where engaged in with the intent to promote, manage, establish or carry on criminal activity.
6. **Exclusionary Rule** - the Association supports legislation that would provide that evidence obtained in the course of a reasonable good faith search should not be excluded from criminal trials.
7. **International Drug Trafficking**
NAAG urges the Congress and the Administration to use the full weight of the laws and policies of the U.S. government to curb and eliminate the international drug trafficking industry.
8. NAAG also recognizes Senator Sam Nunn for the leadership role he has taken and for his involvement in enhancing the funding of the U.S. Coast Guard for use in drug interdiction efforts in FY 1988.

If there is any further information I can provide, please call on me. With best personal regards, and

Sincerely,



Lynne Ross
Deputy Director and
Legislative Director

Attachments

cc: Attorney General Kenneth Eikenberry, Chair, Criminal Law Committee
Attorney General Charles Oberly, Vice-Chair, Criminal Law Committee
Attorney General Robert Corbin, Chair, RICO Subcommittee
Attorney General Siegelman, Chair, Drug Interdiction Subcommittee
Christine Milliken

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
SUMMER MEETING
June 22-25, 1983
Asheville, North Carolina

RESOLUTION

FORFEITURE

WHEREAS, current federal law and practice make it difficult for state and local law enforcement agencies to obtain property seized by the federal government pursuant to forfeiture statutes; and

WHEREAS, such property could be extremely useful to state and local agencies in their law enforcement operations; and

WHEREAS, legislation has been introduced in the Congress to permit the Attorney General to transfer property seized in drug-related offenses to state and local agencies that participated directly in the case that led to the forfeiture; and

WHEREAS, additional language on such legislation is necessary to assure broader participation by state and local law enforcement agencies in the distribution of property seized pursuant to federal statutes,

NOW, THEREFORE, BE IT RESOLVED that the National Association of Attorneys General supports legislation that would authorize the U.S. Attorney General to transfer property seized pursuant to any federal forfeiture statute to federal, state, or local enforcement agencies based on the Attorney General's determination of need by such agency; and

BE IT FURTHER RESOLVED that the General Counsel is authorized to make these views known to the Congress, the Administration, and other appropriate individuals.

Attorney General Francis X. Bellotti abstains.

II

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
WINTER MEETING
November 29 - December 3, 1982
St. Croix, Virgin Islands

RESOLUTION
FORFEITURE FUND

WHEREAS, current law dictates that the proceeds from the liquidation of assets seized in federal drug enforcement cases be returned to the federal treasury; and

WHEREAS, legislation has been introduced in the Congress that would establish a drug forfeiture fund to provide money to the federal government and the states for use in combating drug trafficking; and

WHEREAS, such money may be better spent in support of additional drug enforcement investigations;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Attorneys General supports legislation that would:

1. allow proceeds from the liquidation of assets seized in drug enforcement cases to be placed into a special trust fund; and
2. earmark 50 percent of such funds to be available for federal drug enforcement, prevention, and education efforts while earmarking 30 percent of such funds to be available to states for the same purposes; and
3. provide 20 percent of such funds to states with particularly promising drug enforcement, prevention, or education programs where sufficient funds are not otherwise available to fund the program; and
4. provide states with at least 20 percent of the proceeds from a particular drug enforcement operation if there was significant state or local participation in the enforcement efforts; and

BE IT FURTHER RESOLVED that the General Counsel is authorized to make these views known to the Congress, the Administration and other appropriate individuals.

Dec. 1981, New Orleans, LA.

VI.

RESOLUTION

CRIMINAL FORFEITURE

WHEREAS, criminal forfeiture can be an effective means of preventing drug traffickers from profiting from their illegal activities by ensuring that illegally generated property will not remain in the hands of convicted criminals; and

WHEREAS, criminal forfeiture has been an underused tool in combatting drug trafficking on the federal level, accounting for only \$2 million over the last decade; and

WHEREAS, Congress is considering legislation, S. 1126 and H.R. 2646, that would facilitate the ability of federal prosecutors to recover money from drug traffickers and this legislation would serve as a useful model for state legislatures contemplating similar action;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Attorneys General supports S. 1126 and H.R. 2646 or similar legislation that will facilitate the ability of prosecutors to recover money from drug traffickers through criminal forfeiture; and

BE IT FURTHER RESOLVED that the Association authorizes its General Counsel to transmit these views to the Congress, the Administration, and other interested individuals.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Spring Meeting
March 8-10, 1987
Washington, DC

RESOLUTION

II

RICO

WHEREAS, Congress enacted in 1970 the Racketeer Influenced and Corrupt Organization provisions (Title IX) of the Organized Crime Control Act;

WHEREAS, Title IX, which applies to patterns of racketeering activity involving personal violence, provision of illegal goods and services, corruption in private or public life, and various forms of fraud, also provides important criminal and civil sanctions to protect victims of patterns of racketeering activity, including:

- criminal forfeiture of proceeds of racketeering activity;
- criminal forfeiture of interests in enterprises;
- equitable relief for the government;
- equitable relief for victims of racketeering activity; and
- treble damages, costs, and attorney's fees for victims of racketeering activity; and

WHEREAS, fraud against state and local government has a multi-billion dollar annual impact, and Title IX provides important sanctions in the area of fraud against state and local units of government; and

WHEREAS, twenty-seven states have enacted legislation patterned after Title IX, and other states are actively considering the passage of legislation patterned after Title IX; and

WHEREAS, state and local units of government have found that Title IX and state legislation patterned after it are effective and essential means of redressing wrongs;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Attorneys General:

(1) Reaffirms its support for the Federal RICO provisions and encourages states to enact legislation patterned on Title IX to strengthen criminal and civil sanctions, particularly in the area of fraud against the government, including:

- appropriate new predicate offenses, such as murder-for-hire and bonds fraud;

- a clarification of the federal statute to assure that private plaintiffs may obtain equity-type relief;
- the clarification of the federal statute to assure that Attorneys General may bring parens patriae suits; and
- the inclusion of recovery for personal injuries/or violent offenses;

(2) Opposes efforts in the U.S. Congress to repeal or weaken the provisions of Title IX, such as:

- prohibiting suits by local units of government unless authorized by specific state statute;
- providing that private suits for treble damages cannot be brought without a showing of prior criminal conviction under either RICO or a predicate offense;
- prohibiting government corporations from bringing civil RICO suits except by using Department of Justice attorneys;
- limiting the recovery of punitive damage relief to natural persons;
- excluding the securities industry from punitive damage liability;
- making retroactive changes in the measure of damages in pending litigation;
- imposing an unduly short statute of limitations on civil suits;
- imposing unduly restrictive pleading rules on civil RICO suits; and
- adopting an unduly strict definition of pattern and reforming only the civil definition of pattern;

(3) Authorizes the RICO Working Group chaired by Attorney General Ken Eikenberry to monitor the RICO issue in the U.S. Congress and to speak on behalf of the Association; and

(4) Authorizes the Executive Director to transmit these views to the Administration, appropriate members of the Congress, and other interested organizations.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Spring Meeting
March 8-10, 1987
Washington, DC

RESOLUTION

III

HAZARDOUS WASTE VIOLATION AS A PREDICATE OFFENSE FOR RICO

WHEREAS, the increasing body of knowledge regarding the present and future adverse impacts on and serious endangerments of the public health, welfare and the environment which result from the improper handling and disposal of hazardous wastes has led and is continuing to lead to much-needed regulation of hazardous waste management and disposal practices; and

WHEREAS, the lawful and environmentally responsible management and disposal of hazardous wastes in compliance with federal and state laws and regulations results in costs which are often orders of magnitude higher than illegal dumping or other improper hazardous waste disposal practices; and

WHEREAS, the still-increasing cost differences between legal hazardous waste disposal practices which are protective of the public health and the environment and illegal practices which can jeopardize the health and welfare of our nation's citizens and communities is providing a growing impetus for corrupt individuals and organizations to seek illicit gain by inducing legitimate businesses, through fraud or misrepresentation, to utilize the "lower cost" hazardous waste disposal "services" offered by the corrupt individuals or organizations; and

WHEREAS, the endangerments to the public health and the environment and the damage to our nation's natural resources which can result and have resulted from the illegal hazardous waste management and disposal practices employed by corrupt individuals and organizations for their illegal profit-making purposes emphasizes the urgent need to effectively deter such practices and to divert from such corrupt individuals and organizations the proceeds of such illicit activities; and

WHEREAS, the principal and most-effective piece of federal legislation aimed at deterring such illegal enterprises and diverting from corrupt organizations such illicit proceeds is the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. secs. 1961-1968 (1984); and

WHEREAS, the list of predicate offenses contained in 18 U.S.C. sec. 1961(1) (1986 Supp.), which trigger the application of RICO's civil and criminal provisions and remedies does not include any provisions aimed directly at criminal enterprises in the hazardous waste management and disposal areas; and

WHEREAS, many state "RICO" and organized crime control acts incorporate by reference the list of predicate offenses recited in the federal RICO Act, 18 U.S.C. sec. 1961(1) (1984), thereby enabling a single change in the federal Act to achieve maximum beneficial effect by directly enabling states to apply their own resources, processes and sanctions to such criminal enterprises while at the same time enabling federal enforcement resources to be effectively applied against such criminal enterprises; and

WHEREAS, the absence of a specific provision in federal RICO aimed at criminal enterprises in the hazardous waste management and disposal areas makes application of the RICO statute's provisions and sanctions to hazardous waste-related crimes more difficult and uncertain, thereby reducing and/or eliminating the significant deterrent potential of the statute and exposing our nation's citizens and natural resources to endangerments which could otherwise be prevented or deterred.

NOW, THEREFORE, BE IT RESOLVED BY THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL that the Congress of the United States should be, and hereby is, urged to promptly amend the provisions of the federal RICO statute by adding to the end of 18 U.S.C. sec. 1961(1) (1986 Supp.), the following language:

(F) Any act which is indictable under section 3008 of the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. sec. 6928 (1984), or any act which is chargeable as a crime under a similar provision of a state hazardous waste program authorized by the Administrator of the Environmental Protection Agency, pursuant to section 3006 of RCRA, 42 U.S.C. sec. 6926 (1984).

The addition of this language would add knowing violation of hazardous waste management and disposal laws to the list of RICO "predicate offenses," two (2) violations of which trigger application of the RICO statute's deterrent civil and criminal sanctions.

BE IT FURTHER RESOLVED that:

1) a legislative subcommittee of the Environment Committee be created;

2) interested Attorneys General be requested to designate staff to serve on the subcommittee;

3) the subcommittee monitor the progress in Congress and in federal agencies of environmental issues upon which NAAG has taken positions by formal resolution;

4) the subcommittee bring the resolutions passed by the Association to the attention of the U.S. Department of Justice's National Environmental Enforcement Council, the U.S. EPA Advisory Committee, Congress and federal agencies; and

5) members of the subcommittee are authorized, in consultation with the chair of the subcommittee, to speak on behalf of the Association and to advocate before Congress and the federal agencies the Association's position on this resolution.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

San Francisco, California
June 13 - 17, 1984

RESOLUTION

II

**THE RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS STATUTE**

WHEREAS, Congress enacted in 1970 the Racketeer Influenced and Corrupt Organizations provisions (Title IX) of the Organized Crime Control Act; and

WHEREAS, Title IX is applicable to patterns of racketeering activity, involving:

1. personal violence;
2. provision of illegal goods and services;
3. corruption in private or public life; and
4. various forms of fraud; and

WHEREAS, Title IX provides important new criminal and civil sanctions to protect victims of patterns of racketeering activity, including;

1. criminal forfeiture of proceeds of racketeering activity;
2. criminal forfeiture of interests in enterprises;
3. equitable relief for the government;
4. equitable relief for victims of racketeering activity; and
5. treble damages, costs, and attorney's fees for victims of racketeering activity; and

WHEREAS, twenty-two states have enacted legislation patterned after Title IX;
and

WHEREAS, other states are actively considering the passage of legislation patterned after Title IX; and

WHEREAS, states and local units of government have begun to make effective use of Title IX and state legislation patterned after it; and

WHEREAS, Title IX provides important new sanctions in the area of fraud against state and local units of government; and

WHEREAS, fraud against state and local government has a multi-billion dollar annual import; and

WHEREAS, state and local units of government have found that Title IX and state legislation patterned after it are effective and essential means of redressing wrongs;

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Attorneys General supports efforts by states to enact legislation patterned after Title IX and to strengthen the criminal and civil provisions of Title IX, particularly in their

application to public and private civil sanctions in the area of fraud against the government; and

BE IT FURTHER RESOLVED, that the National Association of Attorneys General opposes efforts to repeal or modify, in whole or in part, the provisions of Title IX, particularly in their application to public and private civil sanctions in the area of fraud against the government; and

BE IT FURTHER RESOLVED, that the Executive Director and General Counsel of the National Association of Attorneys General is authorized to transmit this Resolution to appropriate committees of Congress, the Administration, and other appropriate individuals and associations.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

**Spring Meeting
Washington, D.C.
March 24-26, 1985**

**RESOLUTION
IV**

ASSISTANCE TO STATES FOR DRUG ENFORCEMENT ACTIVITIES

WHEREAS, there is an urgent need for a massive commitment of federal resources to help state and local governments cope with the drug abuse epidemic; and

WHEREAS, statistics show a recent dramatic increase in the illegal possession and use of controlled substances; and

WHEREAS, the national cost of such illegal activity, including drug-related offenses, reaches hundreds of millions of dollars annually; and

WHEREAS, the responsibility for providing a comprehensive response to the illegal drug problem falls heavily on state and local governments; and

WHEREAS, S. 15 and H.R. 526, introduced in the 99th Congress, would provide \$125 million in grants, administered through the Department of Justice, to assist state and local efforts to catch, prosecute, and incarcerate those who violate drug laws, and to destroy illegal drug supplies; and

WHEREAS, S. 15 and H.R. 526 would also provide \$125 million in grants, administered through the Department of Health and Human Services, for programs to treat and rehabilitate victims of drug abuse, and to educate the public on the dangers of drug abuse;

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Attorneys General urges Congress to enact a comprehensive program of assistance to the states for drug enforcement activities as proposed in S. 15 and H.R. 526; and

BE IT FURTHER RESOLVED, that the Association authorizes its Executive Director and General Counsel to transmit these views to members of Congress, the Administration, and other interested individuals.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

**Spring Meeting
March 8-10, 1987
Washington, DC**

RESOLUTION

IV

MILITARY INTERDICTION OF NARCOTICS

WHEREAS, the flow of drugs into this country has reached epidemic proportions; and

WHEREAS, the major drugs illegally used in the United States -- heroin, cocaine and marijuana -- come almost exclusively from outside the United States; and

WHEREAS, the United States Commissioner of Customs has said that cocaine is now so abundant that traffickers "are literally throwing it at our shores"; and

WHEREAS, the effects of this unique form of international assault upon American society are felt nationwide, and are measured in misery, addiction, disruption of the family and death; and

WHEREAS, the Department of Justice and the Federal Bureau of Investigations' 1986 Uniform Crime Reports stated that drug violations involving cocaine and heroin rose 167 percent during the first half of 1986, that heroin and cocaine arrestees rose in every age category from 1980 through 1984, and that the number of arrestees under 21 nearly tripled; and

WHEREAS, the United States of America is particularly vulnerable because of our extensive shoreline and because of the large number of airstrips built during World War II and because no state and local government has the resources to adequately police our borders;

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Attorneys General:

1. Calls upon the Federal Government to recognize that it has the responsibility to work with state Attorneys General to reduce the level of drug abuse and that it is the primary responsibility of the Federal Government to control drug trafficking before it crosses our borders; and

2. Calls upon the United States Congress to ensure the effective interdiction of narcotics outside the land area of the United States by declaring such interdiction to be a mission of the Armed Forces; and

3. Urges the United States Congress to enact legislation similar to H.R. 47, the Military Interdiction of Narcotics Act, which has passed the House overwhelmingly twice and would authorize military participation in drug enforcement operations at or outside our borders only (a) upon request of the civilian federal enforcement agency with jurisdiction over the operation; (b) upon determination that the assistance will not adversely affect the military preparedness of the United States; (c) upon a determination by the Attorney General that the drug enforcement operation may not succeed without the requested military assistance; and (d) on the condition that the civilian drug enforcement officials maintain ultimate control over the activities and direction of the operation; and

BE IT FURTHER RESOLVED, that the Association authorizes its Executive Director and General Counsel to make these views known to the Administration, the Congress, and other interested parties.

**NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
ANNUAL MEETING
June 24-27, 1981
Jackson Hole, Wyoming**

RESOLUTION

MILITARY COOPERATION WITH DRUG ENFORCEMENT OFFICIALS

WHEREAS, the United States Armed Forces are prohibited from transmitting any information they receive from surveillance or other intelligence activities to state and local law enforcement authorities; and

WHEREAS, in the drug enforcement area, this means that the Coast Guard and Air Force are both prohibited from transmitting information about unauthorized planes or ships to state and local authorities; and

WHEREAS, legislation has been introduced, S. 441, that would abolish this prohibition and allow the military to transmit information to federal drug enforcement authorities, who may then transmit the information to state and local drug enforcement officials;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Attorneys General supports S. 441 and similar legislation; and

BE IT FURTHER RESOLVED that the General Counsel of this Association is empowered to make these views known to the Congress, the Administration, and other appropriate individuals.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

**Summer Meeting
Colorado Springs, Colorado
July 15 - 18, 1985**

RESOLUTION

V

MONEY LAUNDERING

WHEREAS, "money laundering" is defined by the President's Commission on Organized Crime as " the process by which one conceals the existence, illegal source, or illegal application of income, and then disguises that income to make it appear legitimate;" and

WHEREAS, organized crime depends in large measure for its successful operation on being able to launder money and make funds generated by criminal activity appear to come from legitimate sources; and

WHEREAS, between \$50 and \$65 billion in tainted money is laundered through legitimate financial institutions in this country every year; and

WHEREAS, federal law does not presently proscribe money laundering as a distinct offense; and

WHEREAS, the President's Commission on Organized Crime has determined that there are gaps in the reach of the Bank Secrecy Act that permit criminals to launder illegal profits with "virtual impunity" and without triggering the reporting requirements of the Act; and

WHEREAS, prosecution for violation of the Bank Secrecy Act for failure to file required forms is an inadequate means to curb money laundering, as demonstrated by the continued laundering activity engaged in by organized crime;

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Attorneys General urges Congress to enact legislation providing for a federal offense that would prohibit the laundering of money by prohibiting monetary transactions, both through financial institutions and other transfers that affect interstate commerce, where engaged in with the intent to promote, manage, establish or carry on criminal activity; and

BE IT FURTHER RESOLVED, that the National Association of Attorneys General urges the Congress to enact legislation that would close the loopholes in the Bank Secrecy Act by requiring the reporting of cumulative transactions over a threshold amount and by giving the Secretary of the Treasury the power to review and disapprove report exemptions; and

BE IT FURTHER RESOLVED, that the Association authorizes its Executive Director and General Counsel to make these views known to the Congress, the Administration, and other interested parties.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
SUMMER MEETING
June 22-25, 1983

RESOLUTION

INTERNATIONAL DRUG TRAFFICKING

WHEREAS, drug importation, distribution, and trafficking have become a major criminal enterprise amassing billions of dollars in illegal profits in the various states of the union; and

WHEREAS, drug trafficking is partially responsible for the steady increase in violent crimes against persons and property; and

WHEREAS, crimes committed as a result of drug trafficking consume a major portion of local, state, and federal law enforcement budgets; and

WHEREAS, intelligence sources have identified the origin of a major portion of illegal drugs as foreign countries in Latin America, Southeast Asia, and the Middle East;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Attorneys General:

1. Urges the Congress and the Administration to use the full weight of the laws and policies of the United States Government to curb and eliminate the international drug trafficking industry by using methods including, but not limited to:
 - a. The identification of those countries in which illicit drugs are cultivated, manufactured, processed, sold, or shipped within the jurisdiction of said countries and subsequently transported, by whatever means, to the United States and its territories;
 - b. Prompt negotiations between the United States and said countries for the purpose of urging the taking of such legal and law enforcement measures by such countries to eliminate the illicit cultivation and manufacture of, and trafficking in, such illegal drugs and other controlled substances;
 - c. The use of military resources to interdict drug shipments;
 - d. The imposition of trade and economic sanctions against those nations that do not cooperate effectively in this drug trafficking and eradication program;
 - e. The impoundment and/or withdrawal of American foreign aid from those countries identified as drug source nations and the diversion of such funding withdrawn from foreign aid distribution to domestic and international drug enforcement efforts; and

Attorney General Francis X. Bellotti abstains.

2. Authorizes the General Counsel of the National Association of Attorneys General to make these views known to the Congress, the Administration, and other interested individuals.

National Association of Police Organizations

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

1920 L Street, N.W., Suite 501 • Washington, D.C. 20036 • (202) 223-6515

June 1, 1988



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ROBERT SCULLY
Vice President, Detroit
Police Officers Assn.
Detroit, MI

Executive Vice President
WILLIAM PATTISON
President, Superior
Officers Assn. of
Nassau County
Nassau County, NY

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Association
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Joseph A. Morris, Director
Office of Liaison Services, Department of Justice
10th Street & Constitution Avenue, Room 4213
Washington, DC 20530

Dear Mr. Morris:

In response to your mail-o-gram of May 24, 1988, in which you requested from the National Association of Police Organizations its position on Congressional Action needed in assisting law enforcement on the war on drugs, enclosed, please find a copy of the report of the National Association of Police Organizations on, "the War on Drugs, What is Really Needed" and a copy of my testimony before the United States Senate caucus on International Narcotics Control.

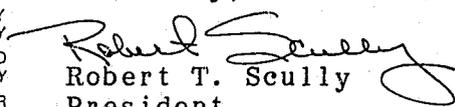
On October 16, 1986 NAPO convened a conference in Washington, DC of veteran narcotic street police officers and presidents of local police associations from throughout the country. The objective of the conference was to reach a consensus on what was really needed by law enforcement in the field to wage a war on drugs. A copy of this report was provided to your office in October of 1986 and addressed and supported by Attorney General Meese at NAPO's Convention in Plymouth, Massachusetts in August of 1987.

It is my belief, if you truly want to get to the core of the drug problem in this country, you must communicate with street enforcement narcotics officers. If you find this suggestion acceptable, I would be more than happy to assist you in coordinating such a meeting.

I have also enclosed a copy of the May 5, 1988 NAPO news service which gives our total position of support for S.2205, "Omnious Anti-Drug Abuse Act 1988", which was introduced by Senator's Alfonse M. D'Amato and Dennis DeConcini. This bill has the endorsement of police organizations representing over 400,000 law enforcement officers.

I hope you find this information valuable, I look forward to hearing from you in the near future.

Sincerely,


Robert T. Scully
President

National Association of Police Organizations, Inc.

cc: Jules Bernstein, NAPO Legislative Advocate

Enclosures

Office of the President

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NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

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REPORT OF THE NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS ON "THE WAR ON DRUGS: WHAT IS REALLY NEEDED"

I. INTRODUCTION

On October 16, 1986, the National Association of Police Organizations (NAPO) convened a conference in Washington, D.C. of law enforcement officers from across the nation. The police officers in attendance were veteran narcotics officers and presidents of police associations from Los Angeles, San Diego, Portland, Houston, Detroit, Nassau County, New York and New Bedford, Massachusetts. The narcotics officers were street-wise cops who had a reasoned perspective on the drug trade and many years of experience in dealing with drug dealers ... as well as with government bureacracy.

The objective of the conference was to reach a consensus on what was really needed by law enforcement in the field to wage a war on drugs. At the precise time that these seasoned police officers were convening to discuss that effort from the point of view of law enforcement, the Congress was putting the finishing touches on its comprehensive drug bill, H.R. 5484. The President already had announced his intended approach to the problem. The media, particularly the television

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networks, had bombarded the airwaves with dramatizations and documentaries about drugs. Editorial writers in every newspaper in America gave their opinions.

Now it was the cops' turn.

II. DISCUSSION

1. There are adequate laws on the books relating to possession of narcotics and to dealers of narcotics. However, implementation of the laws is inadequate unless it results in the removal of drug dealers from the general society and the creation of a deterrent that dissuades others from selling and from buying drugs.

2. Sentences for those convicted of dealing in drugs are too short. In Phoenix, cops are making cases but dealers are released from prison in 18 months even if they have previous convictions. One officer there arrested a dealer three times in the same month. The arrest-court-prison system is really a revolving door. District Attorneys are requiring arrests involving larger and larger quantities of drugs before they will pursue felony convictions because the system is overcrowded. Aliens, for example, who are arrested in drug busts simply are run back over the border rather than prosecuted because the system is overloaded. First, there is pressure on the judicial system from the sheriffs and correction officials because there is no room in the jails or the prisons. Second, there is pressure on the police from the prosecutors because there are so many defendants that they can't handle the volume of the workload. Third, there is

pressure on the entire system from the judges themselves because they know that the court system cannot handle the volume and that the prisons have no room for new prisoners. Often Federal prosecutors are not interested in prosecuting drug offenders unless there is a "name" defendant or an extremely large quantity of drugs.

3. Despite the rhetoric from politicians and the media attention suddenly on the drug "problem," in reality drug offenses are not treated with any priority by the criminal justice system. In California, the saying in the system is "prison by the pound," but while the laws are more than adequate, judges do not sentence defendants to long prison terms because of overcrowding in the prison system. In Texas, intake attorneys in the prosecutors' office are not experienced and no priority is given to drug crimes. Middle-level repeat offenders get arrested every other month and receive only three months of jail time. In New York, prosecutors want evidence of three (3) sales before they will indict drug sellers. While there are mandatory sentencing laws in New York, Oregon, and Massachusetts, the prosecutors have discretion not to seek indictments of the offenders if they cooperate in naming other drug dealers. This process leads to what one officer calls the "Monte Hall law" -- dealers name other dealers who, in turn, name others but few are sentenced for long terms of incarceration. The prosecutors opt for getting more names rather than mandatory sentences because there is no room in prison.

As one veteran officer put it: "Someone goes in the front door and someone comes out the back door; the first and foremost problem is lack of prison space." In some communities, there is a court order not to put too many new prisoners in jail because it is already full. More often than not, drug pushers who are arrested are on probation. The result is a revolving door with all participants in the criminal justice system doing their job, but few offenders go to jail. The irony is that correction officers are threatened with going to jail because of violating court orders limiting overcrowding, but dopers essentially are free to ply their trade on the streets.

4. Crack is now the drug of choice. In Los Angeles, crack is called "rock." Columbia is supplying all the drugs that are necessary to meet the demand. Crack can be purchased for as little as \$10, \$20, or \$50. The drug pushing syndicates can afford the quantity of drugs which law enforcement agencies now confiscate. Unfortunately, the drug business is a big reward, low risk business. Law enforcement probably is now confiscating only 10% of the dope which is available, which means that 90% of it is getting through to the consumers. Society does not regard addicts as criminals, only "pushers" are treated negatively on television shows and news programs. The media speaks for the public in repeatedly forgiving athletes who are addicts who make a half-hearted try at rehabilitation. The big change in narcotics enforcement occurred when the drug of choice shifted from heroin to cocaine. Cocaine opened up the merchandising of

drugs to a different level of society -- professional people as well as blue-collar workers -- and crack is the best merchandising product for that diversity of users because of its low price and availability.

5. A multifaceted, highly concentrated approach to the drug issue is needed. There must be no dilution of that effort because failure in one area affects all other parts of the system. Police departments are crunching numbers to impress the public and other law enforcement agencies with the number of arrests they are making, and the quantity of drugs being confiscated. Police departments are having more success than ever in seizing drugs and making arrests but the bottom line is that the criminal justice system is overloaded and, as a result, neither the supply nor the demand is being seriously affected.

6. Relationships between local police departments and the Drug Enforcement Agency (DEA) vary from locality to locality, but for the most part they are improving significantly. Unfortunately, local departments do not have as high a regard for the FBI. In many communities, local narcotics agents must plead with Federal agents to get funds to buy drugs because local police departments have little cash available to make drugs "buys". The percentage of the funds which the Federal authorities return to the local departments from the seizures of the assets of dopers varies greatly. In Los Angeles, the local department receives 75% of seizure money; in Oregon, the local department gets 100% of seizure funds in joint cases, while in New York it often

receives only 25%. The biggest problem with the division of forfeiture money is that the local percentage goes into the local city or county government treasury rather than be earmarked for bigger anti-drug operations. Thus, drug seizures spell "wind-fall" for local city councils and boards of supervisors who are always interested in holding down taxes. The money which the Federal authorities seize goes into the United States Treasury and does not augment the war against drugs in any way. At least at the local government level, police chiefs have a greater opportunity to persuade city and county managers to step up undercover drug operations if the department can point to great success in seizing assets of dopers.

7. Interdiction of drugs from foreign countries into the United States can be increased by cooperative efforts between the military, Federal agencies, and local law enforcement departments. But, narcotics officers agree that expanded military operations in what is a law enforcement function may jeopardize a free, democratic society. While border control is a proper function of Federal law enforcement agencies in association with the military, apprehension of drug pushers is a local government function. Local narcotics officers have good relations with Customs agents and the Coast Guard, but assigning a law enforcement function to the military would establish a dangerous precedent.

8. No real progress will be made in the war on drugs unless there is a genuine effort to alter demand for illicit drugs. Social acceptance of drug use must be altered. Education

programs for young children must be improved, and accelerated. Narcotics agents, rather than uniformed police officers, should be used in the schools in an intensified education effort as specially trained resource personnel to communicate effectively with children. NARCs have the credibility to talk to children. In Los Angeles, a program entitled Drug Abuse Resistance Education (DARE) utilizes law enforcement officers to teach children in the 5th and 6th grades to say "no" to dope sellers. In Nassau County, New York, a similar program has begun. San Diego has an intervention program for kids involved in any crime including drugs. The program involved seminars, community work, meetings with parents and essays written by the kids. The program has been successful in reducing recidivism among juveniles from 70% to 30%. The program has a rule that parents and kids must be involved together every step of the way or the child is out of the program. In New Bedford, Massachusetts, police officers meet with parent groups as well as with kids. The consensus among the Conference participants is that sound education programs for young kids can reverse the trend with respect to drug use, but the program must concentrate on children in elementary school.

9. With respect to weapons, in state after state dopers are better armed than most police officers. In Nassau County, 76% of those arrested for drug offenses had firearms, including illegally sawed-off shotguns, assault rifles, and 15 illegal machine guns. In Los Angeles, 1,600 weapons were seized from January to August, 1986 which is an increase of 46% compared

to the same period in 1985. The plain truth appears to be that coke and guns just go together. That spells danger for the police and the community at large.

10. In general, present laws with respect to drugs are sufficient, but all participants agree that good laws do not accomplish the desired results unless punishment for violation of those laws is certain. The message to the nation's youth must be changed from "great profit and no time" to a new one: "Get 5 years, do 5 years".

11. Participants were divided among those who favor a "good faith" exception to the exclusionary rule and those who believe that the automatic nature of the exclusionary rule makes it easier for cops to follow the rules day-in and day-out.

12. Proposed solutions to the drug problem must pass a "Crest Test." Police departments must approach the problem with a long term view; there must be a decade of commitment to drug eradication. From 1970 to the present time, police departments hid narcotics divisions as least favored assignments. Manpower in narcotics divisions was constantly reduced. One department virtually destroyed its narcotics division by reducing it from 90 officers in 1970 to 18 in 1985. By virtue of the explosion of crack, that department has added 20 more officers. Dedicated narcotics officers are hoping that the recent publicity about drugs, and the response of the politicians, is not just a temporary hype accompanied by a quick fix. Much more manpower and "buy" money is needed. But, most important to the successful

reduction in the drug trade would be increased public support for more prisons, intensified education programs for young children, and a significant change in the public attitude toward drug use by role models. Only time will tell!

Recommendations

1. At all levels of government, a crash program should begin immediately of building new prisons, and converting other facilities to more prison beds.

2. Federal regional incarceration centers should be established. These centers should be equipped with a broad scale of drug rehabilitation programs.

3. All probationers who have a drug habit must accept rehabilitation treatment as a condition of probation and may not be released from probation unless they are certified as having kicked their habit; they are "clean" and have remained "clean" for at least 3 or 4 years.

4. All prisoners who are habitual users must be "clean" before they are released from prison.

5. The only ultimate cure for our drug problem is intensive education at the elementary school level, preferably in the 1st or 2nd grade. Educational efforts in the junior high schools and the high schools is simply too late.

6. Federal authorities should increase the percentage of forfeiture funds which are allocated to local police departments. As a condition of the allocation of forfeitures, the

Federal authorities should insist that the funds be used by local governments for narcotics enforcement without corresponding reductions in the narcotics division's budget from general revenues.

7. Assigning law enforcement responsibility to the military would be in error. The military could improve the interdiction efforts of local law enforcement departments by sharing equipment and high technology with local departments.

8. The law must continue to ban the carrying of concealed weapons and the ownership of machine guns. There is no legitimate reason for the general public to own machine guns which pose a clear and present danger to the lives of law enforcement officers and the law abiding community.

Robert Scully
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STATEMENT OF ROBERT SCULLY,
PRESIDENT, NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS
BEFORE THE UNITED STATES SENATE CAUCUS
ON INTERNATIONAL NARCOTICS CONTROL

DECEMBER 2, 1987

Office of the President

Detroit Police Officers Association • 6525 Lincoln • Detroit, MI 48202 • (313) 871-0484

Mr. Chairman and distinguished members of the Caucus, my name is Robert Scully. I am President of the National Association of Police Organizations --- NAPO. NAPO is an organization of approximately 70,000 law enforcement officers throughout the United States. Our members provide police protection on the streets of the towns and cities of this country for 24 hours every day of the year. Perhaps better than any other group in this nation, law enforcement officers are in a position to speak first hand about the drug problem that continues to touch the lives of all Americans directly or indirectly.

You invited me to speak before you today to discuss the impact of the Anti-Drug Abuse Act of 1986 on the law enforcement community. Before I do so I would like to relate to you the findings of a report NAPO prepared recently on the war on drugs which will put my comments on the Act in perspective.

The report, a copy of which is attached to my prepared statement, grew out of a conference of law enforcement officers convened by NAPO in Washington, D.C. late last year at about the same time the Act was passed. In attendance were veteran narcotics officers and presidents of police associations from Los Angeles; San Diego; Portland, Oregon; Houston; Detroit; Nassau and Suffolk Counties, New York; and New Bedford, Massachusetts. After lengthy discussions among the group, the following recommendations were agreed upon that addressed many of the same concerns that the Act sought to remedy:

1. At all levels of government, a crash program

should begin immediately of building new prisons, and converting other facilities to provide more prison beds.

2. Federal regional incarceration centers should be established. These centers should be equipped with broad scale drug rehabilitation programs.

3. All probationers who have a drug habit must accept rehabilitation treatment as a condition of probation and may not be released from probation unless they are certified as having kicked their habit, are "clean" and have remained "clean" for at least 3 or 4 years.

4. All prisoners who are habitual drug users must be "clean" before they are released from prison.

5. The only ultimate cure for our drug problem is intensive education at the elementary school level, preferably in the 1st or 2nd grade. Educational efforts in junior high schools and high schools is simply too late.

6. Federal authorities should increase the percentage of forfeiture funds which are allocated to local police departments. As a condition of the allocation of forfeitures, Federal authorities should insist that the funds be used by local governments for narcotics enforcement without corresponding reductions in the narcotics division's budget from general revenues.

7. Assigning law enforcement responsibility to the military would be in error. The military could improve the interdiction efforts of local law enforcement departments by sharing equipment and high technology with local departments.

8. The law must continue to ban the carrying of concealed weapons and the ownership of machine guns. There is no legitimate reason for the general public to own machine guns which pose a clear and present danger to the lives of law enforcement officers and the law abiding community.

Because of the breadth of the drug abuse problem, the primary concern of NAPO when the Anti-Drug Abuse Act was passed last year is the same that it is today -- funding. The drug industry in this country generates billions of dollars a year in profits. The law's appropriation provisions are unfortunately, by comparison, merely a drop in the bucket. They unrealistically proceed on the assumption that something is better than nothing.

Let me give you some examples from my hometown, Detroit, Michigan. In the surrounding 3 county area of Wayne, Macomb and Oakland, approximately \$1.5 billion dollars each year changes hands in the sale of narcotics. As part of the block grants given to states under the Act, Michigan received approximately \$6 million, of which \$300,000 was allocated to Detroit. The money designated for Detroit was for the purpose of renovating its crime control laboratory. The money has not yet been received, but has been approved. With it, the city will renovate a laboratory that was originally built in 1928. The importance of an efficient and modern crime lab cannot be underestimated. With the increase in the narcotics division enforcement has come an increase in drug arrests. Because the crime lab is out-dated and inefficient, analyses of drugs must be either sent out to other labs or become

part of a heavy backlog --- now up to 900 cases. Because individuals who are arrested cannot be detained until a drug analysis is complete, these individuals are released into the streets with there being only a dim hope of ever having them for a hearing. Thus, no matter how effective enforcement, without the ability that an up-to-date, state-of-the-art crime lab provides for immediate analysis of seized drugs, offenders essentially go unpunished. Detroit is grateful that it has received the monies allocated to it as a result of the Anti-Drug Abuse Act of 1986, but we have to question whether the amount of money is sufficient to deal with the \$1.5 billion drug industry in the Detroit area.

Detroit has also been awarded a discretionary grant of \$300,000 under the provisions of the Act to be used for a narcotics control telephone hotline. By calling a centralized phone number, citizens report drug-related crimes, 75% of which involve crack or cocaine. The so-called 224-DOPE line is modeled after a community enforcement program started by the Drug Enforcement Agency in July, 1986. It enables centralized tracking of dope offenses, rather than the precinct-by-precinct approach that existed before. I personally feel, based on my observation and experience, that the DOPE line is ineffective. Without the resources to do the undercover follow-up that is required to respond to calls, the call-in line is useless. I believe that the DOPE line may give the appearance of combating the drug problem, but, in fact, it is only a superficial remedy.

The drug problem in Detroit and cities like it is larger

than merely an updated crime lab or a community enforcement program can cope with. In fact, money spent in these areas is often rendered useless by a critical problem that has not been adequately addressed by the Act -- that is, the housing of drug offenders. For without adequate prison space, the enforcement and prosecution of these individuals is a useless act.

While the Act does appropriate some monies for prison construction, it is simply not enough. District Attorneys are requiring that arrests involve larger and larger quantities of drugs before they will pursue felony convictions because the system is overcrowded. While the Act provides for mandatory sentences for certain offenses similar to laws in effect in several states, prosecutors have discretion not to seek indictments of the offenders if they cooperate in naming other drug dealers. Too often the prosecutors opt for getting more names rather than mandatory sentences because there is no room in the prisons. As the NAPO report described it, "Someone goes in the front door and someone comes out the back door." Thus, every day hundreds of individuals are turned away from prison not because they should not be there, but because there is no room for them.

It is for this reason that I must reluctantly conclude that the Act, while well-intended, is doomed by the inadequacy of funding. As Senator DeConcini stated before the Senate in urging the passage of the Act last year:

This bill is an outstanding beginning to

establishing a framework; a blueprint for mobilizing a true war on drugs on multiple fronts, but we can and should do a great deal more.

As a representative of the law enforcement community, I am constrained to tell you that much more must be done. The results of the Act cannot yet be measured, but rest assured, without the money to do more, the drug industry and traffickers in this country will continue to thrive and our businesses, our homes, our families, and our children will continue to suffer.



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NAPO - WASHINGTON REPORT

May 5, 1988

NAPO SUPPORTS DeCONCINI/D'AMATO DRUG BILL

NAPO, representing more than 80,000 police officers across the nation, is part of a coalition representing 400,000 police officers endorsing legislation proposed by Senators Alfonse M. D'Amato (R.-C.-N.Y.) and Dennis DeConcini (D.-AZ.) to strengthen the nation's anti-drug programs and provide \$2.6 billion in new funding.

The legislation, S.2205, has received the endorsement of NAPO and the New York City Patrolmen's Benevolent Association, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Sheriffs Association and the International Brotherhood of Police Officers. Seventy Senators have already endorsed and cosponsored the legislation.

In addition to receiving widespread police support, the legislation was endorsed by Matt Byrne, father of NYC Police Officer Eddie Byrne, who was gunned down in a drug related killing on February 26th.

New Initiatives Funded by DeConcini/D'Amato Bill:

- * Increases federal law enforcement budgets by \$800 million, including \$231 million in new funding for the Coast Guard; \$112 million for the DEA; \$125 million for the Customs Service; \$100 million for the Defense Department; \$59 million for the INS and Border Patrol;
- * Adds \$485 million to drug treatment programs.
- * Targets \$200 million for new federal prison construction.
- * The bill would also raise the death benefit for police officers slain in the line of duty from \$50,000 to \$100,000.

On April 13th the Senate voted 93-0 to adopt a DeConcini/D'Amato/Domenici budget amendment creating \$2.6 billion in new budget authority for the sweeping expansion of federal anti-drug efforts contained in S.2205. The amendment provided \$2.6 billion in new budget authority and \$1.4 billion in outlays to be used after the President and congressional leadership certify the existence of a dire state of emergency.

INTERNAL REVENUE CODE, § 457 - (H.R. 4221)

In coalition with other concerned state and local government organizations, NAPO is supporting H.R. 4221, introduced by Congressmen Robert Matsui (D.-Cal.) and Gus Vander Jagt (R.-Mich.), as "The Section 457 Clarification Act of 1988," which is

intended to update and perfect H.R. 3312 which was deleted from the Revenue Raising Act of 1987 on the basis of the Budget Summit Conferees decision to delay consideration of all tax related legislation, except that which would raise revenue, until this year.

The I.R.S. in early 1987 had issued an interpretation of § 457 of the Internal Revenue Code which took the position that certain non-elective deferred compensation plans of public employees were subject to federal income taxation. The I.R.S. position would cause public employees to be taxed on income which they had not yet and might never receive.

However, in I.R.S. Advance Notice 88-8 dated January 11, 1988, the Treasury Department acknowledged the uncertainty surrounding the scope of § 457 and declared "that bona fide vacation leave, sick leave, compensatory time, severance pay, disability pay, and death benefit plans will not be subject to section 457 for taxable years of employees of state and local governments . . . beginning before the issuance of regulations or other administrative guidance describing the extent to which these forms of compensation are subject to section 457."

As to the future application of § 457 which remains open under the I.R.S. regulations, NAPO is vigorously urging Congress to enact H.R. 4221, which would clarify the original intent of § 457 as not taxing the benefits in question.

NAPO HAILS UNDETECTABLE FIREARMS AGREEMENT;
URGES EARLY ENACTMENT OF LEGISLATION

NAPO has hailed the introduction in Congress of a new law enforcement sponsored "Undetectable Firearms Act of 1988," designed to prohibit the development of weapons which cannot be detected by x-ray or metal detectors, and to improve detection technology.

The proposal, which was developed by the Law Enforcement Steering Committee, which includes NAPO and ten other major law enforcement groups, was agreed to by the United States Departments of Justice, Treasury and Transportation and then released on Capitol Hill on April 27, 1988, at a press conference attended by Law Enforcement Steering Committee members and Senators Howard Metzenbaum (D.-Ohio) and Strom Thurmond (R.-S.C.), who have been principal sponsors of similar legislation. Both promised wholehearted support and early passage for the new bill which closely resembles their earlier version.

Bob Scully, President of NAPO described the new bill as "one which, if enacted, will significantly advance the cause of public safety in the years to come." He said that "the legislation will provide further protection against terrorism and violence on aircraft, in public buildings and other security checkpoints."

The proposal is the result of negotiation and consultation with some of the leading law enforcement officials in the country, including the best security and firearms experts at the Departments of Justice, Treasury, and Transportation.

Key features of the proposal call for Congress to establish a minimum exemplar standard tied to the detectability of 3.7 ounces of stainless steel, a level that captures all weapons now lawfully manufactured, and to grant authority to the Secretary of the Treasury to modify that standard, through formal rulemaking procedures, when technological changes permit. The proposal provides stiff penalties for making, importing, possessing, or using an undetectable weapon.

New crimes are also defined for the use of an undetectable weapon in the course of narcotics trafficking and for a variety of other gun-related offenses properly punishable under federal law.

Other provisions focus on the improvement and use of weapons detection technology, calling for inter-agency study and coordination of magnetometer practices.

NAPO looks forward to reconciliation in conference of the provisions of its bill with a similar measure introduced late in April by Congressmen Hughes (D.-N.J.) and McCullom (R.-Fla.), which has been reported out favorably by the House Judiciary Committee.

SEVEN DAY WAITING PERIOD - (H.R. 975/S. 466)

NAPO continues to support legislation which would establish a seven-day waiting period to allow local law enforcement officials to conduct background checks on handgun purchasers. The legislation would apply to all handgun purchases through dealers and private citizens except in states which already have a waiting period of at least seven days. The bill would also apply to transfers of handguns between private citizens in states that have a waiting period if the state law does not apply to those transfers.

During the last session of Congress, Senator Howard Metzenbaum (D.-OH.) conducted hearings on the waiting period at which NAPO President Robert Scully testified on behalf of NAPO.

On February 24, 1988, the House Judiciary Subcommittee on Crime, chaired by Congressman William J. Hughes (D.-N.J.), conducted hearings on the waiting period at which NAPO submitted testimony in support of a waiting period bill introduced by Congressman Edward Feighan (D.-OH.) (H.R. 975). Congressman Hughes hopes to move the seven-day waiting period bill during this session of Congress. Mark up of the bill is scheduled this week.

MANDATORY MEDICARE

Although Mandatory Medicare coverage for all state and local government employees was proposed in both the House and Senate during the last session of Congress as a revenue raising measure, vigorous lobbying efforts by NAPO and other allied public employee and employer organizations succeeded in persuading Congress to reject such an approach.

The final chapter in NAPO's struggle against Mandatory Medicare in the last session came during the week of December 7, when Senator John Melcher (D.-MT.) circulated a "Dear Colleague" letter in which he said he would seek to amend the Budget Reconciliation Bill to provide Mandatory Medicare coverage to all public employees in an effort to reduce the scheduled increase in the Medicare Part B premium.

NAPO promptly contacted every senatorial office explaining our opposition and urging rejection of the Melcher Amendment. In the face of renewed expressions of opposition, Senator Melcher withdrew his amendment and the reconciliation bill passed the Senate by a voice vote on December 11. It was signed by the President on December 22, 1987.

The Mandatory Medicare battle has already been renewed during the current session of Congress. The Administration's proposed budget released on February 18 includes expanding Medicare coverage to all state and local government employees who were hired before April 1, 1986.

However, as a result of the intense lobbying efforts against Mandatory Medicare during the last session of Congress, several House and Senate leaders have already publicly expressed their opposition to the Administration proposal. For example, House Ways and Means Committee Chairman Dan Rostenkowski (D.-ILL.) stated his opposition to the proposal declaring it to be "a new tax for public employees such as firemen and policemen."

THREE-YEAR BASIS RECOVERY RULE
(S. 99, S. 69, H.R. 1007, H.R. 130, H.R. 780)

Both the Senate Finance Committee and the House Ways and Means Committee have before them bills that would repeal the Three-Year Basis Recovery Rule enacted as part of the Tax Reform Act of 1986. Congressman Marty Russo (D.-ILL.), with NAPO's support, is continuing to sign on co-sponsors for his bill (H.R. 1007). Thus far, he has gathered 115 co-sponsors.

Jules Bernstein
Linda Lipsett
NAPO Legislative Counsel

National District Attorneys Association



NATIONAL DISTRICT ATTORNEYS ASSOCIATION
1033 NORTH FAIRFAX STREET, SUITE 200, ALEXANDRIA, VIRGINIA 22314
(703) 549-9222

OFFICE OF THE EXECUTIVE DIRECTOR

May 25, 1988

Honorable Joseph A. Morris
Director
Office of Liaison Services
Department of Justice
425 Eye Street, N.W., Room 4110
Washington, D.C. 20530

Dear Mr. Morris:

We appreciate the opportunity you have afforded us to comment on legislation pending before Congress, or proposals which should be sent to Congress, relative to drug control.

When contemplating the legislation under consideration by Congress, we are gratified to note the importance placed upon local prosecution efforts. We request that the Administration likewise support local prosecution efforts by supporting the appropriation of federal funds as described by the Association's position noted in the three items listed below.

1. Omnibus Anti-Drug Abuse Act of 1988 (S. 2205 and H. R. 4230) - the National Narcotics Prosecution Strategy developed by the national Drug Policy Board sets a principal goal of assisting state and local narcotics prosecution. Specifically, Strategy 2 states:

"Continue to work with state and local narcotics enforcement authorities and expand efforts to assist them in narcotics prosecution at the state and local level."

To carry out the goal set forth above, the National Drug Policy Board indicated:

"Federal funds will be necessary to maintain cooperative efforts with state and local enforcement authorities and to expand them in some areas."

Honorable Joseph A. Morris
May 25, 1988

Included within the programs to implement the strategy were items such as training, grants, and joint task forces. Each of these areas requires a funding base.

The National District Attorneys Association fully supports the program elements proposed to implement the new strategy. To this end, we indicated support of the Omnibus Anti-Drug Abuse Act of 1988 (S2205), introduced by Senators D'Amato and DeConcini, in a public statement issued on March 23, 1988, a copy of which is attached. Likewise, we support H.R.4230, introduced by Representative English, which is the complimentary legislative initiative to the bill introduced in the Senate.

Both the Senate and House versions of the Omnibus Anti-Drug Abuse Act of 1988 provide the necessary monetary support to fulfill the National Narcotics Prosecution Strategy goal of assisting and enhancing state and local prosecution.

2. Senate Bill 1250, Criminal and Juvenile Justice partnership Act of 1987, Title II, Subpart A, Reauthorization of Juvenile Justice and Delinquency Prevention Act - we support swift reauthorization of the Juvenile Justice and Delinquency Prevention Act and an appropriation of \$100 million.

The Juvenile Justice and Delinquency Prevention Act has promoted major reforms in state policies and programs dealing with juveniles and has served the local prosecutors of this country in significant ways. It has encouraged a variety of alternative services for youth whose offenses are less serious, including restitution, and focused attention on violent offenders whose crimes and needs warrant court ordered treatment. In many jurisdictions, serious violent offender programs target youth who exhibit a repetitive pattern of serious delinquent behavior for more intensive prosecutorial and correctional intervention. These and other effective programs for youthful offenders were started under this Act.

3. H.R. 1801, Amendments to Juvenile Justice and Delinquency Prevention Amendment of 1988 - We oppose the change in the proportional allocation of funds between formula grants to the states and special emphasis (discretionary) programs. We believe this amendment is flawed. It destroys the current balance between funding for innovative national scope initiatives and state funding.

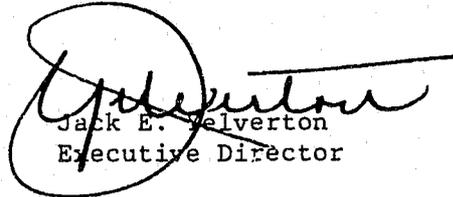
Moreover, we believe it is unwise to reduce the discretion of the Administration of OJJDP because of disagreement or disappointment with past funding decisions. We believe that the Special Emphasis programs have been implemented over the years in a way that has been responsive to the initial needs of the juvenile justice system. For these reasons we oppose the House amendment.

Honorable Joseph A. Morris
May 25, 1988

Should the Attorney General desire further information, we will gladly comply with any request. As always, we appreciate any opportunity to express the views and needs of local prosecutors.

With best wishes, I am

Sincerely,



Jack E. Selverton
Executive Director

JEY/lah
Enc.

NEWS RELEASE

National District Attorneys Association

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Information Contact: ANNE HASKELL / 549-9222
Release: For Immediate Release.

Remarks
by
Jack Yelverton
Executive Director
National District Attorneys Association
on the
Omnibus Anti-Drug Abuse Act of 1988
March 23, 1988

The National District Attorneys Association, which represents elected and appointed district attorneys nationwide, has no higher priority than combating drug abuse and drug-related crime.

Earlier this year in the State of the Union address, the President reminded us that once upon a time the federal government launched a war on poverty.

Nearly two decades later, President Reagan affirmed that "poverty won." No one in America today wants the epitaph of the Reagan Administration's "war on drugs" to meet the same assessment when, in the year 2000, the leaders of tomorrow judge our efforts today.

But let's face facts. The reality is that the drug crisis to date has proved to be bigger than all of us. Law enforcement is literally out-gunned and underfinanced when compared to the drug peddlers who today are winning the war. The street gangs, organized crime, the drug pushers and foreign drug lords hold hostage the future of this great nation.

-MORE-

NDAAs

It is local law enforcement personnel who are on the front lines in the war on drugs:

- they know that intoxicated teenagers are often better armed than the cop on the street
- they know that the lack of prison space means that thousands of convicted users and sellers only go on probation to continue their criminal activities
- they know that an average of only three percent of state and local resources go to drug law enforcement
- they know that the drug crisis is a local crisis....that drug use directly contributes to street crime right here at home....that the carnage that is most visible to the American people is not on a mountaintop in Columbia or in a seizure on the high seas, but on the streets and in the schoolyards of our communities.
- and they also know that the American people overwhelmingly endorse stronger criminal justice sanctions for drug offenders.

Finally, local prosecutors know and have expressed their view that the President's Fiscal Year '89 budget simply doesn't go far enough. We can't wage the war without the proper weapons. We will not have the proper weapons unless Congress returns more of our tax dollars to local communities.

Therefore, the National District Attorneys Association strongly endorses the "Omnibus Anti-Drug Abuse Act of 1988." We applaud Senators D'Amato and DeConcini for this finely-crafted legislation which, with one bold sweeping stroke, restores, realigns, and greatly increases the funding begun by the 1986 Anti-Drug Act which was drastically cut in the Administration's Fiscal Year 1989 budget.

Of particular significance is the \$1.5 billion allocation to state and local law enforcement agencies to attack the drug problem where it is most acute -- at the local level.

We commend the provision which would increase local law enforcement's participation in the distribution of seized drug assets. We also support the provision that a portion of these same funds be used for new prison construction.

-MORE-

NDAA

It will take all of our best efforts to win the war on drugs. It will take a true partnership between federal, state, and local law enforcement. The National District Attorneys Association has already launched such a partnership with the federal government. Last fall, together with our non-profit research and technical assistance affiliate, the American Prosecutors Research Institute, we established the CENTER FOR LOCAL PROSECUTION OF DRUG OFFENSES. The Center, fully funded by the Bureau of Justice Assistance, is the first and only national clearinghouse for local prosecutors on drug abuse and drug-related crime. Our national membership is working together on aggressive and innovative strategies to attack the drug problem in our communities head on. The Omnibus Anti-Drug Abuse Act of 1988 will help local prosecutors to get this job done.

-30-

National Troopers Coalition

MAY 26 '88 17:32 553-4289



NATIONAL TROOPERS COALITION

112 STATE STREET, SUITE 1212, ALBANY, N.Y. 12207 518-462-7448

May 26, 1988

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Mr. Joseph A. Morris
 Director
 Office of Liaison Services
 Department of Justice
 10th and Constitution Avenue
 Washington, D.C. 20530

De
 Dear Mr. Morris:

Thank you for the opportunity to voice our concerns about drug law enforcement on the national level. Recently, our membership has been very critical of the National Drug Policy Board for failing to have sufficient state input in the development of a national drug strategy. Indeed, many characterized the national drug strategy as only a federal and not a national strategy. Hopefully, your invitation to comment represents a recognition of this problem.

There are many steps which should be taken on the federal level to improve enforcement efforts against drug trafficking, but perhaps the most helpful one for state and local police concerns funding. The lack of consistency and continuity in federal funding must be overcome. Inconsistent levels of funding and on-again-off-again commitments make it extremely difficult for states to mount an offensive against drug traffickers. A multi-year federal funding package to support state and local efforts must be developed. In addition, unrealistic and meaningless stipulations on the way such funds are allocated and utilized must be abolished.

Problems with case coordination between federal, state and local law enforcement authorities still exist. An emphasis must be placed on the coordination and cooperation of enforcement efforts. Resources must be maximized and not placed against one another in competing roles.

The federal government should acknowledge the state's lead role in community development and social reform. It should support local efforts and tailor federal enforcement action to complement it.

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Mr. Joseph A. Morris
May 26, 1988

In addition to the above comments, our membership is also fervently working for the passage of S.B.-2205 and Companion Legislation H.R.-4230. (The Omnibus Anti Drug Abuse Act of 1988).

We also are supporting S.B.-2251 and will be testifying in support of same.

Both of the above pieces of Legislation will greatly assist this nation's dedicated law enforcement officers.

Sincerely,


Johnny L. Hughes - Chairman
National Troopers Coalition
Legislation and Congressional Affairs

JLH:jlz

Police Executive Research Forum

POLICE EXECUTIVE
RESEARCH FORUM

May 27, 1988

Mr. Joseph A. Morris
Director
Office of Liason Services
Department of Justice
10th and Constitution Ave.
Room 4214
Washington, D.C. 20530

Dear Mr. Morris:

In response to your request for information regarding the Police Executive Research Forum's positions on drug-related legislation and other drug law enforcement, I am enclosing materials that I trust will be of some assistance in your efforts to establish a law enforcement agenda. Because of the time constraints, only those materials developed for recent testimonies and a cursory review of our activities have been prepared.

You will find enclosed a recent testimony by Forum President Cornelius Behan on the recent law enforcement progress under the anti-drug abuse act of 1986 which focuses on the need to continue funding for research and programs funded by the Bureau of Justice Assistance. Other issues include:

1. Drug Policy Board and State/Local Participation

The Forum would urge that the idea of arranging for state and local participation in the Drug Policy Board be kept alive. You may find that the issue of **formal involvement** of state and local officials in deliberations of the policy board has been confused with our strong desire to **contribute input** and help shape those portions of the national strategy that deal with non-federal issues. Currently, the state and local role is determined by federal participants who may or may not speak for us. There does not seem to be any prohibition regarding active solicitation of our opinions, concerns, and recommendations for joint action. This could be accomplished by arranging special meetings with key association personnel and principal contractors regarding the specifics of their narcotics enforcement programs (for example, PERF has seven initiatives). That will take some time and might be suited to formal

Mr. Joseph Morris

May 27, 1988

structure because of the importance of this activity. Associations like PERF, as well as other contractors, could help by producing issue papers, evaluation reports, etc..

2. Money Laundering Investigations--and Asset Sharing

In spite of all that is being done about joint investigations and federal asset sharing, very little appears to be done about federal-state-local cooperation under the 1986 Money Laundering Act. This is important, because (according to the FBI) certain asset sharing provisions appear to kick in with respect to joint investigations. Locals can be very helpful to DOJ and DOT in identifying laundering aspects of local drug distribution organizations--from "smurfing" on up to more sophisticated operations.

3. Increasing Access to and Use of CTRs and CMIRs

More locals need to know that they can obtain information from these forms, if not the forms themselves. Our asset forfeiture project is encouraging this, and we have commissioned a consultant paper on the matter, but still the information is going to spread slowly. The process of access should be streamlined and responsible offices should conduct more aggressive outreach.

4. Legalization of Drugs

At the recent PERF annual meeting, our members participated in the debate regarding the legalization of drugs. We believe that there is a significant benefit to be derived from the debate on this issue. Forum members support a national debate on decriminalization because it will help to focus attention on the problem and will bring diverse perspectives to a problem in need of an innovative response. Beyond the positive results of such a debate, the Forum strongly opposes legalization of drugs. Based on the current level of knowledge of the results of legalization, we feel the evidence is insufficient to warrant such a significant policy change. Our position is being articulated in a Forum policy paper which will be forwarded to your office on completion.

5. Omnibus Anti-Drug Act of 1988

As you know, the House and Senate have called for reform in our fight against drug abuse in this Congressional session. The Forum has supported the legislative measures S.2205 and H.R. 4230 which would create additional resources for: law enforcement personnel and civilian drug enforcement agencies; drug interdiction assets for the Coast Guard and Customs; federal prison construction; state and local law enforcement narcotics control officers; international incentives to promote drug eradication and interdiction at the drug source country; treatment and rehabilitation assistance; and drug education for school systems. The bill would also open up for use by state and local law enforcement agencies funds seized from drug traffickers by the Justice or Treasury Departments, and raise the death benefit to \$100,000.

Mr. Joseph Morris

May 27, 1988

The Forum has asked that additional funds be allocated to the National Institute of Justice. We feel that at least 5% of these funds should be set aside for research. As Mr. Meese mentioned at our recent law enforcement meeting, the exclusion of money for NIJ research would appear to be an oversight, since staff was under the impression that BJA was the only appropriate agency for overseeing activities in this area. We would appreciate the Attorney General's attention to this provision and would encourage his leadership in passing this legislation.

As always, we are pleased to provide your office with information regarding our stance on drug issues and other concerns to law enforcement. Should you have any questions regarding these comments or Forum projects related to asset forfeiture, please do not hesitate to call.

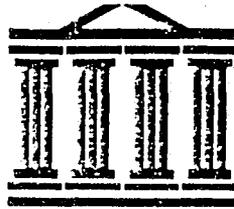
Sincerely,



Darrel W. Stephens
Executive Director

MP/

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WASHINGTON, D.C. 20037
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POLICE EXECUTIVE
RESEARCH FORUM

DARREL W. STEPHENS
EXECUTIVE DIRECTOR

Statement by Cornelius J. Behan, President
Police Executive Research Forum
Washington, D. C.

on

Recent Law Enforcement Progress and Prospects

Under the Anti-Drug Abuse Act of 1986

Submitted to:

Senate Drug Caucus
United States Senate
226 Dirksen Senate Office Building
Washington, D. C.

December 2, 1987

The Police Executive Research Forum is a membership organization composed of the largest city and county law enforcement chief executives in the nation. As President of the Forum, I want to express our appreciation for the opportunity to present our comments and viewpoints to the Senate Drug Caucus on this vital topic.

Many of our member departments are implementing innovative programs to attack drug trafficking at the state, county, and local levels through improved enforcement strategies and an unprecedented degree of interagency cooperation. All of these improvements have resulted from the impetus provided by the Anti-Drug Abuse Act and its program of financial assistance to state and local enforcement agencies. Although the occasion of your hearing happens to fall rather early in the process of granting the Anti-Drug Abuse grant funds to the recipient jurisdictions, the past year was spent largely on laying the groundwork for many initiatives that are now starting to have an impact. In my remarks today, I would like to dwell, first, on the kinds of programs that Forum members are spearheading, then move to an assessment of their intended impact, and, finally, address the critical issue of why it is essential to refund the program and sustain the momentum that has finally begun.

Let me begin by citing the value of the Anti-Drug Abuse grant funds to my own jurisdiction--that of Baltimore County, Maryland. Just last week, we initiated a \$224,000 two-pronged effort to attack career drug dealers through creation of a special Narcotic Repeat Offender Unit, and to focus

on the seizure of their illegally earned proceeds through a dedicated Asset Seizure Squad. I am absolutely convinced that both of these initiatives will have a tremendous impact on our serious drug trafficking situation, and it is clear that neither special unit could have been created without the financial impetus provided by our county's share of Anti-Drug Abuse Act funds.

The two Baltimore County initiatives grew out of our local needs, and other jurisdictions are exercising their discretion and knowledge of their local drug problems to formulate specially tailored programs that meet their respective needs. In particular, these Forum and other jurisdictions have used their Anti-Drug Abuse Act grant funds for the following programs:

Broward County, Florida, is possibly the most active Forum jurisdiction, using federal funds to create eight new initiatives against such specialized local problems as: crack and street level drug dealing, "bikers" and their amphetamine and PCP traffic, organized crime penetration of local drug traffic and the need to shore up the entire problem of border interdiction in South Florida.

Maine is creating its first ever statewide narcotics investigative task force--the state Bureau of Drug Enforcement--to attack the problem of drugs imported from Canada and elsewhere.

Houston, Denver, Detroit, Los Angeles, and Minneapolis received special BJA discretionary grants to create crack cocaine task forces in their jurisdictions. Such efforts will work closely with DEA and other enforcement agencies to fill voids created by so many new dealers entering a deadly field of criminal activity.

We are pleased to note that in addition to Forum member departments benefiting from the program, the Forum as an organization has been selected by BJA to administer two of the key narcotics control national programs. Services are made available by the Forum, through funds provided by BJA, to participating departments and recipient agencies. The two programs are: Asset Forfeiture Training and Technical Assistance and the use of Problem-Oriented Policing techniques (a problem identification and solving approach that the Forum has validated in Newport News, Virginia) in solving neighborhood drug problems. I have brought some informational materials on these two Forum initiatives with me today.

In proceeding to discuss the merits of the Anti-Drug Abuse Act program, our view is that it is unnecessary to dwell on a lengthy justification of federal support for state and local narcotics enforcement efforts. The text of the Anti-Drug Abuse Act of 1986 does that quite adequately, and we suggest that arguments put forward during Congressional debate on that legislation might serve to refresh the memories of those who now appear, for whatever reason, to be unaware of--or to have forgotten--the original purpose of a law which they themselves passed.

The logic of continued financial support is simple: anyone who appreciates the enormity of the narcotics problem throughout the country should also understand the drastic nature of the resource commitment that is required to contain and reduce that traffic. By resources, I do not mean more manpower, but more and better investigative equipment, funds to purchase evidence and confidential information on drug dealing, and the analysis of evidence and protection of witnesses and others who come forward to help the police do their job. If you think that state, county, and local

governing bodies have enough resources to supply all the necessary resources, you do not understand the realities of budgeting in tight times, when there is often barely enough money for manpower and basic equipment. Specialized enforcement areas--such as narcotics control--tend to receive the smallest fraction of any marginal dollar because it may remain unclear for some time exactly what each additional dollar in drug enforcement really buys a community. Moreover, dollars that are needed to support new initiatives and alternative strategies tend to be less available, or even nonexistent, at the local level, whereas federal support has traditionally been reserved for categorical programs with a highly specific focus--such as narcotics enforcement.

And perhaps equally important is the fact that now, after years of talking about increased cooperation between and among enforcement agencies at all levels, the BJA program provides essential resources that effectively bring about cooperation. That is done by providing funds for areawide task forces composed of representatives of different agencies. Funds underwrite the expenses of long term, complex investigations--thereby enhancing agency capabilities to attack levels of local drug dealing that heretofore had remained virtually immune from police intervention because of their sophisticated methods and often sheer numbers.

Thanks to Congressional passage of the Anti-Drug Abuse Act of 1986, for once (and at long last), we now have an effective program that promises to attack all levels of drug dealing--from importation to street sales. Sadly, however, we face the loss of vital monetary support almost at the instant that essential momentum has been developed. Progressive police executives see absolutely no wisdom in such a sweeping, if well

intentioned fiscal action. Rather, we see and wonder about the folly of denying law enforcement the resources to do an effective job just when those resources promise to effect their greatest impact.

As we all know, this Administration has dramatically increased budgetary support for federal narcotics enforcement efforts. That increased support for DEA, the FBI, and the Organized Crime Drug Enforcement Task Force (OCDETF) program was sorely needed and arrived just in time. In spite of that increase, however, drugs continue to flow across our national borders on a routine daily basis. After arrival in the U.S. (or, in the case of amphetamines and PCP, internal domestic production) this contraband makes its way to retail users at the street level with disappointing regularity.

Although such traffic clearly violates federal law, the division of large drug shipments into wholesale and retail lots prepares that contraband for transit through, and consumption within, the bounds of state and local jurisdictions. Enforcement personnel at those levels soon come to share both legal jurisdiction and official responsibility for containing this drug traffic. Obviously, the sale and use of narcotics in and near schools and on street corners constitute local police problems. Accordingly, they must be met with an effective local police response--which Forum members and other police departments are discharging with increased dedication and professionalism. But in order to keep up with such a fast paced phenomenon as drug trafficking, local police must have an infusion of resources that matches the dynamic growth and increasing sophistication of this special problem.

The 1986 federal appropriation of \$265 million for Anti-Drug Abuse Act assistance to state and local agencies represents a welcome addition of such resources. This resource commitment must be sustained--and, if at all possible, should even be increased--because of the continued availability of drugs and the surprisingly large number of drug dealers. That factor alone--increasing numbers of violators who must be investigated by a steady and sometimes dwindling complement of investigators--severely strains the resources of police narcotics units. Such units must deal with a dramatic increase in the identified number of drug sellers and wholesalers in their communities. The federal drug abuse assistance program provides badly needed funding for personnel, equipment, training, and other essential categories.

It has been suggested that the level of federal resource commitment is small relative to current state and local law enforcement spending in the aggregate. However, these federal anti-drug resources represent pivotal dollars because they provide for badly needed and otherwise nonexistent support for experimental strategies, replication of proven programs (like Problem-Oriented Policing and Asset Forfeiture) and a host of other enforcement innovations--from "crack" cocaine task forces to attacks against drugs illegally diverted from licit channels.

We would like to share with you our view of the major reasons for sustaining this federal assistance program--which are the very reasons that led to passage of the program over a year ago. Indeed, if anything has changed since enactment of the Anti-Drug Abuse Act of 1986, it is that the drug trafficking problem has worsened and law enforcement needs have grown proportionately stronger. Below I have summarized some additional

points in support of continued appropriations for this program, and which by very clear implication question the wisdom of cutting some or all of the funding for the program just as its first year takes off.

Recent federal concentration on higher level drug dealers--foreign producers, importers, and international cartels--has shifted many federal resources away from the upper-middle and middle trafficking levels, where federal activity has historically been dominant. This leaves non-federal agencies saddled with greater responsibilities to combat wholesale dealers than before, but without the resources (in the absence of federal assistance) that federal agencies have enjoyed. The loss now of federal funding assistance now would only serve to create a dangerous vacuum in enforcement, and can that only benefit drug traffickers.

The major problem with cutting off federal help after the first year is that innovative strategies, promising program models, project replications, and programs of nationwide technical assistance will have just begun. That is the worst time to end support by the federal government, because the impact of that assistance will never, ever, be determined.

It has been suggested that local agencies fund all of their narcotics initiatives and expanded activities with the proceeds of asset forfeiture actions. There are three fundamental problems with that suggestion. First, and most important, many states either do not have optimum forfeiture laws that facilitate the seizure of assets acquired with carefully hidden or laundered funds, or their enforcement personnel have not received adequate training in the full use of those laws. Although

the pattern is slowly changing, typical forfeitures are limited to conveyance automobiles and cash on the person of a drug dealer when he is arrested. Criminals well aware of this situation are shifting to the renting and leasing of automobiles, and are investing more time and stealth in methods for concealing their illegal proceeds.

Second, agencies that seek to support their narcotics enforcement activities primarily with forfeited proceeds will be encouraged to focus their efforts on dealers who own cars outright or are especially careless in exposing their liquid assets. Realistically, those more vulnerable dealers might not be the most active or dangerous traffickers in the community.

A third problem concerns the program of encouraging more sharing of federally forfeited assets with participating state and local agencies. This suggestion carries the implication that more widespread sharing is occurring on a regular and almost routine basis now throughout the country. Unfortunately, this whole initiative has several drawbacks, including long procedural delays in settling forfeiture actions and in turning over the state and local shares to the worthy participants. The protracted waiting periods work against providing agencies with the sufficient working capital that they need for ongoing investigations and unit support activities.

Finally, the placement of revenue generating responsibility within a police agency transforms it, in effect, into a taxing entity. We feel that such a transformation, especially when it is effected informally and results from economic need, works against the goal of professional and

progressive law enforcement. Therefore, we have serious reservations about using asset forfeiture as a purely money making proposition. I believe that the intent of the legislative drafters has been to enable police to strip criminals of their ill gotten wealth first, and to treat the production of revenue as a secondary incentive.

In closing, let me say that on behalf of the Forum membership we hope the above comments are helpful to the Senate Caucus in its consideration of this vital matter. The members of the Forum, as well as its staff, stand ready and most willing to provide additional information. Thank you once again for the opportunity to express our views. If this is the appropriate time, I am prepared to answer any questions that you may have.

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DARREL W. STEPHENS
EXECUTIVE DIRECTOR

Contact: Martha Plotkin
202-466-7820
June 6, 1988

POLICE EXECUTIVE
RESEARCH FORUM

FOR IMMEDIATE RELEASE

DRUG LEGALIZATION FROUGHT WITH DANGER, UNCERTAINTY

Washington, DC — The Police Executive Research Forum (PERF) today announced its support for the debate initiated by Baltimore, Maryland Mayor Kurt Schmoke and others to reexamine acceptable methods of fighting the war on drugs. Yet, the Forum denounced drug legalization as an unacceptable and dangerous alternative.

“Open debate of our nation’s drug policies is critical to finding an effective cure to the drug abuse epidemic raging in our communities,” said Baltimore County Police Chief and Forum President Cornelius Behan. “I am unconvinced, however, that making drugs less expensive and more accessible will somehow solve the problem.”

In a policy paper released by PERF, a membership organization representing big-city law enforcement executives, the group argues that the current lack of knowledge regarding the long-term societal effects of legalization, coupled with the known hazards of drug abuse makes such a policy hard to justify. The paper is the result of in-depth discussions at the Forum’s recent annual meeting concerning the drug problem.

“Too many unanswered questions remain to advocate such a dramatic shift in policy,” said PERF Executive Director Darrel Stephens. “If we legalized drugs without a clear sense of the consequences, we would be courting disaster,” he added.

According to the policy paper, legalization would “bring with it new and more damaging problems,” including increased violent criminal behavior, greater availability of drugs to children, increased costs to society in the form of rehabilitation and treatment of widespread addiction, and new crime to support burgeoning drug habits. The report also questions the contention that legalization would erase the profit motive for drug dealers, pointing out that drugs such as PCP and LSD, which may cause bizarre or violent behavior, could not be legalized and would therefore perpetuate black market dealings of dangerous narcotics.

The report calls for a “vigorous discussion” of the wider issue of drugs in America, as well as more focused research on the medical aspects of drug abuse and the efficacy of current enforcement, prevention and treatment programs.

The Police Executive Research Forum, comprised of law enforcement executives from the nation’s largest jurisdictions, is dedicated to promoting progressive policing through research, debate and strong national leadership. To obtain a copy of the Forum’s most recent policy paper, please contact Elizabeth Shawen at (202) 466-7820.

Police Executive Research Forum

The Legalization Of Drugs

The Debate

The members of the Police Executive Research Forum, an organization of law enforcement chief executives from the nation's largest jurisdictions dedicated to public debate of significant criminal justice issues, have long been involved in addressing the problems of drug abuse. As police executives they are in a unique position to see the devastating effects of this national tragedy. At its annual meeting in May of 1988, members of the Forum joined the debate initiated by Baltimore, Maryland Mayor Kurt Schmoke regarding the legalization of drugs as a response to the perceived failure of the country's efforts to control drugs. No issue is more important at the current time, and no group feels a greater sense of frustration about the drug issue than the police. In spite of this sense of frustration, Forum members believe the current level of knowledge about the effects of legalization does not support such a significant change in policy. Therefore, the Forum enters the debate on the side of developing new solutions to drug abuse.

This debate is limited in its effectiveness, however, by the paucity of research that exists and the lack of hard evidence on where new proposals might lead us. Over the years we have seen other policy changes implemented without regard to the resulting difficulties experienced by law enforcement. To this day, police continue to deal with the results of such policies as the deinstitutionalization of the mentally ill. Housing policies, too, have contributed to the legions of homeless. And, even strict drug enforcement policies have left the police with the burden of explaining to citizens why it takes so long for a case to come to trial and why the jails are full.

Law Enforcement Role in Addressing the Drug Problem

While law enforcement shares society's sense of frustration in dealing with this problem, we do not subscribe to the notion that the police have failed in this arena. We are arresting more drug dealers and drug abusers than ever before. We are recovering and destroying more illegal drugs than ever before. The mission of law enforcement as currently defined *is* being fulfilled, sometimes at the cost of our lives.

What has failed is society's ability to reduce the demand for narcotics. Drug use is pervasive, not only among the criminal element, but among otherwise law-abiding citizens as well. It is estimated that billions of dollars each year are lost to absenteeism, injuries, and poor productivity in the workplace and schools.

Because of this unmitigated societal demand for drugs, law enforcement at all levels of government has expanded its mission to include education, training, and assistance. Police are responsible for developing many of the more successful drug educational efforts in our nation's schools. Police have joined the business community to fight drugs in the workplace while supporting programs that help addicts kick the drug habit. There hasn't been enough time or resources to measure the effectiveness of these new law enforcement initiatives.

However, questions raised in the national press and political forums challenge these efforts and suggest legalization as an answer. While this idea is repugnant to many law enforcement leaders based on current knowledge, a national debate on the wider issue of drugs in America makes sense. Discussion and research may uncover approaches never before considered and serve to heighten public awareness of the problem. Communities might adopt broader drug testing for schools and workplaces, and enforce strict mandatory prison sentences for drug smugglers or otherwise reduce the demand for drugs. An educated and mobilized citizenry is the strongest weapon in our attempt to control drug abuse.

The Arguments

While proponents of drug legalization claim that law enforcement will be spared great expense because they will be freed from policing drug trafficking, the Forum believes that these savings are illusory. The burden to police and society will only be intensified. Police face the devastating effects of drugs in our communities on a daily basis and cannot condone their greater availability. Legalization would bring with it new and more damaging problems. In addition to the moral issues expressed by Forum members, there are a number of practical premises for rejecting the legalization of drugs, including:

- Given the well-known deleterious affects of drugs, it seems unreasonable for government to expose greater numbers of people to them. Unlike cigarette smoking, or other so called "vices," drug use has been shown to contribute to violent criminal behavior. Its influence drives victims to behave in ways that are unacceptable and dangerous.
- The legalization of drugs would send a mixed message to the children of this nation. At a time when we have urged them to "just say no" to drugs, legalization would suggest that they only say no until they are older. Children anxious to "feel adult" would no longer stop at smoking cigarettes, but would bend to the certain peer pressure to try drugs. Children might also wonder how bad drugs can be if they are made more available to those just a few years older. And the greater availability of drugs to adults will surely open the way for easier access to our elementary schools and playgrounds.
- Law enforcement may not be required to dedicate as many resources to drug enforcement if drugs are legalized. (Though, this result is by no means certain.) Yet, the consequences will be so costly that the initial savings would create a loss of a much greater magnitude. Society bears the costs of those who can't care for themselves. Through legalization we open the door to citizens who never had the opportunity to buy drugs inexpensively and without fear of criminal sanctions, to get substances that may well debilitate them and those that depend on them.
- There is no definitive research indicating that legalization of drugs would reduce the number of addicts or the crimes they commit. Police experience suggests just the opposite — drugs would be purer, less expensive, more easily available, and perhaps less stigmatized. Without reliable data to indicate otherwise, drug legalization most likely would foster the growth of an unproductive and dangerous generation. Experience has shown that just because prices are lowered, drug-related crime does not necessarily diminish. Greater availability would mean that many more people might gain access to drugs. There would be fewer obstacles to purchasing and some individuals might spend their entire savings and earnings on drugs, leaving police to cope with crimes that would support the drug habits of a large segment of the population.
- Supporters of legalization claim that we can shut down the unregulated flow of drugs into our communities by denying drug dealers their profits. While legalization may make drug trafficking "bad business," it would not solve the problem of drugs in our schools and cities. It would only shift the profit and make marginal improvements in quality and control. Certainly drugs such as PCP and LSD would not be legalized given their propensity to cause violent and bizarre behavior. As a result, the black market would continue to function by dispensing these dangerous drugs.

At a time when AIDS and other infectious diseases are being spread through the use of drugs, abstinence would seem to be our best defense. While addicts may be unable to refrain, it would seem contrary to public health and safety to condone drug use among those previously deterred by high prices, inaccessibility and the threat of arrest.

Lessons from the Past

Our only hint at the ramifications of legalization are our experiences with the prohibition of alcohol and the policies of other countries on drugs.

Prohibition of alcohol is not like prohibition of heroin, cocaine and other similar classes of drugs in a number of ways, making comparisons questionable at best. Yet, if there is a lesson to be learned from the legalization of alcohol, it might be that greater availability equals greater addiction. During Prohibition, alcohol-related deaths and driving accidents rose. Children had greater access to alcohol with tragic results. And easier access and loosening of regulations did not temper the demand for alcohol; likewise, there is no reason to believe that legalizing drugs would curb the public's appetite for these substances. The decision to legalize alcohol was a moral, social decision — one that society may not be ready to make regarding drugs known to be harmful.

Also, at the turn of the century in America, heroin and cocaine use were legal. The number of addicts was at its peak during that period — higher than any other time in our history. As a result, the Harrison Act was passed in 1914 to restrict the public's access to these narcotics. In the years that followed, reports of addiction to this drug fell significantly.

In other countries where heroin is available, the addiction rate is 10% higher than in the U.S. (Kaplan 1983). The British instituted a system whereby heroin was legally available to addicts at a very low cost while sale of the drug to others was prohibited. But it was difficult to identify "addicts" and their maintenance programs became very expensive. The old black market did not disappear and soon the program became ineffective. Holland also currently allows some drugs to be legally available, but cultural differences regarding the stigma of drug use may make comparisons with the U.S. meaningless.

Unanswered Questions

The simple truth is that we do not have enough information to justify a change in policy and practice regarding drug abuse. Insufficient research on current drug legalization experiments hampers efforts to determine the impact of the policies. A clear need exists to expand and intensify the inquiry into both the medical aspects of drug abuse and the efficacy of current policy. There is a perception that our drug problems are worsening. Yet we do not know where and why, or what effect certain activities will have on drug trafficking. A vigorous discussion of all alternatives is the first step in identifying the factors that must be analyzed before a plan of action is embarked upon. Some of the questions that must be answered include:

Is our drug problem getting worse? Are there more addicts now than in previous years? Is crime related to drug trafficking and supporting a habit on the rise? If there are no significant increases in the number of addicts and crime, is there a need to dramatically change our approach to drug enforcement, prevention and treatment?

Can we talk about legalization of "drugs," when that umbrella term includes drugs of varying potency and danger? What drugs would be legalized? How would that determination be made? If some drugs were not legalized, how would that affect the black market and related crime? Who are "addicts," and what would be a reasonable level of habit maintenance? Who would pay for the resulting health care costs for those suffering the effects of these drugs? How will we ensure that the drugs are not resold on the black market to children, by eligible recipients?

What would legalization mean to occupational drug testing? Would drugs be O.K. in the workplace if legalized? Would police and others in sensitive positions be allowed to use certain types of drugs? How would legalization affect productivity, the economy and social welfare?

The questions are endless, but the very act of raising them helps to clarify our priorities and moral boundaries. The debate is welcomed for its role in shaping a meaningful national drug policy. While current knowledge makes legalization out of the question for the majority of police executives, its emergence as an issue for national debate may shift attention to an old problem in need of fresh perspectives and new ideas.