

POLICE ANTIDRUG TACTICS

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New Approaches and Applications

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Police Antidrug Tactics: New Approaches and Applications

by Deborah Lamm Weisel

Police Executive Research Forum

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Contents

Acknowledgments	v
I. Introduction	1
II. The Evolution of Drug Enforcement	3
Traditional Enforcement	3
Limitations of Enforcement	4
Broadened Approaches to Antidrug Activities	5
Local Nature of Antidrug Activities	6
III. Research Objectives and Methods	9
Survey Construction and Administration	9
Who Responded to the Survey	11
Strengths and Limitations of the Study	11
IV. How Police Use Antidrug Tactics	13
A Wide Variety of Approaches	14
Distinctions Between Patrol and Investigations Units	20
Innovative Approaches	22
Links and Substitution of Tactics	25
Effective Approaches	27
V. Classification Scheme	31
Analysis of the Classification Scheme	32
A New Taxonomy	33
VI. Policy Implications and Directions for Future Research	39
VII. Descriptions of Innovative or Effective Approaches	41
Airport Profiling	44
Applying Federal Sanctions	46
Asset Identification, Seizure and Forfeiture	47
Asset Profiling	50
Automated Intelligence Database	53
Caller ID	54
Canine Searches	57
Child Protection Laws	59
Citizens Academies	61
Clone Pagers	63
Crime Analysis and Tracking of Drug Offenders	66

Drug Demand Reduction in the Workplace and Residences	68
Drug-Free Zones	71
Drug Incentive Awards Program	73
Drug Tax	74
Evictions and Property-Related Sanctions	77
Hotel and Motel Interdiction	81
Interagency Exchange of Undercover Officers	83
“Loitering for the Purpose of Drug Dealing” Ordinance	86
Mail-In Drug Reporting Coupon	88
Multiagency Task Forces	90
Nuisance Abatement or Padlock Laws	95
Officer Rotation Plan	98
Pharmaceutical Diversion	100
Post-Seizure Analysis	102
Targeting Mail Delivery Services	104
Targeting Probationers	109
Targeting Taxicab Drivers	110
Thermal Imagery	113
Tracking Citizen Complaints	115
Voice Mail Interception	117
References	119
About the Police Executive Research Forum (PERF)	123
Appendixes	125

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Almost 400 police departments responded to the survey of antidrug tactics described in this study. Their responses provide the foundation for our findings. Each agency's participation is gratefully acknowledged.

I. Introduction

Over 17,000 state and local law enforcement agencies nationwide are engaged in drug enforcement activities. Agencies in each state are constrained by varying judicial rulings, state laws or local ordinances that may limit the application of certain tactics. An agency's choice of tactics is also limited by personnel and other resource constraints, variations in the populations served and the nature of local drug problems, and the differentiated diffusion of knowledge about effective approaches to drug problems inherent in the nation's decentralized approach to crime.

Despite these constraints and limitations, from the 1980s to the present, many police agencies have focused significant resources on addressing local drug problems. What approaches have these agencies used, and how effective have these approaches been? What are the characteristics of promising or innovative approaches to drug problems? To date, there has been little research on what tactics police agencies are using, with what frequency, how these tactics are applied, and how effective they are. These questions are particularly interesting because of an apparent increase in uniformed patrol officers' involvement in carrying out antidrug efforts. Has their involvement formed an underpinning for the development of new and more promising approaches to drug problems? Which tactics do police agencies rate as the most effective?

These basic questions encouraged the Police Executive Research Forum (PERF), with funding from the National Institute of Justice, to explore and document the nature of current drug enforcement efforts across the nation. Based on findings from a mail survey of large law enforcement agencies, PERF has developed a comprehensive understanding of various drug enforcement tactics being used. Almost 160 different and relatively discrete tactics have been identified as being used by police agencies in antidrug activities.

Given the changing nature of antidrug activities and the broadened scope of current police efforts, the focus of this report is to identify the scope and characteristics of current antidrug tactics, particularly those that are innovative or reveal some promise of effectiveness.

Section II of this report provides an overview of the evolution of drug enforcement and the broadened perspective toward police activity relating to drug problems. Section III discusses the approach to research used in this study. Section IV describes the findings from the mail survey PERF conducted. Section V suggests an alternative way to classify antidrug tactics, while Section VI discusses some policy implications related to this study. Section VII provides more in-depth descriptions of 31 antidrug tactics police rated as effective or innovative approaches to drug problems. These descriptions, prepared by police practitioners and criminal justice experts, provide rich detail about the varying approaches.

Police Antidrug Tactics

II. The Evolution of Drug Enforcement

Public interest in the nation's drug problem has waned in recent years, falling from a high of 53 percent of the public identifying drugs as the nation's most important problem to the current single-digit percentages (Morin 1994). Drug arrests by state and local police officers have fallen, from a high of 1,361,700 in 1989 to 1,010,000 in 1991 (U.S. Department of Justice 1993). And drug use has declined, with cocaine use among college students in 1992 falling to 3.6 percent from a high of 17.3 percent in 1985 (U.S. Department of Justice 1993: 26).

Nonetheless, drug-related emergencies increased 8 percent from 1990 to 1991, and drug abuse-related deaths increased 13 percent from 1990 to 1991 (U.S. Department of Justice 1993: 27). And the drug problem on the nation's streets has continued for many police agencies, subsuming large amounts of resources and prompting calls for additional resources, such as the Washington, D.C., Metropolitan Police Department's 1993 request for assistance from the National Guard. According to a Law Enforcement Management and Administrative Statistics (LEMAS) survey, fully 96 percent of large municipal police agencies and 65 percent of state police agencies have a special unit of personnel dedicated to drug enforcement activities (Bureau of Justice Statistics 1992: xiii). Thus, although public perceptions and some statistical indicators support amelioration of the "drug crisis," police agencies continue to address drug problems.

TRADITIONAL ENFORCEMENT

Until the mid-1980s, much of federal, state and local law enforcement agencies' traditional narcotics enforcement focused on wholesale drug activity. This focus dominated to the near exclusion of addressing street sales. In local police agencies, this enforcement primarily involved narcotics unit undercover officers' buying drugs from mid- and upper-level dealers and then making an arrest. Surveillance, informants and hand-to-hand buys were the most common tactics used. The goal of narcotics enforcement during this period was to bust "Mr. Big," a wholesale distributor of heroin, cocaine or other illegal narcotics (Kleiman 1992).

Specialized narcotics units came into being to more closely monitor police officers for corruption. Drug-related police corruption had become a national concern following a major police scandal in New York City in the early 1970s (Zimmer 1987). As a result, in many cities, street-level dealers operated with near impunity from the law throughout the 1970s and early 1980s (Hayeslip and Weisel 1992; Johnson et al. 1990).

The introduction of a new, cheaply priced product into the street drug pharmacopeia changed the picture for law enforcement. The crack cocaine epidemic, occurring around 1985, forced local police agencies to respond more directly to street-level sales.

Local police agencies responded by beefing up patrol resources, while narcotics units continued to focus on undercover operations. By 1984, note Johnson et al. (1990), large amounts of police resources were focused on breaking up visible street sales. (The degree to which department units cooperated is unclear. As recently as 1989, for example, patrol and narcotics officers in the Atlanta Bureau of Police Services, now the Atlanta Police Department, were literally unable to communicate with each other by radio because their radios were limited to different frequencies [Huguley 1989].)

Police Antidrug Tactics

The federal response was somewhat slower. Congress passed the Anti-Drug Abuse Act of 1986, which provided funding for two-person DEA teams to help police in 15 cities with addressing crack problems. During this period, the DEA also responded by organizing state and local crack task forces to help local agencies with drug enforcement (Johnson et al. 1990). The federal government also continued to monitor wholesale distribution networks, focusing on national and international interdiction efforts.

Arrests by local police agencies for drug activity increased dramatically in the late 1980s, doubling, for example, in New York City from 1986 to 1988, and rising 70 percent from 1985 to 1987 (Kleiman and Smith 1990: 70). However, Johnson et al. (1990) note that drug-selling organizations' wholesale dealers were rarely arrested during this period, and that street-level dealers who were arrested were rapidly replaced by new entrepreneurs.

By around 1990, drug enforcement in most American cities had changed dramatically, shifting from a reliance on narcotics units to enforcement by line officers. Uniformed patrol officers had always made more drug arrests than narcotics unit personnel (Williams, Redlinger and Manning 1979), often as the result of routine traffic stops (Manning 1980). Apart from any changes in drug enforcement strategies that emphasized patrol, the rise of visible street drug markets probably increased patrol's role in drug enforcement.

In Philadelphia, for example, the ratio of drug arrests by uniformed officers compared with narcotics officers was estimated at about 3:1, despite a department restriction on officers from conducting search warrants to effect narcotics arrests. In Chattanooga, Tenn., uniformed officers made 62 percent of all narcotics arrests in troubled areas of the city (Chattanooga Housing Authority 1990). In Tampa, Fla., during 1988, the police department's narcotics unit made 45 percent (2,092) of the citywide arrests. Uniformed officers made the other 55 percent of narcotics arrests (Tampa Police Department 1989). In San Diego, narcotics officers made 2,036 drug arrests during 1989 (for felonies and misdemeanors), while the department's overall felony and misdemeanor arrests for drug activity totaled 19,673. Thus, uniformed officers accounted for almost 90 percent of narcotics arrests (San Diego Police Department 1990).

Over time, line officers' increased participation in narcotics enforcement necessitated and resulted in a change in police tactics. Drug enforcement tactics had previously consisted of making a case against drug dealers. Moore describes a "case" as consisting of the collection of evidence providing information about a person's behavior that describes a criminal offense (Moore 1977: 191). Thus, more complex cases were often developed by narcotics officers, while "simple" cases, including those involving arrests for being under the influence of drugs, became the more frequent domain of uniformed officers.

LIMITATIONS OF ENFORCEMENT

During the 1980s, uniformed officers tasked with drug enforcement, among other responsibilities, began to realize the limitations of traditional enforcement given their high visibility in uniforms and marked patrol cars. Much enforcement by patrol officers involved making observation arrests—an increasingly difficult task as street dealers became more knowledgeable about police practices and constraints (such as standards for probable cause). Street dealers subsequently eluded police apprehension by using ancillary employees (runners, holders and lookouts) and other methods. Increased difficulties in making arrests and immediate succession of street dealers, suggests Kleiman (1992), contributed to "the widespread belief among local police that retail-level enforcement is only a holding action." Police similarly came to believe that intensive enforcement targeted in specific locations served only to relocate drug dealing to other areas, a concept referred to as displacement.

By 1990, there was a growing recognition that aggressive enforcement at the local level, like wholesale drug interdiction at higher levels, would not work for long in isolation. For example, Moore suggested that while it is desirable to interdict smuggling networks and eradicate crops, one should not expect much gain, even if resources are sharply increased to address this problem (Moore 1990). Similarly, there has been a growing recognition of the limits of enforcement. Indeed, more and more authors addressing policy issues related to drug use have extolled the limita-

tions of enforcement-only policies. Reuter (1991), for example, notes that adverse consequences of intensified enforcement include additional violence among drug dealers for drug turf, increased revenues for dealers with fewer competitors, and both crime and dangerous behavior by users and dealers who are eager to make connections (p. 146). Cautions Reuter, "Good policing, responsive to community concerns about concentrations of disorder and violence, may have the unintended consequence of increasing the overall level of violence" (p. 147).

Although public demand in the late 1980s "dramatically increased the volume of drug enforcement activity," claim Kleiman and Smith (1990: 69), drug arrests fell in real terms, declining 26 percent from 1989 to 1991 (U.S. Department of Justice 1993). Kleiman (1992) predicted that public demand will continue for law enforcement to break up retail drug markets, but police beliefs about the limitations of traditional enforcement have affected police approaches to drug problems. Such beliefs are coupled with declining arrests, declining drug use, declining relative punitiveness of criminal justice policies, and increasing levels of violence associated with arrests. These factors have contributed to a broadened perspective on police antidrug activities.

BROADENED APPROACHES TO ANTIDRUG ACTIVITIES

By the turn of the decade, it had become clear that traditional law enforcement tactics (usually possession and buy-bust arrests) alone were not effective in ameliorating drug activity and reducing concerns and fears of residents in drug-infested neighborhoods. The resultant pressure increasingly forced law enforcement agencies at all levels to try different tactics.

Law enforcement agencies' responses to the continuing demands concerning drug activity have been varied. One result of the low effectiveness of national efforts to address drug problems (Karchmer and Eck 1991) has been an increased focus on local efforts to select a range of tactics, using various strategies to address drug problems.

At the local level, responses have occurred along a continuum, from increased patrol enforcement to educational efforts such as Drug Abuse Resistance Education (DARE), offered by police personnel in public schools. State-level agencies have pioneered such new approaches as expanded use of drug courier profiling and consent searches in transportation centers to increase drug trafficker interdiction. At the federal level, increased sophistication has occurred in the use of electronic investigations of financial institutions, tracking of large cash transactions, use of federal marshals to seize leasehold rights to federally subsidized properties, and improved links with local and state police efforts.

Local, state and federal law enforcement agencies have all developed a number of innovative approaches to drug enforcement. These strategies are often modified versions of earlier enforcement tactics, used in some new way (for example, teaming up with other public and private agencies or with affected citizens, or applying a new mix of tactics). Tactics are often used in a more focused approach.

Notes Hayeslip (1989: 5): "More and more, local law enforcement agencies are diversifying their strategies for combating drugs, variably targeting users and street sellers, and combining traditional techniques with newer approaches." Hayeslip cited drug enforcement innovations as including tactics targeting users (reverse stings, street enforcement and asset seizure) and street-level dealers. He suggested that the large-scale roundups of dealers, known as "sweeps," are new, that reverse stings (where police pose as street sellers and arrest buyers) are uncommon, and that new approaches such as civil enforcement procedures to disrupt drug dealing are gaining acceptance.

Innovations, according to Hayeslip, include the use of building and fire code enforcement, evictions, hot lines, and neighborhood cleanups. Lurigio and Davis (1992) cite Crimestoppers tip lines and Neighborhood Watch as police antidrug innovations that include citizen involvement. Geller and Morris (1992) describe collaborative multiagency task forces as a recent development among police agencies.

Police Antidrug Tactics

Innovations or nontraditional approaches to drug enforcement involve several broad strategies: applying traditional tactics to new targets, such as using asset forfeiture statutes to seize assets of buyers rather than sellers; enhancing the effectiveness of traditional tactics by collaborating with other public agencies, such as working with local code enforcement officials to close down a crack house because of code violations, with local housing officials to evict subsidized families or individuals engaged in drug activity, or with IRS or Treasury officials to conduct financial investigations; increasing the effectiveness of tactics, particularly those that rely on acquiring information about drug activity, such as teaming the police with citizen groups to develop Block or Neighborhood Watch, and using tip lines or other reporting mechanisms to improve the information police receive about community problems; reinforcing the impact of traditional tactics such as arrests with follow-up activity, such as disrupting markets by changing street traffic patterns and enforcing parking regulations; and teaming tactics with other tactics, such as using buy-bust to take over a street-dealing location, then using reverse-buy to arrest users.

In recognition of the limitations of enforcement, there has been an important trend toward collaborative responses that team law enforcement with other resources. In light of research showing that the effectiveness of demand reduction tactics is enhanced if these tactics include elements of therapy and coercion, a strategy should not be purely medical, educational or law enforcement (Wilson 1990: 542). This theory is supported by James K. Stewart (1988), who notes that cooperation is necessary horizontally, across local agencies (criminal justice, education, health, youth, etc.), and vertically, between local, state and federal officials. Similarly, Moore (1990) notes that a "portfolio of programs is stronger than any program alone" (p. 109).

LOCAL NATURE OF ANTIDRUG ACTIVITIES

The local nature of policing in the United States "ensures a diversity of policies, practices and standards that is both a blessing and a curse. . . . [I]t makes coordinating in dealing with regional and national problems—and with the rapid proliferations of better methods—exceedingly difficult" (Bieck, Spelman and Sweeney 1991: 69). Because of the decentralized nature of U.S. law enforcement, little has been known about the frequency and variation in use, application and effectiveness of various police antidrug approaches. Most of the programmatic information drug enforcement managers use is ad hoc or anecdotal, passed from one agency to another through word of mouth and specialty or mass media, although training by regional, state and federal agencies supplements basic information. Reliable, consistent and comprehensive information about drug tactics is absent, and fragmented information provides police agencies little guidance for making drug enforcement decisions. Information about alternative law enforcement approaches to varying local drug problems is relatively scarce, and there is a serious information gap between the practice of and dissemination of information about alternative approaches.

As Hayeslip writes, "Little is known about the effect of more recent police innovations," and there is "only limited quantitative evidence on program effects" (1989: 4), because program outputs such as confiscations, seizures and arrests are most commonly reported. Similarly, there has been no systematic assessment of the nature and variety of police responses to the drug problem, although there are some notable exceptions that focus on specific emerging approaches such as buy-bust tactics or multijurisdictional task forces.

Information on how current drug tactics are applied and on their relative effectiveness is scant (Tonry 1990: 2). Literature on these issues is fragmented, and often available only from specialized sources with limited distribution. Indeed, only a few modest evaluations of the effectiveness of alternative local law enforcement drug strategies have been conducted (Kleiman and Smith 1990), leaving police officials to rely on intuition and personal experience to guide policy and operational decision-making regarding enforcement strategies.

Growing demand for enforcement in the 1980s resulted in the need for decision-makers to make implicit and complicated policy and resource allocation decisions, suggest Kleiman and Smith (1990). Such decisions included determining how much effort should be put into drug enforcement; determining which drugs should receive the most attention; allocating enforcement efforts among high-level dealers, retailers and drug users; deciding whether en-

forcement should be concentrated or spread throughout a city; and evaluating the role of police and corrections agencies in the prevention and treatment of drug abuse (Kleiman and Smith 1990: 70).

Despite some attention to the relative weight of these various policy decisions, policymakers have remained largely unclear about what to do in their cities, and even less clear about what others are doing in theirs, suggest Kleiman and Smith (1990). Decisions are frequently made about the allocation of resources, definition of goals and selection of targets without knowledge of or reference to the available, albeit limited and fragmented, literature on the subject. This need to learn more about effective and appropriate drug enforcement and antidrug tactics led PERF to conduct the baseline research described in the following pages of this report.

Police Antidrug Tactics

III. Research Objectives and Methods

PERF undertook the study described in this report to learn more about the antidrug tactics state and local police use. Specific research questions included the following:

- What tactics are used by police to address drug problems?
- How widely are these tactics used by police agencies across the country?
- Are there new and innovative tactics being developed and applied by police?
- What antidrug tactics do police consider most effective or show some promise of effectiveness?

The answers to these questions were intended to provide useful information to police practitioners and direction to policymakers who must make decisions about target selection, organization, personnel allocation and deployment, budgetary concerns, and related matters associated with various tactical approaches. Clearly, some tactics require more personnel than others (e.g., surveillance and sweeps), while others may be more resource-intensive and require up-front investments (e.g., thermal imagery). Some tactics may be short-term, while others are long-term. Some tactics accomplish multiple objectives, such as the use of citizen hot lines or Neighborhood Watch, which may empower communities while targeting drug problems. Policymakers must clearly address a host of issues related to police antidrug tactics.

SURVEY CONSTRUCTION AND ADMINISTRATION

Basic data collection for the research began with a comprehensive literature review and consultations with panels of practitioners and academic drug experts. This process was used to develop a comprehensive list of the various police antidrug tactics that could be readily identified. This comprehensive list was intended to capture both traditional and nontraditional or innovative tactics. Some 140 various drug tactics were identified through diverse sources. (These tactics are listed in table 1 in the following section of this report.) The PERF research team grouped the various tactics into 14 different categories. The categories and their associated tactics were intended to be largely mutually exclusive rather than overlapping. Given the large number of tactics identified, another objective was to make categories concise and the tactics within them closely related.

The 14 categories constituted the basic framework or taxonomy for disaggregating the broader antidrug strategies police use. The categories consisted of the following:

- observation arrests, arrests resulting from officers' observations;
- undercover operations, tactics that use covert operations and surveillance techniques to observe and record illegal drug transactions;
- technical support/technology enhancement, tactics that use advanced technology;
- investigations, tactics that follow up on initial information using other resources;

Police Antidrug Tactics

- ancillary approaches, tactics that make physical changes or improvements designed to reduce drug trafficking by making drug markets less attractive;
- statutes/local ordinances, tactics that use statutes and local ordinances to reduce or eliminate opportunities for drug-related crimes or increase the opportunity for enforcement action;
- regulatory code enforcement, tactics that use local codes to disrupt drug trafficking;
- community-based efforts, tactics that build and use community support against drug problems;
- user control, tactics designed to discourage users from drug activity;
- education and prevention, tactics that provide information to deter drug use;
- targeting locations/individuals;
- improving police effectiveness, tactics that enable police to use resources more effectively;
- improving intelligence information, tactics that enhance the types of information available to police; and
- civil remedies/accountability, tactics that hold drug users and/or dealers responsible or accountable for their drug activity.

These categories were believed to represent the functional ways that police applied various drug tactics in their communities, rather than to impose an artificially constructed framework on actual police practice. The categories included varying numbers of tactics—as few as four tactics were listed under observation arrests, while as many as 23 were listed in the investigations category.

Based on the comprehensive list of tactics and their 14 categories, a mail survey was developed for administration to local and state police agencies. The survey consisted of three sections.

The first section collected basic information about the police agency, including the agency size, demographic characteristics, service population size, and relative size and nature of the jurisdiction's drug problems.

The second section consisted primarily of dichotomous survey questions that respondents could answer with either "yes" or "no"—that is, the agency does or does not use the tactic. Each category also probed police respondents to identify other, previously unidentified or unspecified tactics in use in their agency. These open-ended questions were designed to ensure that the final list of antidrug tactics would be truly comprehensive and capture the spectrum of tactics in use.

The third section asked police agencies to identify the three "most effective or promising" antidrug tactics used in the agency (without regard to patrol or investigations units). This open-ended question was then used to collect information about the specific objective of each "most effective" tactic, including the number and assignment of personnel, collaboration partners, related training, length of use and changes over time, and measures of effectiveness. These questions were used to determine some information about the scope of the antidrug activity, its formality and duration of use, and its specificity. This information was intended to shed light on the innovativeness of the tactic. (A copy of the survey instrument may be found in appendix A.)

Following a pilot test of the instrument, almost 750 state and local law enforcement agencies serving populations of 50,000 or more were surveyed. Two surveys, identical except for color coding and title, were sent to each agency's chief: one survey was for distribution to patrol, and the other was for distribution to the investigations unit or division. This bifurcated pattern of administration was developed to identify tactics different department units use. The survey construction addressed research concerns that some police divisions may not always be familiar with

newly developing tactics that other divisions are using. This phenomenon was of particular concern with regard to very large police departments.

It should be noted that in this report, the term *enforcement* encompasses a wide range of innovations in narcotics enforcement, prevention and education. Indeed, a more appropriate term, given local and state law enforcement agencies' actual use of various approaches, is *antidrug tactics*, rather than the more-narrow *drug enforcement tactics*. This nomenclature reflects a broadened view of police responses to drug problems. Throughout this report, the term *tactic* is used to refer to relatively discrete police practices, such as police sweeps, undercover buys or applications of nuisance abatement. A notable exception to this use of terminology involves the concept of community policing, which many agencies consider a discrete tactic involving the police's relationship with law-abiding community members. Other agencies consider community policing as a strategic response that may include, for example, various tactics such as Neighborhood Watch, telephone hot lines, community substations, bike patrols, or local ordinance enforcement.

WHO RESPONDED TO THE SURVEY

A total of 630 people responded to the survey: 323 investigations personnel and 307 patrol personnel. Respondents represented a total of 387 different agencies, or 51 percent of all agencies surveyed.

Among survey respondents, agency size varied from 67 to 30,000 personnel; the average number of personnel was 757. (The reader should note that although the survey was administered to *large* police agencies, some respondents reported information reflecting the size of their vice/narcotics unit or multijurisdictional task force. These reporting errors were few—only five respondents reported fewer than 100 personnel—and do not affect the overall information gained through the survey.) The population of jurisdictions served by responding agencies ranged from 31,000 to 20,000,000 (15 agencies reported populations of less than 50,000), with the largest populations served by state police agencies responding to the survey. The mean service population was 797,282. A majority of survey respondents were from California, Florida, New Jersey, New York, and Texas.

Ethnic characteristics of the respondents' jurisdictions were fairly consistent with national averages. Respondents rated their local drug problems fairly consistently with national perceptions. Fifty-six percent of respondents rated crack cocaine as the most serious drug problem in their jurisdiction. Powder cocaine was ranked as the second most serious drug problem, and marijuana was ranked third.

Based on the responding agencies' descriptive characteristics, there is no reason to believe that the response pattern reflects any systematic exclusion of specific types of police agencies from the study. Survey findings were consistent with other national surveys, with higher overall response rates. For example, the national LEMAS (Bureau of Justice Statistics 1992) survey showed that 97 percent of state and local police agencies (with 100 or more employees) participate in asset forfeiture programs. That finding is consistent with the 96 percent participation rate found in this study. Similarly, the LEMAS data indicated that 90 percent of all county, municipal, sheriff, and state police agencies engage in drug education programming in schools; the PERF study found an 88 percent participation rate. The LEMAS study reflected a 95 percent response rate among agencies with 100 or more officers (a total of 780 agencies responded); a comparable number of agencies responded in this study.

STRENGTHS AND LIMITATIONS OF THE STUDY

There are both strengths and limitations to the study PERF conducted. It is important to recognize that the survey represents a snapshot of the tactics in use at the time. The survey was administered in the fall of 1992, and additional data were collected from specific agencies during 1992 and 1993.

Police Antidrug Tactics

In addition to learning about the overall frequency of use of antidrug tactics and identifying new tactics, the research team wanted to learn whether some antidrug tactics are increasingly being used, while others may be falling into disfavor, and to determine how often each specific tactic is used. For example, does an agency use federal sanctions only once or twice a year? Unfortunately, we were unable to determine a way to include these time and intensity measures in the main part of the survey (Section II) without making the instrument overly complicated or long. However, these more detailed questions were included in Section III, in which agencies described their "most effective" tactics. Thus, the survey reveals more specific information only about "effective" tactics, and not all tactics. The results of this portion of the research, discussed in Section VII of this report, provide greater insight into the development and application of different tactics.

IV. How Police Use Antidrug Tactics

It is no surprise to learn that police personnel have a wide variety of tactics in their antidrug repertoire. Such varied techniques allow police to respond to drug problems that change in response to varying market conditions, conditions that include changes in police actions. Just as police learn about drug dealers' modus operandi, street dealers, wholesalers, buyers, and others learn about methods of police operations—necessitating a wide range of police responses.

The most commonly used police antidrug tactics reflect the categories of tactics known as observation arrests and undercover operations—about three-fourths of all police agencies, on average, use these types of tactics. The least commonly used tactics involve community-based efforts, civil remedies, statutes and local ordinances, and ancillary approaches. Less than half of all respondents reported using tactics in these latter four categories. Although it is difficult to make precise comparisons between categories, simply because tactics do not reflect equivalent activities, the contrast between *types* of activities provides insight into the varied use of different drug tactics. For example, 72 percent of all police departments participate in sweeps (observation arrests), while 25 percent alter traffic patterns to disrupt drug activity (ancillary approaches). Ninety-three percent of agencies use confidential informants (undercover operations), while 36 percent use juvenile curfews (local ordinances).

In general, the survey confirmed that traditional enforcement and undercover activities are used much more commonly than nontraditional approaches. But there are significant exceptions to this finding. Eighty-eight percent of survey respondents use DARE; 89 percent participate in multijurisdictional task forces; 64 percent participate in community policing (addressing drug problems); 53 percent participate in nuisance abatement; and 50 percent alter public phones to thwart drug sales.

Even when using traditional approaches, numerous police departments appear to employ sophisticated techniques to augment the traditional tactics' effectiveness. For example, 88 percent of all respondents use undercover operations to gather intelligence about drug operations; 75 percent enhance this approach by videotaping undercover buys. Similarly, 65 percent of respondents conduct electronic surveillance, while 33 percent use clone beepers as an investigative tool. Police agencies are clearly using technological tools to enhance the impact of traditional approaches.

There is a core of consistency in the use of various antidrug tactics across all the police departments studied. In other words, police departments share the same set of tactics in their antidrug repertoires. Of the 140 various tactics listed in the survey, one-fourth were used by most of the law enforcement agencies studied—over 75 percent of the agencies. For example, 93 percent of all respondents use drug-detecting canines, and 82 percent enforce drug paraphernalia laws. Only a few tactics—such as thermal imagery (used by 5 percent of respondents) and high-intensity temporary lights (used by 13 percent)—were rarely employed by police departments. Of the 140 tactics listed, few tactics were used by less than 25 percent of the respondents. (These seldom-used tactics may be new or innovative and are discussed later in this section of the report.) Some of these rarely used tactics are expensive or require additional resources that may not be widely available. In some cases, tactics simply are not useful to the majority of agencies. Marine interdiction, for example, used by 17 percent of agencies, clearly would be meaningless in hundreds of inland cities. Additionally, state laws constrain agencies' ability to apply specific tactics. Considering the diversity of constraints that affect the applicability of various drug tactics, information about different drug tactics appears to be diffused widely among police departments.

A WIDE VARIETY OF APPROACHES

Police personnel show great interest in the frequency with which other departments use various antidrug tactics. An examination of the extent of police use of different tactics is enlightening, for it alternately confirms or confounds generally accepted views of police approaches to drug problems. Table 1 shows the percentage of responding departments that use each tactic. The table reports responses of all departments (combining patrol and investigations responses) and separate responses of patrol and investigations units.

In the table, item-by-item comparisons of police departments' use of individual tactics reveal how commonly each approach is used. For example, 89 percent of responding agencies use buy-bust; 53 percent use nuisance abatement. Thus, clearly, buy-bust tactics are more widely used than nuisance abatement. The table also contrasts patrol personnel's use of individual tactics with investigations personnel's use of the tactics. For example, 90 percent of investigations units use confidential informants, while 60 percent of patrol units do. The next section addresses distinctions between patrol and investigations.

Patrol personnel use an especially wide variety of tactics to respond to local drug problems. Many of patrol personnel's efforts rely on disrupting street markets and improving the appearance of neighborhoods once dominated by street-level drug dealers. Tactics within this context range from stop-and-frisk Terry searches to code enforcement, from surveillance to traffic enforcement or traffic pattern alteration. These tactics are numerous.

Table 1
Frequency of Tactic Use
 (reported in percentage using individual tactics)

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
I. OBSERVATION ARRESTS			
SATURATION PATROL	77	76	57
SEARCH INCIDENT TO ARREST	98	96	93
PLAIN VIEW	98	97	91
SWEEPS	72	51	73
II. UNDERCOVER OPERATIONS			
BUY-BUSTS WITH CONFIDENTIAL INFORMANTS	85	45	90
CONFIDENTIAL INFORMANTS	93	60	99
UNDERCOVER INTELLIGENCE	88	45	93
FLASH MONEY	76	27	84
VIDEOTAPED UNDERCOVER SALES	75	28	82
SURVEILLANCE VEHICLES	91	57	96
BUY-BUST/UNDERCOVER	89	46	96
REVERSE-BUY/REAL PRODUCT	64	21	68
REVERSE-BUY/SIMULATED PRODUCT	41	13	43

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
MARKED MONEY	78	35	83
UNDERCOVER/WHOLESALE INVESTIGATIONS	56	17	60
III. TECHNICAL SUPPORT			
CRIME ANALYSIS	70	61	58
FINGERPRINT ANALYSIS	74	47	74
LAB DRUG ANALYSIS	92	68	94
EQUIPMENT SUCH AS NIGHT GOGGLES, INFRARED DEVICES, ETC.	74	33	77
TRACKING DEVICES	56	18	60
CODE DECIPHERING	19	4	20
INVESTIGATING DRUG PACKAGING	41	11	43
ION SCANNERS	5	2	4
MONITORING PRICE/PURITY	42	10	45
CLONE BEEPERS	33	5	35
IV. INVESTIGATIONS			
INTELLIGENCE INFORMATION ANALYSIS	64	34	62
CIVIL DISCOVERY	38	15	37
CONTINUING CRIMINAL ENTERPRISES	60	26	64
APPLYING FEDERAL SANCTIONS	82	38	87
FINANCIAL RECORDS INVESTIGATIONS	71	24	75
GRAND JURY INVESTIGATIONS	48	18	47
MARINE INTERDICTION	17	9	15
CARGO INSPECTION	31	15	28
PHARMACEUTICAL DIVERSION	34	8	37
WEAPONS VIOLATIONS	75	43	72
UNDERCOVER STINGS	72	29	77
VERTICAL PROSECUTION	30	12	30
DOCUMENT SEARCH WARRANTS	80	43	84
DRUG PRECURSORS	28	8	27

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
DEVELOPMENT OF INFORMANTS	88	46	94
ELECTRONIC SURVEILLANCE	65	19	71
HISTORICAL CONSPIRACY	53	15	58
INVESTIGATIVE SUBPOENAS	48	13	50
MONEY-LAUNDERING INVESTIGATIONS	48	12	51
MONITORING CURRENCY TRANSACTION REPORTS	29	4	31
SEARCH WARRANTS	93	69	96
TRAFFICKING CONSPIRACY INVESTIGATIONS	68	20	74
DRUG-DETECTING CANINES	93	71	91
V. ANCILLARY APPROACHES			
BUMP/BARRICADE INSTALLATION	21	18	12
TRAFFIC PATTERN ALTERATION	25	24	15
LIGHTING UPGRADES	50	43	33
HIGH-INTENSITY TEMPORARY LIGHTS	13	10	8
CHANGING PUBLIC PHONES	49	40	40
BOARDING UP VACANT DWELLINGS	59	53	48
PROPERTY ACCESS REDUCTION	35	31	22
VI. STATUTES/LOCAL ORDINANCES			
CROWD/MOB ACTION	20	15	13
DRIVER'S LICENSE SUSPENSIONS	52	41	38
JUVENILE CURFEWS	36	32	26
LOITERING FOR DRUG ACTIVITY	28	22	25
LOITERING	49	39	37
TRESPASSING	67	64	47
DISORDERLY CONDUCT	64	59	43
DRUG PARAPHERNALIA ORDINANCES	82	71	72
NOISE ORDINANCES	50	47	26

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
RED-LIGHT LAWS	12	6	10
PARKING/TRAFFIC ENFORCEMENT	70	68	39
PARKING LIMITS AROUND SCHOOLS	25	22	11
VII. REGULATORY CODE ENFORCEMENT			
BUILDING CODE ENFORCEMENT	61	50	54
FIRE CODE ENFORCEMENT	51	39	42
LIQUOR CONTROL	65	52	53
ZONING ORDINANCES	39	28	30
HEALTH CODE ENFORCEMENT	50	38	41
BAR SANCTIONS	58	45	51
NUISANCE ABATEMENT	53	36	49
VIII. COMMUNITY-BASED			
SUBSTATIONS	49	46	39
MOBILE SUBSTATIONS	13	11	12
BIKE PATROL	45	44	32
FOOT PATROL	62	60	45
COORDINATING WITH CHURCHES	39	31	31
NEIGHBORHOOD WATCH	83	85	67
BOARDING UP VACANT DWELLINGS	61	53	44
POLICE ATHLETIC LEAGUE	38	35	27
POLICE MENTORS	58	53	40
COMMUNITY POLICING	64	62	49
MARCHES/RALLIES	39	34	27
CITIZENS ACADEMIES	26	26	20
RIDE-ALONGS	65	65	45
LITTER CLEANUPS	41	39	28
CITY PROPERTY CLEANUPS	40	34	26
FACILITATION OF HOUSING REHABILITATION	16	11	10
ABANDONED AUTO CLEANUPS	58	56	38
SERVICE REFERRALS	72	66	56

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
IX. USER CONTROL			
DUI/DRUG RECOGNITION	82	81	55
FIELD INTERVIEWS	89	86	78
TREATMENT AS A CONDITION TO DROP CHARGES	31	14	28
DRUG CHECKPOINT	24	18	25
PUBLICIZING LAWS/ PENALTIES	52	35	42
TREATMENT REFERRALS	45	30	37
X. EDUCATION AND PREVENTION			
EDUCATION/DARE	88	86	77
TRAINING LANDLORDS TO RECOGNIZE DRUG ACTIVITY	35	24	30
TRAINING HOTEL/MOTEL EMPLOYEES TO SPOT DRUG ACTIVITY	38	16	38
EDUCATION/RECREATION ALTERNATIVES FOR YOUTHS	51	45	33
PREVENTION TRAINING	39	32	29
XI. TARGETING LOCATIONS/INDIVIDUALS			
AIRFIELD MONITORING	30	12	29
EXTRADITING FEDERAL DEFENDANTS	20	7	19
DRUG-FREE ZONES	67	56	63
PROBATION/PAROLE MONITORING	48	29	45
MONITORING INDIVIDUALS SUCH AS GANG LEADERS	80	26	78
TARGETING CONCERTS	32	22	27
TARGETING OFFENDERS/ WARRANTS	62	39	57
TARGETING UNDOCUMENTED ALIENS	18	7	17
TRAFFIC CHECKPOINTS	38	36	23
CONSENT SEARCHES	95	85	92
TERRY SEARCHES	83	75	71
KNOCK AND TALK	70	41	69

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
INVESTIGATIONS VIA PROSTITUTION	53	26	54
TRANSPORTATION CENTER PROFILES	52	25	51
TARGETING DRUG LABS	34	12	35
TARGETING GEOGRAPHICAL AREAS	73	52	71
TARGETING MAIL SERVICES	41	9	44
XII. IMPROVING EFFECTIVENESS			
CROSS-DEPUTIZING PERSONNEL	60	27	63
INTERAGENCY EXCHANGES OF PERSONNEL	76	37	77
TRAINING PATROL IN NARCOTICS TACTICS	79	68	66
COLLABORATING WITH NATIONAL GUARD	38	15	18
COLLABORATING WITH DEFENSE DEPARTMENT	16	3	18
MULTIJURISDICTIONAL TASK FORCES	89	54	90
XIII. IMPROVING INTELLIGENCE INFORMATION			
AIRCRAFT SURVEILLANCE	46	16	44
AREA INTELLIGENCE NETWORKS	67	31	67
LINKING INTELLIGENCE WITH PATROL	53	37	42
TIP LINES, HOT LINES	78	47	72
TRACKING COMPLAINTS	80	53	80
AUTOMATED INTELLIGENCE DATABASES	60	28	61
INTELLIGENCE VIA SURVEILLANCE	91	65	85
SURVEYS TO COLLECT INFORMATION	30	25	16
MANUAL INTELLIGENCE DATABASES	42	18	41

DESCRIPTIVE VARIABLE NAME	ALL AGENCIES (n=387)*	PATROL UNITS (n=307)	INVESTIGATIONS UNITS (n=323)
XIV. CIVIL REMEDIES			
ASSET FORFEITURE	96	78	98
CHARGING PREGNANT WOMEN WITH CHILD ABUSE	16	9	15
EVICCTIONS	55	35	52
ASSET PROFILING	45	10	49
CHARGING PARENTS OF JUVENILES WITH CHILD NEGLECT	27	19	20

* Frequencies for "all agencies" reflect combined responses (when an agency's patrol and investigations units both responded) and responses from only one unit of an agency (investigations or patrol). Thus, the combined percentages may aggregate to a number higher than an *average* of patrol and investigations because they reflect a link that aggregates all survey information available for individual agencies. Note: Additional tactics are included on the survey instrument.

DISTINCTIONS BETWEEN PATROL AND INVESTIGATIONS UNITS

Because the survey was administered to two different groups in law enforcement agencies—patrol units and investigations units—the data reveal different patterns of use between police divisions. For the most part, survey respondents reported clear differences between patrol tactics and investigations tactics. Some overlap, however, occurs where both patrol and investigations commonly use tactics. Such tactics include conducting searches incident to arrest and making plain-view arrests. Both tactics represent a pro forma police responsibility and would obviously be applied similarly by patrol and investigations personnel. Other tactics patrol and investigations apply equivalently are grouped under statutes and local ordinances (such as trespassing, disorderly conduct and loitering ordinances) and regulatory codes (such as liquor control and zoning ordinances). Similar numbers of patrol and investigations respondents report changing public telephones (40 percent) and enforcing drug paraphernalia ordinances (71 and 72 percent, respectively).

Overall, investigations personnel demonstrated rather consistent use of specific drug enforcement tactics. Compared with patrol units, investigations units rely on a smaller number of antidrug techniques. Most of these tactics are in the categories of undercover operations, investigations, intelligence, and technical support. For example, 99 percent of investigations respondents use buy-busts with undercover personnel, 96 percent use surveillance vehicles, and 87 percent apply federal sanctions. Thirteen tactics are used by 90 percent or more of the investigations respondents (see table 2). In contrast, only the two tactics mentioned previously—searches incident to arrest and plain-view arrests—are used by over 90 percent of patrol respondents: 96 percent use searches incident to arrest, and 97 percent use plain-view arrests.

This difference suggests that investigations personnel *across* police departments tend to use or specialize in a few tactics, while patrol personnel across departments use a greater number and variety of tactics. For example, almost all investigations units use laboratory drug analysis (92 percent) and document search warrants (80 percent), regardless of the jurisdiction's population (above 50,000), geographic location or type of drug problem. In contrast, patrol personnel may variably use tactics based on local conditions. For example, traffic pattern alteration (used by 24 percent of patrol respondents), trespassing enforcement (used by 64 percent), noise ordinance enforcement (used by 47 percent), bicycle patrol (used by 44 percent), and nuisance abatement (used by 36 percent) may be appropriate, possible and legal tactics in some communities. These tactics may not be appropriate in all cities, due to the varying nature of

crime and drug problems, local conditions, population or housing characteristics, prosecutorial guidelines, personnel or other resource constraints, and a host of other factors. These same varying local factors may have a smaller impact on investigations tactics.

The pattern of difference between the number and type of tactics patrol and investigations units use may also be related to investigations personnel's common emphasis on long-term investigations, while patrol personnel often emphasize numerous arrests of street-level dealers. Although the current study does not shed any light on the issue, patrol units probably use a greater number and variety of tactics *within* police departments, as well as *across* departments.

Table 2
Tactics Investigations and Patrol Units Frequently Use
(reported in percentage using tactics)

Investigations Units		Patrol Units	
Confidential informants to build cases	99	Plain-view arrests	97
Asset forfeiture	98	Searches incident to arrest	96
Search warrants	96	Education/DARE	86
Buy-busts with undercover officers	96	Field interviews	86
Laboratory analyses	94	Neighborhood Watch	86
Development of informants	94	Consent searches	85
Searches incident to arrest	93	DUI/drug recognition	81
Undercover intelligence	93	Asset forfeiture	78
Consent searches	92	Saturation patrol	76
Plain-view arrests	91	Terry searches	75
Drug-detecting canines	91		
Buy-busts with confidential informants	90		
Multijurisdictional task forces	90		
Applying federal sanctions	87		
Gathering intelligence via surveillance	85		
Front money	84		
Document search warrants	84		
Marked money	83		
Videotaping undercover sales	82		
Tracking citizen complaints	80		
Monitoring individuals (e.g., gang leaders)	78		
Field interviews	78		
Undercover stings	77		
Education/DARE	77		
Interagency exchanges of personnel	77		
Night vision goggles, infrared devices, etc.	77		
Financial records investigations	75		

INNOVATIVE APPROACHES

The previous section addressed antidrug approaches used *most often* by police overall and by patrol and investigations units. Widespread use of specific antidrug tactics may be related to how long each has been employed. These tactics may be widely used because they are effective in reducing drug problems, or they may be innovative. Of course, they may be neither. Because of the survey's design limitations, it is impossible to identify what antidrug tactics are emerging or coming into greater use by law enforcement agencies. Innovation, indicating a new approach that shows some promise of effectiveness, is a difficult concept to measure. Common ways of looking at innovation relate to newness, that is, how long the tactic has been around; effectiveness, that is, whether the approach shows some promising results; and nontraditionalism, that is, whether the tactic reflects an apparently new approach to addressing recurrent drug problems. These three characteristics are often closely related.

Newness

Police agencies use a wide variety of antidrug tactics. But there is wide variation in the newness of these activities within various agencies: what is new to one agency may be old to another. For example, the Plano, Texas, Police Department, which services a population of 142,000, rates drug-detecting canines, DARE and its citizens academy as the three most promising and effective tactics for reducing drug activity. For that department, most of these tactics were fairly new: drug-detecting canines had been in use for six to eight months, DARE for 18 months, and the citizens academy for 12 months.

However, other tactics patrol units named as most promising or effective do not reflect a consistent newness. Such tactics include the following:

- Refuse or trash seizures, used by the Anne Arundel County, Md., Police Department for more than 15 years.
- Police officers' serving as role models to support programs such as athletic teams and Boy Scouts, used by the Tulsa, Okla., Sheriff's Office for more than three years. "Our officers get to know on a first-name relationship the children and parents of economically distressed areas," improving communication with citizens in targeted areas.
- Crimestoppers phone line to solicit anonymous crime information, including drug tips, used in Fort Collins, Colo., for more than six years.
- Drug-free school zones, used in Tucson, Ariz., for four years, and in Pueblo, Colo., since 1992.
- Traffic enforcement with incidental searches, used by the Largo, Fla., Police Department for more than 10 years.
- Drug recognition, used in Virginia Beach, Va., since 1989 to train DUI officers to identify and charge drivers under the influence of drugs other than alcohol.

Newness in police antidrug activities may represent creative approaches by law enforcement agencies to accommodate constraints imposed by state court rulings. For example, profiling, which is widely used in some states, is illegal in North Carolina. However, the North Carolina Highway Patrol has developed an effective way to carry out drug interdiction and target suspicious vehicles on the state's interstate highways.

Troopers put up signs along the highways that read, "Warning: Drug Checkpoint Ahead." Discreetly placed spotters watch for suspicious behavior, such as pulling off the highway. At the next off-ramp beyond the warning sign, troopers set up a traffic checkpoint and check vehicle licenses, registrations and equipment, as well as check for possible violations such as driving under the influence. If they determine probable cause or acquire consent for a search, they may carry out search and seizure.

The traffic checkpoint method is considered effective for disrupting drug trafficking on the interstate highways. "You can't stop everything on an interstate highway system," explained one highway patrol commander. The tactic had been in use for some 18 to 24 months and had led to a number of contraband seizures and arrests.

Traditional Approaches

Importantly, the survey revealed that many patrol units rely on antidrug tactics that may be considered traditional approaches. These tactics include aggressive arrest practices, high visibility and saturation patrols. Such tactics may focus on specific locations such as schools, public housing developments or other apartment complexes, and they may involve other resources, such as other public and private agencies and the community.

Some agencies report a recognition that such traditional antidrug tactics have limitations. For example, the Prince William County, Va., Police Department rated surveillance and enforcement—tactics the agency had used for more than 20 years—as more organized than in the past, noting, however, that the tactics are effective on a short-term basis only as related to specific problem-solving efforts. Similarly, the Jefferson Parish, La., Sheriff's Office indicated that street sweeps are effective: "Street sweeps are a temporary cure, as the dealers and purchasers move to other areas and later return when the street crime unit has left."

One indicator of innovation may be the use of an antidrug tactic by a unit *other* than the unit that typically or traditionally uses the approach. For some agencies, an innovation is the development of informants by patrol, used by 46 percent of patrol personnel. (Ninety-four percent of investigations personnel use this tactic.) Another example of the use of traditional tactics by a nontraditional unit is the monitoring of probationers and parolees: 45 percent of investigations respondents monitor these individuals, while 29 percent of patrol respondents do. The Hollywood, Fla., Police Department's patrol unit ranks surveillance, highway interdiction and informants as its most effective tactics. All are used by both patrol officers and narcotics personnel. Such use reflects a nontraditional approach by patrol. Similarly, few police investigations units have traditionally been involved in delivering antidrug educational or DARE programming. The survey indicated that such programming is offered by 86 percent of patrol respondents and 77 percent of investigations respondents—a nontraditional role for investigations.

Seldom-Used Tactics

Seldom-used antidrug tactics may be indicators of newness and innovation. (Of course, these tactics may be inappropriate for some agencies because of costs, local conditions or legal constraints.) For example, ion scanners are seldom used for drug investigations: 2 percent of patrol units and 4 percent of investigations units use this approach. Although ion scanners have been around for many years, their application to drug problems has been limited.

Some antidrug tactics ranked fairly low among respondents. Low ratings could suggest a new or possibly expanding use of the tactic. (However, the tactic may not be effective or may have limited use. Effectiveness is discussed in the following section of this report.) Low-rated tactics, that is, those used by less than 25 percent of agencies responding, are included in table 3.

Table 3
Tactics Police Departments Seldom Use
(reported in percentage of agencies using tactics)

Traffic pattern alteration	25
Parking limits around schools	25
Drug checkpoints	24
Bump/barricade installation	21
Crowd/riot action	20
Extraditing federal defendants	20
Code deciphering of records	19
Targeting undocumented aliens	18
Marine interdiction	17
Collaborating with Defense Department	16
Charging pregnant women with child abuse	16
Facilitation of housing rehabilitation	16
High-intensity temporary lights	13
Mobile substations	13
Red-light laws	12
Ion scanners	5

It should be noted that antidrug tactics that rank low may reveal problems in application or non-generalizability across regions of the country. For example, 18 percent of responding agencies target aliens; however, undocumented aliens' involvement in drug activity is not universal, and judicial rulings do not universally support this approach. Similarly, profiling drug couriers (used by 52 percent of responding agencies) for probable cause in transportation centers such as airports or train stations is not universally legal. Clearly, the application of different law enforcement tactics is significantly constrained by variations in judicial rulings and the likelihood of legal challenges, among other factors.

Undiscovered Tactics

The survey instrument provided an additional way to identify potentially innovative or newly emerging antidrug tactics. Although 140 individual tactics were listed on the survey within distinct categories, the instrument prompted survey respondents to add additional tactics to categories if the agency used tactics that were not listed. This query was intended to identify new tactics that had not been or could not be identified through the comprehensive search for drug tactics prior to survey construction. However, few agencies added additional tactics to the survey. Some, however, were listed. These included body transmitters, monitoring cordless phones, telephone toll analysis, pay phone profiles, fixed-location videos, helicopter surveillance, use of rental vehicles for undercover work, identification cards (e.g., on public housing properties), no stopping/standing enforcement, prostitution loitering, and enforcement of open-container laws.

For the most part, these tactics are variants of tactics listed on the survey, but they do legitimately increase the number of tactics identified. Because these tactics were not listed on the survey, there is no information about the frequency with which police agencies use them. Importantly, the absence of numerous additional tactics on the survey

instrument confirms that the survey list was relatively inclusive of the range of tactics used by local and state law enforcement agencies.

LINKS AND SUBSTITUTION OF TACTICS

Although antidrug tactics are considered in this study as relatively discrete techniques, most are not used in a solitary manner. Instead, antidrug tactics are often combined (or, as Kleiman and Smith [1990] suggest, “bundled”) to form broader strategies. In this sense, some tactics appear to be complementary in ways that offer some value for guiding policymaking decisions. Such decisions may concern allocation of resources, organization and deployment of various units, development of collaborative relationships with other agencies, and cross-training in various tactical approaches.

For example, the Jefferson Parish Sheriff’s Office used field interviews in tandem with the development of a computerized database, combining patrol and investigations resources. The El Monte, Calif., Police Department uses saturation patrol in concert with consent searches. The Hayward, Calif., Police Department uses videotaped undercover buys in concert with grand jury indictments to produce airtight cases such that all defendants routinely enter guilty pleas, reducing police personnel costs and court time. These agencies rated these combined tactics as among their most effective.

In a statistical analysis of the survey data, some tactics were found to be highly related to other tactics, suggesting a complementary use. For example, increasing or improving lighting in specific areas is closely related to using foot patrol, reducing property access and changing public phones. Correlation matrices within categories revealed collinearity between only a few items. The only variables closely correlated (exceeding a correlation of 0.8) were those of building intelligence through surveillance and undercover intelligence; and buy-bust undercover and confidential informants. The first correlation clearly reflects a similar use of tactics that may often go hand-in-hand—an agency may use either undercover personnel or surveillance to collect intelligence; the latter correlation may reflect a complementary use of tactics, i.e., the agency uses confidential informants to gather information, and undercover personnel later conduct buy-busts.

Among the 19,600 pairs of tactics possible in the data analysis, 53 correlations of 0.5 or greater were discovered; this represents correlations of less than 0.003 percent of all tactics. Among the highly related tactics, almost half (26) occurred within a single category that contained both tactics. For example, in the category of regulatory code enforcement, use of the fire code was closely related to use of the building code, and use of the health code was closely related to use of the zoning code. These links suggest that tactics either are used on a complementary basis or are interrelated. Similarly, another within-category correlation occurred between the use of confidential informants and conducting a buy-bust operation using confidential informants. Clearly, these two tactics are complementary: one cannot conduct a buy-bust with a confidential informant without first *having* a confidential informant.

The theoretical links between correlated tactics were not always clear. For example, foot patrol and increased public lighting were highly correlated. One can speculate about what such a relationship might imply: perhaps foot patrol officers observe poor lighting conditions and are instrumental in getting these conditions improved to deter drug dealing. Or, perhaps, these tactics are only coincidentally or conceptually related. A high correlation between tactics may represent a spurious relationship having to do with widespread use of tactics, or the relationship may be random. A high correlation may also reveal an error in survey construction such that a tactic is repeated. For example, traffic checkpoints and drug checkpoints were highly correlated (0.50442). These tactics are essentially the same. High correlations may also reveal common perceptions. For example, community policing and foot patrol were highly correlated (0.50621), suggesting that agencies may perceive these tactics as either similar or complementary. A full list of correlated variables is included in appendix C.

Police Antidrug Tactics

Patterns of correlations shed some more light on this issue—particularly when these correlations occur *across* categories in the framework. For example, two undercover operations tactics correlated with observation arrests tactics. Buy-bust undercover operations correlated with both saturation patrol and plain-view arrests. These pairings indicate that some sequential ordering of tactics must occur. For example, police may conduct undercover operations before making observation arrests.

Not surprisingly, the highest correlations occurred between the two similar categories of improving intelligence information and undercover operations. Building intelligence through surveillance correlated with buy-busts with confidential informants at 0.584, with confidential informants at 0.755, and with building undercover intelligence at 0.844. Building intelligence through surveillance also correlated highly with eight other tactics; six are undercover operations tactics and two are investigations tactics:

- buy-busts with confidential informants and with undercover officers;
- use of confidential informants to build cases;
- undercover intelligence;
- use of surveillance vehicles;
- marked money;
- developing informants via prosecution, payment or witness protection; and
- executing search warrants.

This correlation, however, is probably at least partially due to the fact that building intelligence through surveillance is a tactic state and local police agencies commonly use. Some 91 percent of all agencies use this tactic.

Of the 53 correlated variables (with correlation ratios exceeding 0.5), virtually all occurred in the categories in which investigations units ranked high in use: observation arrests, undercover operations, technical support, investigations, targeting locations and individuals, improving effectiveness, improving intelligence information, and civil remedies. The remaining correlations (14), which fell outside of these categories, were related to ancillary approaches, regulatory codes and community-based efforts—categories that were used more highly by patrol units. These findings reinforce the earlier observation that investigations personnel tend to rely on a group of tactics that are widely used across all police agencies.

Substitution

Importantly, the survey data do not shed light on whether police are substituting new tactics for old tactics. It is likely that police agencies add new tactics to their existing antidrug repertoires as such tactics—and resources to develop them—become available. Agencies may scale back traditional drug enforcement tactics as they increasingly use approaches such as community policing; however, the evidence indicates only that traditional drug enforcement tactics are widely used and that new approaches are less frequently used. For example, 71 percent of agencies reported using electronic surveillance. However, such surveillance may be conducted once a year or on numerous occasions. The survey data do not reveal the frequency of use. The evidence indicates only that police continue to use traditional drug enforcement tactics along with newer approaches.

The correlation matrix revealed no significant negative correlations between tactics, suggesting that agencies do not stop using one tactic after adding a new tactic. In other words, a negative relationship would suggest that as new tactics become available to an agency, the agency substitutes one tactic for another. The lack of such negative correlations indicates that agencies may simply add the new tactic to their repertoire, layering it over existing tactics.

However, it is important to recognize that one survey limitation is that the intensity with which police use various tactics is not known. For example, an agency may invest almost all of its resources in investigations, but reserve a small amount for community policing to address drug problems. Similarly, an agency may reduce its investment in investigations, while adding a community policing component to its antidrug repertoire. The dichotomized (yes or no) survey responses provide information only about whether an agency uses a tactic.

EFFECTIVE APPROACHES

Traditional drug enforcement approaches such as buy-busts with confidential informants or undercover personnel are among the most effective antidrug approaches, according to investigations unit respondents. In general, investigations respondents believe the tactics they use most frequently are the most effective. Despite their use of many nontraditional antidrug tactics, investigations personnel ranked tactics such as undercover surveillance, buy-bust, use of confidential informants, and other traditional approaches as the most effective and promising. In contrast, patrol respondents named a variety of traditional and nontraditional tactics as being most effective. Such tactics ranged from DARE to saturation patrol and fixed-location videotaping of drug activity.

Tactics considered the most effective or promising included the following:

- publicizing drug arrests, which increased calls to Crimestoppers by 200 percent and decreased the availability of drugs on the street in Billings, Mont.;
- fixed-location covert videotaping of drug markets, which provided valuable information about drug dealers and buyers to the Fayetteville, N.C., Police Department;
- targeting drug probationers and parolees, which resulted in sentence enhancement and parole revocation for non-drug criminals such as robbers and burglars in Orlando, Fla.; and
- collaborating with code enforcement officers to identify violations at residences suspected of being used for drug dealing, which forced residents to “clean up, move out or get evicted” in Escondido, Calif.

Some agencies named tactics used in tandem as being most effective. For example, one agency rated reverse-buys using video cameras to document evidence as most effective. For most agencies, effectiveness was measured by the number of arrests, quality of arrests, and amount of drugs, cash or property seized. Agencies cited few other evaluation measures.

The following 37 tactics were rated by a few agencies as most effective. An asterisk indicates tactics that are described in greater detail in Section VII of this report.

- aerial reconnaissance
- automated databases of offenders*
- crime analysis*
- community policing
- drug checkpoints
- drug-detecting canines*
- electronic surveillance
- federal prosecution and federal cooperation*
- fixed-location videos
- historical investigations

Police Antidrug Tactics

- making areas less attractive for dealing
- multijurisdictional task forces*
- mail-in drug coupons*
- motel profiles and hotel/motel interdiction*
- package interdiction (e.g., via Federal Express)*
- pharmaceutical investigations*
- probation/parole searches*
- trash pulls*
- rotating uniformed officers through narcotics enforcement*
- saturation patrol
- search warrants
- traffic checkpoints and enforcement
- use of confidential informants
- bar checks
- civil abatement*
- DARE
- checking undocumented aliens
- computerizing citizen complaints*
- financial investigations
- citizen reporting (such as Crimestoppers)*
- evictions*
- drug-free zones*
- marijuana eradication efforts
- pen registers
- surveillance
- street sweeps
- drug recognition training for officers

For the most part, responding police agencies report reliance on traditional measures of effectiveness regarding their antidrug efforts—number and quality of arrests, dollar value of contraband and assets seized, rates of conviction, quality and quantity of intelligence information received—although there is some evidence that police evaluate the area-level impact of some antidrug tactics. For example, several respondents mentioned that declines in calls for service may indicate reduced concerns among residents, and that neighborhood surveys may reflect reduced fear. Other nontraditional measures of effectiveness respondents reported included increased cooperation between citizens and police; increased information to hot lines; improvement in an area's appearance, especially the absence of dealers on the street; and reduced drug-related crime in specific target areas. No departments reported price and purity of drugs, dollar volume of drug markets, ease of drug purchases, or formalized geographical tracking of drug markets as measures of various tactics' effectiveness. Several agencies, however, use these measures as part of their antidrug repertoires.

Antidrug tactics agencies reported as most effective appear to require extensive cooperation between police agencies and other organizations and groups, particularly when police agencies use community policing to address drug problems—as do some 64 percent of agencies surveyed. For example, the Jefferson County, Ky., Police

How Police Use Antidrug Tactics

Department's patrol unit has developed working relationships with the narcotics unit, local housing authority, health department, fire department, and adult and child protective services. The Kansas City, Mo., Police Department collaborates with the Bureau of Alcohol, Tobacco and Firearms, FBI, DEA, Postal Service, IRS, federal prosecutor's office, and county prosecutor's office to carry out undercover drug buys, interdiction at the local airport and train station, and financial investigations. The Prince William County, Va., Police Department routinely cooperates with the business community, apartment complex managers, homeowners' associations, and county service agencies to reduce drug use. The Norfolk, Va., Police Department routinely collaborates with local churches.

Police Antidrug Tactics

V. Classification Scheme

Section III addressed the way the survey framework was developed to represent differing approaches to drug problems. How useful was the framework for categorizing various antidrug tactics? More importantly, what value does a classification scheme have for police practitioners? Generally, academics find great value and invest much effort in classification schemes. Classification schemes offer a method for organizing a large amount of information and, for practical purposes, may stimulate thinking about elements within categories. As a framework, a taxonomy provides a useful matrix for collecting and organizing information about the array of current drug enforcement tactics.

This study drew upon the work of several existing classification schemes of antidrug approaches. Many of these classification schemes represent altering the conditions in which buyers and sellers of illegal drugs conduct their business (Kleiman and Smith 1990: 71). James Q. Wilson (1990) notes that it is customary to classify antidrug strategies as either supply reduction or demand reduction. Such an approach involves considering demand reduction as consisting solely of treatment, prevention and education strategies, while supply reduction remains the domain of law enforcement agencies. The research described in this report was intended to identify emerging, innovative police enforcement tactics, and it was determined at the outset that such tactics are likely to transcend traditional definitions that restrict law enforcement efforts to reducing supply.

Kleiman and Smith (1990) suggest that policymakers may group drug enforcement objectives by goal: drug abuse control, crime control, organized crime control, and neighborhood protection. Local law enforcement officials may also focus on intermediate goals: wholesale-level enforcement, retail-level enforcement, focused crackdowns targeting one market, suppressing gang activity, controlling user crime, and protecting youths (through Drug-Free School Zone or DARE programs).

Kleiman and Smith (1990) also group police antidrug tactics in 10 categories:

- observation arrests,
- undercover operations,
- exploration of physical evidence,
- historical conspiracy investigations,
- electronic surveillance,
- ancillary approaches (such as code or traffic enforcement),
- community-based intelligence gathering,
- asset forfeiture,
- user control programs, and
- drug education by police officers.

Police Antidrug Tactics

Although this categorization is useful, the groupings are not mutually exclusive (for example, an approach to controlling users [9] may be to forfeit their assets [8]), and the tactics are not detailed.

Other models for looking at strategic options have also been proposed. Karchmer and Eck (1991) suggest there are three sets of strategies for local control of drug dealing and abuse: investigative strategies targeted above the street level, education strategies to reduce the demand for drugs, and patrol strategies to reduce drug problems in geographical areas.

Kleiman and Smith (1990) propose a categorization in which tactics are bundled to form strategies. These categories include the following:

- high-level enforcement,
- retail enforcement - street sweeps,
- concentrating on one market,
- suppressing gang activity,
- controlling user crime, and
- protecting youths.

Kleiman (1992) also suggests that supply-side enforcement tactics can be structured into three approaches that reflect an economic view of drug markets:

- tactics designed to increase prices (such as asset seizures);
- tactics designed to decrease retail availability (such as disrupting the market by rerouting streets, boarding up abandoned buildings, and enforcing local codes and ordinances); and
- tactics designed to reduce black-market side effects (such as relocating drug markets from vulnerable areas such as schools and residential communities to industrial or less public areas).

With the possible exception of the Kleiman and Smith (1990) model, most of these models are overly broad—there are few categories—and they do not provide information to practitioners about how tactics are used or guidance about how they may be used together.

ANALYSIS OF THE CLASSIFICATION SCHEME

In the research reported in this study, 14 categories of drug tactics were developed. Analysis of the survey responses indicated that agencies used all 14 categories, and used them extensively. Agencies varied in the frequency with which they used tactics within categories.

A statistical method known as factor analysis was conducted on the survey findings to explore and detect trends in variable patterns within the taxonomy's individual categories. This analytical method is a way to reduce and organize data and can lead to the discovery of new ways in which tactics tend to cluster in their use by police departments. The factor analysis included construction of correlation matrices within categories, extraction of the initial factors, and rotation of the factor matrix as an interpretive approach when variables loaded on more than one factor. Three categories within the antidrug taxonomy were validated *prima facie* based on the factor analysis. Variables or tactics within the ancillary approaches, regulatory code enforcement and education/prevention categories all loaded on only one factor at a significant level, suggesting that these categories were well-constructed: the variables were consistent

with each other, and there were few correlations across categories with variables within these specific categories. (Actual correlations showed one correlation above 0.5 between ancillary approaches and regulatory code enforcement, and two correlations between ancillary approaches and community-based efforts.)

Findings from the factor analysis indicate that some tactics appear to cluster together or form subgroups within a category, that is, an agency that uses one tactic uses the others as well. (The factor analysis is included in appendix D of this report.) Values are reported where the value for each variable's contribution to the factor exceeds 0.3, the threshold standard statistical sources recommend. Variables less than 0.3 may either be eliminated or constitute an independent subgroup. The factor analysis indicates that additional subgroupings of these tactics may be useful in considering the wide variety of antidrug approaches. Using the factor analysis as a starting point for grouping the identified drug tactics, an alternative taxonomy emerges that categorizes tactics into 13 groups, including the 140 tactics originally identified and additional tactics gleaned through the survey.

A NEW TAXONOMY

The survey results suggest a police practitioner-oriented taxonomy that includes 13 categories and provides a way for thinking about and crafting locally relevant antidrug approaches. This taxonomy makes use of the practical ways police practitioners appear to employ various tactics. For example, police personnel indicate they often target specific locations for enforcement actions. Such locations may involve either wholesale- or retail-level investigations or enforcement activity. However, such locations routinely require some coordination of resources and may require a specialized approach.

This taxonomy also combines traditional and nontraditional tactics in a way designed to encourage innovative thinking about new approaches. For example, when evaluating ways to alter the physical environment to discourage drug activity, by reviewing alternative approaches, agencies may be prompted to identify additional, related tactics that they previously had not considered.

The taxonomy is not tied to traditional patrol vs. investigations capacities. Given the significant cross-application of tactics by various police divisions within a single agency, as made evident in this study, distinctions between patrol and investigations tactics appear to be relatively unimportant. Effective antidrug strategies are being crafted departmentwide, without attention to distinctions between divisions. Instead, there is an inherent emphasis on within-agency collaboration. The exception to this distinction are highly specialized or long-term investigations, which are likely to remain the purview of specialized units. It should be noted that the categories in this classification scheme are not mutually exclusive—indeed, one could place some tactics into multiple categories. However, this framework is a useful starting point for building a strategic and comprehensive approach to drug problems.

Revised Classification Scheme

1. Street-level arrests, crackdowns and investigations

- searches incident to arrest
- plain-view arrests
- street sweeps
- saturation patrol
- developing informants
- search warrants
- drug-detecting canines
- weapons violations

2. Covert approaches

- buy-busts with confidential informants
- buy-busts with undercover officers
- using confidential informants to build cases
- undercover intelligence
- surveillance vehicles (including rental cars)
- body transmitters
- marked money
- front money
- videotaping undercover sales
- fixed-location videos
- reverse-buys (real product)
- reverse-buys (simulated product)

3. Technical investigations

- code deciphering/records
- investigating drug packaging
- ion scanners/thermal imagery
- monitoring price and purity
- fingerprint analysis
- laboratory analysis
- night vision goggles
- beeper transmitters
- clone beepers
- voice mail intercepts
- Caller ID
- telephone toll analysis
- profiling pay phone calls
- electronic surveillance (including cordless telephones)
- undercover stings
- asset profiling
- post-seizure analysis

4. Wholesale-level investigations

- continuing criminal enterprises
- financial records investigations
- grand jury investigations
- historical conspiracy (RICO)
- investigative subpoenas
- money-laundering investigations
- trafficking conspiracy investigations
- wholesale investigations (undercover)
- federal sanctions
- extraditing federal defendants
- vertical prosecution

5. Specialized investigations

- intelligence information analysis
- civil discovery
- document search warrants
- drug precursors
- monitoring currency transaction reports

6. Increasing investigative resources

- collaborating with National Guard
- collaborating with Defense Department
- narcotics training for patrol
- officer rotation plans
- multijurisdictional task forces
- cross-deputization of personnel
- interagency exchanges of undercover personnel

7. Increasing intelligence information

- aircraft surveillance
- areawide intelligence
- linking intelligence and patrol information
- drug incentive awards
- manual intelligence databases
- automated intelligence databases
- crime prevention surveys
- tip lines, hot lines
- canvassing neighborhoods
- mail-in reporting coupons
- tracking citizen complaints
- building intelligence via surveillance

8. Targeting locations

- airfield monitoring
- transportation center profiles
- targeting taxis
- marine interdiction
- cargo inspection
- targeting U.S./private mail services
- drug-free zones
- targeting concerts
- pharmaceutical diversion
- targeting drug laboratories
- loitering for drug activity
- loitering for prostitution
- loitering
- trespassing enforcement
- workplace demand reduction
- targeting apartments or other housing/problem locations (e.g., using identification cards)

9. Targeting individuals

- monitoring individuals
- linking crime analysis and repeat offenders
- knock and talk
- investigating prostitution links
- consent searches
- Terry searches
- parole/probation monitoring
- targeting offenders/warrants
- targeting undocumented aliens

10. Ancillary approaches, including altering physical environment

- bump/barricade installation
- traffic pattern alteration (e.g., making one-way, or regulating parking)
- lighting upgrades
- high-intensity temporary lights
- changing public phones (e.g., to outgoing only, or removing)
- property access reduction, via fencing, etc.
- litter cleanups
- city property cleanups
- abandoned auto cleanups
- housing rehabilitation
- boarding up/demolishing dwellings

11. Regulatory code enforcement

- building code enforcement
- fire code enforcement
- liquor control
- zoning ordinances
- health code enforcement
- bar licenses/sanctions
- nuisance abatement

12. Controlling behavior

- juvenile curfews
- red-light laws
- parking limits around schools
- driver's license suspensions
- disorderly conduct
- open-container ordinances
- noise ordinances
- parking violations
- traffic regulations (e.g., no stopping or standing)
- traffic enforcement
- traffic checkpoints
- DUI/drug recognition
- field interviews
- crowd action/riot ordinances
- drug paraphernalia ordinances

charging pregnant women using drugs with child abuse
evictions
charging parents of juveniles involved in drug activity with child neglect
drug tax
asset forfeiture

13. Education, prevention and treatment

education programs (DARE)
landlord training
hotel/motel training and interdiction
youth education/recreation alternatives
prevention training
Police Athletic League
police as mentors
treatment as condition to drop charges
treatment referrals
service referrals
publicizing laws/penalties

14. Increasing citizen access to police

ministations
mobile ministations
bike patrol
community policing
foot patrol
citizens academies
Crime/Neighborhood Watch
citizen ride-alongs
coordinating with churches
antidrug marches/rallies

Police Antidrug Tactics

VI. Policy Implications and Directions for Future Research

Antidrug tactics law enforcement agencies use are uniquely local in nature because drug problems are local—varying across the nation, within cities and even within neighborhoods. Among other differences, there are variations in type, price and purity of drugs; variations in the nature of drug markets, including resistance to enforcement efforts or community surveillance; variations in types of buyers; and variations in geographical landscape, including buildings and use of space. Because of these variations, one might expect a wide variation in the tactics police use to address drug problems. Indeed, this study has identified a wide spectrum of drug tactics.

There is great consistency, however, in the use of many antidrug tactics. The greatest consistency occurs among traditional drug enforcement tactics, commonly used by the specialized narcotics units of local and state police agencies. Tactics such as undercover investigations, use of confidential informants, and asset forfeiture and seizure are among these traditional approaches.

Despite the local and decentralized nature of police in the country (as demonstrated by the over 17,000 state and local law enforcement agencies in existence), police have developed an almost universal repertoire of traditional drug enforcement tactics. One mechanism contributing to the universalism of these tactics is broad participation in multijurisdictional task forces. Because over 95 percent of the respondents in this study participate in such task forces, these agencies develop expertise and apply tactics with great uniformity. Some of this uniformity is enhanced by participation in federal task forces, such as the DEA's state and local task forces or Organized Crime Drug Enforcement Task Force (OCDETF), coordinated through U.S. attorneys' offices in major cities throughout the nation. Local participants in such task forces receive on-the-job training and develop applied knowledge of specialized antidrug tactics.

Agencies clearly share much information about effective approaches. Such information is disseminated through various means: discussions between personnel from neighboring jurisdictions; literature published by national or regional criminal justice groups or academic institutions; state and regional training academies; training offered by state and regional groups (such as narcotics or training officers) and private organizations; and federal training programs offered by the FBI, DEA or other institutions. Efforts by the specialized narcotics units in place in 96 percent of municipal law enforcement agencies (with more than 100 personnel) likely contribute to the wide distribution and practice of many traditional antidrug tactics.

Agencies have used these various sources of information to establish expertise in sophisticated and complex investigative tactics. For example, applying federal sanctions, a tactic used by 87 percent of investigations respondents in this study, requires collaboration with a federal partner. Other tactics, such as making conspiracy cases for drug trafficking (used by 74 percent of investigations respondents), conducting money-laundering investigations (used by 51 percent), and securing document search warrants for investigative purposes (used by 84 percent) require a significant level of expertise to execute.

The broad participation by many intelligence units in these tactics indicates that guidance on tactics has been distributed fairly evenly across the nation. It should be noted that most of these tactics are fairly standardized: a hand-to-hand buy is conceptually the same tactic regardless of city size, region or drug type.

Patrol units apply tactics more variably than do specialized investigations units. The variation may indicate something about the diffusion of information about patrol-specific tactics or about the local nature of drug problems confronted by uniformed police. Many of the tactics widely used by patrol are traditional patrol tactics (such as ob-

Police Antidrug Tactics

servations arrests) or fall under the community policing umbrella. It is inherently more difficult to collect information about community-based antidrug tactics such as citizens academies, used to improve the public's capacity to collect information about drug activity. Such tactics are less technical and more subject to local interpretations and needs, and they produce results the impacts of which are not easily measured. (Importantly, many of these nontraditional approaches have not given rise to the lawsuits and liability issues that necessitate systematic training on many specialized narcotics tactics.) Despite the difficulties of sharing information on these nontraditional tactics and measuring their impact, many police agencies named these tactics as among the most effective in their antidrug repertoires. Given these high ratings of effectiveness by police respondents, it would be useful to include such nontraditional approaches in training, federal initiatives, publications, and other media to disseminate information.

Police agencies have few meaningful measures to document their antidrug tactics' impact and consequent effectiveness. Traditional measures such as number of arrests and amount of drugs and cash seized are offered pro forma to support claims of effectiveness. But police need help with developing alternative impact measures. Because much effort is being invested in nontraditional tactics, measurable information would reflect on the relative value of these alternative approaches to resolving drug problems.

Police agencies may need help in crafting comprehensive antidrug initiatives. This study indicated that drug strategies are often crafted in an ad hoc manner; new tactics are adopted because someone has an idea or has heard of a useful approach. Additional analysis to validate the classification developed in Section V of this report could be used as a starting point to help agencies systematically craft meaningful antidrug strategies. Such a taxonomy should also be tested to determine its utility to police practitioners. More research should be conducted on high-technology tactics, such as investigations involving Caller ID and clone pagers, to keep police abreast of the technological developments that are so quickly adapted to by drug entrepreneurs.

VII. Descriptions of Innovative or Effective Approaches

This section of the report provides detailed information about the application of various drug tactics in police agencies throughout the United States. This information was collected by police practitioners and civilians with extensive experience working with police agencies. The inclusion of an agency's use of a tactic does not suggest that its application is a model for replication; agencies were selected simply because they use a tactic. Thus, the description, by and large, represents simply an average or typical use of the specified tactic by a state or local police agency. Study sites were selected as *examples* rather than *exemplars*. Because of limited information about elements of tactics and variations in their application, information presented about tactics as used in specific jurisdictions should be construed as one way the tactics are applied. An agency considering adopting a specific approach should conduct an information search to determine alternative applications, as well as constraints that may limit application. Where possible, information has been included about weaknesses and strengths perceived in the application of the tactic.

Also included is information about the agency's size (number of personnel) and the size of its service population. Agencies included in the selection range from the Joliet, Ill., Police Department, which serves a population of 80,000, to the Texas Department of Public Safety, which serves a population of over 17 million. Diverse agencies are included so that readers may be aware of the scope of antidrug tactics used by agencies of all sizes. An agency phone number and address are included so that the reader may contact the agency for additional information.

It should be noted that many of the agencies use the described tactic in tandem with other tactics. For example, the Salem, Ore., Police Department uses thermal imagery as part of an investigative approach that may well include surveillance, information provided by undercover personnel or confidential informants, and so forth. However, for the purposes of this report, every effort has been made to isolate a tactic's distinctive elements to provide information about training, application, measures of effectiveness, duration of use, number of personnel involved in applying the tactic, and other pertinent data.

The tactics selected for inclusion represent a broad range, from those that are purely investigative (such as post-seizure analysis) to those that are administrative (such as personnel rotation). The tactics also range in complexity from the simple (such as establishing a canine unit) to the complex (such as intercepting suspects' voice mail).

PERF selected highly qualified investigators to collect detailed information about the various tactics. PERF selected these investigators in a competitive process, based on their education, experience and writing skills. To minimize travel costs, investigators were assigned to nearby agencies. They received basic contact information about the department they were to study and a site visit protocol to guide their data collection. The site visit protocol served as a means to standardize information different individuals collected from different sites.

The protocol (included in appendix B) solicited information about the history and use of the tactic, including data on the locus of control, selection and training of personnel, special guidelines or procedures, targets, measures of effectiveness, and other factors relevant for policymakers who may use the tactic in their jurisdiction. Readers may find this protocol useful in collecting information about an agency's use of a tactic. Specific queries included the following:

- What unit or bureau in an agency conducts the tactic (including the number of personnel)? What kinds of specialized training [are] necessary for personnel, and what policies and procedures guide application of the tactic?

Police Antidrug Tactics

- What is the target of the antidrug tactic, the location of the activity (such as street corners, dwellings, transportation routes, financial institutions) and the desired or intermediate outcome of the activity (such as eviction, criminal arrest or civil penalty; forfeiture of real property; or exclusion from identified areas)?
- What legal responsibilities must be met before the tactic is used? What . . . federal, state or local legislation enables the use of the tactic? Does the tactic present any opportunity for the corruption of police personnel?
- Is the tactic effective? What evidence is there of success? Are there unintended consequences or benefits of using the tactic?
- Are any special funds necessary to carry out the tactic? If so, how much is necessary, and how is it spent?

The following investigators made site visits and prepared reports about the antidrug tactics included in this report.

Gary Graham is a captain with the Denver Police Department. He has more than 20 years of experience in law enforcement, specializing in drug enforcement, and currently heads the department's narcotics unit.

Sandra Kaminska works for the International Criminal Justice Center at the University of Illinois at Chicago. She previously was a consultant to the Joliet and Aurora, Ill., police departments as they implemented neighborhood policing. She is a graduate of the Law School in Detroit.

Nancy G. La Vigne works for the National Institute of Justice. She served on the staff of the Texas Sentencing Commission until 1993, and she is completing doctoral studies in criminology at Rutgers University in New Jersey. She is a graduate of Smith College and the LBJ School at the University of Texas in Austin.

Russell Maas, who retired from law enforcement in 1991, has 25 years of police experience. Before retiring, he was accreditation manager for the Montgomery County, Md., Sheriff's Office. He holds a bachelor's degree in police administration and a master's in business administration from the University of Dayton. He is a graduate of the FBI National Academy.

Lyle W. Mann is a captain with the Tucson, Ariz., Police Department and heads the agency's management information division. He joined the department in 1973. He currently works as a trainer and consultant for the Arizona Law Enforcement Officer Advisory Council, offering supervisory and management training in topics as diverse as street management and performance objectives. He holds a bachelor's degree in public administration from the University of Arizona.

Robert C. Marland is a sergeant with the Richmond, Va., Police Department. Since December 1991, he has been on loan to the planning section of the department's research and development division. He holds a bachelor's degree in criminal justice from the University of Dayton and a master's in public administration from Virginia Commonwealth University in Richmond.

Dan Reynolds is a major with the Savannah, Ga., Police Department. He is responsible for the agency's tactical narcotics unit, among other responsibilities. He joined the department in 1972, following a five-year stint in the U.S. Army. He holds a bachelor's and a master's degree from Armstrong State College in Savannah, and he is a graduate of the FBI National Academy.

Jim Scut was a police officer and detective for the Alexandria, Va., Police Department. He has also worked for the National Sheriff's Association and the National Law Enforcement Officers Memorial Fund, both in the Washington, D.C., metropolitan area. He is currently a consultant to PERF.

Jim Weston is the chief of the Reno, Nev., Police Department and previously served as commander of the department's investigations division.

Descriptions of Innovative or Effective Approaches

In addition, the following people submitted information regarding their own agency's use of a specific tactic: Thomas Flaherty, Eddie Hebisen, David Lord, Thomas R. Lorenz, and R. Wayne McFarlin.

Airport Profiling

The use of couriers to transport drugs through the nation's transportation centers has posed a challenge for many law enforcement agencies. The Maui, Hawaii, Police Department has developed its use of airport profiling to interdict drugs and/or drug proceeds as they are smuggled into or out of the county via commercial airline passengers or baggage. The approach provides a unique opportunity to intercept large numbers of high-grade drug shipments at a point in the distribution chain well above that reached through the traditional street-buy approach.

The department has conducted airport profiles on both males and females of virtually all nationalities. The department generally profiles young people traveling alone or in small groups. The majority of offenders apprehended have been involved in smuggling cocaine, although the department has occasionally recovered heroin and crystal methamphetamine. The importation of marijuana has also increased.

The island of Maui has two airports: one that serves both interisland and direct mainland flights, and one that serves only interisland flights. The majority of airport profiling occurs at Kahului Airport, where mainland flights are monitored; however, because Honolulu is considered a source city for Maui, officers occasionally monitor interisland flights at the second airport.

Targets are selected by officers at the airport who have been trained to identify possible narcotics traffickers. Targets may also be selected based on tips or informant information, ongoing drug investigations or intelligence information received from other law enforcement agencies. Officers conducting airport profiling consult an on-duty supervisor when they have questions regarding a target. They use pagers, drug-detecting canines and, occasionally, cellular telephones to enhance their investigations.

Officers normally conduct profiles at the primary airport for eight hours a day, five days a week. The tactic is most effective during the hours that direct mainland flights arrive, normally from 11 a.m. to 7 p.m. All officers using the tactic have received training on airport drug-courier investigations.

The tactic allows officers to seize large shipments of narcotics, often without costly investigations. Further, the seizures often lead to conspiracy prosecutions against high-level drug sources. Department personnel first used the tactic in 1983, when they worked on a joint case with the Drug Enforcement Administration (DEA) and recovered a large quantity of cocaine from individuals arriving on a direct flight from San Francisco. The 1983 seizure, combined with other information concerning drug smuggling via direct mainland flights, prompted law enforcement officials to address the problem through airport profiling. Initial training began in 1984, when the DEA and Customs officials were able to provide assistance. At the time, the Maui Police Department had not developed the necessary expertise and did not have drug-detecting canines. The agency began using the tactic regularly in 1984.

Legal limitations on using the tactic include possible court challenges. A Hawaii state court ruled that officers must develop an objective basis for approaching someone at the airport. In other words, officers must be able to articulate some action or actions of the target that made him or her appear suspicious. The target must also be informed that the police are conducting narcotics investigations at the airport and that he or she is free to leave.

Both federal and state prosecutors are important to the department when it uses airport profiling because they assist in preparing search warrants, provide legal advice on search-and-seizure issues and prosecute offenders. The DEA, Honolulu Police Department and U.S. Attorney's Office in Honolulu have been instrumental in providing Maui police officers with the training necessary to conduct airport profiling.

Over the years, the tactic has been considered effective because it has resulted in the seizure of large quantities of narcotics that would have otherwise reached the streets of Maui. In addition, the police have seized substantial amounts of U.S. currency. The tactic is also considered relatively cost-effective, for the only expense is the salaries of personnel involved in the profiling.

Descriptions of Innovative or Effective Approaches

The drug problem in Maui has included the use and distribution of cocaine, as well as the cultivation, distribution and exportation of marijuana. The county has also experienced problems with the use and distribution of heroin and crystal methamphetamine. Heroin, cocaine and crystal methamphetamine are smuggled to Maui via air, postal and marine methods. The demand for narcotics has created a network of smugglers who transport drugs through commercial and private air transportation, commercial and private marine transportation, and federal and private postal services. Smuggling methods range from the personal carrier to the highly sophisticated smuggling rings operating throughout the world, and involve both independent individuals and major organized crime syndicate leaders.

Information submitted by the Maui Police Department.

Maui Police Department

55 Mahalani St.

Wailuku, HI 96793

(808) 244-6458

Department size: 300 sworn/97 nonsworn personnel

Service population: 108,000, on three islands

Applying Federal Sanctions

The Savannah, Ga., Police Department participates in a multiagency task force that includes federal representatives from the Bureau of Alcohol, Tobacco and Firearms (ATF), DEA and FBI. Federal representatives' participation is important, for they contribute vital investigative information from national intelligence and information networks and can provide formal and informal guidance in applying federal sanctions, which serve to enhance prosecution efforts and sentencing for certain cases. Federal sanctions that can be used include, but are not limited to, the following:

- unlawful flight to avoid prosecution (UFAP),
- triggerlock,
- continuing criminal enterprise (CCE),
- racketeer-influenced and corrupt organizations (RICO), and
- asset seizure and forfeiture.

The task force is the primary vehicle by which the Savannah Police Department successfully uses the power of federal sanctions in local drug and violent crime cases. In 1992, the Savannah FBI office officially initiated the Savannah Violent Crimes Task Force under the FBI's comprehensive "Safe Streets" initiative. The Safe Streets initiative provides maximum flexibility to special agents in charge (SACs) in addressing violence in their divisions, through application of investigative and prosecutive tools available within all investigative programs. This initiative relies on innovative investigative techniques, including the establishment of FBI-led task forces that focus on violent crimes and the apprehension of violent fugitives.

Joint investigations are conducted and conform to the requirements for federal prosecution. Whether prosecution will be sought at the state or federal level is determined on a case-by-case basis. Federal cases are often limited to crimes that are particularly heinous, have a high public profile or involve serious offenses. Task force representatives are key in identifying cases for which federal prosecution should be sought, thus avoiding the finding of insufficient evidence that sometimes plagues less serious cases. The Savannah Police Department processes an estimated 20 to 30 federal cases per year, many of which involve numerous defendants.

The FBI coordinates the UFAP cases, in which suspects leave the jurisdiction. The ATF provides expertise in initiating triggerlock cases, which target major violent drug offenders when weapons are involved. For the most part, the task force limits the number of cases prosecuted through the federal courts, primarily because many of the cases are considered too small for prosecution at that level. Such cases are referred to the district attorney for prosecution. However, the task force has opened important lines of communication between local law enforcement agencies and federal officials. Local law enforcement officers have learned more about investigative requirements for federal prosecution. It is hoped that the task force will succeed in bringing several ongoing investigations into the federal courts, where sentences can be enhanced through federal statutes.

Information prepared by Dan Reynolds, Savannah Police Department.

Savannah Police Department
P.O. Box 8032
Savannah, GA 31412
(912) 651-6640
Department size: 400 sworn personnel
Service population: 140,000

Asset Identification, Seizure and Forfeiture

The traditional attack on narcotics traffickers has focused on their ability to deal drugs. Law enforcement personnel identified a target, investigated the target's activities, and arrested him or her once they developed a case. In the early 1980s, the federal government began to use a new tool against traffickers: asset identification, seizure and forfeiture. As the years passed, Congress made it possible for state and local law enforcement agencies to receive proceeds from seized assets, both through joint investigations with federal agencies and through a mechanism by which a federal law enforcement agency "adopts" a state or local investigation for forfeiture purposes. In 1991, the Virginia General Assembly approved an asset seizure and forfeiture statute that permits Virginia law enforcement agencies to use state law to effect the seizure of assets from drug dealers in the state.

When the new law went into effect in July 1991, the Virginia State Police established the asset forfeiture unit (AFU), composed of experts, to coordinate the attack on drug dealers' assets. Unit personnel have become highly trained in the latest techniques for identifying assets and complying with all laws. The unit permits the Virginia State Police to respond to the needs of local law enforcement agencies for accounting expertise and related support (neither of which was available before the unit was formed), so they can trace the flow of drug-related profits from the street dealers through the various money-laundering schemes to the purchases of tangible assets. Investigations have revealed that these assets are sometimes used directly in illicit narcotics activities; however, they are often invested in legitimate endeavors that provide financial support for drug trafficking. Once an investigation establishes a link between assets and drug trafficking, the assets can be seized.

Local police officers are also supported in their efforts to process seized assets for ultimate return to their agencies. Technical assistance is provided for complying with the procedural requirements of the various entities involved in the forfeiture process. The AFU's goal is to continue to improve the ability of the Virginia State Police and local law enforcement agencies to track and seize assets and profits generated by drug trafficking.

The unit's objectives are

- to expand the availability of investigative resources to identify and seize drug-related assets across the state,
- to provide training and technical support to local agencies that want to develop in-house expertise in financial investigative techniques, and
- to enhance law enforcement's ability to identify financial trends and patterns related to drug distribution networks.

The AFU provides a state-level civil forfeiture technical assistance unit to directly assist local law enforcement agencies and prosecuting attorneys. Any person or group involved in drug distribution may be a target. The field agents, nonuniformed personnel, assist both state and local law enforcement personnel with investigations into narcotics distribution. They do not conduct any undercover drug investigations, as such investigations are left to the individual narcotic enforcement units. Law enforcement agencies throughout the state can receive the agents' technical assistance with special investigative techniques to identify assets and track drug-related profits, using, for example, net-worth analysis and expenditure spreadsheets. Each investigation is unique, and the need for outside assistance varies depending on the investigation. Outside assistance can also be used to conduct investigations into other types of criminal enterprises where financial transactions are a major factor. Before requesting assistance from the AFU, the agency has already begun investigating a particular person or group. The time involved in an investigation varies depending on the nature of the assets being sought.

This tactic's strengths are threefold: seizing a person's assets affects his or her ability to conduct business; forfeiture laws allow the state to deprive a person of assets that he or she has accumulated through drug activity, thus depriving him or her of any economic gains from the activity; and seizing these gains provides state and local governments with additional revenues and other resources to fight drug problems.

Police Antidrug Tactics

Asset forfeiture is not a substitute for traditional law enforcement methods, and asset seizures should never take priority over criminal law enforcement. The state police view asset forfeiture as remedial in nature, intended to redress the harm caused by those who manufacture and sell illegal drugs.

The AFU plays a supporting role in the overall investigation of a drug dealer or enterprise. The unit's performance evaluation is based on the results of its investigations, such as asset seizures. Program personnel are assigned to the criminal investigations bureau at the state police administrative headquarters. The only exception is the fiscal technician senior, who is assigned to the property and finance division.

The unit currently has 10 people assigned to asset forfeiture, including three civilians. Unit members have advanced technical knowledge about conducting financial investigations and identifying drug-related assets, and they know the federal and state laws and regulations regarding the seizure and processing of drug-related assets. Personnel also attend related training courses and seminars. In-service training of agents is based on their needs. It may entail specialized one- or two-day classes, or officers may take college-level courses. In-service classes the department sponsors are paid for out of training funds. Agents may receive college tuition reimbursement for career-related classes. Examples of in-service training courses that AFU personnel attend include the U.S. Marshals' asset forfeiture and management course, the FBI's advanced financial investigations course, and the National College of District Attorneys' asset forfeiture course.

In 1989, Virginia followed the federal government's lead in implementing the Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986. The state enacted several statutes that allowed for asset forfeiture upon an offender's conviction for selling or distributing controlled substances. As stated earlier, in 1991, the Virginia General Assembly approved an asset seizure and forfeiture statute (Virginia Code Section 19.2-386.14) that permits Virginia law enforcement agencies to use state law to effect the seizure of assets from drug dealers in Virginia.

Most major law enforcement agencies in Virginia have someone dedicated to asset forfeiture. Smaller agencies may request assistance from the AFU. There are minimal guidelines applicable when utilizing the State Asset Sharing Program. These guidelines include the following:

- Cash seized must exceed \$100.
- Vehicles seized must have a minimum equity value of over \$1,000 after all liens have been accounted for.
- Other personal property may be processed in conjunction with cash or vehicles, but not normally by itself, and it must have a minimum value of \$100.

During any investigation, the suspect's constitutional rights must be observed at all times. Virginia's state code has numerous sections that address the legal procedures involved in asset forfeiture. Consequently, the AFU's supervisor is an experienced attorney, and the department has three legal specialists on staff for consultation on legal matters. As cases are developed, AFU agents work closely with the jurisdiction's commonwealth's attorney.

It is state police policy that no employee's salary is dependent on monies received through asset forfeiture. In addition, forfeited assets do not fund normal budgetary items from year to year. Operational funds for the program are received through both the general fund and a grant provided by the Department of Criminal Justice Services Commission.

During 1992, unit members were directly responsible for the seizure of approximately \$395,303 in drug-related assets, and they provided training to 258 law enforcement officers. Unit members initiated 31 asset forfeiture investigations with other Virginia State Police personnel and 26 asset forfeiture investigations with task forces or local agencies.

Information prepared by Robert Marland, Richmond, Va., Police Department.

Virginia State Police
P.O. Box 27472
Richmond, VA 23261-7472
(804) 674-2000
Agency size: 1,685 personnel
Service population: 6,187,358

Asset Profiling

Asset profiling is an investigative tactic by which law enforcement officers evaluate a suspected drug trafficker's lifestyle and net worth against the target's reported income or means of livelihood. Evaluating intelligence information concerning the suspect's financial status or asset accumulation helps law enforcement managers determine and document the quality of the suspected violator. By determining how much money the suspect or organization is spending, investigators can calculate how much money the suspect or organization is making. This information benefits managers striving to use limited investigative resources to target individuals or organizations that contribute the most to the overall drug problem.

The Denver Police Department's major peddler unit (MPU) uses asset profiling in their overall evaluation of potential targets and in the development of an investigative plan. It is important to note that target selection is not based on assets or net worth; however, information concerning assets and net worth provides police managers with critical data to weigh in determining the extent to which they will investigate a particular person or organization. Asset profiles that indicate wealth incongruous with reported income or means of support provide insight into the quality of the drug trafficker under investigation. This information may be of great value in the law enforcement manager's decision to commit his or her personnel resources to an in-depth or long-term investigation.

The objectives of asset profiling are

- to provide information that helps in evaluating the quality of investigative targets,
- to assist law enforcement managers in prioritizing their investigative resources for maximum impact on the overall drug problem,
- to provide evidence necessary for prosecution of financial crimes, and
- to identify the spoils of drug trafficking and ultimately seize these ill-gotten gains from violators.

In most cases, the MPU conducts these complex investigations in partnership with a federal counterpart such as the DEA, FBI or IRS. Utilizing the Financial Crimes Enforcement Network (FinCEN) data, the MPU and supporting federal agency determine the quality of the target or organization and develop an investigative plan to neutralize the target and strip it of its financial assets. Because profit is the motive behind most criminal activity, particularly drug trafficking, identifying, seizing and forfeiting the profits or proceeds the criminal activity generates are some of the key ways to disrupt and ultimately stop the activity. Confiscating traffickers' or their organizations' financial profits has proved to cripple their ability to recover financially.

FinCEN is an organization established under the U.S. Department of Treasury to collect, analyze and disseminate intelligence information on financial crimes. FinCEN can make automated computer inquiries into commercial, financial and law enforcement databases. FinCEN intelligence reports include data on currency transaction reports, reports of international transportation of currency or monetary instruments, currency transaction reports by casinos, reports of foreign bank and financial accounts, and reports of cash payments of over \$10,000 received in trade or business. FinCEN also procures information from a wide variety of commercially maintained data banks, including real estate transactions, Dun & Bradstreet publications and credit reports, all of which help in locating assets, determining asset ownership and establishing links between entities.

An overview of a recent joint MPU/FBI investigation provides insight into the value of asset profiling. MPU investigators were informed that a man was dealing large quantities of cocaine in the front-range cities (Colorado's major population center). A background inquiry uncovered no other intelligence information indicating that the man was involved in criminal conduct. However, a net-worth analysis supported by FinCEN data revealed that his assets and lifestyle were grossly inconsistent with his reported income and tax records. Though the target claimed to be an unemployed construction worker, his Louisville, Colo., home was worth over \$200,000. Contrary to tax records re-

porting only a minimal income, he financed an expensive minivan and kept his payments current. His daily lifestyle was visibly inconsistent with his claimed status as an unemployed construction worker; surveillance officers found that he played golf almost every day and frequently traveled to casinos in Colorado mountain towns. Investigators also documented frequent trips to New York and Florida. Incongruities evidenced by the net-worth and lifestyle analyses gave strong support to the informant's claim that the man was a large-scale drug trafficker. Asset profiling and net-worth analysis were critical factors in the MPU manager's decision to commit the unit to an in-depth investigation of this target. The subsequent Title III wiretap investigation resulted in the identification of a major cocaine pipeline and the forfeiture of almost \$1 million in assets.

Asset profiling requires no specific preparation or equipment. Use of the tactic provides an additional investigative prong with which to target high-level drug traffickers, who are the least visible to the community and are generally at the least risk. They enjoy a degree of anonymity due to the layers of insulation between the drug organization's street and financier levels. They derive the greatest profits from the illegal activities, and they invest those profits in assets or use sophisticated financial means to conceal the profits' illegal origin. The profits, most commonly in the form of currency, become a point of vulnerability on which law enforcement officers can focus. Investigating the financial side of drug trafficking may provide strong evidence for proving substantive criminal or civil offenses.

Management's role in this tactic is primarily to evaluate the quality of potential targets and weigh the targets' impact on the overall drug problem. Management has a responsibility to the community and the criminal justice system to ensure that police investigative efforts yield the highest return. The lead investigator charged with the overall development of the case is responsible for using the data collected. The MPU supervisor delegates tasks related to identifying and verifying the status of assets to various detectives assigned to the investigation. The recent establishment of centralized information collection systems has enabled law enforcement agencies to more conveniently and effectively gather information.

Investigators assigned to the MPU have attended the IRS's one-week asset removal seminar. In addition, state and federal prosecutors address general asset seizure and forfeiture topics, as well as related court decisions, at in-service training seminars during the annual Organized Crime Drug Enforcement Task Force (OCDETF) conferences.

Numerous legal controversies surround the use of asset profiling and forfeiture. Congress has expressed concerns that asset laws are being abused. Thus, it is critical that law enforcement agencies seek input from appropriate state or federal prosecutors early in the utilization of this tactic. The Denver District Attorney's Office established the DA's confiscation unit in 1984 to help investigators make decisions concerning the investigation or seizure of assets.

Asset profiling and the subsequent asset seizure present unique opportunities for corruption. It is critical that law enforcement administrators and managers do not select investigative targets based on the potential for asset forfeiture. Forfeiture legislation is meant to provide a law enforcement tool for disrupting and dismantling criminal organizations. There is a strong potential for law enforcement agencies to use this tool to generate revenue rather than to enforce the law. Though unwelcome among law enforcement officers, media scrutiny provides outside oversight of the use of this tactic. Additionally, law enforcement agencies often seize large amounts of currency in conjunction with asset profiling. Therefore, they must implement strict policies and procedures to safeguard the handling of currency and property recovered as the result of this tactic.

There are no formal evaluation criteria concerning the use of this tactic. On a case-by-case basis, however, the tactic's success may be measured by the filing of criminal or civil actions in relation to asset profiling.

Denver's location makes it a hub for drug trafficking. With north-south (I-25) and east-west (I-70) interstate highways connecting in the city, all drugs are readily available there. Crack cocaine, however, is the drug of most concern to the city's residents. The Denver Police Department has adopted a balanced approach to the drug problem, targeting both the source traffickers and the visible retail level. The department uses street-level drug teams and uniformed intervention to conduct retail-level suppression activities.

Police Antidrug Tactics

Information prepared by Gary Graham, Denver Police Department.

Denver Police Department

1331 Cherokee St.

Denver, CO 80202

(303) 640-3875

Department size: 1,351 sworn/286 nonsworn personnel

Patrol unit size: 690 personnel

Service population: 500,000

Automated Intelligence Database

The Metropolitan Area Narcotics Trafficking Interdiction Squad (MANTIS), a multiagency task force in Tucson, Ariz., has developed an automated criminal intelligence system over the past four years to direct their investigative activities. Because effective intelligence usage depends on organizing and reorganizing data to uncover underlying behavioral trends and patterns, MANTIS personnel plan their enforcement and other activities around the location, number, activities, and probable intent of suspects.

Intelligence information is gathered on people who are believed to be involved in planning, organizing, financing, operating, or participating in organized criminal activity. Information such as anonymous tips, surveillance notes, unconfirmed informant reports, and other data from a variety of sources provides the basis for narcotics-related intelligence. Specific sources include 88-Crime calls (a Silent Witness-type program), hot line calls (internal information flow), direct calls from the public, and MANTIS field officer reports.

The Metropolitan Area Intelligence System (MAIS) was developed on a microprocessor in the MANTIS offices and uses the commercially available software system, dBase. This database management system allows the purge and control of information to ensure compliance with the Privacy and Security Act. MAIS is easily adaptable for use in other agencies and is currently being modified to meet the needs of the Tucson Police Department's special investigations section and 23 other police agencies around the country. MAIS can be searched by names, addresses, businesses, vehicles (including partial plates and descriptions), nicknames, and associates.

The current system consists of 12 IBM PS-2 personal computers connected by a local area network (LAN). The system was purchased with racketeering funds for \$93,000. The system is maintained by MANTIS's intelligence section, which consists of a sergeant, two civilian analysts, an intelligence officer, four data entry personnel (from the Air National Guard), and a citizen volunteer. All MANTIS members use the system as an information source.

Intelligence analysts and officers use the system to study the associations and activities of people who may not be clearly involved in crime. Investigators then pursue leads to determine whether these people are linked to criminal activity. If they discover no evidence, the information is purged. System information is controlled under specific guidelines developed in accordance with state and federal laws.

The system currently has background information on over 13,000 people. When officers receive information about a suspect, they directly query the system rather than wait for an analyst to do a background check. This direct access allows detectives to move quickly on information, without compromising officer safety. At the time of this writing, there were plans to connect this system to the Tucson Police Department's mainframe computer so that uniformed officers and MANTIS personnel could share more information.

The drug problem in Tucson involves numerous street-level sellers and users. Marijuana, cocaine, crack cocaine, and amphetamines are the usual drugs of choice, although heroin and LSD also pose a problem. Because of its proximity to the Mexico border, the area is also troubled by the proliferation of mid-level suppliers and transporters, as well as major narcotics organizations.

Information prepared by Lyle Mann, Tucson Police Department.

Tucson Police Department
P.O. Box 1071
Tucson, AZ 85702-1071
(602) 791-4441
Department size: 744 sworn/245 nonsworn personnel
Service population: 421,951

Caller ID

Caller ID is a technological enhancement that enables telephone customers to determine who is calling them. As an optional service, a digital display device can be hooked up to a customer's telephone. When a call is received, this device displays the telephone number and name under which the number is listed.

The Aurora, Colo., Police Department's special assignments bureau (SAB) uses Caller ID to complement the traditional investigative tactic of using pen registers to gather intelligence information and identify people involved in drug enforcement investigations. Caller ID is most commonly used pursuant to a court order authorizing a pen register (dialed-number recorder). Upon application, the court authorizes the installation and use of a pen register and a trap-and-trace device. In areas where Caller ID service is available, the order may also authorize the use of a Caller ID device, which serves as a built-in trap-and-trace system and, unless the incoming call information is call-blocked, lists the telephone number and name under which the number is listed. If the incoming call is blocked or originates outside of the service area, a traditional trap-and-trace system must be used to identify the origination of the call.

If the target phone's owner does not subscribe to Caller ID (an optional service provided at a fee), SAB investigators have Caller ID installed on the phone. In this case, Caller ID is installed (per court order) at the SAB's expense and is a transparent service; it is not detectable on the target phone. Caller ID is a tremendous resource for quickly gathering intelligence information and identifying possible drug-trafficking conspirators and locations. Such information is invaluable in prioritizing people and/or locations for surveillance.

As an additional tactic, Caller ID has been installed on all SAB undercover telephones (commonly called "hello" lines). This may enhance officer safety during undercover transactions, as the suspect may be identified through the Caller ID device and/or his or her location may be determined in real time; this additional information enables covering officers to establish early surveillance. Supplementing traditional undercover investigations, Caller ID often provides investigators with valuable information that increases their ability to control an undercover meeting and subsequently take action necessary to maximize the undercover operatives' safety.

Using Caller ID has proved to be very cost-efficient in that it has automated many of the tasks completed by hand when pen registers are used. Pen register equipment can be modified to include Caller ID capability, automatically recording caller identification information. This technology has saved investigators a lot of time recording and analyzing information.

The SAB recognizes that drug traffickers and other criminals are also subscribing to Caller ID in an effort to identify those with whom they are dealing in criminal transactions. The SAB has provided information and training to its investigators, warning undercover operatives to make sure that telephones they initiate undercover calls from are secure or call-blocked. Failure to take adequate precautions to conceal officers' identities or to support the undercover ruse may not only compromise the investigation but may also endanger the officers' safety.

Caller ID is only an additional component to the investigative tactic of using pen registers to gather intelligence information that supports an existing investigation. Court orders authorizing the installation of pen registers and trap-and-trace devices require only the articulation of reasonable suspicion that the subjects of the investigation are using the target phone in furtherance of the suspected offense, and that the information likely to be obtained from the pen register and/or trap-and-trace device is relevant to the ongoing criminal investigation. A trap-and-trace device, as defined in Title 18, U.S. Code, Section 3127(4), would include a Caller ID device. In preparation, the lead SAB case investigator must determine that pen register information would further the investigation. The investigator then contacts an assistant U.S. attorney, who applies for the court order.

Equipment required to use Caller ID includes a modified pen register device. The SAB has updated and enhanced its pen registers to accommodate Caller ID. The cost of modifying both the dial-up slave and dialed-number recorder is approximately \$1,700 per unit. Additional equipment/resources necessary to use Caller ID include a computer and

software capable of accepting and analyzing this information efficiently. Bartec Corp. of Hollywood, Fla., provides both the technical modifications and the software necessary to accommodate Caller ID.

Management's role in this tactic is primarily one of evaluating and justifying the use of resources. This tactic is reserved for complex or enhanced cases that warrant the investment of both time and resources. Once management approves this as an investigative alternative, the lead case investigator is responsible for managing both the tactic and the data collected.

This tactic requires no additional staffing. It is simply an automated method of obtaining information previously available through other means. The tactic does, however, save time previously lost waiting for information from telephone service providers, and it may have a positive impact on staffing due to the more efficient use of time.

As technology makes new services available to the public, both criminals and law enforcement officers search for ways to use these services to their advantage. Law enforcement agencies nationwide began using Caller ID as an investigative enhancement as soon as it became available in their service areas. As the service only recently became available in the Denver metropolitan area, it is a new tactic for Aurora and for other law enforcement agencies in the region.

Because this tactic is primarily reserved for complex or enhanced investigations, specialized training for using pen registers and Caller ID devices is generally limited to SAB investigators. Experienced investigators and liaison prosecutors provide legal and strategic training to officers. The unit's technical specialist receives technical training from the responsible service providers (such as the telephone company) and equipment vendors (such as Bartec).

The standard for obtaining pen registers, including trap-and-trace and Caller ID devices, is reasonable suspicion. Authorization to use such devices can be obtained through a federal court order or a state search warrant. Both methods require the review and assistance of a responsible prosecutorial entity. This tactic does not present additional or unusual opportunities for corruption. Strong managerial and supervisory practices are an SAB priority and serve as the unit's foundation of integrity.

Caller ID has proved to be a very effective tool. It has automated tasks previously performed by investigative personnel. In addition, it can provide intelligence information in real time, which gives investigators greater ability to control tactical operations or make timely decisions. It should be noted that Caller ID capabilities are generally limited to the telephone company's immediate service area. At present, equipment variations between service areas can create interruptions in the use of Caller ID. Eventually, technicians hope to develop generic or integrated equipment that will adapt to all telephone communications systems. Such equipment will greatly enhance the value of Caller ID.

Aurora is a growing suburban city located in the eastern portion of the Denver metropolitan area. Its population has increased 3.9 percent since 1991. The population's economic status is predominantly lower-middle to middle class. Cocaine is Aurora's main drug problem, with most demands for service related to crack cocaine. The Aurora Police Department is committed to community-oriented policing and takes a comprehensive approach to drug enforcement. In addition, the department is active in the DARE school program. The SAB is responsible for specialized enforcement activities, but field and beat officers work closely with the community to deal with retailer/user drug problems. The SAB is also responsible for investigating vice and drug violations, gathering and disseminating intelligence and conducting special covert operations.

Police Antidrug Tactics

Information prepared by Gary Graham, Denver Police Department.

Aurora Police Department

15001 E. Alameda Drive

Aurora, CO 80012-1547

(303) 341-8300

Department size: 406 sworn/176 nonsworn personnel

Service population: 230,700

Canine Searches

Among the functions of the Ohio State Highway Patrol are providing statewide police traffic services, providing emergency response services to the public and criminal justice community, and investigating crimes that occur on state property. The agency has leveraged its expertise in highway safety and traffic enforcement with antidrug efforts.

During 1992, the highway patrol formed the Traffic-Drug Interdiction Team (TDIT). Key among this team's responsibilities is combining troopers' investigative skills with trained canines' ability to "key" on drugs. During 1992, this tactic thrust the patrol to the forefront of Ohio's drug interdiction programs.

Interdiction targets are people using state highways or the interstate system to transport drugs, drug proceeds or cash into or through Ohio. Secondary targets are those under investigation by other criminal justice agencies or task forces. Canine searches are used to establish probable cause or to justify serving search warrants. Canine searches are augmented by the use of a "Buster box" unit (which costs about \$5,000) to measure materials' thickness and hasten the process of locating concealed compartments in vehicles.

One example of the canines' impact was the seizure of \$665,540 in cash from a hidden compartment in a minivan. On another occasion, troopers seized 491 pounds of cocaine concealed in various compartments in a motor home. Both incidents took place in February 1993.

The initial cost of a canine is about \$4,000, plus \$1,500 in annual care fees. The \$14,000 vehicle cost may be included in budgeting, but troopers need a vehicle for field operations, regardless. An in-car video camera is also used for officer safety and court presentation.

Command authorization for special requests for canine services can be expedited. Canines have been requested to assist during special events and rock concerts, to assist with arrests of motorcycle-gang members, and to assist several of the 30 task force units across the state. The TDIT also provides administrative direction for tactical questions.

All unit personnel are selected through a competitive process. The job tasks require an in-depth knowledge of operational policy and procedures and criminal laws, as well as the ability to interview and to handle dynamic events. All troopers in the patrol receive 16 hours of drug interdiction training. The TDIT troopers receive an additional 36 hours of training in the following areas: interviewing, search and seizure, commercial vehicle laws, evidence processing, field testing of suspected drugs, and state and federal asset seizure and forfeiture laws. Instructors have been provided by the Ohio Attorney General's Office, the DEA, the Customs Service, other state police agencies, and the North American Police Work Dog Association. In-house staff also provide training. The unit consists of a major, a staff lieutenant, five sergeants, 36 troopers, and 15 canines.

Each canine trains daily with a trooper and weekly with other canine handlers. In-service training is scheduled three times a year, and the staff lieutenant specifies the course content. The canines must be certified before they are used. Canine certification is an ongoing process, with recertification required every two years.

The interdiction team keeps abreast of court decisions relating to traffic laws, including those concerning probable-cause searches, seizure and forfeiture. The agency uses opinions obtained from the state's attorney general for direction and guidance in these areas.

Several events motivated the interdiction effort. Ohio law was changed to permit troopers to enforce regulations of the Ohio Public Utilities Commission. Previously, another agency had enforced these regulations, which apply to commercial vehicles in the state. In addition to this change in enforcement scope, funding was provided by the Drug Interdiction Assistance Program (DIAP) through the Federal Highway Administration, U.S. Department of Transportation, to focus on commercial vehicle interdiction.

Police Antidrug Tactics

The agency has received some complaints regarding canine scratches or other vehicle damage resulting from canine searches. These complaints are handled in the same way that other citizen complaints are handled.

There is little potential for corruption in the use of canines, as the agency has several methods to reduce the potential and addresses issues before they become problems. TDIT members are randomly tested for drugs. In-car cameras log all activity, and the team sergeant is responsible for randomly reviewing tapes for compliance. In cases where cash is found, there is a two-officer count, and the cash is deposited in safe-deposit boxes as soon as possible. Drugs are taken directly to the state laboratory or to a state-certified crime laboratory, rather than being kept at the post. Additionally, the agency's staff inspection unit and the team sergeants are required to ride along with the troopers and canines.

Large quantities of drugs pass through Ohio because north-south and east-west interstate highways intersect there. The department's overall drug strategy is to reduce supply-and-demand through interdiction efforts in Ohio's drug corridors.

Information prepared by Russell Maas.

Ohio State Highway Patrol
660 E. Main St.
Columbus, OH 43266-0562
(614) 466-2991
Department size (sworn and nonsworn): 2,433 personnel
Patrol unit size: 1,418 personnel
Service population: 12,000,000

Child Protection Laws

During a search warrant service at a crack house, agents of the Metropolitan Area Narcotics Trafficking Interdiction Squad (MANTIS), a multiagency task force in Tucson, Ariz., found a nine-month-pregnant resident with very fresh needle marks. They interviewed her and the other occupants and determined that she had just "shot up." The agents felt she was damaging her unborn baby, and they wanted to protect the fetus. This concern led to discussions of how to protect children of all ages from the adverse effects of drug use.

As a result, MANTIS decided to

- promote legislation to protect unborn children, and
- train agents to identify and document cases of child abuse and neglect for follow-up investigation by child abuse detectives and child protective services.

The Pima County attorney informed MANTIS that there were no laws covering abuse of unborn babies. Consequently, police and the local chief prosecutor drafted and promoted a bill that would make it mandatory for medical personnel to report any injury or damage to a newborn baby caused by use of alcohol or any prohibited drugs, that would grant county health departments power to take care of the newborn, that would require all women to have a blood test done at their first prenatal examination, and that would make it a drug abuse violation for a mother to harm an unborn baby by using alcohol or drugs. The measure, known as the "drug babies" bill, was not enacted during the 1992 state legislative session, but there were plans to reintroduce the bill in the future.

MANTIS also acted to protect children suffering from neglect or abuse in a drug-use environment. When MANTIS raided crack houses, they often found children living in squalor, without basic amenities and, sometimes, without food.

A former child abuse detective in the narcotics group trained his personnel to investigate and document situations involving children. When agents serve a warrant, they are especially cognizant of the living conditions at the location. They check on the food situation, note the cleanliness of the house and the children, and look for signs of abuse or neglect.

Documentation of abuse or neglect is forwarded to either child abuse units (city or county, as appropriate) or child protective services. If the living conditions pose a serious threat to the health and well-being of the child or children, city inspectors are called upon to condemn the building. Condemnation frequently stops the drug operation, in addition to helping the children.

While there is no formal evaluation process for this tactic, and no children have been taken away from their parents, all of the cases have prompted an investigation that places the parents on notice. This attention tends to prevent further neglect.

There is no cost to this tactic, and it would be very simple for other units to add the investigative step to their procedures. Training can be obtained through a jurisdiction's child protective services or through child abuse detectives.

The drug problem in Tucson involves numerous street-level sellers and users. Marijuana, cocaine, crack cocaine, and amphetamines are the usual drugs of choice, but heroin and LSD also pose a problem. Because of its proximity to the Mexico border, the area is also troubled by the proliferation of mid-level suppliers and transporters, as well as major narcotics organizations.

Police Antidrug Tactics

Information prepared by Lyle Mann, Tucson Police Department.

Tucson Police Department

P.O. Box 1071

Tucson, AZ 85702-1071

(602) 791-4441

Department size: 744 sworn/245 nonsworn personnel

Service population: 421,951

Citizens Academies

Many police agencies have tried to formalize their efforts to communicate and interact with community groups and individual citizens to reduce neighborhood drug problems by obtaining citizen input. To enhance that input, some agencies have developed formalized mechanisms for building citizens' understanding of police needs, constraints and operations.

For example, each officer of the New Castle County, Del., Police Department is charged with ensuring that all citizens view the police department as an essential part of the community, and not as an organization outside of or estranged from it. The implementation of a citizens academy was an extension of the community policing concept the department instituted in 1988. The citizens academy was established to fortify the police-community bond.

The citizens academy exposes citizens to the entry-level training police officers receive in order to orient them to the rationale behind police actions. In addition, the academy provides a forum for the police department and citizens to share information.

The academy provides 39 hours of instruction, taught in three-hour sessions for 15 weeks. The first academy class was scheduled for 13 weeks; however, students suggested that the classes be extended or additional hours be added to each session. The police chief formed a citizens planning committee to help in developing the academy. One of the first tasks the committee was charged with was to evaluate the curriculum provided to New Castle police recruits in the basic training academy. This curriculum was the basis for the citizens academy syllabus. A number of time-consuming blocks of training, such as CPR training, were eliminated. In addition, decisions were made on the logical flow of classes and on how long each block of instruction was to last.

Twenty-nine blocks of instruction, ranging from 15 minutes to three hours, are provided. Topics discussed include criminal and traffic laws, arrest laws, police operations, use of force, and narcotics investigations. Contained in the narcotics investigations syllabus is an overview of laws applicable to drug use and trafficking. Each participant has an opportunity to examine various drugs and related paraphernalia. Current means of obtaining and acting on information regarding drug activity are discussed. Information regarding the seizure of property is also provided.

The curriculum includes stop-and-search checklists, drug asset forfeiture guidelines, guidance on searches of arrestees, checklists for people carrying suspicious packages, guidelines for testifying in court, requirements for proving intent to distribute and proving the suspect was in possession of drugs, and other topics. These drug-related topics help citizens understand the constraints under which police officers must act when dealing with drug problems.

Training is conducted by police department personnel, many of whom are state-certified law enforcement trainers. Training is supplemented by guest lecturers such as the state's attorney general. Instructors are selected based on their knowledge of a particular subject and their availability. There are no restrictions based on rank or assignment. Those officers in the department who are state-certified trainers must complete 10 hours of training each year to maintain their certification. Many officers volunteer their instructional time at the citizens academy so they can meet their certification requirements. After each session, the command staff and class participants evaluate the instructors.

Instructors tailor their presentations to include as much hands-on training as possible. Most of the training equipment and materials instructors use have been previously used for recruit classes, which helps keep down the academy's overall operating cost. The largest expense the department has is for refreshments and a get-acquainted dinner the first night of class.

Whenever possible, the police and citizens academies hold joint classes. This gives both the new police recruits and the citizens time to interact with each other in a setting other than the street. It is hoped that personal contacts cultivated during this interaction will strengthen the bonds between citizens and the officers who serve them.

Police Antidrug Tactics

The police department's staff support branch is responsible for the design and implementation of the citizens academy program. As over 100 citizens apply for each class, screening potential participants is time-consuming. The process includes an extensive background check conducted by members of the department's human resources unit. Once the applicant pool is narrowed, the police chief makes the final selections for the incoming class.

The commander and the staff of the human resources unit schedule classes, identify the faculty, conduct evaluations, and act as facilitators at each session. Staff time and salary allocations are incorporated into the department's general operating budget. There is no specific line item for the citizens academy in the department's budget.

The department has not had any legal problems associated with the academy, nor does it expect any. Although students participate in a defensive driving course and are issued 9mm weapons, at the time of this writing, no waiver of liability was required for either.

To measure the academy's impact, the department gives each participant a pre- and post-test covering basic materials. The tests require responses regarding the correctness of police and/or civilian actions in specific scenarios. Graduates of the citizens academy are asked to contact the staff support commander if they use information they received to resolve concerns in their community. Each participant also completes a critique at the conclusion of the academy.

Many citizens have developed their ability to identify signs of drug use and illegal substances, although program participants are not required to perform any type of volunteer service or to act as informants for the department.

Drug problems in New Castle County include powder cocaine, crack cocaine, marijuana, and PCP. The department's overall drug strategy involves using the drug interdiction unit to rid the community of drug traffickers and stop the flow of illegal narcotics into the county. Additionally, the department has recognized the importance of community involvement in eradicating the drug problem. To further that goal, department members attend numerous community meetings.

Information prepared by Jim Scut.

New Castle County Police Department
3601 N. Dupont Highway
New Castle, DE 19720
(302) 571-7900
Department size: 278 sworn/26 nonsworn personnel
Service population: 331,631/420 square miles

Clone Pagers

The interception of electronic communications transmitted over digital paging devices is lawful pursuant to the criteria set forth in Section 2518 of Title 18, U.S. Code (also known as Title III of the Omnibus Crime Control and Safe Streets Act of 1968). Upon obtaining a court order authorizing the interception of electronic communications occurring on a digital-display paging device, a duplicate digital-display paging device is obtained to receive the communications concurrently with the target pager. Specifically, when the target pager receives a telephone number on its digital display, the duplicate pager intercepts the same digital message, allowing law enforcement officers to record the information. This duplicate paging device is commonly known as a clone pager. The Denver Police Department's major peddler unit (MPU) frequently uses this tactic in major narcotics investigations. Almost without exception, the MPU conducts this type of investigation in partnership with a federal counterpart such as the DEA or FBI.

The clone pager investigative tactic is generally reserved for complex cases that justify the expenditure of extensive time and resources. In addition, the subject of the investigation must be using paging devices to facilitate his or her operations. The application/affidavit for a court order authorizing the interception of these communications must establish probable cause to believe that the target and others as yet unknown have committed and are committing offenses involving violations of Title 21, U.S. Code, particularly Section 841(a)(1), Distribution of Controlled Substances; Section 843(b), Unlawful Use of a Communication Facility; and Section 846, Conspiracy to Distribute Controlled Substances. The application/affidavit must also establish probable cause to believe that particular electronic communications concerning these offenses will be obtained through the interception for which authorization is sought, and that the communications are expected to constitute admissible evidence of the commission of the offenses. The affidavit must fully explain why normal investigative procedures have been tried and failed, appear unlikely to succeed if tried or continued, or are too dangerous.

The primary objectives of using the clone pager tactic are

- to reveal the telephone numbers used by the target or targets and others yet unknown to facilitate deliveries of controlled substances,
- to reveal the manner in which the target(s) and others yet unknown participate in the specified offenses,
- to reveal the identities of coconspirators,
- to reveal their places of operation, and
- to reveal the sources of supply of controlled substances.

To accomplish these objectives, investigators must thoroughly research and analyze telephone subscriber information obtained by using clone pagers. Background investigations of people and locations identified through the intercepted communications must be completed; this information will serve as the basis for determining surveillance targets and making other tactical decisions. To be of investigative value, clone pagers cannot be a stand-alone strategy and must be used in concert with other investigative tactics, particularly surveillance. The MPU often uses clone pager information as an investigative compass that drives the direction of the case.

A recent case serves as an example of the MPU's use of a clone pager. After obtaining an order authorizing a clone pager, MPU investigators determined that although their target was receiving numerous pager messages daily, the pen register (dialed-number recorder) on the target's home phone yielded very little activity in response to the pages. Concurrent visual surveillance of the target revealed that immediately after receiving a page, the target would drive to a nearby public telephone to return the call. This pattern of activity was documented as consistent over a period of time, and eventually, a Title III wire intercept was initiated on the public telephone. Evidence gathered

through this investigation eventually resulted in the identification and arrest of coconspirators in Denver and Buffalo, N.Y., and the Colombian source in Miami.

Extensive investigative preparation is a requisite of the clone pager tactic. As described above, it is an electronic communications intercept that is governed by Title III legislation. Legal assistance and guidance from a government attorney are required for this type of investigation. Thus, immediately upon determining that a clone pager may be desired to facilitate an investigation, the lead MPU investigator requests that an assistant U.S. attorney be assigned to provide necessary legal supervision. Extensive documentation concerning the investigative progress to date must be prepared to articulate the need for this tactic and to establish that traditional options have been exhausted.

Essentially, the only equipment required to carry out the clone pager tactic is the duplicate paging device. This device is most commonly provided by the paging service company upon a court order authorizing the electronic intercept. Technological developments in electronic equipment, however, have made it possible to selectively intercept pager transmissions, using high-quality communications equipment available to law enforcement agencies. This advanced equipment allows law enforcement officers to use this tactic without the knowledge or involvement of the pager service company, which may enhance the security of the investigation. The Glyn-Aire Pager Interceptor, manufactured by Household Data Systems of Reston, Va., is one of the receivers currently available to law enforcement agencies.

Management's role in this tactic is initially one of evaluating and justifying the use of resources. This tactic is reserved for complex or enhanced cases that warrant the investment of both time and resources. Once management approves this as an investigative alternative, the lead case investigator is responsible for managing the tactic and the data collected. The assigned assistant U.S. attorney and the unit's supervisor are responsible for ensuring that progress and status reports are delivered to the authorizing court. These reports, commonly known as "10-day" reports, describe what progress has been made toward achieving the authorized objectives and explain the need for continued interception.

Like any other business, drug trafficking depends on a communications network. As pagers and other electronic communications devices were developed and became increasingly available to the public, drug violators recognized their value as a means of concealing their activities and communications from law enforcement personnel. Use of pagers has permeated every level of the drug organization, from the street retail dealer to the drug kingpin. The clone pager tactic was developed in response to the widespread trend of criminals, particularly drug traffickers, to use these devices.

As this tactic is reserved for complex or enhanced investigations, training concerning the use of clone pagers and other electronic communications interceptions is limited primarily to investigators assigned to major drug cases. Both federal and state prosecutors provide training regarding tactical use and legal requisites for clone pagers; senior investigators with extensive experience in using this tactic provide practical training. The assigned assistant U.S. attorney provides additional, case-specific training/instruction when an investigative plan includes the interception of electronic communications.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968 is a comprehensive electronic surveillance statute. There are numerous court rulings concerning the various sections and provisions of the wiretap statute, including the use of duplicate or clone pagers. The statute mandates that law enforcement agencies request and conduct electronic communications interceptions through and under the supervision of a government attorney.

No specific funding is dedicated to this tactic. The tactic does not require the expenditure of funds to facilitate its use, but it does require adequate investigative personnel to respond to the information obtained. The tactic is labor-intensive: to be effective, it requires either a sufficient number of officers to perform the necessary support surveillance or the expenditure of overtime funds if a limited number of officers are available.

Hard data concerning the effectiveness of using clone pagers are not available. Statements by the supervisors responsible for their use, however, indicate that clone pagers are critical in investigating drug-trafficking enterprises

and conspiracy cases. Not only are patterns of activity determined, but also, coconspirators are identified and assets are often located through the supporting surveillance.

As law enforcement personnel increasingly use clone pagers and other electronic communications interception tactics, drug traffickers respond with new tactics. The most recent trend is for an independent middleman to lease numerous pagers and/or cellular telephones from a legitimate service provider, and rent them to drug traffickers on a monthly, weekly or daily basis. Violators' ability to rapidly exchange these communication devices and hide behind a decoy subscriber presents a new challenge to investigators using this tactic.

Denver's location makes it a hub for drug trafficking. With north-south (I-25) and east-west (I-70) interstate highways connecting in the city, all drugs are readily available there. Crack cocaine, however, is the most visible drug, and is of the most concern to the city's residents. The Denver Police Department has adopted a balanced approach to the drug problem, targeting both source traffickers and visible retailers. The department uses street-level drug teams and uniformed intervention to perform retail-level suppression activities.

Information prepared by Gary Graham, Denver Police Department.

Denver Police Department
1331 Cherokee St.
Denver, CO 80202
(303) 640-3875
Department size: 1,351 sworn/286 nonsworn personnel
Service population: 500,000

Crime Analysis and Tracking of Drug Offenders

Police departments concerned with the increasing sophistication of drug dealers and traffickers have taken steps to automate and link intelligence information. Officers assigned to a consolidated narcotics unit (CNU) in Washoe County, Nev., have been using a computer program to track information concerning drug offenders. The program, operated on inexpensive desktop computers, was purchased with drug seizure funds several years ago to organize large amounts of information maintained in manual files. The system has become an integral part of narcotics unit operations; officers access the database daily to enhance investigations, complete administrative and prosecution reports, and refresh their memories.

The CNU is a multiagency investigative unit created to target mid-range trafficking for suppression enforcement, with a secondary emphasis on education in the schools and community. Street-level enforcement for minor crack houses and open-air markets remains the domain of the three local agencies. As recently as 1990, the CNU was using a manual recordkeeping system to track drug offenders and related intelligence information. A CNU officer would compile information from arrests, secret witness reports, field interview cards, and other sources relating to ongoing investigations. There was so much information, it was almost impossible to reference the files for data on similar addresses, associates and other factors. The manual system was not error-proof, lacked good security and required a considerable amount of personnel time to maintain.

The CNU learned that commercial computer software designed specifically for maintaining such information was available. One of these programs, Drug Trak, was developed by a former narcotics officer in conjunction with the Institute of Police Technology and Management in Florida. In 1990, the CNU board authorized some \$20,000 in seizure funds to purchase the program as well as an eight-node local area network (LAN). The funding also paid for a clerk to attend a Drug Trak training course in Florida.

Drug Trak could manage narcotics intelligence information in a number of categories, including people, vehicles, locations, businesses, gangs/groups, watercraft, aircraft, telephone numbers, phone calls, cases, arrests, seizures, sources (informants), personnel (payroll information), and finances (officer expense vouchers). Information was entered into the program from several sources, including arrest reports, investigative reports and secret witness tips. The LAN system allowed CNU officers to query the program each day from any of the terminals in the CNU offices. Other local law enforcement agencies also provided entry information and accessed the database. Personnel could enter names or other listed-field information for comparison with data across all fields. For example, an officer could query the system with a partial license plate number from a secret witness tip and receive a series of complete vehicle descriptions and registered owners' names. Those names could then be linked to prior cases or other information stored in the system.

Access was controlled by user passwords. The CNU designated one clerk as the only person authorized to enter information into the system, while all CNU officers could query the information fields. The program also could generate a variety of reports from each of the fields, such as offenders' asset histories, voucher expenses, officer time logs, and street activities.

The system has been in place for three years, and CNU supervisors and officers believe it has been beneficial. Officers use the system every day to save time working cases. The system provides a lot of historical information very quickly, not only to the CNU but also to officers from other agencies. CNU personnel normally check addresses, names and vehicle descriptions they receive from secret witness reports and other sources to determine whether the information is accurate. The program shows trends and links cases and information within cases. A narrative information section in the arrest/case field allows the clerk entering information to include a summary of the case, which saves investigators time because they do not have to retrieve additional written police reports from other agencies. The program is also useful for preparing administrative summary reports for the CNU board. Information concerning assets seized, overtime worked and arrests made can be put in a report format.

Descriptions of Innovative or Effective Approaches

The Washoe County clerk responsible for entering Drug Trak information says the software is not too difficult to use and requires little technical support. The clerk makes over 2,000 entries each year. After the system was installed, officers individually learned how to use it from the clerk. The program is menu-driven and is not very difficult to master. Annual software upgrades have cost about \$200 and have included new features such as the ability to store digitized photographs, documents and records. A laser printer can reproduce photographs.

The information in the database is considered investigative. This information is restricted from public or media access by state law. Certain portions of the files contain intelligence information that, by state law, must be controlled by the agency using the information. Only those people with a right and need to know can access the data. CNU officers have user password protection.

The CNU was formed in the late 1970s, when the local police chiefs and sheriff and the Washoe County district attorney agreed to combine regional narcotics enforcement and prosecution efforts. The district attorney, local chiefs and sheriff served as a board of directors and prepared a memorandum of understanding to address a number of issues, such as staffing, general procedures and sharing the proceeds from seized assets. The CNU's composition has remained substantially the same over the years, with the exception of adding the DEA to the agreement. The CNU commander has been a lieutenant rotated among the three local agencies every 18 months to two years. The CNU's original mission was to address mid-level and above narcotics transactions, focusing primarily on suppression. The individual law enforcement agencies still handled low-level drug activity, such as street sales, neighborhood secret witness complaints about drug activity, and similar issues.

Washoe County is a large area spanning several hundred miles, from Lake Tahoe to the south to the Oregon border to the north. Major cities include Reno and Sparks, with a total county population of almost 250,000. The area's residents are highly transient, partly due to a gaming/tourism economy that supports a large number of low-paying service jobs in the hotel/casino industry.

Information prepared by Jim Weston, Reno Police Department.

Reno Police Department
P.O. Box 1900
Reno, NV 89505
(702) 334-2100
Department size: 313 sworn/174 nonsworn personnel
Service population: 143,000

Sparks Police Department
1701 E. Prater Way
Sparks, NV 89436
(702) 353-2000
Department size: 71 sworn/42 nonsworn personnel
Service population: 56,000

Washoe County Sheriff's Office
911 Parr Blvd.
Reno, NV 89506
(702) 328-3000
Agency size: 350 commissioned personnel/100 patrol deputies
Service population: 250,000

Drug Demand Reduction in the Workplace and Residences

The Irving, Texas, Police Department initiated a drug demand reduction effort in 1990, when senior officers determined that drug enforcement alone had limitations, and that reducing the demand for drugs through education would help to control the drug problem in the long run. The department established a two-person drug demand unit toward this purpose, defining the unit's main goals as (1) reducing calls for service and drug crimes, and (2) establishing a rapport with residents so they are more likely to help themselves.

The unit targets small-business owners who want to know how to identify and deal with employee drug abuse. Unit personnel contact small-business owners to inform them of the unit's services, and interested parties invite officers to give a presentation and provide materials. Officers generally target smaller companies that are just starting out to help them set up a workplace drug policy. The unit developed the model policy they recommend to these companies by consulting with large companies in the area, such as Tom Thumb (a supermarket chain) and American Airlines, both of which had designed and tested their own policies.

The drug demand unit also targets residents (particularly youths) and apartment complex managers who are troubled by drug dealers or are buying and selling drugs themselves. Target apartment complexes are identified by either the crime analysis unit, which analyzes the prior month's calls for service at various complexes, or the narcotics or patrol unit. Unit officers visit selected apartment complexes for two weeks. The police chief identified apartment residents as an important target because they make up a large percentage of the city's population: 42,000 of the 180,000 Irving residents live in apartments.

To prepare for apartment site visits, officers contact the owner and manager of the complex to explain their goals and get their approval. Most apartment complex owners and managers are amenable to the idea; the one exception the officers recounted was a management company that declined their offer, citing a concern that residents would think the complex had a crime problem if officers focused their activities there. Given approval, the officers go to the complex and set up shop in a construction trailer, labeled the "Irving Police Department Neighborhood Contact Center." Inside the trailer are educational videotapes, a VCR and television, and a drug board that shows the different types of illicit drugs and paraphernalia. Officers find the drug board particularly useful for parents, to help them identify paraphernalia that their children might have at home.

Site visits to apartment complexes are not made in the winter months (December through January, in Texas), as few people are out and about. In addition, the officers' hours are arranged so they are available to apartment residents in the evenings and on weekends. Unit officers often bring in officers from other units, such as the gang unit, the canine unit, the community services unit, and the patrol unit, so citizens can learn about the nature and variety of the police department's work. In addition, patrol officers whose beats include the apartment complex are asked to spend several hours a day there during the two-week site visit, allowing them to get to know the problems in the complex, and giving the residents an opportunity to associate with the officers who will be answering their calls. Bringing in other officers serves a dual purpose, as it enables the officers to learn what the demand reduction unit is all about.

The unit's officers also collaborate with other city agencies, such as the health and sanitation department. Such collaboration has helped to get garbage picked up quicker, contributing to residents' pride in their neighborhood. Another apartment complex had problems with juveniles who hung out in the parking lot at night, dealt drugs, made noise, and committed vandalism. Officers learned that the apartments' central air conditioning was not working, convinced the management to fix it, and installed brighter lights in the parking lot; the kids then started staying in their air-conditioned apartments at night.

Recently, the drug demand reduction unit placed its Neighborhood Contact Center on the property of the Silverado Apartments. They chose the site after the Silverado management registered complaints with the police chief's office about possible juvenile gang activity. In addition, apartment management advised the unit that alcohol

consumption in the complex's parking lot was an ongoing problem, and that they hoped the unit would curb that activity.

To prepare for the site visit, the officers reviewed the crime statistics at the complex and wrote a memorandum to their supervisor requesting that representatives from the community services, traffic, canine, patrol, and CID (gang) units be assigned to the site when their schedules permitted. In addition, they requested that officers on the evening shift of the beat that covered the Silverado complex be scheduled for several hours during the day to allow them to get to know the complex's problems and residents.

Unit officers spent the first day of the site visit setting up shop in the construction trailer, but they found time to make contact with 30 children and 15 adults, all of whom appreciated their presence. Beat officers also stopped by and spoke with residents.

On the second day, several members of the Latin Kings gang visited the center, and they voiced their distrust of the police department. Officers showed children a McGruff video, and more beat officers stopped by.

The third day was a Friday, so the officers worked a late shift to curb the disruptive activity that usually took place at the complex on weekend nights. They spent most of the evening walking around in the complex and talking with residents. They warned several residents about drinking in the parking lot, and they reprimanded a resident (reputed to be the cause of much of the crime in the complex) because of complaints about the loud party he was having. The following day, officers discussed the problem resident with the complex manager, who agreed to evict him.

On Sunday, officers broke up a fight between several Latin King gang members and a group of black males who lived in the complex. The officers brought the two parties (a total of 20 people) to the contact center and served as mediators while the groups worked out their differences; they left shaking hands.

The remainder of the two-week visit involved showing more educational videos to children, developing a better rapport with the gang members (several began to hang out with the officers at the complex), apprehending a resident who had vandalized the trailer, and collecting the names and birth dates of people believed to be involved in gang activity, in order to forward that information to the gang unit.

The complex's residents made dinner for the officers one night to express their appreciation. The center received positive media exposure, and the apartment manager expressed her appreciation. Officers felt that the site visit had gone extremely well. They identified the troublesome residents and forwarded that information to the apartment management, which, in turn, evicted those residents. The officers kept in touch with the complex's manager and residents, and they recommended that patrol officers continue heavy enforcement until management could complete residential changes.

At the time of this writing, the demand reduction unit had two officers; both were asked to make a minimum two-year commitment. Aside from the goals their supervisor had set at the beginning of the year, the officers felt they had a lot of autonomy. For 1993, the short-range goals included contacting 175 businesses and 135 apartment complexes to discuss drug demand reduction strategies. The officers often independently decided on which companies and apartment complexes to target. With the exception of a brief public speaking course one of the officers took, there was no formal training for this tactic.

Police Antidrug Tactics

Information prepared by Nancy G. La Vigne.

Irving Police Department

305 N. O'Connor

Irving, TX 75061

(214) 721-2661

Department size: 375 total/269 sworn personnel

Service population: 175,000

Drug-Free Zones

Several cities have enacted drug-free zone ordinances as another tool to control drug dealing. The Baltimore City Council enacted a drug-free zone law in 1989 after identifying a need to prosecute people loitering for the purposes of buying and selling drugs. This new law was intended to give the police an innovative tool that would enable them to stop and identify anyone loitering within a designated drug-free zone for the explicit purpose of buying or selling narcotics. The city had previously established drug-free zones in the area school districts, and the broader application was a logical extension of that concept.

The objective was to prevent the development of open-air drug markets and reduce the opportunities for drug users to buy drugs. The law did not target specific dealers, purchasers or types of drugs; rather, it was intended only to identify street-level dealers and buyers. By using this law, the local police department's district commanders identified and certified, or in some cases recertified, drug-free zones on 578 different occasions. In 1989, the program began with 15 identified zones; by April 1993, 53 zones were designated as drug-free in Baltimore.

To have a specific location designated a drug-free zone, a district commander must submit to the police commissioner written proof that the area meets the criteria for such designation. The criteria, as defined by City Ordinance No. 375, include the following:

- arrests in the area indicate a high occurrence of illegal drug possession or distribution activity;
- a homicide or two or more instances of violent crime have been verified to have been committed within the zone; and
- verifiable information indicates that illegal drug activity is occurring in the area.

Before certifying or recertifying a drug-free zone, the police commissioner is required to do the following:

- publish, at least one week before certification, a list of the specific areas to be certified in one or more newspapers in general circulation in the city;
- provide written notice not less than one week before such certification to the mayor and city council members; and
- post, at least three days before certification, a notice in the area to be certified.

Once an area has been designated a drug-free zone, the police department erects a number of signs to notify the public. The signs cost approximately \$25 each. The city transportation department pays for most of the signs; however, in many locations throughout the city, citizens have paid for the signs.

The signs show the date the area was certified and the boundaries of the zone. Each zone must be recertified after three months, or it will be decertified. From 1986 to 1993, officers issued a total of 370,224 warnings to people loitering in the zones. Officers also arrested 17,004 people for drug-free zone violations, including 10,607 people for violating the state's controlled dangerous substance laws, 1,975 people for loitering, and 4,422 people for various other violations.

The police commissioner designated a staff officer as his liaison with the district commanders, the state's attorney's office, the transportation department, the mayor's office, and the city council. These agencies' and departments' collaboration has been instrumental to the success of the drug-free zone ordinance.

The drug-free zone tactic does not require the deployment of any specialized or concentrated department unit. For the tactic to be effective, patrol officers must recognize that it is valuable to their enforcement efforts. As Baltimore

Police Antidrug Tactics

adopts the community policing concept, it is felt that this law will help officers be more effective in expanding their partnership with the communities they serve.

To familiarize officers with the ordinance, the department has conducted in-service and roll-call training, and the police commissioner's office has issued memoranda. Training consists of familiarizing officers with current state and city statutes, reviewing court decisions, notifying officers of additions or deletions to the current list of drug-free zones in their districts, and periodically updating officers on the project's effectiveness.

Recently, the Maryland Court of Appeals overturned a conviction of a man who violated the city's ordinance and broke two other drug distribution laws. Without addressing the constitutionality of the zones, the court overturned the conviction because the suspect was arrested during an illegal search and seizure. The court said the ordinance requires that a police officer first tell a suspect to leave the area; the officer may arrest the person only after he or she refuses to leave.

On a quarterly basis, each district commander must report to the commissioner's office on the activities in each drug-free zone. At that time, the commander may request certification or recertification of additional zones in the district. The police department staff liaison officer prepares an annual report on the project for the commissioner's office, the mayor, the city council, and the members of the community relations councils.

One important tool for evaluating the effectiveness of drug-free zones is the feedback the community gives the police department. Community relations councils throughout the city have indicated that the program has succeeded in disrupting drug activity and removing it from neighborhood corners. They feel that it is a beginning to reclaiming the streets, and that it has effectively improved the quality of life for law-abiding citizens.

The department has experienced an increase in 911 calls for service, as well as an increase in calls to the department's drug hot line. Although the department cannot draw a direct correlation between the establishment of the drug-free zones and the increase in calls, personnel feel that calls have increased because more citizens are willing to get involved, a willingness fostered by the success of the zones. Another benefit derived from this partnership with the community is citizens' willingness to defend the department's overall drug enforcement strategy, particularly when the media question those policies.

From a practical administrative standpoint, the staff liaison officer has changed the process by which zones are certified or recertified. Originally, the dates for certification or recertification were staggered. This led to confusion and extensive administrative monitoring. In an effort to streamline the process, all certifications and recertifications are now done at the same time each quarter.

The use of the drug-free zone ordinance is occurring as Baltimore, like many other East Coast urban areas, is experiencing an increase in the use of crack cocaine. However, other drugs, such as cocaine, heroin and marijuana, are still being found throughout the city. The police department's overall drug strategy includes an interdiction program to identify and arrest drug dealers as well as buyers who frequent open-air drug markets. Through interviews and interrogations of street dealers, investigators try to identify major dealers operating within the city limits.

Information prepared by Jim Scut.

Baltimore Police Department
601 E. Fayette St.
Baltimore, MD 21202
(410) 396-2633
Department size: 3,000 sworn/1,500 nonsworn personnel
Service population: 700,000/86 square miles

See "Appendix E: Baltimore Drug-Free Zone Memorandum From Commissioner."

Drug Incentive Awards Program

Although narcotics arrests in some cities are made primarily by investigations unit personnel, some police departments have invested resources in training and encouraging patrol officers to make more drug arrests. The drug incentive awards program is designed to recognize exemplary performance in narcotics enforcement by uniformed members of the Chesapeake, Va., Police Department.

Eligibility is restricted to all sworn and uniformed operation members. Any department member may nominate another member by forwarding, through departmental channels, a brief description of the nominee's exemplary narcotics enforcement action. The nomination is in the form of a letter or memorandum addressed to the chairman of the department's drug task force.

Selection for the award is made each month at a drug task force meeting. Task force members review nominations for their veracity and compare nominees' arrests with those of other officers during the same period. The task force recommends the person or people they feel are most deserving of this recognition to the police chief. The chief makes the final decision in awarding the recognition.

Award recipients get a letter of commendation from the chief, a certificate of appreciation from the department, and a pin to be worn on their uniforms as a symbol of achievement. The pin resembles a lightning bolt. A first-time recipient gets a silver lightning bolt. A second-time or successive recipient gets a gold lightning bolt.

The drug incentive award program is perceived to have been very successful. The patrol section's drug arrests for 1992 increased by 35 percent over 1991. The department as a whole has increased arrests over 300 percent over the past three years. This program provides added recognition to the patrol officer who is willing to explore and develop creative initiatives and solutions to the drug problem on his or her beat.

In Chesapeake, cocaine is the most abused drug, with marijuana remaining very popular. Approximately 50 percent of all drug arrests in 1992 involved cocaine. Repeat offenders accounted for 17 percent of all those arrested, and approximately 26 percent of those arrested lived in other cities.

Information prepared by Robert Marland, Richmond, Va., Police Department.

Chesapeake Police Department

P.O. Box 15225

Chesapeake, VA 23320

(804) 547-6161

Department size: 273 sworn/70 nonsworn personnel

Service population: 168,764/353 square miles

Drug Tax

The ability to impose taxes on people for dealing illegal drugs is not an anomaly. At least 30 states have enacted such laws. The idea behind the drug tax is simple: to hit drug traffickers where it hurts most—their pockets.

In 1989, the Texas legislature passed a law requiring drug dealers to buy stamps and put them on their merchandise. The law states that dealers caught with untaxed drugs can be assessed a tax, penalty and interest by the Texas State Comptroller's Office. The drug tax law contains criminal provisions as well, allowing local prosecutors to bring third-degree felony charges against dealers caught with untaxed drugs. (The Texas Controlled Substances Act, Chapter 159, Texas Tax Code, defines a dealer as anyone who "imports into this state or manufactures, produces, acquires, or possesses in this state" seven grams or more of a controlled substance, counterfeit substance or simulated controlled substance, or more than four ounces of marijuana.)

At the time of this writing, the tax rates for the drug stamps were \$3.50 per gram for marijuana, \$200 per gram for controlled substances, and \$2,000 for each 50-dose unit of illegal drugs sold as pills, tablets or ampules. By mid-1993, the comptroller's office had sold 2,968 one-gram marijuana stamps, at \$3.50 each; 10 one-ounce marijuana stamps, at \$101.50 each; and 11 one-gram controlled substances stamps, at \$200 each—for a total of \$13,603.

Failure to buy the required tax stamps and put them on illegal drugs can lead to a sentence of up to 10 years in prison, and a fine of up to \$10,000. From September 1989 through January 1993, law enforcement agencies throughout Texas referred to the comptroller's office some 3,700 cases involving 5,100 people who had failed to buy tax stamps. The cases occurred in more than half of the 254 counties in Texas. During this same period, the comptroller billed almost \$1.9 billion in drug taxes, and collected almost \$800,000 in taxes and over \$1 million in frozen assets.

The comptroller's collection efforts are entirely separate from existing forfeiture laws. Because it is restricted only by Texas' homestead laws (Chapter 42, Property Tax Code), the comptroller's office is not required to tie seized property to a specific crime. It is necessary only to establish the dealer's possession of drugs—which is the basis for the drug tax law—and his or her ownership of the seized property.

The comptroller's liens are not intended to interfere with the law enforcement community's right to dispose of assets under state and federal forfeiture laws. Indeed, in 1991, the legislature amended the drug tax law to provide that all forfeiture rights of local law enforcement take precedence over all comptroller liens or freezes. The comptroller's office releases the freezes and liens on request, so law enforcement agencies can liquidate the property for their local funds.

Under the comptroller's rules, a dealer has 20 days following the assessment of the drug tax to request an oral hearing or a hearing on written submissions before a comptroller's administrative law judge. These tax hearings are civil proceedings in which the drug dealer bears the burden to show that there is no tax liability.

The comptroller's office presents the facts at the hearing to give the judge an idea of what has happened in the case. Because the exclusionary rule does not apply to the drug tax, the comptroller's office can proceed on many cases, even if a criminal case is dismissed on search-and-seizure grounds. To ensure that the tax case does not interfere with the criminal drug case and forfeiture case, the comptroller has adopted a policy of putting the tax case on hold until the local cases are resolved.

Local prosecutors may withdraw a drug tax referral upon written request to the comptroller's office. The statute requires the prosecutor to specify that the dismissal is part of a plea bargain arrangement.

The comptroller's office can take no action in a tax case unless a law enforcement agency makes a referral. The agency provides the information to the local prosecutor, who then signs a referral form and submits it to the comptroller. Upon receipt of the referral, the comptroller's office mails the drug dealer a notice known as a "jeopardy assessment," which informs the dealer that the controlled substances tax has been assessed on the drugs he or she had

at the time of arrest and is due and payable immediately. The comptroller's office then moves quickly to file state tax liens in the dealer's county of residence to tie up any nonexempt real property he or she owns there. After a thorough investigation of the dealer's credit and financial history to locate bank and savings accounts, certificates of deposit or other property, assets are immediately frozen.

The Arlington Police Department has filed more drug tax cases with the comptroller's office than any other police department in Texas. The department believes the drug tax is intended to enhance drug penalties and make drug trafficking less profitable for dealers, should they be convicted. The enhanced penalty comes in the form of a cash fine assessed upon conviction and based on the amount of drugs apprehended. This fine cuts profits for dealers, and the proceeds go to the state, separating the dealer from his or her assets. The tactic fits the Arlington Police Department's mission, which is to reduce the availability of illegal drugs, as well as the number of drug dealers. Officers recognize that this tactic is far from a cure-all, but they feel it can play a vital role in the war on drugs.

The drug tax tactic does not have a specific target group, location, offender, or drug type. All offenders, illegal drugs and even simulated controlled substances are covered and handled on a case-by-case basis using the Texas Controlled Substances Tax Act.

To apply the drug tax tactic, police first apprehend a drug dealer and confiscate any drugs or drug money. A narcotics unit officer assigned to file all tax cases (hereafter referred to as the filing officer) then files the case through the district attorney's office, which in turn files the case with the comptroller's office. The filing officer maintains a list of arrested parties who have an outstanding case or fine levied against them. This list is available to jail personnel, who check the names of incoming arrestees against those on the tax case list. Subjects who have an outstanding tax lien and large amounts of cash are flagged. The filing officer is notified and, in turn, notifies the comptroller's office. The comptroller's office then sends a representative to the department to seize the cash. It is very common to arrest known drug dealers who have large amounts of cash on them on unrelated charges; officers find this an effective way to remind them of the high cost of dealing drugs. No undercover work is required to file a tax case on a drug offender.

The time spent on filing a tax case is minimal; it normally takes the filing officer 60 to 90 minutes each day. No special equipment is used, and completion of a single-page, fill-in-the-blank form is the only paperwork required. In addition, the filing officer sends a copy of the offense and arrest reports to the district attorney's office. From start to finish, a case can be completed in 30 minutes. The only follow-up necessary is for the filing officer to obtain a copy of the laboratory analysis of the suspected drugs and forward it to the comptroller's office. The filing officer also contacts other sections in the department to make them aware of the drug tax law and of what is needed to file a case.

The filing officer's performance is measured by how well he or she keeps other sections of the department abreast of the changing tax laws and the process for filing a tax stamp case. Performance is also measured by how well the officer explains the benefits of using the tax stamps to deter drug dealers. Accuracy and timeliness in compiling and maintaining files, lists and other information are additional considerations. The Arlington Police Department considers this tactic cost-effective: the department has filed more cases than any other department, and with only one filing officer.

This tactic requires minimal training. The filing officer must become familiar with the tax act and take the initiative to seek out and file cases when appropriate. The Arlington Police Department provides no outside training for this tactic, and the only cost the department incurs is for officers to travel to court to testify on behalf of the comptroller's office.

The drug tax tactic is used in tandem with seizure laws. If an agency files seizure on \$10,000 in cash found on a subject at the time of arrest and fails to prove that money was obtained from or represents the proceeds of drug activity, the comptroller's office can seize the cash to claim the tax the dealer owes. Thus, the money goes to the state, and not to the dealer.

Police Antidrug Tactics

The legality of imposing the drug tax is corroborated when the district attorney's office reads the arrest report, offense report and lab analysis and signs off on the tax case (before sending the referral form to the comptroller's office). The comptroller's office, in turn, assigns an investigator to each case before filing with the state.

Despite the low cost of using this tactic, the impact, as perceived by the department, is large. In 1992, one officer filed 94 tax cases, for a total of \$5,200,679 in taxes owed to the state. These filings placed financial hardship on drug dealers, provided prosecutors with an additional bargaining chip during plea negotiations, and added to the burden of criminal charges. Indeed, some dealers have come to fear the drug tax more than criminal charges. Not all defendants can pay the tax, which may be perceived as a weakness of the tactic. However, a lien is also placed on defendants' future assets.

Information prepared by Nancy G. La Vigne.

Arlington Police Department
P.O. Box 1065
Arlington, TX 76004
(817) 459-5701
Department size: 350 sworn personnel
Service population: 261,721

See "Appendix F: Texas Controlled Substances Tax Act and Sample Drug Tax Stamps."

Evictions and Property-Related Sanctions

One tactic used to reduce drug activity is to motivate property owners to evict tenants who are knowingly involved in or allow the possession, use or distribution of illegal drugs on their property. The Jacksonville, Fla., Sheriff's Office uses public and private evictions and subsequent property forfeitures to eliminate drug activities at specific properties. In addition, the agency uses a variety of code enforcement sanctions.

The Jacksonville Department of Housing and Urban Development (HUD) is responsible for public housing evictions; however, the agency works closely with the sheriff's HUD liaison unit. The sheriff's office established the HUD liaison unit in 1989 to work in cooperation with the city's HUD office. The unit is intended to promote crime prevention and crime reduction programs at 15 HUD-owned complexes and 309 scattered sites in the service area. The unit consists of one sergeant and three officers, placed under the agency's community affairs division.

The first step in HUD's eviction process is prevention. The HUD liaison unit has succeeded in establishing effective channels of communication between police and HUD property managers. Both the police and HUD view evictions as a last resort. The purpose of HUD is to house low-income families in a decent, safe and affordable environment, and the police do not want to displace such families. The police view their role as facilitating safety within public housing communities.

At the request of HUD property managers, the HUD liaison unit conducts background checks on prospective tenants and employees. Officers work closely with residents and managers to identify opportunities for criminal activity and to devise measures to prevent crime in the communities. Officers have become familiar with properties' physical layout and residents. They have earned residents' trust and respect and consequently are in a position to know when someone or something is out of place. They have devised a HUD trespass warning list and obtained tenant rosters to help patrol officers identify nonresidents suspected of buying or selling drugs on the properties.

One of the unit's responsibilities is to monitor criminal activity in HUD communities and advise apartment managers. HUD's lease provisions allow evictions of residents engaging in drug activities on HUD grounds; however, before the sheriff's office established the HUD liaison unit, evictions were seldom pursued. In coordination with HUD management, the unit instituted a policy requiring the tenant, property manager and police to meet regarding any incident involving narcotics violations or other felony offenses involving the tenant. As a result of such meetings, management began to take a more aggressive approach regarding problem tenants. Often, these tenants would agree to move voluntarily, sparing management the process of eviction. In other cases, the tenants agreed to change their conduct. In either case, the desired outcome of eliminating the drug activity was achieved.

Evicting tenants from private property is the landlord's responsibility. The police's role is to advise property owners of illegal activity occurring on their property, their responsibilities and legal consequences. At one time, the sheriff's office sent letters to property owners notifying them of drug arrests and seizures on their property, in hopes that the owners would take steps to remedy the situation, steps that might include eviction. The letters advised the owners that continued drug activity at the location could result in an injunction against or forfeiture of the property. However, because forfeiture is a lengthy and complex legal process, it was impossible for the agency's narcotics unit to follow up on all of the letters.

The current policy is to send letters advising landlords only of drug arrests involving their tenants, and to provide additional information upon request. Again, it is hoped that the landlord will take actions to stop the activity or evict the tenant. Officers have found that the most cooperative landlords tend to be absentee landlords or co-owners who are unaware of the illegal activity and want to protect their interest in the property. Local landlords often are aware of the drug activity and knowingly allow it to continue. There are seldom follow-up measures when the drug activity continues. Officers may informally discuss the matter with the landlord, depending on the severity of the case. If the case warrants, officers may initiate forfeiture procedures or code violation condemnations to force the landlord's hand.

Forfeiture of real property under the Florida Contraband Forfeiture Act is a complex legal process requiring specialized knowledge and perseverance. It generally takes three to four months to successfully forfeit property, once procedures are initiated. However, Jacksonville officials indicate that one case took over a year to complete. Thus, it is imperative that the unit have experienced agents in place to follow the case through the lengthy legal process. While all narcotics officers receive training in forfeiture as part of their normal in-house training program, the narcotics unit has two officers dedicated to property forfeitures. In addition, the state's attorney's office has two officers assigned to the organized crime unit who handle property forfeitures. The unit uses federal agencies in forfeiture cases only when they are working on a case jointly.

The narcotics unit takes a conservative approach to property forfeitures. Because of the amount of time and research required during the forfeiture process, and because of the potential liability associated with improper forfeiture actions, the unit initiates property forfeiture only when all other remedies have failed. In addition, the sheriff's office is concerned about protecting the rights of innocent property owners who may have been manipulated or intimidated by drug dealers. In some cases, officers have encountered elderly property owners who were afraid of the drug dealers and felt powerless to rid their property of the drug activity.

The first step in the forfeiture process is to identify the particular property involved in illegal drug activity. A determination is made based on indicators such as citizen complaints, surveillance, undercover operations, arrests, drug seizures, and other evidence resulting from search warrants. Officers must then make sure that the property owner is informed that illegal activity is taking place on the premise and is advised of his or her responsibility to take actions to stop the activity. Officers generally try first to notify the property owner informally, by meeting with him or her to discuss the matter. Most of the time, this contact is sufficient to prompt the owner to take actions to stop the activity. However, in some situations, officers may decide to notify the owner formally, through a letter.

If drug activity continues on the property after either informal or formal notification, the unit must decide whether to pursue forfeiture. Such decisions are based on the amount and quality of evidence, the scope of the drug activity and its effect on the community, and the condition of the property's legal title. Properties with unclear titles, with titles in multiple names or with substantial liens may not be appropriate for forfeiture. Additionally, recent Florida Supreme Court rulings exempt homestead properties from forfeiture. Additional impediments to forfeiture, under Florida law, are restrictions concerning properties titled jointly under husband and wife. Another impediment to pursuing forfeiture cases in Jacksonville is that only two attorneys handle forfeiture cases for the city, and they are not dedicated solely to such cases.

The Jacksonville Sheriff's Office follows the formal procedures for property-related sanctions sparingly, because they can often accomplish the desired result (eliminating dealing) more efficiently by using less formal approaches. Officers cited a number of cases where simply notifying the property owner that police were aware of illegal activity was sufficient to prompt the owner to take appropriate corrective action.

Forfeiture is the most complex property-related sanction the department uses. The police must be able to make a strong case that the owner is aware of the criminal activity, and they must make sure there are no other mitigating circumstances that might result in the court's ruling against forfeiture. Gathering such evidence is time-consuming and involves significant research. With the demands placed on narcotics officers, it is often not practical to pursue forfeiture, except in the most compelling cases.

Properties used for illegal drug activity often do not comply with building, health and safety codes. Typically, the properties are deteriorated, dilapidated, abandoned, or in need of major repairs. In such cases, code enforcement action can be an effective and efficient means of neutralizing the illegal activity.

The first step is to identify the property as a nuisance and conduct appropriate inspections. The police are often in an ideal position to identify violations. They may enter the property on a routine call for service, during an arrest or in the execution of a search warrant. Once they have identified a suspected violation, they can request the appropriate inspections through other city departments. Once an inspector verifies the violation, city officials notify the owner,

informing the owner of what actions he or she must take to remedy the problem. The owner may have to make repairs, board up the building or raze the building. The goal is to motivate the owner to fix the problem.

When faced with the financial burden of bringing a nuisance property up to code standards, the owner may choose to turn the property over to the county. Thus, the same result is achieved as would have been achieved through criminal forfeiture. However, code enforcement condemnations are less time-consuming and legally complex. Code enforcement cases do not require the police to prove that illegal activity is occurring or that the owner is aware of such activity.

The city of Jacksonville recognizes the relative merits of code enforcement action and, at the time of this writing, was in the process of establishing a joint task force to design a citywide program combining resources from police, fire, sanitation, code enforcement, health, and other departments that enforce building, safety or health codes.

Officers in Jacksonville indicate that the majority of actions they take against property owners involve disreputable business establishments. In some cases, a business manager may own the building in which he or she conducts business, and in other cases, the manager may be a tenant. In either case, the police use the same tactic, and the results are identical. The tactic is intended to force the business to cease operating, which in turn should eliminate the drug activity at that location.

Again, the initial step is to determine that the business is creating a nuisance. Officers need to gather evidence that the business is not complying with city codes, is engaging in drug or other illegal activity, or is knowingly allowing such activity to take place on its grounds. Once officers have gathered this evidence, they initiate action through appropriate city departments to revoke the business license for cause. The owner may be given an opportunity to remedy the problems before the revocation request is initiated. As with other property-related tactics, the business owner may voluntarily correct the problems, or he or she may voluntarily close or move the business. In either case, the undesirable drug activity ceases. Like code enforcement sanctions, business license revocation procedures are less cumbersome and time-consuming than forfeiture procedures. However, officers acknowledge this tactic may not always have lasting results. If a similar business opens at the same location, there is no guarantee that the illicit drug activities will not resume. Likewise, the business owner may obtain a license for a different establishment in another area. Again, drug activity may follow him or her.

The sheriff's office sees great promise in business license revocations and code enforcement condemnations. These procedures are administrative and controlled by the local government. Officers do not need to establish as strong of links between the property owner and the drug activity as they do under forfeiture laws. Unlike the case with eviction sanctions, the city can require specific action by the property owner under code enforcement and business license revocation procedures.

The Jacksonville Sheriff's Office, a consolidated police agency for Jacksonville and Duval County, considers crack cocaine the area's most serious drug problem, primarily because of the violence associated with street dealing in the low-income, inner-city areas.

The agency's 36-member narcotics unit falls under the police operations, organized crime section. The agency has recently begun to place more emphasis on prevention programs such as DARE and other local programs that place officers in schools to serve as role models and educate children on the dangers of drugs. Such programs are administered by other units within the agency. Meanwhile, the narcotics unit is tasked to provide drug enforcement to combat the illicit drugs currently being sold and used within the 850-square-mile jurisdiction.

Police Antidrug Tactics

Information prepared by Dan Reynolds, Savannah, Ga., Police Department.

Jacksonville Sheriff's Office

501 E. Bay St.

Jacksonville, FL 32202

(904) 630-7600

Agency size: 2,500 total/1,200 sworn personnel

Service population: 750,000/850 square miles

Hotel and Motel Interdiction

Drug dealing from hotels and motels is a problem in many jurisdictions, particularly those that service major transportation centers or thoroughfares. Richmond, Va., is located in Henrico County on a major north-south corridor, Interstate 95. Consequently, drug dealing and trafficking through the area's hotels and motels have been major problems.

In 1987, area law enforcement agencies formed a multijurisdictional drug task force, including officers from Henrico and Chesterfield counties, Richmond, the Virginia State Police, and the DEA. This task force initiated an informal interdiction effort.

One of the task force officers proposed to train patrol officers and hotel and motel management and staff to identify the signs of drug dealing and trafficking. The training program was intended to provide officers with practical knowledge, skills and techniques for drug interdiction—including at hotels and motels. In addition, the program provided training to hotel and motel personnel in the characteristics and indicators of drug couriers and dealers.

Before attending this course, officers received training through the Department of Criminal Justice Services Drug Recognition School, or they received basic drug recognition instruction. The two-day interdiction workshop covered the overall legal issues and procedures related to interdiction in three primary areas: highways, hotels and motels, and public transportation.

Owners and managers of the different hotels and motels in the area initially resisted the focused interdiction and training. They were unaware of the extent to which drug dealers used their facilities and were fearful that police investigations would disrupt business or jeopardize guests' safety. They were also concerned that their employees would "be dragged into" investigations or court.

The task force worked closely with the Virginia Hotel and Motel Association. Over a three-year period, they conducted numerous training sessions in drug interdiction at the association's meetings and conferences. Once a working relationship was established, task force personnel began training individual hotel and motel employees to recognize drug activities.

As the training progressed, different hotels and motels began to provide the task force with information on suspected drug dealers and couriers. The task force used this information to conduct surveillance and investigations of suspects. The nature of the information and the follow-up investigation of the suspect dictated the rest of the investigation. Such an investigation might involve continuing the surveillance or forwarding the information to another jurisdiction if the suspect was traveling to another area of the country.

The training of hotel and motel staff is conducted at staff meetings and lasts approximately an hour. The training is an ongoing effort. The individual businesses cover any costs related to training at hotels or motels or through the Virginia Hotel and Motel Association. One perceived drawback to the training program is the possibility that hotel and motel personnel may pass along the information they receive. Task force personnel have determined that such an occurrence would be rare.

The training is viewed as part of an overall drug enforcement response in Henrico County and the greater metropolitan area. As narcotics and drug task force personnel receive more information, the potential for enforcement increases proportionately.

Staffing and training for officers in the interdiction program are coordinated through the Department of Criminal Justice Services Commission and the task force. An overall evaluation of the program was not available, but police feel the expanded cooperation between the police and the hotels and motels demonstrates the interdiction effort's impact.

Police Antidrug Tactics

The Henrico County Police Department uses investigators, patrol officers and education (DARE) to address the area's drug problem. The narcotics unit is part of the department's organized crime/covert section.

Information prepared by Robert Marland, Richmond Police Department.

Henrico County Division of Police

P.O. Box 27032

Richmond, VA 23273

(804) 672-5020

Agency size: 375 sworn personnel

Service population: 223,729/244 square miles

See "Appendix G: Hotel/Motel Interdiction Training Curriculum."

Interagency Exchange of Undercover Officers

In maintaining the integrity of undercover law enforcement personnel used in buy-bust situations, many police agencies are challenged by limited resources. The Virginia State Police have developed an undercover interagency exchange program to give participating Virginia law enforcement agencies, through a database, the ability to plan, initiate and execute an effective undercover narcotics enforcement operation by exchanging qualified undercover police officers. These officers, both men and women, will represent a cross-section of personnel, having different cultural backgrounds and specialized skills. This program will allow police agencies from around the state to link personnel, investigative techniques and intelligence information about drug traffickers in statewide efforts to investigate drug violations.

Program goals include developing the following:

- an automated registry of qualified, trained undercover officers to be maintained at the Virginia Criminal Intelligence Center (VCIC);
- the ability to provide and maintain training for all registry officers and supervisory personnel in case management and investigative techniques;
- the ability to share pertinent intelligence information received as a result of these operations with all participating agencies; and
- the ability to conduct evaluations to determine the success of each registry operation and prepare for similar future operations.

The database will allow the state police to provide participating law enforcement agencies statewide access to a variety of undercover narcotics personnel. The requesting agency will identify target groups, locations and/or offenders and will be responsible for investigating them. The undercover officer assigned will provide the requesting agency with whatever assistance is needed in conducting the investigation.

Any Virginia police agency that signs up can participate in the program. The use of this database will be limited only by the imagination of the requesting agency's personnel. The VCIC and the Virginia Criminal Information Network (VCIN) will coordinate the automated registry of qualified undercover officers.

Officer selection will be determined by the requesting agency's criteria for an undercover officer. The criteria will be entered into the database; if there is a match, the requesting agency will be given the name of the contact at the officer's agency and will be responsible for following up to arrange assistance.

Registry officers will be chosen for their abilities and characteristics (race, gender, cultural factors, special talents, hobbies, and technical skills). Before an officer can be assigned to the registry, he or she must be certified by the Department of Criminal Justice Services Commission and have received the approved 40-hour Basic Undercover Narcotics School training. Participating agencies and officers will sign an agreement to participate in the registry for 12 months. An officer may be removed permanently if it is determined that he or she is unsuitable for the assignment or if exigent circumstances require the officer's removal.

If an undercover officer does not have police authority in the jurisdiction of assignment and there is no mutual aid agreement, the state police may grant special authority for the time necessary to conduct the investigation. Because the system had not been activated at the time of this writing, there were no officers listed in it.

No special equipment is needed for the registry, as the VCIN computer system is already in place and will manage the personnel database.

Police Antidrug Tactics

The strength of this process is that it will provide a statewide database from which police agencies throughout Virginia can easily access a highly diversified undercover police personnel pool. The only foreseeable weakness of such a database is that some agencies may not fully support the concept of providing on-loan undercover officers.

A program such as this has never been used before in Virginia. The program is highly unique because officers throughout the state will have an opportunity to help other agencies outside of their normal region of operations. This system will help to enhance training and spread information about new types of drug operations and the personnel involved.

All police operations have limitations, and the registry is no exception. The requesting agency must adhere to the sponsoring agency's policies and procedures regarding leave and work scheduling. The requesting agency must also cover all overtime expenses. The sponsoring agency is solely responsible for any administrative or disciplinary procedures regarding the undercover officer that require review and/or action.

Virginia's Undercover Police Officer Registry was developed to serve as a conduit for agencies throughout the state in the investigation of drug trafficking. As the program evolves, the registry may become part of agencies' overall drug enforcement/investigative planning.

Each agency that requests an officer for an undercover assignment must provide an operations supervisor, coordinator or cover and an alternate to protect the operative and investigative management of the case. The personnel the requesting agency assigns must maintain a system for constant contact with the undercover officer (such as pager or hello).

The requesting agency will complete final evaluations and forward them to the sponsoring agency. Evaluations will include statistical information regarding all aspects of the investigations, assessments of officers' suitability for undercover operations and of how they conducted investigations, and other drug-related information discovered during investigations.

Any interjurisdictional intelligence information that may be of value to other agencies will be forwarded to VCIC. VCIC will disseminate pertinent intelligence information to jurisdictions that are affected. A five-member advisory group appointed by the state Association of Chiefs of Police will govern the VCIC. The advisory group will be responsible for promulgating all policies and procedures for the registry and for ensuring participating members' compliance. At the time of this writing, the governing body had not yet been named.

Each participating agency will agree to ensure that all agency personnel assigned to the registry have completed the required training before accepting assignments. The participating agency will agree to maintain current information on registry personnel and ensure that the information is expeditiously forwarded to the VCIC. The VCIC will update and maintain the registry files and serve as a conduit for information.

The state's overall drug problem, based on both 1991 and 1992 figures, involves opium, cocaine and derivatives, which ranked highest in total volume of drug arrests. The Virginia State Police take a comprehensive approach to drug-related offenses and problems. The criminal investigations bureau/special investigations division specializes and provides assistance to local police agencies in the following areas: basic narcotics training, drug/informant funds, in-service narcotics training, marijuana eradication programs, multijurisdictional task forces, narcotics canines, pharmaceutical diversion investigations, undercover operations, asset seizure/forfeiture, interdiction, and narcotics investigations. In addition, Virginia State Police field (uniformed) operations personnel participate in other local law enforcement narcotics investigations by assisting in narcotics and street-level enforcement programs. These officers primarily provide additional manpower to conduct investigations.

Information prepared by Robert Marland, Richmond, Va., Police Department.

Virginia State Police

P.O. Box 27472

Richmond, VA 23261-7472

(804) 674-2000

Agency size: 1,685 personnel

Service population: 6,187,358

“Loitering for the Purpose of Drug Dealing” Ordinance

Several police agencies are working within their municipalities to adopt and subsequently enforce an ordinance regulating “loitering for the purpose of drug dealing.” The ordinance is specifically intended to provide a basis for the police department to disperse groups of youths or others who may be loitering for the purpose of dealing drugs. Open street dealing increases the fear level on street corners and in other public places, and enforcing the ordinance enables the police to build a substantive record against offenders.

In Joliet, Ill., the violators of the anti-loitering ordinance are usually youths—often gang members or younger “wannabe’s”—who gather at street corners, near schools, near housing developments, and around public pay phones for the purpose of dealing drugs. The relatively low cost and accessibility of some drugs have made them popular among gangs and people who engage in street sales. Although groups’ distribution networks may differ somewhat, street-level dealers are almost exclusively under 18 years old, with a strong concentration between the ages of 12 and 16. Because the police have perceived these street-level dealers as the hardest to build any type of substantive record against, and because the community has perceived their loitering as the most troublesome aspect of the problem, the loitering ordinance was passed in Joliet.

As written, the ordinance allows a police officer to stop, search and arrest any person loitering on an established drug “hot spot” who has a prior record for a drug-related offense. The ordinance also gives the officer the authority to disperse a group loitering at a drug hot spot if any members have a drug-related arrest record. This helps the police department establish probable cause for a search and helps assuage public fear caused by the loitering youths.

Officers often use the loitering ordinance as a tool in more narrowly targeted antidrug and gang operations. For example, officers can use the loitering ordinance to disrupt the normal business operations of specific gangs or drug dealers. The Joliet Police Department became more involved in the sentencing and probation of juvenile street-level dealers involved in a drug-dealing operation. The department worked with local judges and the state’s attorney’s office to have two conditions attached to the sentencing/probation of juveniles convicted for drug-related offenses: (1) offenders were “mapped out” of their usual places of doing business; if they lived in the area, they were restricted to travel necessary to go to and from school and/or to and from a legitimate job; and (2) offenders who were high school dropouts were required to earn a G.E.D. as a term of their probation.

Because the gang and drug problem was so high-profile in Joliet, many assumed that gang and drug activity was occurring wherever juveniles congregated. To both address the fear this created and aid in the apprehension of actual street-level dealers, the police department worked with the city’s attorney to draft the anti-loitering ordinance. The ordinance was drafted narrowly to better withstand constitutional challenges (which it has to the state appellate level) and to specifically address the problem of loitering for the purpose of drug dealing.

A general order for the police department explicitly spells out the steps for meeting the legal threshold to invoke the ordinance. To overcome any constitutional challenges, police must establish that drug-related activity is occurring at a documented hot spot and/or that a known drug offender is involved.

One frequent complaint about the use of the ordinance is that of harassment. If a specific street corner or drug house has been deemed a problem, it is up to the specific officer to decide how to use this tactic. If a known drug offender persists in hanging out at a known hot spot, then the officer may be justified in searching that offender and/or asking him or her to leave every time the officer sees the offender at the location. Officers are cautioned to observe the ordinance’s procedural requirements and to refrain from inappropriately using force.

This tactic can be used in concert with other tactics to enhance its success. Occasionally, use of the tactic has merely displaced a problem from one gang or drug house to another. Generally, when the problem is displaced, it is not on the same scale, and offenders are much more vulnerable to apprehension.

Descriptions of Innovative or Effective Approaches

The tactic requires time and a concentrated, coordinated effort by different police department divisions. Equipment does not usually vary significantly from that required for regular operations. The only exception is a heavy reliance on cellular phones and beepers to minimize detection through police radio scanners. No specialized operation or management of the tactic is necessary. Personnel training is done in-house, and the ordinance and guidelines on how to use it are circulated as a general order. There were no funding costs related to implementing or using the ordinance. Neighborhood policing teams and patrol officers use this tactic.

Joliet's drug problem includes the widespread use of marijuana and of cocaine and heroin derivatives. The most popular drug currently is the manufactured "ready rock." Marijuana and cocaine are popular among the city's white, upper-middle-class population, while "ready rock" predominates among ethnic groups. Sales of all drugs are concentrated on the east side of the city; west-side users often buy drugs on the east side. The department's overall drug strategy consists of using traditional and nontraditional law enforcement strategies to curtail street-level activity (both supply and demand), manufacturing activity and organized activity (both supply and demand).

Information prepared by Sandra Kaminska.

Joliet Police Department
150 W. Jefferson St.
Joliet, IL 60431
(815) 740-2222
Department size: 193 sworn/40 nonsworn personnel
Service population: 80,000

See "Appendix H: Joliet Police Department Special Order re Anti-Loitering Ordinance."

Mail-In Drug Reporting Coupon

In an effort to increase citizen reporting of drug activity, many police departments have initiated hot lines, tip sheets and other methods designed to collect information, often anonymously, from knowledgeable citizens. The city of Milford, Conn., developed a mail-in coupon, published in local newspapers, to encourage citizen reporting. The coupon queries citizens about names and addresses of suspected drug users or dealers, problem locations and license plates. Citizens may provide additional information on a separate sheet of paper. A citizen informant does not have to provide his or her name, address and phone number, but the citizen may request to speak with an officer.

"The Drug Mail-In Coupon Program is simplistic, but we have found it very effective," said Thomas E. Flaherty, the city's police chief. The program was launched in 1989 and is cosponsored by Drug-Free Milford Inc., a nonprofit volunteer organization. Drug-Free Milford is composed of community leaders and volunteers whose objective is to make Milford drug-free by the year 2000. Drug-Free Milford was established after the drug-related shooting death of a Milford police officer. The group enlisted the support of the local community newspaper's editor and developed the idea of regularly publishing mail-in coupons. Drug-Free Milford also funded and donated a drug hot line to the police department for citizens to report suspicious activity and drug violations; however, tips from the mail-in coupons have far exceeded those from the hot line.

Citizens mail the coupons to Drug-Free Milford in care of the Milford Police Department, and the coupons are forwarded to the chief's office. From there, they are referred to the agency's narcotics unit. Drug-Free Milford volunteers do not have access to the information submitted. Once forwarded to the narcotics unit, the information is compared with data from ongoing investigations, arrest records and other departmental records. In several cases, data from the coupons have been very consistent with data collected in criminal investigations and have provided either corroborating information or new investigatory leads. In a number of cases, this information comparison has generated additional investigative avenues.

The tips have been found to be reliable and are unusually detailed. The coupons often provide specific information such as vehicle registration numbers, names and addresses. The coupons give citizens a means to pass information to the department, anonymously if desired, without fear of having their voices recorded or having to speak with a police officer. However, numerous citizen informants have provided information about themselves and requested to speak with an officer.

Before implementing the coupon program, the department addressed concerns about the legality of the coupons and the confidentiality and quality of the information received. To prevent unwarranted police action based on the coupons, the department implemented a procedure such that mail-in coupons generate no further investigation unless another source corroborates the information. If no additional information is developed within 60 days, the matter is considered closed. Such a procedure is intended to ensure that retaliation and neighbor disputes do not generate inaccurate data or tips. Often, information provided on coupons is corroborated by that on coupons submitted by other residents from the same neighborhood.

The program has not been without its critics. The two larger newspapers in the area have declined to publish the coupons, and the Connecticut Civil Liberties Union has criticized the program for encouraging people to spy on their neighbors.

In 42 months, the department received almost 300 coupons from citizens, supplementing investigations for approximately 150 search warrant issuances and 200 arrests. No cost is associated with the tactic other than the time involved to review the coupons and follow investigatory leads.

Milford is located between New Haven and Bridgeport, on the shore of the Long Island Sound. The city's drug problem reflects those of the area's larger cities; cocaine use appears to be waning, but the police department is con-

Descriptions of Innovative or Effective Approaches

cerned about heroin consumption. The agency uses a specialized narcotics unit, although patrol officers are also trained in drug interdiction and take an active role in responding to complaints of narcotics violations.

Information submitted by Thomas Flaherty, Milford Police Department.

Milford Police Department
430 Boston Post Road
Milford, CT 06460
(203) 878-6551

Department size: 106 sworn/17 nonsworn personnel
Service population: 50,000

Multiagency Task Forces

MANTIS (TUCSON/PIMA COUNTY, ARIZ.)

To make the best use of scarce resources, many law enforcement agencies have teamed together to focus their drug enforcement efforts and maximize their impact on illegal drug-dealing operations. Approximately 717,000 people live in the Tucson/Pima County, Ariz., metropolitan area. Law enforcement is provided by the Arizona Department of Public Safety, Marana Police Department, Oro Valley Police Department, Pima Community College Police, Pima County Sheriff's Department, South Tucson Department of Public Safety, Tucson International Airport Police, Tucson Police Department, and University of Arizona Police Department. These agencies have combined their resources and created the Metropolitan Area Narcotics Trafficking Interdiction Squad (MANTIS).

MANTIS is somewhat unique because the participating agencies have committed to making it the focal point of their narcotics enforcement efforts. While uniformed patrol, gang, stolen property, and other investigations result in narcotics arrests, the main emphasis on narcotics is through MANTIS.

MANTIS is governed by a policy board consisting of a member from each participating agency. Each member has equal standing, regardless of the extent of agency participation. MANTIS has a total staff of 50 people (16 civilian and 34 commissioned). The Tucson Police Department and Pima County Sheriff's Department provide funding to the task force to cover some of the personnel and operating costs for their respective personnel. In addition, federal block grant funds (\$601,000) are directed toward street-level interdiction and cover the costs of seven positions. The remaining money (approximately \$600,000) comes from anti-racketeering funds. Any confiscated assets not used for the operation are distributed to the agencies based on a participation formula. The host agency for the federal grant provides the chairperson for the policy board.

The narcotics problem in the Tucson area has compelled the MANTIS board to establish a three-tiered approach:

- Street-level sellers and users. Like any metropolitan area, Tucson has a problem with drug sales and purchases. Marijuana, cocaine, crack cocaine, and amphetamines are the usual drugs of choice, although heroin and LSD pose a small but constant problem. Crack cocaine causes much neighborhood disruption, and most of MANTIS's efforts at the street level are directed toward this problem. A street interdiction squad is used to address the problem.
- Mid-level suppliers and transporters. Due to Tucson's proximity to the Mexico border—60 miles—it is a distribution hub for a number of drug-trafficking organizations. All forms of narcotics, particularly marijuana and cocaine, are smuggled into the United States from Mexico, delivered to "stash houses" in Tucson and then distributed to other cities. As payment for their efforts, suppliers receive a "cut" of the product they distribute. Stash houses and shipment interdiction are, therefore, a priority for MANTIS agents. Drug smuggling appears to have increased the number of homicides in the area.
- Major narcotics organizations. Due to Tucson's proximity to the Mexico border, there are several major narcotics organizations operating in the metropolitan area. By establishing their business in Tucson, traffickers can control their operations. Because the price of drugs is so much higher in other regions of the United States, the lure of large amounts of money has contributed to the development of these organizations. MANTIS has dedicated staff to conduct long-term conspiracy investigations to combat these organizations.

During 1992, MANTIS-originated cases resulted in the arrest of 471 people and the seizure of \$20.9 million in narcotics. MANTIS also assisted in other agencies' cases, which resulted in the arrest of 74 people and the recovery of over \$89 million in drugs, including over 1 million grams of cocaine worth \$84.7 million.

SAVANNAH, GA.

Savannah, Ga., experienced an unprecedented rise in violent crime in 1991. A record 59 homicides left the city with the third highest per capita homicide rate in the United States, exceeded only by New York and New Orleans. Savannah also experienced a 6 percent increase in its overall crime index. Much of the violence was attributed to drug dealing, including a number of drive-by shootings.

Individual law enforcement agencies at the local, state and federal levels began to look to each other for assistance. In March 1991, a temporary drug violence task force was formed, consisting of federal, state and local agencies. During a 30-day period, this task force saw a marked reduction in drive-by shootings. Through enhanced investigations, with cooperation from multiple agencies, task force participants cleared several drug-related homicides and assaults.

The task force was disbanded following its initial success due to a lack of funds, but it was later reestablished because the lesson learned from the experience was clear: Working together as a team, local, state and federal officers can accomplish much more than they can independently. The local police contribute invaluable information about the local criminal elements. The federal agencies not only add an intimidation factor, but they also contribute vital data from national intelligence and information networks and the muscle of federal sanctions, which serve to enhance prosecution efforts.

The Savannah violent crimes task force initially consisted of members from the Bureau of Alcohol, Tobacco and Firearms (ATF), Chatham County Police Department, Chatham County Sheriff's Office, FBI, Georgia Bureau of Investigation, and Savannah Police Department.

The task force was initially formed as an official but informal consortium of federal, state and local police agencies, with no written memoranda of understanding. Each agency was responsible for its own personnel, equipment and salaries. Each federal agency and the Georgia Bureau of Investigation provided two members, while the local law enforcement agencies provided 11 members, for a total task force membership of 17. The FBI was designated as the group coordinator and provided the initial direction and office space for meetings.

After the first six months of task force operations, a formal memorandum of understanding was developed and signed by most of the participants. This memorandum stipulated that the policy, program involvement and direction would be a joint responsibility of the heads of each participating agency, and that personnel supervision would be the responsibility of the supervisory senior resident agent from the Savannah FBI office, in consultation with supervisory counterparts in the participating agencies.

The task force's mission, as stated in the memorandum of understanding, follows:

To achieve maximum coordination and cooperation in bringing to bear their combined resources to investigate violent criminal acts and locate and apprehend fugitives wanted for serious federal, state and local crimes. These crimes include, but are not limited to, murder, felonious assault, armed robbery, criminal sexual conduct, parole violation, drug trafficking, bank robbery, and unlawful flight to avoid prosecution (UFAP) or confinement.

The task force held regular meetings. Officers worked together, contributing talents, information and resources as required for the particular mission at hand. Over time, the DEA, state probation office and Silence Witness began to participate.

The operations plan developed for the task force lists six operational strategies that can be summarized as three general objectives:

- develop and disseminate intelligence on criminal activity,
- apprehend violent offenders and fugitive felons, and

Police Antidrug Tactics

- identify and arrest narcotics dealers.

Additionally, the plan identified long-term strategies for reducing violent crime, involving initiatives from law enforcement, courts and local governments. The strategies included drug demand reduction programs; aggressive enforcement at all levels; imposition of maximum allowable sentences on repeat offenders; improvements to physical conditions, such as to lighting and dilapidated properties; youth programs; and drug treatment/rehabilitation programs. Key to these long-term strategies was the incorporation of Savannah into the Justice Department's Weed and Seed Program.

The Weed and Seed Program encourages a multiagency approach to law enforcement and community revitalization such that the law enforcement community "weeds" the community of violent criminals and drug traffickers, while local governments, social service agencies and community organizations "seed" targeted neighborhoods with enhanced infrastructure; physical improvements such as parks, playgrounds and youth centers; employment and job training programs; and substance abuse prevention, education and treatment programs.

Most task force operations are concentrated in one Savannah police precinct. This 4-square-mile area contains 18.8 percent of the city's population, but accounts for 20 to 43 percent of the city's violent crime. It is characterized by severe socioeconomic problems, as well as neighborhood blight and deterioration. Despite the focus on this precinct, the task force can expand its operations into the county, state and beyond, if required.

The task force members work together to identify targets, establish priorities, gather intelligence, conduct investigations, and execute operations. The task force holds weekly meetings that are attended by members of most of the participating agencies. Typically, each agency may designate one or two members to the task force; however, in practice, each agency provides the number and type of personnel required to accomplish the assignment at hand. Likewise, each agency provides information and resources as needed.

The task force does not have a formal budget. The FBI can use certain types of funds for task force efforts. The FBI provides free training to the local agencies through the one-week violent crimes task force course at the FBI Academy in Quantico, Va. Otherwise, each agency funds its own participation in the task force.

Through the task force, officers can use a broad array of resources available at the local, state and federal levels. For example, the FBI and DEA provide information and intelligence from national databases, including NCIC, ISIS, NDIS, EPIC, and Public Source. The FBI coordinates the UFAP cases. ATF provides expertise in initiating triggerlock cases.

Likewise, local agencies provide information from local criminal history files, intelligence sources, informants, and institutional data. The Chatham County Sheriff's Office provides canine teams for drug raids. The Savannah Police Department frequently provides undercover officers and informants. Silent Witness funnels a multitude of tips to the task force through its anonymous tip line. Most recently, the state probation office has contributed by identifying violent and drug offenders who have outstanding probation warrants.

Many credited the violent crimes task force for being partially responsible for the 14 percent decrease in Savannah's violent crimes and the 59 percent decrease in homicides between 1991 and 1992. The temporary task force created in March 1991, which was the forerunner of the violent crimes task force as it exists today, was instrumental in the apprehension and successful prosecution of one of the most violent organized drug rings in the city's history. This organization was reputed to be responsible for 25 percent of the city's murders in 1991.

During its first two months of formal operation in 1992, the task force made 81 arrests, seized 24 guns and recovered two kilos of drugs. Several of the arrests were notable in that they involved repeat and extremely violent drug offenders. Many of the people arrested were purported to be members of various drug organizations. Approximately 15,000 documents were entered into a computer database for identification of nuisance properties. Three search warrants were served, each resulting in the recovery of narcotics and guns. The most significant warrant, obtained by ATF, resulted in the seizure of 25 ounces of powder and crack cocaine and the forfeiture of a house and vehicle.

Descriptions of Innovative or Effective Approaches

Building on its initial successes, the task force forged ahead. After its first five months of operation, the task force was credited with making 143 arrests, seizing 59 guns and confiscating \$26,311 in cash and \$84,000 in narcotics. Two UFAP subjects were captured, including a murder suspect from Florida who was wanted for shooting his girlfriend 14 times. At the time of his arrest, he was armed and possessed narcotics for distribution. Federal and local informants obtained information that led to the development of a valuable intelligence database.

More recently, the violent crimes task force was responsible for investigating a family-operated marijuana organization in Savannah. In October 1993, several search warrants were executed, resulting in the seizure of drugs and money. At the time of this writing, the case was pending prosecution by the district attorney's office. The violent crimes task force initiated a program to target violent and habitual drug offenders through the local probation office. At the time of this writing, two major probation warrant sweeps had been conducted, resulting in the apprehension of 46 people.

MANTIS information prepared by Lyle Mann, Tucson Police Department.

Savannah violent crimes task force information prepared by Dan Reynolds, Savannah Police Department.

Arizona Department of Public Safety
2102 W. Encanto Blvd.
Phoenix, AZ 85005
(602) 223-2000
Department size: 991 sworn/687 nonsworn personnel
Service population: not available

Marana Police Department
12775 N. Sanders Road
Marana, AZ 85653
(602) 682-4466
Department size: 12 sworn/five nonsworn personnel
Service population: 2,680

Oro Valley Police Department
680 W. Calle Concordia
Oro Valley, AZ 85737
(602) 744-4444
Department size: 29 sworn/10 nonsworn personnel
Service population: 10,000

Pima Community College Police
6680 S. Country Club Road
Tucson, AZ 85709
(602) 573-2692
Department size: 19 sworn/12 nonsworn personnel
Service population: 30,700

Pima County Sheriff's Department
1750 E. Benson Highway
Tucson, AZ 85713
(602) 741-4600
Department size: 371 sworn/576 nonsworn personnel (includes correctional personnel)
Service population: 717,000

Police Antidrug Tactics

South Tucson Department of Public Safety
1601 S. Sixth Ave.
South Tucson, AZ 85713
(602) 622-0655
Department size: 24 sworn/10 nonsworn personnel
Service population: 14,000

Tucson International Airport Police
7005 S. Plummer
Tucson, AZ 85706
(602) 573-8159
Total personnel: 21 sworn/20 nonsworn personnel
Service population: not available

Tucson Police Department
P.O. Box 1071
Tucson, AZ 85702-1071
(602) 791-4441
Department size: 744 sworn/245 nonsworn personnel
Service population: 421,951

University of Arizona Police Department
1200 E. Lowell St.
Tucson, AZ 85721
(602) 621-8273
Department size: 36 sworn/28 nonsworn personnel
Service population: 55,362

Savannah Police Department
323 E. Oglethorpe Ave.
Savannah, GA 31401
(912) 651-6676
Department size: 400 sworn personnel
Service population: 140,000

Nuisance Abatement or Padlock Laws

BALTIMORE

Many cities have identified areas of public nuisances within city boundaries. In Baltimore, the city council determined that these public nuisances are harmful to the safety, health and general welfare of the city's citizens, businesses and visitors and subsequently enacted a public nuisance ordinance, also known as a "padlock law," to help the police curtail the use of certain premises in violation of laws relating to prostitution, gambling, controlled dangerous substances, and stolen property. The law is intended to eliminate the nuisances. The Baltimore police commissioner's application of abatement procedures and the penalties imposed pursuant to this law constitute an additional method for law enforcement to respond to the proliferation of deteriorated premises, especially those used for crime.

Most of the violations referred to the Baltimore Police Department's 10-member padlock unit, which is part of the criminal intelligence section, are generated through the agency's patrol division. However, the drug enforcement and vice units also account for a large number of complaints. In addition, the padlock unit can initiate investigations at suspected locations. A majority of the investigations stem from violations of the state's controlled and dangerous substances law. Although the law is designed to identify and abate nuisances in both residential and commercial areas, statistics show that more units are under padlock in the city's residential areas.

Before instituting the citywide padlock law in 1986, the city council enacted Article 19, the police ordinance on public nuisances. In addition, the state legislature enacted a law concerning controlled dangerous substances: the abatement of nuisances law. These two laws serve as the basis for the padlock tactic's enforcement component.

In addition to the other police department units involved in enforcing this tactic, the department's legal unit is involved in notifying the city's land records section of any violations. Thus, prospective purchasers can determine a property's history.

The padlock unit is responsible for administering the padlock laws. A lieutenant and a sergeant supervise the unit. Ten detectives assigned to the unit are the primary staff for enforcing the tactic. However, patrol officers in each district are responsible for monitoring those buildings that are already under padlock.

The Baltimore padlock law was modeled after the New York City law, which has been in place for a number of years and has withstood a number of court challenges. This ordinance defines a "public nuisance" as any premises where violations of the laws governing prostitution and lewdness, controlled dangerous substances, gambling, or stolen property possession are occurring, and where two or more violations of such provisions that have resulted in two or more criminal convictions have occurred on two or more occasions within a 24-month period before the commencement of a proceeding. Upon the second conviction, it is considered prima facie evidence that a public nuisance has occurred. The code defines "premises" as any land, building or other structure, or part thereof.

After two convictions and notice to the property owner that an opportunity for a hearing exists, the police commissioner can order the discontinuance of the nuisance. He or she may also order the closure of the premises to the extent necessary to abate the nuisance. Notice must be given to the owner by personal service or certified mail; in addition, following the hearing, an order is posted on the premises. On or after the 10th business day following the posting, and upon the commissioner's written directive, the order may be enforced. The commissioner can order that the premises be closed for as long as he or she reasonably feels is necessary to eliminate the nuisance. However, it cannot be closed for more than one year. During that time, no one except the owner may occupy or conduct business from the building, and then, only to make any necessary repairs.

Any interested party may post a bond for the period of the ordered closing in an amount not to exceed the assessed value of the property; that amount cannot exceed \$1 million. In addition, the party must submit adequate proof that the nuisance has been addressed and will not be permitted during the ordered closing.

Police Antidrug Tactics

The ordinance does allow for an appeal of the commissioner's order. The intent of the ordinance is not to have the police department close an area determined to be a public nuisance, but rather, to have the nuisance abated before the situation requires that the area be closed. In mid-1993, the padlock unit was investigating 780 active cases. At the time of this writing, only 11 cases had progressed through the entire process.

No formal training exists for personnel who apply the law. Typically, any change to the law is conveyed to department personnel through a memorandum from the commissioner's office. At the time of this writing, there had been no legal challenges to the law. As a matter of policy, police department personnel do not offer the property owner legal advice about how to abate the nuisance; instead, they suggest that the owner consult with a lawyer.

The drug problem in Baltimore primarily involves crack cocaine, although other drugs such as powder cocaine, heroin and marijuana are still found throughout the city. The police department's overall drug strategy includes an interdiction effort designed to help them identify and arrest major dealers as well as people who frequent open-air drug markets for the purpose of procuring narcotics. In addition, the department tries to involve citizens in its interdiction program in order to build a stronger partnership with them.

DAYTON, OHIO

Nuisance abatement, as used by the Dayton, Ohio, Police Department, occurs when there is a criminal violation of drug, gambling, liquor, or prostitution laws that triggers probable cause. Departmental policy is to initiate abatement proceedings on every drug search warrant served in Dayton. Once the police identify a nuisance and serve the tenants and/or property owner notice, the police and other city departments monitor the property owner's corrective action, holding him or her completely accountable. If the owner refuses to correct the problem, he or she can be charged criminally. Overall measurement of the tactic's effectiveness reflects a 90 percent abatement compliance rate.

In 1989, a coalition known as The Concerned Christian Men succeeded in petitioning the court to padlock a house in Dayton. This house had been the scene of numerous drug-related searches. The coalition's success provided the momentum for the city to research local ordinances elsewhere and adopt its own nuisance ordinance.

Once the ordinance was passed, the police department adopted a controlled implementation plan. A training period with the city attorney and housing inspectors was instituted. This involved having housing inspectors from the Division of Neighborhood Development accompany police officers on the service of all search warrants. Inspectors served a "Notice of Public Use Nuisance" on the people present in the house and/or the owner, if possible. After six months of field experience, the sergeant supervising the execution of the search warrants was assigned this service responsibility, and now inspectors are called in during the process only if needed.

To facilitate the process, the special investigations division had in-house access to all county property records to determine ownership. Sergeants were also briefed about other housing violations. As part of the preliminary planning, a mass mailing was sent to the landlords registered in the city. In addition, the city conducted a seminar to inform landlords of their responsibilities and of some of their rights under Ohio tenant law, as this ordinance permits landlords to evict, in three days, a tenant involved in a crime.

An unexpected benefit has been the additional information that landlords and people living close to drug houses have provided about suspected criminal activities. This appears to be a good tool for landlords as they seek relief from problem tenants.

Use of the nuisance abatement tactic in Dayton has generated related activities that help the police combat drug problems. City landlords have worked together, through a network, to keep criminally involved people out of their rental properties. Tenants identified through the eviction-nuisance process are prohibited from gaining access to other government-subsidized housing wherever the Dayton Metropolitan Housing Authority controls housing units.

Baltimore information prepared by Jim Scut.

Dayton information prepared by Russell Maas.

Baltimore Police Department

601 E. Fayette St.

Baltimore, MD 21202

(410) 396-2633

Department size: 3,000 sworn/1,500 nonsworn personnel

Patrol unit size: 2,100 personnel

Service population: 700,000/186 square miles

Dayton Police Department

335 W. Second St.

Dayton, OH 45402

(513) 449-1000

Department size: 485 sworn/110 nonsworn personnel

Patrol unit size: 226 personnel

Service population: 176,000/55 square miles

See "Appendix I: Baltimore and Dayton Nuisance Abatement Ordinances."

Officer Rotation Plan

Faced with shortages of undercover personnel once officers become known in the drug-dealing community, several police departments have started rotating patrol officers through narcotics to increase personnel availability and recycle the knowledge gained during undercover operations. Like other agencies, the Chesapeake, Va., Police Department has used this approach.

In 1991, a department task force recommended and implemented an officer rotation plan in response to an increase in drug abuse cases and street narcotics sales. The plan was intended to reduce drug availability and enhance patrol officers' knowledge, thus increasing drug enforcement and arrests.

Five patrol officers are selected to be placed on-loan from the uniformed operations section. Patrol supervisors make recommendations based on an officer's overall street-level drug enforcement activities. On occasion, race and/or sex may be a factor in personnel selection. These officers are generally used to buy drugs and aid cover teams.

Temporary assignees' performance is measured by total arrests, type of case and depth of penetration within the targeted organization. Patrol officers are teamed with a detective throughout the assignment. The detective makes basic and/or daily activity decisions. This program provides Chesapeake's narcotics unit with additional manpower and new faces for buying power. With officer rotation, the unit can initiate new undercover operations regularly and make more purchases of illegal drugs. In addition, the rotated officers return to patrol with the training and experience needed to make more drug arrests.

The rotated officers are initially assigned to the special investigations section for three to six months. Personnel are given basic training on drugs by their assigned detective partner and through training films. Full-time and, occasionally, temporary personnel are sent to in-service or special drug enforcement schools. Once these personnel have completed their program, they are returned to their original assignment. Later, they may participate in the program a second time for up to one year.

In 1991, Chesapeake launched one of its largest undercover operations: OPERATION 5-0. The operation, which lasted almost nine months, ended with over 45 suspects arrested on approximately 100 felony charges, \$32,000 in drugs removed, and 370 grams of crack cocaine confiscated. The department's total investment was less than \$9,000.

It should be noted that this program effectively reduces the availability of personnel in the uniformed patrol section. However, the long-term benefits from the patrol officers' enhanced drug enforcement ability are felt to outweigh the loss of five officers.

Enforcement targets are selected through complaints, information and intelligence-gathering operations. Major targets, once identified, are submitted through the chain of command to the captain for final approval. If a long-term undercover operation is required, approval is made based on the likelihood of success and the amount of money and/or time available.

With the increase in investigators and drug cases, there is the possibility of corruption in the unit. However, with close supervision and an internal system of audits and inspections, such opportunities are greatly reduced. In addition, one detective is assigned control of all drug evidence once it is turned in for court and/or destruction.

The city has provided no extra funding for the rotation program. However, a grant from the Virginia Department of Criminal Justice Services Commission helps to defray overtime costs for rotation officers. The state contributes a grant for overtime pay and equipment, asset forfeiture monies are used for equipment, and the city and state both contribute money for informants.

Police department personnel believe the rotation plan has been successful. The patrol section increased their drug arrests for 1992 by 35 percent over 1991. The department as a whole increased arrests over 300 percent from 1990 to

Descriptions of Innovative or Effective Approaches

1992. Intelligence and observation of drug dealing have shown that drug dealers move around more frequently now and are less conspicuous. At the time of this writing, drug seizures had ranged from less than 20 ounces to over three kilos of cocaine. The program's overall success is demonstrated by the increase in arrests and drug seizures since implementation.

Cocaine is the drug most abused in Chesapeake, with marijuana remaining very popular. Approximately 50 percent of all drug arrests in 1992 involved cocaine. Repeat offenders accounted for 17 percent of all drug arrests, and approximately 26 percent of those arrested lived in other cities.

Information prepared by Robert Marland, Richmond, Va., Police Department.

Chesapeake Police Department

P.O. Box 15225

Chesapeake, VA 23320

(804) 547-6161

Department size: 273 sworn/70 nonsworn

Service population: 168,764/353 square miles

Pharmaceutical Diversion

To respond to drug abuse in the health field, in 1991 the Cincinnati Police Department developed a pharmaceutical diversion squad (PDS) to identify, investigate and prosecute people involved in illegal activity relating to pharmaceutical drugs. Cases the squad handles cover the full range of pharmaceutical wrongdoings, from forging or altering prescriptions to misusing health care licenses for personal gain. The PDS regularly works with the Ohio Pharmacy Board, Ohio Medicaid Fraud Unit, Ohio Medical Board, Ohio Nursing Board, Ohio Dental Board, and U.S. Department of Health and Human Services to accomplish its objectives.

The squad members and supervisor select targets based on alleged or verified criminal activity. This activity is identified by the PDS or through other law enforcement efforts. Most of the squad's investigative techniques are similar to those used for white-collar crimes and forgery investigations. Offenses are tracked through state and federal drug transaction records or, sometimes, through an undercover operation.

Once criminal violations have been established, the squad seeks forfeiture action for profits derived from the activity. Because health care facilities rarely report the theft of medication to a law enforcement agency, the squad provides an educational program to inform health care practitioners of their legal obligation to report all thefts. To enhance the educational process, the squad also publishes a newsletter to inform practitioners and simultaneously achieve voluntary compliance.

A sergeant who helps with investigations manages the squad, which has four investigators and a civilian. Officers with experience in drug investigations or with the skills to interact with the health care community and state regulatory agencies are sought. State and federal agency personnel train all personnel assigned to the team. Training is an ongoing process, as the squad constantly faces new challenges. The offender class and violations require an in-depth knowledge of drugs, drug laws, investigative techniques, and human nature.

One highly publicized case the PDS handled involved the arrest of a local physician for defrauding the Medicaid system. This was the culmination of a two-year undercover investigation. In addition, two pharmacies were closed after the squad arrested the pharmacists for illegal drug trafficking. In 1992, the squad's cases resulted in the seizure of \$260,000 in cash and assets, some of which were pending forfeiture action. Another case resulted in the arrest of a person for smuggling pharmaceutical drugs into one of Ohio's prisons.

The squad's performance is evaluated using a two-track system. First, the squad tries to determine the number of dosage units diverted within their service area. This is done by counting dosage units in forged or altered prescriptions, identifying suspects who "doctor shop" to obtain several "legitimate" prescriptions, or counting dosage units lost in thefts. Performance is also evaluated by case closure, when a defendant is criminally charged and his or her assets are subjected to forfeiture. When an arrest is made, the squad determines the number of dosage units the person was responsible for and tracks this number as "identified dosage units diverted."

The PDS was established in 1991, when prospective targets in the Cincinnati area were identified. The police department lacked personnel to fully investigate these suspects, so the Governor's Office of Criminal Justice Services agreed to fund the squad through a grant. The department has continued to operate the squad under the state grant, which covers personnel costs. The city is responsible for all additional expenses. In developing the squad, police surveyed other diversion units, including municipal, state and federal agencies. Ohio is reported to have effective criminal codes and regulatory cooperation that provides critical investigative access to drug records. Without these statutes and regulations, the investigative process would be more difficult.

Most investigations are after-the-fact cases. This permits the squad to seek direction and legal support from the state regulatory boards and the city prosecutor's office. One prosecutor has been assigned as the squad's lead contact.

To address the long-term needs of law enforcement, and as part of a funding grant, the squad also provides training seminars for other law enforcement agencies. At the time of this writing, over 350 people had attended these

Descriptions of Innovative or Effective Approaches

seminars. Additionally, roll-call training has been provided to 400 Cincinnati police officers. The squad allows officers from other agencies to work with their investigators, thus transferring the Cincinnati experience to other regions of the state.

By 1993, the squad had arrested 62 health professionals, including 34 nurses (LPNs or RNs), 10 registered pharmacists, seven physicians, two dentists, and nine other professionals, such as pharmacy technicians, nurse assistants and surgical and medical assistants.

Cincinnati's drug problem involves street users of illegal and pharmaceutical drugs, as well as major trafficking targets. The department's overall drug strategy has been to use investigative tactics to address all levels of drug offenses. Organizationally, this strategy includes a street-corner unit, a vice unit that targets growers and uses drug-detecting canines, and the PDS.

Information prepared by Russell Maas.

Cincinnati Police Department
310 Ezzard Charles Drive
Cincinnati, OH 45214
(513) 352-3536
Department size: 964 sworn/226 nonsworn personnel
Service population: 410,000/78.6 square miles

Post-Seizure Analysis

Federal, state and local law enforcement officers often seize significant amounts of illicit narcotics and/or currency during drug-related arrests. The demands on law enforcement personnel's time, however, seldom allow for critically needed post-seizure follow-up investigation and analysis. Such analysis is particularly necessary for narcotics and currency seized on highways and roads that cross jurisdictions. Other important seizures that merit post-seizure investigation and analysis are those made at Border Patrol checkpoints and Customs ports of entry.

Law enforcement personnel can find links between many arrests and seizures through telephone numbers, mailing addresses, commercial hauling businesses, vehicle types, common concealment areas in load vehicles, and other factors. On many occasions, these similarities or links are not compared with data from other investigations. Post-seizure analysis can identify possible links and commonalities between major drug traffickers and their organizations and subsequently enhance and expand investigations that would otherwise not be linked. Finding such links contributes to disabling major drug-trafficking organizations and often results in enhanced sentencing of offenders.

In 1992, the Texas Department of Public Safety began routinely using post-seizure analysis and investigation by establishing a unit to acquire, investigate and analyze data not previously available to investigators. The Post-Seizure Analysis Team was formed under the High-Intensity Drug Trafficking Area (coordinated by the U.S. Attorney's Office in Houston) and includes representatives from the Texas Department of Public Safety's narcotics unit, DEA, FBI, Customs Service, and IRS. The National Guard also provides personnel to support the unit. At the time of this writing, there were plans to include an Immigration and Naturalization Service intelligence agent in the unit.

The unit relies primarily on an automated database derived from contraband and currency seizures made by uniformed troopers and Border Patrol agents. Seizures of 200 pounds of marijuana, five kilograms of cocaine, \$10,000 in cash, and any amount of heroin meet investigative criteria.

It is not uncommon for the Post-Seizure Analysis Team to link 10, 20 or 30 different seizures by using the database. Typical links occur through identification of common addressees (such as a shipment's origination address). Telephone numbers and family and business ties are also common links. The team can also use the database to corroborate investigative data and retrieve additional seizure-related information, such as concealment modes, times of day and similarities in drug packaging; however, this trend-related follow-up information has not been fully developed. Any information about a seizure can potentially be correlated with other cases.

Operation and maintenance costs for the database include personnel (one lieutenant, five narcotics sergeant investigators, seven crime analysts, two data entry personnel, and one secretary); travel expenses, particularly for making presentations about the unit's capability; equipment, including a computer mini-mainframe, personal computers and software; and ongoing expenses, such as office rental fees and toll-free phone line fees.

Although other law enforcement agencies have full access to the database, corruption of intelligence information is not problematic. The integrity of information is protected because the system primarily functions as an intelligence pointer. The system also tags any queries by other law enforcement agencies so the unit can track and monitor them. The unit is operated and managed by the state Department of Public Safety, which is the central repository and clearinghouse for the majority of all drug intelligence state and local officers generate. In addition, the state agency also operates the Texas Narcotics Information System, which is the statewide computerized drug intelligence pointer index. In this role, the state system is also connected with similar drug intelligence hubs in New Mexico, Arizona and California, which facilitates investigations of border-state drug seizures.

The benefits of the system, in addition to linking seizures, include the enhanced cooperation between local, state and federal agencies in drug law enforcement, and the provision of assistance to law enforcement officers at all levels within the state and the nation.

Information submitted by David Lord and Eddie Hebisen.

Texas Department of Public Safety

Box 4087

Austin, TX 78773-0001

(512) 465-2150

Department size: 6,000 total personnel/2,534 sworn personnel

Service population: 17,000,000

Targeting Mail Delivery Services

DELAWARE

The emergence of alternative mail and parcel delivery services such as United Parcel Service (UPS), Federal Express and private mailbox companies has challenged law enforcement's ability to intercept illegal narcotics transported through this cottage industry. Using the U.S. Postal Service to transport drugs is not an alternative for most dealers, as most in the drug trade know that the Postal Service has a law enforcement component that poses a constant threat to their illegal operations.

The goal of targeting mail delivery services is to reduce dealers' ability to use these private companies to transport narcotics. The objective is to work cooperatively and effectively with these firms should they or law enforcement suspect a particular package contains illegal drugs. The tactic is not directed at any one group, location or drug type, unless specifically noted through the gathering of intelligence information during an investigation.

The Delaware State Police have successfully used this tactic. During one investigation, a UPS employee suspected a package he was about to deliver contained a controlled substance. He had made several stops at the address in the past, and it was in a known drug area. He told his immediate supervisor about his suspicions, and the supervisor notified the state police.

A drug-detecting canine and a narcotics investigator were sent to examine the package. The dog hit on the package immediately, and the investigator subsequently secured a search warrant for the residence for which the package was intended. UPS further assisted in the investigation by supplying investigators with a delivery truck and uniforms so they could make a controlled package delivery. The state police wanted to deliver the package to the person to whom it was addressed, and to no one else. Once the package was delivered and an arrest made, the investigators notified the Texas authorities where the package originated to follow up on the person who sent the package. In many cases, the return address or the name of the person sending the package proves to be fictitious; however, this information can be important evidence for the prosecution.

Members of the Delaware State Police's narcotics unit have talked with managers of mail and delivery firms about steps company employees should take if they suspect a particular package. There are no formal agreements between the police and the companies. To prevent a company's employees from becoming agents of the state police in these investigations, it is suggested that no such agreement be prepared. This safeguard protects the integrity of the investigation.

This type of investigation needs little equipment to be successful. However, using a highly trained drug-detecting canine prevents investigations from being jeopardized. The canine's actions, along with other investigative information, are the basis for obtaining a search warrant.

The Delaware State Police, in cooperation with the National Guard and the federal government, have also purchased an ion scanner. The scanner can be used to detect particles or trace amounts of a drug on the outside of a package. Using the scanner does not preclude using a drug-detecting canine, but rather, serves to strengthen the evidentiary value of the canine work. At the time of this writing, the state police narcotics unit had not had an opportunity to test the machine in a controlled delivery situation, and its use had not been challenged in the Delaware courts. However, the ion scanner is not necessary to carry out this tactic effectively. Delaware has become a national pilot site for using the ion scanner.

In many cases where state police have targeted a mail delivery system, time has become a critical element in the investigation. Often, the suspected package has already reached the delivery depot and is about to be delivered to its intended party. Once the narcotics unit receives the complaint, law enforcement personnel have very little time in which to commence and complete their investigation. At this point, the sergeant must prioritize the unit's workload and staff availability for immediate deployment. Initially, two detectives conduct the investigation. Depending on the

depth and scope of the investigation, once warrants have been secured, additional officers, including supervisors, may be deployed to make arrests and execute search warrants.

Seasoned police officers are charged with implementing the tactic. No special training is required for these officers. However, they are regularly informed of any departmental policy changes or court decisions that affect how the operation should be carried out. The unit commanders are responsible for conducting the necessary training.

Two legal obligations of concern for officers using the tactic are delivering the suspected package to the addressee and to no one else, and ensuring that neither the delivery company nor its employees become agents for the state at any time during an investigation. For example, investigators, after trying to deliver a package, leave word at the suspect's address that he or she should go to the company to sign for and pick up the package. In doing so, the suspect fulfills the department's policy of delivering the package to the person for whom it was intended. As previously discussed, if a court challenge to this tactic is made, it might be based on the allegation that a delivery company employee acted in conjunction with and at the order of the state police. In other words, the delivery company acted as an agent of the department. To prevent this, the department has not entered into any formal agreements with the company. However, they have instructed company employees on what they should do if they suspect a package.

As a standard operating procedure for the unit, a supervisor reviews and approves all investigations. Secondly, all investigations are conducted by teams of two or more investigators. Finally, in any controlled delivery operation, the unit lieutenant is involved in the delivery and the arrest of the suspect(s).

The state police do not use this tactic very often. During any given year, the agency might get involved in three or four such investigations. This tactic is largely a response to a citizen's complaint.

Delaware must be traveled through as the drug trade continues to flow north-south on the East Coast. Typically, money goes north and drugs go south on the interstate highways. The average state police seizure on Interstate 95 in 1992 was \$12,000. State troopers seized a total of \$1.6 million on the highway that year. The agency's drug strategy has involved working a case from the bottom up and from the top down. Investigative teams examine each case and start to close in on the suspects from both angles in hopes that they can identify and arrest a major dealer. The patrol division has aggressively patrolled the interstate corridor; however, that practice was under review in 1993 because of an abuse complaint against a trooper.

TUCSON, ARIZ.

Metropolitan Area Narcotics Trafficking Interdiction Squad (MANTIS) agents in Tucson, Ariz., have developed a list of characteristics, validated through the courts, that provides them with the probable cause needed to obtain search warrants related to private mail delivery services. These characteristics include the following:

- commercially purchased boxes, usually white;
- heavily taped packages, sealed on all seams and corners;
- fictitious information in return or delivery addresses;
- shipping payments made by people without identification just before business closing; and
- packages with a very strong smell of soap, coffee or food (to mask the smell of drugs).

Targeting private mail systems is a simple technique and requires just two agents. MANTIS personnel conduct a surveillance of a shipper such as Mail Boxes Etc. or Federal Express near closing time. If they see someone enter the business with a package fitting the criteria, they follow him or her inside to observe the transaction. If they have reasonable suspicion, they stop the person after he or she leaves the business. Based on the information gathered, they

Police Antidrug Tactics

may intercept the package, contact a judge for a search warrant, and open the package. Investigators have conducted over 100 cases this way and have always found narcotics, money or contraband.

Once investigators discern the contents of the package, they contact authorities at the intended destination and bring them into the investigation. The related conspiracy investigations can be time-consuming, but the tactic itself requires only a few hours. It has been so successful that the MANTIS sergeant who supervises the operation has described it as "shooting fish in a barrel."

At the time of this writing, the MANTIS agents using the tactic were producing a training manual for other agents and departments in other areas, as drug dealers were becoming aware of the tactic and were driving to Phoenix (120 miles away) or even Flagstaff (240 miles away) to ship their narcotics. By training agents at these locations, further disruption of the narcotics flow should occur. The agents were also conducting training courses for private shippers so they can help identify suspicious packages.

Tucson's drug problems vary from those in Delaware. Dealing in Tucson involves numerous street-level sellers and users. Marijuana, cocaine, crack cocaine, and amphetamines are the usual drugs of choice, although heroin and LSD pose a small but constant problem. Because of its proximity to the Mexico border, the area is also troubled by the proliferation of mid-level suppliers and transporters, as well as major narcotics organizations.

ARVADA, COLO.

The Arvada, Colo., Police Department developed Operation Surprise Package in response to the emerging trend among drug traffickers to mail controlled substances via Federal Express, DHL, UPS, and local retail packaging services. Arvada investigators educate service providers about the extent of the problem and develop good working relationships with managers and employees. They work closely with these service providers to interdict drug shipments and identify and apprehend traffickers. The program is similar to other interdiction programs that use indicators and characteristics to identify suspicious behavior and/or people, such as airport and highway interdiction programs. Using indicators and characteristics common to drug traffickers, the police department takes a three-pronged approach:

- Investigators observe packages for suspicious indicators at the Arvada Federal Express distribution facility.
- Investigators respond when a business identifies a suspicious package, initiating an investigation to establish probable cause, or when a business inspects a package under company guidelines and discovers suspected contraband.
- Investigators observe shippers and/or receivers using "you pack it" companies, alert for indicators common to drug traffickers.

Upon recovering controlled substances, Arvada investigators try to identify and apprehend the shipper and/or the intended recipient of the package.

Arvada investigators point out that Operation Surprise Package objectives include building solid public relations with, and the support of, these mail/package service providers, who are part of the business community. The program's success depends on the cooperative efforts of the Arvada Police Department's special investigations unit (SIU), the local Federal Express, the local packaging services/outlets, and the Jefferson County District Attorney's Office, which is responsible for local prosecution of Operation Surprise Package cases. In addition, many investigations may depend on other law enforcement agencies' cooperation and assistance in identifying shippers or making controlled deliveries outside of Arvada's immediate jurisdiction. Arvada police work closely with the DEA's state and local task force to overcome these limitations.

As this program's success depends on the participation, cooperation and support of both service providers and prosecutors, Arvada investigators have included representatives of these entities in planning and organizing the program. Arvada SIU officers resolved issues with the Jefferson County District Attorney's Office and Federal Express before implementing the program. Maintaining open channels of communication keeps concerns to a minimum, enhancing both trust and cooperation. Though no equipment is required to support this program, drug-detecting canines are very valuable in developing probable cause to open suspicious packages. These canines are used to support investigators' suspicions based on observed indicators, and not to develop the initial basis for suspicion.

The SIU administers Operation Surprise Package. SIU investigators are responsible for drug enforcement and other covert/specialized investigations. The program is supervised by an investigator/project director, who is responsible for training four other investigators to recognize indicators and characteristics and for familiarizing these participants with employees, managers and owners of packing/shipping businesses. The project director maintains a liaison with these businesses and with the district attorney's office and is responsible for maintaining activity and performance records concerning the program.

SIU investigators periodically spot-check shipping businesses. Their experience indicates that it takes a single investigator approximately one hour each day to inspect packages at the various sites. The time increases when the investigator identifies a suspicious package, and additional personnel will likely be required to support the investigation or make the delivery. The SIU's goal is to make these inspections three to four times a week. SIU investigators are confident that increased contacts and inspections will result in increased call-outs initiated by their business counterparts.

This program was initiated after a case in which a woman from another metro-area suburb tried to ship an ounce of cocaine from the Arvada Federal Express terminal. Federal Express employees thought the package was suspicious and sent it to their Memphis facility (per company procedures). An employee of the Memphis facility contacted the woman, telling her the contraband had been discovered and advising her of the possible consequences of her actions. The woman panicked and called her lawyer, who in turn contacted law enforcement officials. The lawyer negotiated an agreement with Arvada law enforcement officials in which his client would be an informant for SIU investigators in exchange for immunity to criminal charges in the case. The woman worked with SIU investigators and "turned" two cases. This event alerted the SIU that traffickers were using Arvada packing/shipping businesses to distribute drugs and generated their interest in developing a package interdiction program.

Before initiating Operation Surprise Package, an SIU supervisor and investigator went to Tucson to train with the Tucson Police Department. The Tucson narcotics unit has a package interdiction program with one part-time and two full-time investigators. Because Tucson is a source area for marijuana shipments, the police department primarily focuses on outgoing packages; the Arvada Police Department mainly focuses on incoming packages. Additional indicator and characteristic recognition training was provided by the Denver Police Department's airport interdiction unit, which has been investigating courier indicators and working with the U.S. Postal Service for several years. The Jefferson County District Attorney's Office has provided legal training.

Court rulings and case law greatly affect this program. The SIU works closely with both state and federal prosecutors in investigating cases.

Arvada is a home-rule suburban city located in the northwest metropolitan Denver area. It is the sixth largest city in the state. The majority of the population is middle to upper-middle class. Arvada's primary drug problem is powder cocaine, but marijuana and methamphetamine also pose problems. Arvada deals with both traffickers and users. Arvada's overall drug strategy is enforcement-oriented, coupled with a very active DARE program.

Police Antidrug Tactics

Delaware information prepared by Jim Scut.

Tucson information prepared by Lyle Mann, Tucson Police Department.

Arvada information prepared by Gary Graham, Denver Police Department.

Delaware State Police

P.O. Box 818

Dover, DE 19903

(302) 635-3548

Department size: 497 uniformed/183 nonsworn personnel

Service population: 671,400/1,978 square miles

Tucson Police Department

P.O. Box 1071

Tucson, AZ 85702-1071

(602) 791-4441

Department size: 744 sworn/245 nonsworn personnel

Service population: 421,951

Arvada Police Department

8101 Ralston Road

P.O. Box 8101

Arvada, CO 80001-8101

(303) 421-2550

Department size: 119 sworn/65 nonsworn personnel

Service population: 90,286

Targeting Probationers

To discourage repeat offenders from engaging in drug-related and other criminal activity, the Savannah, Ga., Police Department initiated a program to target violent and habitual drug offenders through cooperation with the local probation office. The collaborative effort is part of the police department's participation in a multiagency task force. Probation office representatives take an active role in task force meetings, planning and activities.

Police department officers routinely screen arrest reports for probationers, particularly to identify people with outstanding probation warrants. The department reports this information to the probation office daily. Each week, the probation office provides the police department with updated information on probationers. Previously, probationers often slipped through the cracks in the criminal justice system because police officers sometimes assumed that the jailer routinely checked probation records. Police attention to the probation issue, however, has dramatically increased arrest rates and enhanced the penalties against repeat offenders.

The department also targets suspects for probation violations, running a background check on suspected violators. Before serving warrants on suspects, police officers talk to the probation agent. "Arm in arm, we go down to the judge and get our warrants," said a Savannah police official.

A probation violation is a major incentive for repeat offenders to avoid criminal behavior that may result in an arrest. Probationers cannot post bond on a probation warrant, and their probation is automatically revoked.

As a result of their work with the probation office, the Savannah Police Department determined the number of repeat offenders in the jurisdiction, increased arrests of probationers, and used this information to help the probation office get more personnel. In addition, the police department bought cameras to photograph probationers, enhancing the probation office's previously paper-only records.

Working closely with the probation office is considered a highly effective tactic by the police department. For example, two major probation warrant sweeps resulted in the apprehension of 46 people.

Information prepared by Dan Reynolds, Savannah Police Department.

Savannah Police Department
323 E. Oglethorpe Ave.
Savannah, GA 31401
(912) 651-6676
Department size: 400 sworn personnel
Service population: 140,000

Targeting Taxicab Drivers

Intelligence information gathered by members of the Annapolis, Md., Police Department's narcotics unit indicated that a number of city taxicab drivers were taking people to open-air drug markets to buy illegal drugs. It was further suspected that some of the drivers were trafficking in narcotics.

The department decided to conduct a sting to determine the extent of the problem, identify the drivers involved, arrest those identified, confiscate vehicles used for this illegal purpose, and send a clear message to the community that such activity would not be tolerated. The primary objective of the operation was to identify and arrest cab drivers who took people to the city's open-air drug markets to buy illegal drugs. Although there was no indication that personnel from the local military academy were involved in any narcotics violations, the fact that the cab companies had unrestricted access to the base 24 hours a day made it a potential target.

Working with the Naval Criminal Investigative Service and the Anne Arundel County Sheriff's Department, the Annapolis Police Department instituted an undercover operation. An undercover officer randomly called cab companies and requested a cab. Each call was tape-recorded. Important investigative data such as the date and time of the call, the location from which the officer made the call, the name of the cab company, and the tag number of the cab were also recorded. Once the undercover officer was in the cab, she would engage in friendly conversation with the driver, eventually asking the driver whether he or she knew where she could get something to "party with." If the driver agreed to help the officer, he or she would drive to one of the city's known open-air drug markets.

While in the cab, the officer noted such information as the driver's name, race, sex, and cab number. The officer was supplied with a body transmitter to ensure her safety and to record conversation related to the possible drug transaction. A back-up team of at least two officers supported the operation at all times. No arrests were made at the time of the buy; instead, all cases were brought before a grand jury at the end of the operation.

The operation resulted in the grand jury's handing down 15 felony indictments and seizure orders for the vehicles involved. To expedite the arrests of the suspects, teams of officers simultaneously fanned out across the city. Thirty-seven officers from different agencies participated in apprehending the suspects.

The investigation was conducted over a six-month period. During that time, the officer tried to buy drugs 82 times and actually made 23 purchases—22 of crack cocaine and one of marijuana. This operation resulted in 15 arrests, three of those for dealing drugs, as well as the seizure of 11 vehicles. All of those arrested pleaded guilty before trial.

Several planning meetings were held before the strategy was implemented. A number of key issues had to be resolved. For instance, to keep federal law enforcement officers involved in the sting, it was agreed that either the calls would originate from the U.S. Naval Academy's grounds or the trip would end on or near the grounds. Although the officer never indicated she was associated with the Academy, she thought most of the drivers believed she was.

Personnel consulted with the Maryland State's Attorney's Office before initiating the investigation. An assistant state's attorney counseled all the participants on issues such as entrapment and maintaining the chain of evidence.

Basic equipment required for this operation included undercover vehicles, police radios and a body transmitter and receiver for the undercover officer.

Initially, management's role was to identify the participating agencies' duties and responsibilities, approve the tactic to be used, and identify the resources needed to carry out the operation. The sergeant in charge of the police department's narcotics unit was responsible for daily supervision of the operation. The detectives worked alone, with little or no daily supervision. Although this operation lasted approximately six months, officers worked the cases at their leisure, when time permitted.

During the initial phase of the investigation, one undercover officer and two back-up officers were used. On occasion, a confidential informant would also be present during the buy. Only after the indictments were handed down and the arrests of the suspects were imminent was there a need for additional staff, to process those arrested.

No training was conducted before the investigation. However, upon review, it is suggested that recruits with no prior undercover narcotics investigative experience be exposed to the drugs they might encounter during such an investigation. In addition, they should be familiar with the "street lingo" dealers use, as well as the geographical area in which the operation will take place.

Before beginning this operation, agency members met with the assistant state's attorney to review the operation and ascertain what, if any, legal problems he felt they might encounter. They discussed the following topics:

- **Entrapment.** To avoid an entrapment challenge to any arrests, specific tactics were suggested for use throughout the investigation. For instance, if a driver showed any reluctance or reservations during the initial discussion, the undercover officer would not pursue the issue further. Suspects were also allowed to choose the site for the buy; at no time was the officer to suggest a location.
- **Chain of evidence.** To minimize the number of officers involved in the chain of evidence for a transaction, the commanders elected to have the undercover officer handle the entire transaction, as well as the seizure and storage of all evidence.
- **Prosecution.** During preliminary discussion with the state's attorney, a tactical decision was made concerning the purchase locations and the charges to be sought. No drugs were to be bought on Academy property. This was to ensure that only state charges could be filed against the defendants. Due to the nature and scope of the investigation, the state's attorney's office elected to present each case to the grand jury once the undercover operation was over. The grand jury then handed down the indictments that were served on the suspects at the time of arrest.

As with any undercover narcotics operation, there was a risk of police corruption. However, during this investigation, routine precautions were taken to minimize that risk. The officer was given the exact amount of money needed to make the buy and was required to wear a body wire during each transaction. This enabled the back-ups to monitor the conversations between the parties involved from beginning to end.

With the exception of salaries, the total cost for this six-month operation was relatively low. Each agency covered some of the cost. No formal evaluation was done on this project. However, each agency involved rated the program a success, based partially on the number of arrests and vehicles seized and the operation's relatively low cost.

Gathering information on "negative attempted buys" was an important aspect of the investigation. The detectives had to log all attempts, regardless of whether drugs were purchased. This information was used at the end of the investigation to show the community and the taxicab industry that the vast majority of city drivers were not involved in this illegal activity.

An assessment of the types of drugs and quantities available in Annapolis revealed that the primary drug of choice continues to be crack cocaine. Powder cocaine is also available, but the majority of the cocaine brought into the city is converted into crack. The narcotics unit wants to maintain a proactive approach to the city's drug problem. Current trends indicate that dealers from larger East Coast cities such as New York, Philadelphia and Washington, D.C., are bringing in fewer drugs, but they tend to make more frequent trips to the Annapolis area. The department has begun to intercept traffickers on the routes leading into the city in an attempt to stem the flow of drugs.

Police Antidrug Tactics

Information prepared by Jim Scut.

Annapolis Police Department

199 Taylor Ave.

Annapolis, MD 21401

(410) 263-7979

Department size: 121 sworn/41 nonsworn personnel

Service population: 33,187

Thermal Imagery

In an effort to target indoor marijuana-growing operations and methamphetamine laboratories, a regional interagency narcotics team based in Salem, Ore., uses thermal imagery technology. The military has used this technology since the early 1950s. Thermal imagery identifies escaping heat not visible to the naked eye. The equipment, which is now more portable than previously, thus aids police in determining probable cause for search warrants on indoor marijuana-growing operations and methamphetamine laboratories. The technology is also used to identify floors and walls that contain money or drugs.

Target locations are identified through informant and intelligence information. The imaging of a target location may take several hours. The time of day during which the imaging is conducted is a critical factor. The equipment can be used only after thermal loading has dissipated. This dissipation usually occurs between midnight and 5 a.m. Another limitation is that the equipment is accurate only within 100 yards. In addition, the operator must be aware of the foliage surrounding the location.

Thermal imaging requires two people: one to operate the equipment, and one to watch for hazards. Extensive training in using the equipment is provided to the primary operator by the DEA, the sole provider of such training. Training, which includes hands-on experience with the equipment, takes about 72 hours. The primary operator maintains the equipment, ensuring, for example, that it is fully charged and that sufficient operating power is available. The operator also has extensive knowledge of marijuana cultivation and methamphetamine production.

Thermal imagery equipment is not cheap. The task force uses an Agema 210, which the Oregon State Police bought for approximately \$25,000 through a marijuana eradication equipment grant from the federal government.

Several legal issues arise with the use of thermal imagery equipment. The primary issue is that of trespass: the operator must be sure he is conducting the observation from a lawful vantage point. Most thermal surveillance operations are conducted at ground level from public property or private property, with the owner's permission; however, aerial surveillance is also appropriate.

Thermal imaging systems do not physically intrude or see into structures. Rather, they enhance only radiative heat emitted from the outside of a structure. A system's typical resolution would not reveal any intimate details if it were used on a private dwelling. Case law suggests that thermal detection systems can be used on open fields, grounds or buildings surrounding a dwelling or on commercial structures without concerns about Fourth Amendment violations, as long as the observation is conducted from public property, navigable airspace or private property, with the owner's permission.

The regional task force using the equipment is known as the Salem Area Interagency Narcotics Team (SAINT) and consists of one administrative lieutenant, one supervisory sergeant, three Salem Police Department detectives, two Marion County Sheriff's Department detectives, one Oregon State Police officer, one DEA agent, and three support employees. The narcotics team services an area with approximately 225,000 residents.

Cocaine, tar heroin, methamphetamine, and marijuana pose problems in the Salem area. SAINT is responsible for enforcement related to mid- and high-level producers and distributors.

Police Antidrug Tactics

Information submitted by R. Wayne McFarlin, Salem Police Department.

Salem Police Department

555 Liberty St. SE

Salem, OR 97301-3503

(503) 588-6123

Department size: 143 sworn/84 nonsworn personnel

Service population: 110,000

Tracking Citizen Complaints

Many police agencies nationwide have been overwhelmed with citizen reports of drug activity—most providing varying degrees of information necessary for police to conduct follow-up investigations or determine links between various reports. Each time a patrol officer for the U.S. Park Police in Washington, D.C., receives a citizen complaint about a narcotics violation, he or she must take a report. Depending on the nature of the complaint and the type of drug activity described in the report, the district commander may choose to take enforcement action. If, however, the report details drug trafficking or dealing, it is sent to the narcotics unit for follow-up. All drug-related reports—regardless of who is responsible for the follow-up—are forwarded to the narcotics unit for review.

Once the reports are screened, they are manually logged and filed at the narcotics unit. The purpose of screening each report is to gather intelligence data on people, places or activities as they relate to illegal drug activities, and to identify any discernable patterns.

Tracking citizen complaints is not meant to target any one group, location or drug type, unless the reports have identified a target. Officers use this tactic simply to gather intelligence information concerning illegal drug activity and, when appropriate, to act on this information.

Once it has been determined that a citizen's complaint warrants further investigation, the unit supervisors will determine the level of manpower and resources needed based on the degree of the narcotics activity. The narcotics unit may ask one of the five patrol districts or other law enforcement agencies to help with investigations or arrests.

The unit supervisors are responsible for reviewing all reports written and forwarded by the patrol division. They also ensure that the reports are logged and filed for future reference. A sergeant supervises and monitors all aspects of an investigation once it begins.

The U.S. Park Police have always sought information from the public. It is not unusual for officers to fan out into the community to solicit information during a drug raid. Personnel understand citizens' reluctance to speak freely in public; however, people they meet during these high-profile raids often call the unit later with additional information.

While encouraging more citizen involvement, the Park Police administration realizes that the patrol division plays a pivotal role in gathering the necessary information and writing reports. For this tactic to work, patrol personnel must write a report every time a citizen gives them information about narcotics activity.

Two narcotics detectives are assigned as liaison officers to each of the five districts to facilitate the exchange of information between the narcotics unit and the patrol division. This gives investigators an opportunity to update patrol officers on the status of cases they have referred to the narcotics unit.

On occasion, narcotics unit members will use a private residence to conduct surveillance of a suspected drug transaction. The unit supervisors act to ensure the safety of the citizens who have agreed to facilitate the surveillance. If a court or circumstances dictate that the investigator reveal the location or the name of the owner of the residence being used, the unit commanders will sacrifice the case rather than jeopardize the citizen. Citizen safety is considered paramount.

Crack cocaine and heroin pose problems for the Park Police. In addition, PCP has been making a comeback in recent years. An ongoing problem in the parks is the cultivation of marijuana. The department's overall drug strategy includes proactively responding to the drug problem. Although the department has offices in New York and San Francisco, neither office has an established narcotics unit. The department is now examining the need in those service areas. The department's aim is to make federal parklands safe for the millions of people who visit them each year.

Police Antidrug Tactics

Information prepared by Jim Scut.

U.S. Park Police
1100 Iowa Drive SW
Washington, DC 20042
(202) 690-5126

Department size: 640 officers/250 patrol officers in Washington, D.C.

Service area: 66 square miles

Voice Mail Interception

As drug dealers have begun to fully utilize advances in electronic communications methods, such as digital and voice pagers, cellular phones and other devices, local police agencies have been hard-pressed to stay current with such methods. The Glendale, Ariz., Police Department routinely targets and intercepts voice mail to save valuable police resources used in surveillance of suspects.

Voice mail systems are routinely used in conjunction with pagers and cellular and pay phones, making police investigations difficult. In Glendale, however, suspects routinely speak freely on voice mail messages, leaving information such as names, addresses, phone numbers, and transaction times and locations. In conjunction with investigations, police can often determine probable cause to obtain a search warrant to access voice mail. Upon obtaining a court order, the police can intercept voice messages and record all telephone numbers that callers leave. They can obtain subpoenas to determine subscribers' names and match phone numbers with addresses. That information itself may aid in the investigation.

One case in which the Glendale police successfully used this investigative method began when they subpoenaed a service provider for the access code and service application of suspected narcotics traffickers. (Police had obtained two pager numbers during an ongoing investigation.) The service company provided the access code to the pagers' voice mail. Police then conducted an intensive surveillance that resulted in the seizure of a large amount of cocaine and over \$750,000 in cash and assets, as well as the arrests of 11 people. Police had previously investigated the suspects for over a year without any success.

Police note that recorders can maintain only a limited number of messages. Too many calls result in the erasure of earlier messages, so police who monitor pagers must frequently access voice mail to retrieve numbers.

Costs related to this type of investigation are low because no special equipment is needed. Police need only a tape recorder and a cellular phone (once they obtain a court order).

Police can also intercept numeric messages through clone beepers, as well as seize beepers during an arrest and subsequently retrieve numeric messages. A clone pager is activated whenever the subscriber's pager is activated, and it receives the same numeric message. Using clone pagers without prior authorization in a court order is unlawful.

Unauthorized interception of messages may be a violation of pager subscribers' Fourth Amendment rights (but not of callers' rights). Officers may seize pagers during execution of valid search warrants, particularly when the offenses relating to a search are commonly committed through the use of pagers. Specific information about a suspect's use of a pager, if available, should be included in the warrant affidavit, along with authorization to seize the pager and retrieve any messages stored in memory. Pagers may also be seized after an arrest, and retrieving messages stored in the memory of lawfully seized pagers may not violate wiretap statutes. However, an officer may also seek consent from the pager holder.

Glendale's drug problem escalated during the early 1980s. The city, located within the urban sprawl of nearby Los Angeles, was inundated with the cocaine that flooded Los Angeles. In addition, major Colombian drug traffickers set up shop in the Glendale area, operating major smuggling and distribution networks from the city.

Police Antidrug Tactics

Information submitted by Thomas R. Lorenz, Glendale Police Department.

Glendale Police Department

140 N. Isabel St.

Glendale, CA 91206-4382

(818) 548-4840

Department size: 215 sworn/98 nonsworn personnel

Service population: 192,000

References

- Anderson, Elijah (1990). *Street Wise: Race, Class and Change in an Urban Community*. Chicago: University of Chicago Press.
- Bieck, William H., William Spelman, and Thomas J. Sweeney (1991). "The Patrol Function," in William A. Geller, ed., *Local Government Police Management*. Washington, D.C.: International City Management Association.
- Bouza, Anthony V. (1988). "Evaluating Street-Level Drug Enforcement," in Marcia Chaiken, ed., *Street-Level Drug Enforcement: Examining the Issues*. Washington, D.C.: National Institute of Justice.
- Bureau of Justice Statistics (1992). *Law Enforcement Management and Administrative Statistics, 1990: Data for Individual State and Local Agencies With 100 or More Officers*. Washington, D.C.: U.S. Department of Justice (September).
- Chaiken, Jan, Marcia Chaiken, and Clifford Karchmer (1990). *Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand*. Washington, D.C.: National Institute of Justice (December).
- Chaiken, Marcia (ed.) (1988). *Street-Level Drug Enforcement: Examining the Issues*. Washington, D.C.: National Institute of Justice.
- Chattanooga, Tenn., Housing Authority (1991). Drug elimination grant proposal to the U.S. Department of Housing and Urban Development (August).
- Claiborne, William (1993). "Up in Smoke: GAO Report Doubts the Accuracy of Three Major Drug-Use Surveys," *Washington Post Weekly Edition*, Aug. 9-15, p. 37.
- Connors, Edward F., III, and Hugh Nugent (1990). "Street-Level Narcotics Enforcement." Washington, D.C.: Bureau of Justice Assistance.
- Demand Reduction Unit (n.d). "Drug-Free Workplace: Time to Focus on the Users That Are Costing You Money." Irving, Texas: Irving Police Department (brochure).
- Eck, John E. (1989). *Home Field Advantage*. Washington, D.C.: Police Executive Research Forum.
- Geller, William A., and Norval Morris (1992). "Relations Between Federal and Local Police," in Michael Tonry and Norval Morris, eds., *Modern Policing*. Chicago: University of Chicago Press.
- Hayeslip, David W., Jr. (1989). "Local-Level Drug Enforcement: New Strategies," *NIJ Reports*, No. 213 (March/April). Washington, D.C.: National Institute of Justice.
- Hayeslip, David W., Jr., and Deborah Lamm Weisel (1992). "The Effectiveness of Local-Level Drug Enforcement," in Gary Cordner and Donna Hale, eds., *What Works in Policing*. Cincinnati: Anderson Publishing Co.
- Huguley, Sandra (1989). *Illegal Drugs in Atlanta*. Atlanta: Bureau of Police Services.

References

- Johnson, Bruce D., Terry Williams, Kojo A. Dei, and Harry Sanabria (1990). "Drug Abuse in the Inner City: Impact on Hard-Drug Users and the Community," in Michael Tonry and James Q. Wilson, eds., *Drugs and Crime*. Chicago: University of Chicago Press.
- Karchmer, Clifford, and John E. Eck (1991). "Local Drug Control," in William A. Geller, ed., *Local Government Police Management*. Washington, D.C.: International City Management Association.
- Kleiman, Mark A.R. (1992). *Against Excess: Drug Policy for Results*. New York: Basic Books.
- Kleiman, Mark, and Kerry D. Smith (1990). "State and Local Drug Enforcement: In Search of a Strategy," in Michael Tonry and James Q. Wilson, eds., *Drugs and Crime*. Chicago: University of Chicago Press.
- Lurigio, Arthur J., and Robert C. Davis (1992). "Taking the War on Drugs to the Streets: The Perceptual Impact of Four Neighborhood Drug Programs," *Crime and Delinquency*, Vol. 38, No. 4 (October).
- Manning, Peter (1980). *The Narc's Game*. Cambridge, Mass.: MIT Press.
- Moore, Mark (1977). *Buy and Bust*. Lexington, Mass.: D.C. Heath.
- Moore, Mark H. (1990). "Supply Reduction and Drug Law Enforcement," in Michael Tonry and James Q. Wilson, eds., *Drugs and Crime*. Chicago: University of Chicago Press.
- Moore, Mark Harrison (1992). "Community Policing," in Michael Tonry and Norval Morris, eds., *Modern Policing*. Chicago: University of Chicago Press.
- Morin, Richard (1994). "Public Enemy No. 1: Crime," *Washington Post Weekly Edition*, Jan. 24-30, p. 37.
- Police Executive Research Forum (1989). *Taking a Problem-Oriented Approach to Drug Enforcement*. Washington, D.C.: author.
- Reuter, Peter (1991). "On the Consequences of Toughness." Santa Monica, Calif.: RAND Drug Policy Research Center.
- Rosenbaum, Dennis, et al. (1994). "Cops in the Classroom: A Longitudinal Evaluation of Drug Abuse Resistance Education," *Journal of Research in Crime and Delinquency*, Vol. 31, No. 1 (February).
- San Diego Police Department (1990). *Illicit Drugs in San Diego, 1990*. San Diego: author.
- Stewart, James K. (1988). *Examining the Issues: Street-Level Drug Enforcement*. Washington, D.C.: National Institute of Justice (August).
- Tampa, Fla., Police Department (1989). *Drug Problem Inventory*. Tampa, Fla.: author.
- Tonry, Michael (1990). "Research on Drugs and Crime," in Michael Tonry and James Q. Wilson, eds., *Drugs and Crime*. Chicago: University of Chicago Press.
- Tonry, Michael, and James Q. Wilson (eds.) (1990). *Drugs and Crime*. Chicago: University of Chicago Press.
- U.S. Department of Justice (1993). "Drugs and Crime Facts, 1992." Washington, D.C.: Bureau of Justice Statistics.
- Weisel, Deborah Lamm (1990). *Tackling Drug Problems in Public Housing: A Guide for Police*. Washington, D.C.: Police Executive Research Forum.
- The White House (1991). *National Drug Control Strategy*. Washington, D.C.: author (February).

References

- Williams, Jay R., Lawrence J. Redlinger, and Peter K. Manning (1979). *Police Narcotics Control: Patterns and Strategies*. Washington, D.C.: U.S. Department of Justice.
- Wilson, James Q. (1990). "Drugs and Crime," in Michael Tonry and James Q. Wilson, eds., *Drugs and Crime*. Chicago: University of Chicago Press.
- Witkin, Gordon, et al. (1991). "The Men Who Created Crack," *U.S. News and World Report*, Aug. 19.
- Zimmer, Lynn (1987). "Operation Pressure Point: The Disruption of Street-Level Drug Trade on New York's Lower East Side." New York: Center for Research in Crime and Justice, New York University School of Law.

References

About the Police Executive Research Forum (PERF)

The Police Executive Research Forum (PERF) is a national association of chief executives of large city, county and state law enforcement agencies. PERF's objective is to improve the delivery of police services and the effectiveness of crime control through several means:

1. the exercise of strong national leadership,
2. the public debate of police and criminal justice issues,
3. the development of research and policy, and
4. the provision of vital management leadership services to police agencies.

PERF members are selected on the basis of their commitment to PERF's objectives and principles. PERF operates under the following tenets:

1. Research, experimentation and exchange of ideas through public discussion and debate are paths for the development of a comprehensive body of knowledge about policing.
2. Substantial and purposeful academic study is a prerequisite for acquiring, understanding and adding to that body of knowledge.
3. Maintenance of the highest standards of ethics and integrity is imperative in the improvement of policing.
4. The police must, within the limits of the law, be responsible and accountable to citizens as the ultimate source of police authority.
5. The principles embodied in the Constitution are the foundation of policing.

Appendix A

Survey Instrument



Emerging Drug Enforcement Tactics PATROL DIVISION

Celebrating
15 Years
of Progressive Policing

The Police Executive Research Forum (PERF) is a non-profit national membership and research organization of chief executives from the largest police jurisdictions. With funding from the National Institute of Justice, we are currently conducting a national assessment of emerging drug enforcement tactics.

Police agencies are responding to the drug crisis with a wide variety of innovative responses. To date however, there has been little systematic assessment of the nature and variety of these tactics. The purpose of this project is to identify the scope of current drug enforcement tactics, so that we can share this information with police departments.

We need your assistance with this project. Two surveys are being sent to your department: one to the drug investigation unit and one to the patrol division (for patrol and all other divisions except the drug investigation unit). Your answers should reflect the appropriate division. The goal of this survey is threefold: First, we want to identify drug enforcement tactics that are or have been used by law enforcement agencies to tackle drug trafficking. Second, we hope to determine the frequency of their use nationally. And, third, we would like you to identify innovative or promising drug enforcement tactics your department has used.

Directions for returning this survey by January 8, 1993 are on the last page. Please direct any questions to Sophia Carr at (202)466-7820.

Section One

1. Agency Name: _____

2. Agency Address: _____

3. Your Name & Title: _____

4. Your Phone: (_____) _____

5. Name of your Division/Unit: _____

6. Agency Size (total number): _____ (Please use actual figures).

7. Size of service population: _____ (Please use actual figures).

8. Racial demographics of service population (Please use percentages):

Caucasian _____	Native American/Pacific Islander _____
African American/Black _____	Asian _____
Hispanic/Latino _____	Other (please specify) _____

9. Which illegal drugs pose the biggest threat in your jurisdiction? Rank in order of severity using 1 as the most serious drug problem and 7 as the least serious problem.

- | | | |
|--|------------------------------------|---|
| <input type="checkbox"/> Powder Cocaine/Coke | <input type="checkbox"/> Marijuana | <input type="checkbox"/> PCP |
| <input type="checkbox"/> Crack Cocaine | <input type="checkbox"/> Heroin | <input type="checkbox"/> Methamphetamine/Amphetamines |
| <input type="checkbox"/> Other _____ | | |

10. Would your department be willing to host a site visit to enable PERF to learn more about your operation?
 Yes No

Section Two

Please check all tactics which currently or previously have been used in your division.

1. Observation Arrests (arrest resulting from an officer's observation)

- | | |
|--|--|
| <input type="checkbox"/> Saturation Patrol | <input type="checkbox"/> Plain View |
| <input type="checkbox"/> Conduct Searches Incident to Arrest | <input type="checkbox"/> Street Sweeps, Jump-Out Squads, or Crackdowns |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

2. Undercover Operations (tactics that employ covert operations and surveillance techniques to observe and record illegal drug transactions)

- | | |
|---|---|
| <input type="checkbox"/> Buy Bust using Confidential Informants to Make Buy | <input type="checkbox"/> Buy Bust using Undercover Officers |
| <input type="checkbox"/> Use of Confidential Informants to Build Cases | <input type="checkbox"/> Reverse Buys using Real Product |
| <input type="checkbox"/> Undercover Intelligence | <input type="checkbox"/> Reverse Buys using Simulated Product |
| <input type="checkbox"/> Use of Flash Money or Front Money | <input type="checkbox"/> Use of Marked Money |
| <input type="checkbox"/> Videotape Undercover Sales | <input type="checkbox"/> Undercover/Drug Wholesale Investigations |
| <input type="checkbox"/> Use of Surveillance Vehicle | <input type="checkbox"/> Other: _____ |

3. Technical Support/Technology Enhancement (tactics which employ advanced technology)

- | | |
|--|---|
| <input type="checkbox"/> Crime Analysis to Identify/Monitor Problem Locations | <input type="checkbox"/> Code Deciphering in Records |
| <input type="checkbox"/> Fingerprint Analyses | <input type="checkbox"/> Investigations of Drug Packaging |
| <input type="checkbox"/> Laboratory Analyses of Drugs | <input type="checkbox"/> Use of Ion Scanners |
| <input type="checkbox"/> Use of Night Vision Goggles, Laser Locating Devices or Infrared Sighting Scopes | <input type="checkbox"/> Monitoring of Price and Purity to Identify Changes in Drug Markets |
| <input type="checkbox"/> Use of Beeper Transmitters or Other Tracking Devices | <input type="checkbox"/> Use of Clone Beepers |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

4. Investigations (tactics that follow up initial information using other resources)

- | | |
|--|---|
| <input type="checkbox"/> Systemic Analyses of Intelligence Information | <input type="checkbox"/> Document Search Warrant |
| <input type="checkbox"/> Civil Discovery | <input type="checkbox"/> Control and Monitor Drug Precursors |
| <input type="checkbox"/> Criminal Enterprise Statutes to Target Drug Gangs or Career Criminals | <input type="checkbox"/> Develop Informants via Prosecution, Payment, or Witness Protection |
| <input type="checkbox"/> Apply Federal Sanctions/Statutes for Enhanced Penalties | <input type="checkbox"/> Electronic Surveillance (use of Wiretaps, or Pen Registers) |
| <input type="checkbox"/> Financial Records Investigations | <input type="checkbox"/> Historical Conspiracy Investigations-RICO, CCE |
| <input type="checkbox"/> Investigative Grand Juries | <input type="checkbox"/> Investigative Subpoenas |
| <input type="checkbox"/> Marine Interdiction | <input type="checkbox"/> Money Laundering Investigations |
| <input type="checkbox"/> Cargo Inspections | <input type="checkbox"/> Monitor Currency Transaction Reports (CTR) |
| <input type="checkbox"/> Pharmaceutical Diversion Investigations | <input type="checkbox"/> Execute Search Warrants |
| <input type="checkbox"/> Investigate Weapons Violations | <input type="checkbox"/> Conduct Trafficking Conspiracy Investigations |
| <input type="checkbox"/> Conduct Undercover Stings | <input type="checkbox"/> Use of Drug-Detecting Dogs |
| <input type="checkbox"/> Use of Vertical Prosecution/Investigative Teams | <input type="checkbox"/> Other: _____ |

5. Ancillary Approaches (physical changes or improvements designed to reduce drug trafficking by making drug markets less attractive)

- | | |
|--|---|
| <input type="checkbox"/> Install Bumps, Barricades to Discourage Vehicular Traffic | <input type="checkbox"/> Remove or Change Public Phones to Outgoing Only |
| <input type="checkbox"/> Change Traffic Patterns (one way or eliminate parking) | <input type="checkbox"/> Identify Vacant Dwellings and Seek Demolition or Boarding Up |
| <input type="checkbox"/> Upgrade Lighting (wattage, bullet resistance, etc.) | <input type="checkbox"/> Reduce Access to Properties through fencing, checkpoints, etc. |
| <input type="checkbox"/> High Intensity Temporary Lighting | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | |

6. Statutes/Local Ordinances (tactics that use statutes and local ordinances to reduce or eliminate opportunity for crime or increase opportunity for enforcement action)

- | | |
|--|--|
| <input type="checkbox"/> Crowd Action/Riot Ordinance | <input type="checkbox"/> Disorderly Conduct |
| <input type="checkbox"/> Drivers' License Suspension | <input type="checkbox"/> Drug Paraphernalia Violations Enforcement |
| <input type="checkbox"/> Juvenile Curfew | <input type="checkbox"/> Noise Ordinances |
| <input type="checkbox"/> Loitering for Drug Activity Ordinance | <input type="checkbox"/> Red Light Laws (temporary loss of property) |
| <input type="checkbox"/> Loitering Enforcement | <input type="checkbox"/> Parking Violations/Traffic Enforcement |
| <input type="checkbox"/> Trespassing Enforcement | <input type="checkbox"/> Parking Limits around Schools |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

7. Regulatory Code Enforcement (tactics that rely on local codes to disrupt drug trafficking)

- | | |
|--|--|
| <input type="checkbox"/> Building Code Enforcement | <input type="checkbox"/> Health Code Enforcement |
| <input type="checkbox"/> Fire Code Enforcement | <input type="checkbox"/> License/Sanctions on bars and restaurants |
| <input type="checkbox"/> Liquor control | <input type="checkbox"/> Nuisance Abatement (Seizure of Property) |
| <input type="checkbox"/> Zoning Ordinances | <input type="checkbox"/> Other: _____ |

8. Community-Based (tactics that build community support against drug problem)

- | | |
|---|--|
| <input type="checkbox"/> Mini- or Sub-Stations | <input type="checkbox"/> Community Policing |
| <input type="checkbox"/> Mobile Mini-Stations | <input type="checkbox"/> Anti-drug Marches and Rallies |
| <input type="checkbox"/> Bike Patrol | <input type="checkbox"/> Citizen Academies |
| <input type="checkbox"/> Foot Patrol | <input type="checkbox"/> Citizen Ride-Alongs (and other mechanisms to familiarize citizens with police operations) |
| <input type="checkbox"/> Coordinate with Churches | <input type="checkbox"/> Litter Clean Up Efforts |
| <input type="checkbox"/> Crime Watch, Neighborhood Watch or Block Clubs | <input type="checkbox"/> Clean City Properties (bushes, trees, vacant lots) |
| <input type="checkbox"/> Identify Vacant Dwellings and Seek Demolition or Boarding Up | <input type="checkbox"/> Facilitate Rehabilitation of Housing Stock |
| <input type="checkbox"/> Police Athletic League | <input type="checkbox"/> Abandoned Auto Cleanups |
| <input type="checkbox"/> Police as Mentors, Role Models and active in other ways in Community | <input type="checkbox"/> Make Referrals to Other Services, such as Social Social Services |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

9. User Control (tactics to discourage users from participating in drug activity)

- | | |
|---|--|
| <input type="checkbox"/> Driving under Influence (drug recognition) | <input type="checkbox"/> Drug checkpoint warning and follow up |
| <input type="checkbox"/> Field Interviews or Investigations | <input type="checkbox"/> Publicize Laws/Penalties |
| <input type="checkbox"/> Recommend Treatment as Condition to Drop Charges | <input type="checkbox"/> Referrals for Drug Treatment |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

10. Education and Prevention (tactics that provide information to deter drug use)

- | | |
|---|--|
| <input type="checkbox"/> Education Programs, such as DARE | <input type="checkbox"/> Education/Recreation Alternatives for Youth |
| <input type="checkbox"/> Landlord Training (I.D., deter, report) | <input type="checkbox"/> Prevention Training for Residents |
| <input type="checkbox"/> Train Hotel/Motel Managers not to Rent to Drug Dealers | <input type="checkbox"/> Other: _____ |

11. Target Locations/Individuals (enforcement tactics designed to target specific locations or individuals)

- | | |
|---|--|
| <input type="checkbox"/> Airfield Monitoring | <input type="checkbox"/> Consent Searches |
| <input type="checkbox"/> Extradition of Federal Defendants | <input type="checkbox"/> Stop and Frisk (Terry Searches) |
| <input type="checkbox"/> Drug Free Zones (school, residential, or other) | <input type="checkbox"/> Knock-and-Talk |
| <input type="checkbox"/> Parole/Probation Monitoring/Searches | <input type="checkbox"/> Investigations through Prostitution Links |
| <input type="checkbox"/> Identify and Monitor individuals, such as gang members or known drug dealers | <input type="checkbox"/> Profiling Techniques - Major Highways, Airports, Bus Terminals, Rail Stations, etc. |
| <input type="checkbox"/> Target Concerts | <input type="checkbox"/> Target Drug Laboratories |
| <input type="checkbox"/> Target Offenders using other Warrants | <input type="checkbox"/> Target Specific Areas |
| <input type="checkbox"/> Target Undocumented Aliens | <input type="checkbox"/> Target U.S. Mail and other Mail Systems |
| <input type="checkbox"/> Traffic Checkpoints (roadblocks) | <input type="checkbox"/> Other: _____ |

12. Improve Effectiveness of Police (tactics that enable police to use resources more effectively)

- | | |
|---|---|
| <input type="checkbox"/> Cross Deputization of Law Enforcement Personnel | <input type="checkbox"/> Collaborate with the Department of Defense Supportive Services (Translators, etc.) |
| <input type="checkbox"/> Interagency Exchange of Undercover Officers | <input type="checkbox"/> Participate in Multi-Jurisdictional Task Forces |
| <input type="checkbox"/> Conduct Specialized Narcotics Training for Patrol Officers | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Collaborate with National Guard | |

13. Improve Intelligence Information (tactics that enhance the types of information available to police)

- | | |
|---|--|
| <input type="checkbox"/> Conduct Aircraft Surveillance | <input type="checkbox"/> Automated Intelligence Database |
| <input type="checkbox"/> Build Area Intelligence Network with other Agencies | <input type="checkbox"/> Build Intelligence through Surveillance |
| <input type="checkbox"/> Link Intelligence System with Patrol | <input type="checkbox"/> Conduct Crime Prevention Surveys to Collect Information |
| <input type="checkbox"/> Improve Intelligence via Tiplines, Hotlines, Tipsheets | <input type="checkbox"/> Use Manual Intelligence Database |
| <input type="checkbox"/> Track Citizen Complaints | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | |

14. Civil Remedies/Accountability (tactics that hold users and/or drug dealers responsible/accountable for their drug activity)

- | | |
|---|--|
| <input type="checkbox"/> Asset Forfeiture | <input type="checkbox"/> Conduct Asset Profiling |
| <input type="checkbox"/> Charge Pregnant Mothers Using Drugs with Child Abuse | <input type="checkbox"/> Charge Parents of Juvenile Offenders with Abuse/Neglect |
| <input type="checkbox"/> Facilitate Evictions (Public and Private Housing) | <input type="checkbox"/> Other: _____ |

Section Three

Please tell us about the tactics your department uses that are the most promising or effective in reducing drug activity. Please identify three tactics you feel are most effective for your agency, regardless of whether that tactic was listed in Section II.

1. Tactic: _____

What is the specific objective of the tactic? (For example, is there a target area, type of offender or other focus to the tactic?)

What personnel in your agency use the tactic? (List, for example, the type and number of personnel.) How often is this tactic used?

With what other agencies, if any, does the tactic require cooperation (for example, housing authority, DEA, codes, etc)?

Does your agency conduct specialized training to teach personnel how to use the tactic? If so, what kind and how much?

How long has the tactic been in use in your agency? Has its use changed over time?

Is the tactic effective? What indication do you have of its effectiveness?

2. Tactic: _____

What is the specific objective of the tactic? (For example, is there a target area, type of offender or other focus to the tactic?)

What personnel in your agency use the tactic? (List, for example, the type and number of personnel.) How often is this tactic used?

With what other agencies, if any, does the tactic require cooperation (for example, housing authority, DEA, codes, etc)?

Does your agency conduct specialized training to teach personnel how to use the tactic? If so, what kind and how much?

How long has the tactic been in use in your agency? Has its use changed over time?

Is the tactic effective? What indication do you have of its effectiveness?

3. Tactic:

What is the specific objective of the tactic? (For example, is there a target area, type of offender or other focus to the tactic?)

What personnel in your agency use the tactic? (List, for example, the type and number of personnel.) How often is this tactic used?

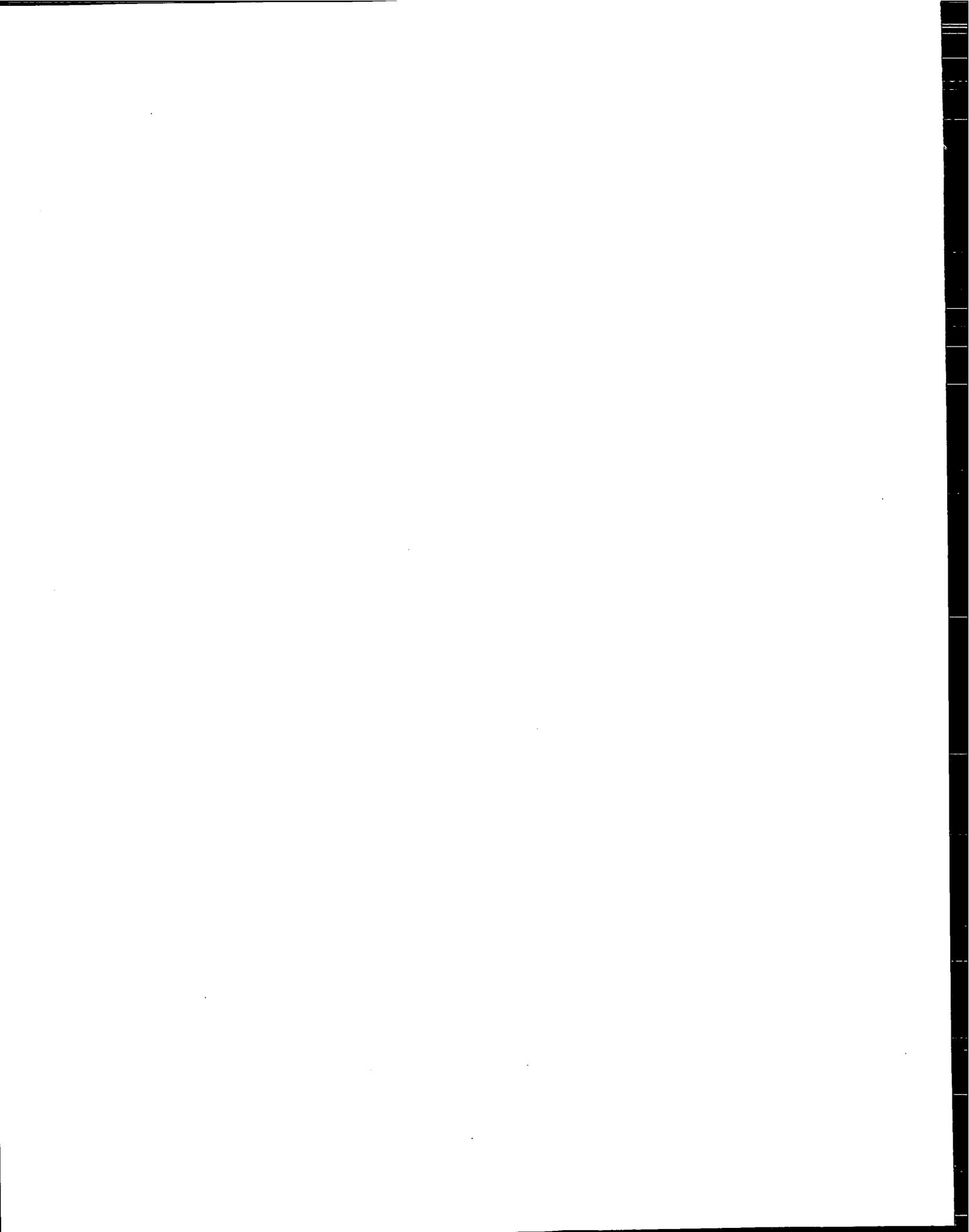
With what other agencies, if any, does the tactic require cooperation (for example, housing authority, DEA, codes, etc)?

Does your agency conduct specialized training to teach personnel how to use the tactic? If so, what kind and how much?

How long has the tactic been in use in your agency? Has its use changed over time?

Is the tactic effective? What indication do you have of its effectiveness?

We are especially interested in efforts that are accompanied by some objective evidence of the impact on drug problems. Please enclose any descriptive information on your drug enforcement programs and tactics. **Please complete this survey and return it by January 8, 1993**, to Sophia Carr, PERF, 2300 M Street, NW, Suite #910, Washington, DC 20037. Thank you for your assistance with this assessment.



Appendix B

Site Protocol



EMERGING DRUG TACTICS Case Study Protocol

Celebrating
15 Years
of Progressive Policing

Characteristics of Department/City

1. What is the department's size (sworn and unsworn). How many patrol officers in the department? What is the demographics of the department and service population. What is the nature of the drug problem?
2. What is the department's approach to drug problems (Is it specialized to a narcotics unit or primary response of patrol or a combination of both)? How's the strategy carried out? Does the department combine enforcement (suppression) with other approaches? What is the mix of approaches?

Characteristics of Tactic

1. What is (are) the goal(s) and objective(s) of the tactic? How does the tactic's mission relate to the larger mission of the department in addressing drug activity?
2. Is there a target group(s), location(s), offender(s) and/or drug type that is the focus of the tactic? Can the tactic be applied to other groups, locations, offenders and/or drug types?
3. Which units within the department carry-out or collaborate to carry-out this tactic? Are uniformed and non-uniformed personnel used? How many personnel are used to carry out the tactic? Are officers required to go undercover to gather information?
4. Are external sources necessary to conduct this tactic such as other criminal justice agencies, social service agencies, school officials, prosecutor's office and/or federal agencies? Who are they and what is their role?
5. How are targets selected? How are targets approved? What is the basis for approval? Are there any forms used to document the tactic?
6. Is special equipment used to carry out the tactic (for example air cover, night goggles, clone beepers)? Please list the types of equipment, their cost and their function?
7. What is the time commitment for performing the tactic from start to finish (list number of hours, days or other time periods) if relevant. Is the tactic most useful at specific times of day or at specific locations?

8. What are the strengths and weaknesses of the tactic? Why is this tactic an improvement over tactics used before? What does it do that other tactics don't? Are there limitations to the tactic?
9. Is that tactic used in tandem with other tactics or as part of a larger strategy? How?
10. Please provide an actual example that shows this tactic in action using names of personnel, locations or other descriptive information (if not confidential).

Staffing and Management

1. Number and rank of personnel assigned to perform the tactic? How are staff selected for this tactic? Must personnel be selected on the basis of race or gender to carry out the tactic? What roles do these personnel play in performing this tactic? How is personnel performance measured?
2. How is the tactic operated and managed? How are decisions made? Who is the manager (name and rank)? How is information on target and tactical plans communicated?

Implementation and Training

1. What are the origins of the tactic? Was there a key event that led to the implementation of this tactic? Where and how did the tactic come to be used? How long has it been used? Do you know of other police departments that are using this tactic?
2. What specific policies and procedures guide the use of this tactic?
3. Is training provided to personnel who execute this tactic? How are staff trained for this tactic? Are both specialists and line officers trained to use this tactic? What type of training materials and curricula were used for training personnel on the use of the tactic? Who provides the training? Has the department sent staff to other agencies/consultants for training on the use of the tactic? If so, where? What was the length of training? How frequently are they trained and where? (Determine if training is in-service, academy, roll call or other).
4. Are personnel trained to become aware of special cultural characteristics and distinctions of targets? How?
5. What legal responsibilities must be met before using this tactic? How does the department protect itself from complaints or litigation when using this tactic? Is the department legally or politically vulnerable in using the tactic? Who does the department consult when questions arise about the legality of using the tactic in certain instances?

6. What enabling federal, state, or local legislation (statutes or ordinances) exist to enable the use of this tactic? How long has the legislation been in use?
7. Does the use of the tactic present any opportunity for the corruption of police personnel? How? What are the checks and balances that are used to monitor and prevent corruption? How does the department control evidence to ensure due process? How does the department control evidence to prevent corruption?

Funding

1. Does the department receive specialized funding to carry out the tactic? If so, how much does it cost the department to perform this tactic? Does the department have sufficient funding to use the tactic? What additional resources are needed?
2. If yes to question 1, what are the funding sources for the tactic?

	Yes	No	Amount Contributed
City/County Government	<input type="checkbox"/>	<input type="checkbox"/>	_____
State Funds	<input type="checkbox"/>	<input type="checkbox"/>	_____
Federal Government	<input type="checkbox"/>	<input type="checkbox"/>	_____
Asset Forfeiture Monies	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. If yes to question 1, how are the funds spent?

	Yes	No	Amount Contributed
Computer Equipment	<input type="checkbox"/>	<input type="checkbox"/>	_____
Personnel (salaries)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Personnel (overtime)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Equipment/Technical Support	<input type="checkbox"/>	<input type="checkbox"/>	_____

Vehicles & Air Cover	<input type="checkbox"/>	<input type="checkbox"/>	_____
Money for Informants	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

Evaluation

1. What is the impact of the tactic as revealed by the department, articles, reports or statistics? What is its impact on the targeted group, location or offender and/or drug type? Has there been any evaluation of the tactic's effectiveness? If so, what were the results?
2. How is the success of this tactic measured? What do police officials feel are the primary merits of the tactic?
3. Have there been unintended consequences or unexpected benefits of using the tactic? (For example, has displacement occurred? Have targets changed behavior?)

Information Requested from the Department:

	Is the document attached?	
1. Organizational chart for the department, including number of personnel in narcotic, patrol and other relevant units	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Annual reports about the unit and department, including any evaluations or activity reports related to anti-drug activity	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Copy of Standard Operation Procedure for this tactic, including policies, directives or memoranda	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Copy of General Orders for the Unit		
5. Relevant Federal, State, or Local Statutes that enable use of the tactic (such as a local ordinance)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Department's mission or values statement/anti-drug strategy	<input type="checkbox"/> Yes	<input type="checkbox"/> No

7. Newspaper articles that discuss use of the tactic Yes No
8. Videotapes that show the tactic in action Yes No
9. Any departmental evaluations of the tactic or drug enforcement Yes No
10. Training curricula related to drug enforcement and, if available, the use of the tactic Yes No
11. Source and expense categories of any funding dedicated to the tactic Yes No

Appendix C

Correlation Matrices

Correlations Between Survey Variables
(correlations > 0.50000)

VAR. NO.	DESCRIPTIVE NAME	VAR. NO.	DESCRIPTIVE NAME	CORRELATION
31	Plain-view arrests	30	Search/arrest	0.57972
38	Confid informants	37	Buy-bust/conf inform	0.63792
39	Undercover intel	37	Buy-bust/conf inform	0.55907
39	Undercover intel	38	Confid informants	0.66578
40	Flash money	37	Buy-bust/conf inform	0.50154
41	Video undercover buys	40	Flash money	0.54949
42	Surveillance vehicles	37	Buy-bust/conf inform	0.54367
42	Surveillance vehicles	38	Confid informants	0.80448
43	Buy-bust/undercover	37	Buy-bust/conf inform	0.70224
43	Buy-bust/undercover	38	Confid informants	0.75831
46	Marked money	38	Confid informants	0.51166
52	Lab analysis	38	Confid informants	0.56594
68	Finan records invest	40	Flash money	0.50098
78	Develop informants	39	Undercover intel	0.562
131	Demolish dwellings	32	Sweeps	0.54257
168	Monitor individuals	38	Confid informants	0.52387
197	Build intel/surveill	37	Buy-bust/conf inform	0.58382
197	Build intel/surveill	38	Confid informants	0.7546
197	Build intel/surveill	39	Undercover intel	0.84437
43	Buy-bust/undercover	29	Saturation patrol	0.51402
43	Buy-bust/undercover	30	Search/arrest	0.68569
46	Marked money	31	Plain-view arrests	0.59401
67	Federal sanctions	43	Buy-bust/undercover	0.55275
78	Develop informants	43	Buy-bust/undercover	0.61373
168	Monitor individuals	42	Surveillance vehicles	0.51259
168	Monitor individuals	43	Buy-bust/undercover	0.54134
197	Build intel/surveill	42	Surveillance vehicles	0.65574
197	Build intel/surveill	43	Buy-bust/undercover	0.70233
197	Build intel/surveill	46	Marked money	0.50239
78	Develop informants	42	Surveillance vehicles	0.51465
197	Build intel/surveill	52	Lab analysis	0.54576
168	Monitor individuals	66	Cont crim enterprise	0.60146
78	Develop informants	76	Doc search warrants	0.50192
83	Currency trans reps	78	Develop informants	0.55904
197	Build intel/surveill	78	Develop informants	0.62623
85	Trafficking conspiracy	80	Historical conspiracy	0.57156

VAR. NO.	DESCRIPTIVE NAME	VAR. NO.	DESCRIPTIVE NAME	CORRELATION
197	Build intel/surveill	84	Search warrants	0.54834
90	Traffic pattern alter	89	Bump/barricade install	0.56702
93	Change public phones	91	Lighting upgrades	0.53349
94	Vacant dwellings	91	Lighting upgrades	0.52804
95	Property access reduc	91	Lighting upgrades	0.54421
116	Building codes	94	Vacant dwellings	0.51987
128	Foot patrol	91	Lighting upgrades	0.53481
131	Vacant dwellings	91	Lighting upgrades	0.54287
117	Fire codes	116	Building codes	0.74026
119	Zone ordinances	116	Building codes	0.52313
119	Zone ordinances	117	Fire codes	0.57996
120	Health codes	116	Building codes	0.65033
120	Health codes	117	Fire codes	0.69444
120	Health codes	119	Zoning	0.54586
134	Community policing	128	Foot patrol	0.50621
206	Evictions	131	Dwellings	0.52801
172	Traffic checkpoints	150	Drug checkpoints	0.50442



Appendix D
Factor Analysis

I. Observation arrests

Factor 1	Searches incident to arrest	0.88153
	Plain-view arrests	0.87383
Factor 2	Street sweeps	0.85741
	Saturation patrol	0.75816

II. Undercover operations

Factor 1	Buy-busts with confidential informants	0.69911
	Buy-busts with undercover officers	0.81763
	Confidential informants to build cases	0.89570
	Undercover intelligence	0.74429
	Surveillance vehicle	0.85509
	Marked money	0.57338
Factor 2	Front money	0.70059
	Videotaped undercover sales	0.55369
	Reverse-buys (real product)	0.59807
	Reverse-buys (simulated product)	0.70492
	Undercover/wholesale investigations	0.52971

III. Technical support/technology enhancement

Factor 1	Code deciphering/records	0.70042
	Investigating drug packaging	0.64971
	Ion scanners	0.64510
	Monitoring drug price and purity	0.60219
Factor 2	Fingerprint analysis	0.75664
	Laboratory analysis	0.82285
	Night vision goggles	0.52460
	Beeper transmitters	0.37232
	Clone beepers	(Factor 1 0.48222) 0.33365 (Factor 1 0.47016)

IV. Investigations

Factor 1	Continuing criminal enterprises	0.55586
	Financial records investigations	0.52650
	Grand jury investigations	0.59635
	Historical conspiracy/RICO	0.73717
	Investigative subpoenas	0.61178
	Money laundering investigations	0.61984
	Trafficking conspiracy investigations	0.65520
	Federal sanctions	0.35603 (Factor 2 0.62058)

Factor 2	Developing informants	0.64124
	Search warrants	0.77367
	Drug-detecting canines	0.69558
	Weapons violations	0.52578
	Electronic surveillance	0.38486
		(Factor 1 0.51563)
	Undercover stings	0.38268
Factor 3	Intelligence information analysis	0.61670
	Civil discovery	0.66575
	Document search warrants	0.59049
Factor 4	Marine interdiction	0.74503
	Cargo inspection	0.63772
	Pharmaceutical diversion	0.49761
Factor 5	Vertical prosecution	0.52996
	Drug precursors	0.81096
	Monitoring currency transaction reports	0.52371

V. Ancillary approaches

Factor 1	Bump/barricade installation	0.64726
	Traffic pattern alteration	0.75321
	Lighting upgrades	0.79072
	High-intensity temporary lighting	0.54347
	Changing public phones	0.66771
	Boarding up/demolishing dwellings	0.69083
	Property access reduction	0.76354

VI. Statutes/local ordinances

Factor 1	Driver's license suspension	0.57571
	Trespassing enforcement	0.54428
	Disorderly conduct	0.70978
	Noise ordinances	0.62791
	Parking violations/traffic enforcement	0.73181
	Crowd action/riot ordinances	0.46069
	Drug paraphernalia ordinances	0.49970
Factor 2	Loitering for drug activity	0.83025
	Loitering	0.69269
	Trespassing enforcement	0.41687
Factor 3	Juvenile curfews	0.62597
	Red-light laws	0.68304
	Parking limits around schools	0.57243

VII.	Regulatory code enforcement		
	Factor 1	Building code enforcement	0.82760
		Fire code enforcement	0.84391
		Liquor control	0.66714
		Zoning ordinances	0.74662
		Health code enforcement	0.80764
		Bar licenses/sanctions	0.66925
		Nuisance abatement	0.47407
VIII.	Community-based		
	Factor 1	Coordinating with churches	0.66345
		Boarding up/demolishing dwellings	0.56196
		Antidrug marches/rallies	0.53850
		Litter cleanups	0.74684
		City property cleanups	0.74937
		Abandoned auto cleanups	0.56479
		Housing rehabilitation	0.63907
		Police Athletic League	0.44456
		Police as mentors	0.42702
	Factor 2	Crime/Neighborhood Watch	0.71654
		Citizen ride-alongs	0.56482
		Service referrals	0.64920
	Factor 3	Ministations	0.58500
		Mobile ministations	0.63683
		Bike patrol	0.70451
		Community policing	0.52814
		Foot patrol	0.47627
		Citizens academies	0.48335
IX.	User control		
	Factor 1	DUI/drug recognition	0.50872
		Field interviews	0.70687
		Checkpoints	0.50872
		Publicizing laws/penalties	0.44186
	Factor 2	Treatment as a condition to drop charges	0.81544
		Treatment referrals	0.81546
X.	Education and prevention		
	Factor 1	Education programs (DARE)	0.41016
		Landlord training	0.79267
		Hotel and motel employee training	0.65022
		Youth education/recreation alternatives	0.62113
		Prevention training	0.72136

XI. Targeting locations/individuals

Factor 1	Airfield monitoring	0.70234
	Extraditing federal defendants	0.62763
	Transportation center profiles	0.69733
	Targeting U.S./private mail services	0.62378
Factor 2	Monitoring individuals	0.61903
	Knock and talk	0.66705
	Targeting drug labs	0.58648
	Investigating prostitution links	0.48021
Factor 3	Drug-free zones	0.52744
	Traffic checkpoints (roadblocks)	0.51801
	Consent searches	0.56051
	Terry searches	0.65304
	Targeting specific areas	0.65304
Factor 4	Monitoring parolees/probationers	0.54711
	Targeting concerts	0.57594
	Targeting offenders/warrants	0.58458
	Targeting undocumented aliens	0.65725

XII. Improving police effectiveness

Factor 1	Cross-deputization	0.60522
	Interagency exchange of undercover officers	0.78700
	Multijurisdictional task forces	0.78002
Factor 2	Collaborating with National Guard	0.74623
	Collaborating with Defense Department	0.82267
	Narcotics training/patrol	0.38320

XIII. Improving intelligence information

Factor 1	Aircraft surveillance	0.62491
	Area intelligence	0.61343
	Linking intelligence with patrol	0.73222
	Manual intelligence database	0.54251
	Automated intelligence database	0.46732
	Crime prevention surveys	0.37001
Factor 2	Tip lines, hot lines	0.70614
	Tracking citizen complaints	0.72310
	Building intelligence via surveillance	0.76333

XIV. Civil remedies

Factor 1	Charging pregnant women with child abuse	0.70254
	Evictions	0.51235
	Charging juveniles' parents with child neglect	0.68313
Factor 2	Asset forfeiture	0.89252
	Asset profiling	0.47695

(Factor 1 0.49998)

Note: Factor values are reported in parentheses for tactics that achieved a higher value in their contribution to another factor. However, as reported in its current category, each tactic meets the minimum threshold criterion of 0.3 and appears to theoretically fit more closely with its reported factor category than with its higher contribution category.

Appendix E

Baltimore Drug-Free Zone Memorandum From Commissioner

Police Department
Baltimore, Maryland

Police Commissioner's Memorandum 29-89

1 August 1989

Subject: Loitering About or Using a Place Within a
Certified Drug Free Zone

GENERAL

The Mayor and City Council of Baltimore declared that criminalizing the act of loitering about or using places within a Certified Drug Free Zone for the purpose of engaging in drug-related activity is a necessary exercise of police power to maintain the peace, good government, health and welfare of Baltimore City.

LEGAL REFERENCE

Article 19 - Police Ordinances

58C. Loitering About or Using a Place for the Purpose
of Engaging in Unlawful Drug-Related Activity

(B) It is unlawful for any person to loiter about or remain at any public way, public place or place open or legally accessible to the public within a certified drug free zone, as herein provided for the purpose of engaging in drug-related activity that is prohibited by any of the provisions of Article 27, Crimes and Punishments, subtitle, Health-Controlled Dangerous Substances of the Annotated Code of Maryland, as amended, relating to the manufacture, distribution, sale, possession, or administration of substances covered therein.

RESPONSIBILITIES

Certification of Drug Free Zone

A Certified Drug Free Zone is a geographical area of Baltimore City certified as such by the Police Commissioner. It is to include, but not be limited to identifiable segments of streets, alleys, walkways, parks, recreation centers, schools, bus stations, train depots, taxi stands, commercial parking lots, places of public accommodation and convenience, public housing complexes and public access areas in residential apartment structures.

Determining a Drug Free Zone

- District Commanders 1. Select the Drug Free Zones for your district before the 10th day of each month by prioritizing specific address locations, using the information received from the Director, EDP, as well as other information. In doing so, consider the following criteria.
- A. Arrests which indicate a disproportionately high occurrence of illegal drug possession or distribution activity in the proposed Zone.
 - B. One homicide or more than one instance of violent crime verified to have been related to the possession or distribution of illegal drugs committed within the previous six month period.

RESPONSIBILITIES

- District Commanders
- C. Reliable, objective and verifiable information that indicates illegal drug activity is occurring in a proposed area, including information from informants as defined in General Order J-1 entitled, "Informants/Sources of Information."
 - D. Any other verifiable information that indicates that the health or safety of residents living in or near the proposed Drug Free Zone are endangered by the possession or distribution of illegal drugs.
2. Send the prioritized list of proposed Drug Free Zones to the Deputy Commissioner, Operations Bureau, via official channels, by the 10th day of each month.
 3. Upon receipt of a list of certified/recertified Drug Free Zones, complete the appropriate sections of the standard sign.
 4. Post at least three days prior to certification/recertification a sign, in the area to be certified, which states:
 - A. The boundaries of the certified/recertified Drug Free Zone.
 - B. The date certification/recertification will begin and end.
 - C. The phone number at the district which may be called for additional information.
 5. Ensure a photograph is taken of each sign, using the district camera. Also, ensure the sign remains posted, each day. If the sign has been removed or defaced, post a new sign recording the same information contained in the photograph of the original sign.
 6. Communicate the existence of certified/recertified Drug Free Zones in community newsletters, and in meetings with community groups and citizens. Also, keep district personnel apprised of these locations.
 7. Maintain the information in item 4 in a file by location and date. Also, include the photograph and documentation of notifications in this file.
 8. Review the status of each Drug Free Zone every two months and recommend to the Deputy Commissioner, Operations Bureau, via official channels, whether each location should be recertified.

Member of
the Agency

Definition - Probable Cause

"Probable Cause exists where the facts and circumstances within the officer's knowledge of which they had reasonable, trustworthy information, are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."
[Brinegar v. U.S. (388 U.S. 160, 1949)] See General Order K-6 entitled, "Statement of Charges: Warrantless Arrest Procedures" for other explanations of probable cause.

RESPONSIBILITIES

Member of
the Agency

9. When making a determination that a person is loitering about or remaining at any public way, public place or place open or legally accessible to the public within a certified/recertified Drug Free Zone for the purpose of engaging in prohibited drug-related activity, the totality of circumstances involved shall be considered. Among those circumstances, include the following:

A. The conduct of the person being observed including, for example, that the person is behaving in a manner raising reasonable belief that the person is engaging in or is about to engage in illegal drug activity, such as:

1. The observable distribution of small packages to other persons;
2. The receipt of currency for the exchange of a small package;
3. Operating as a "lookout";
4. Warning others of the arrival of police;
5. Fleeing without other apparent reason upon the appearance of a police officer;
6. Concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity; or
7. Engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs.

B. Information from a reliable source indicating that the person being observed routinely distributes illegal drugs within the Drug Free Zone.

C. Information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the Drug Free Zone.

NOTE: A "reliable source" must be an informant as defined by General Order J-1 entitled, "Informants/Sources of Information." The reliability of the informant must be explained in the field report and the probable cause section of the Statement of Charges.

D. Such person is physically identified by the officer as a member of a "gang" or association which engages in illegal drug activity. Include supporting documentation (i.e., names, criminal records) in field report.

E. Such person is a known unlawful drug user, possessor, or seller, defined as:

RESPONSIBILITIES

- Member of
the Agency
1. A person who has, within the knowledge of the arresting officer, been convicted in any court of any violation of a referenced provision of the referenced State Code or Federal Law involving drugs; or
 2. A person who displays physical characteristics of drug intoxication or usage, such as dilated pupils, glassy eyes, or "needle tracks"; or
 3. A person who possesses drug paraphernalia as defined in Article 27, Section 287A.
- F. Such person has no other apparent lawful reason for loitering or remaining in the Drug Free Zone.
- G. Any vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.
10. A police officer shall first request a person suspected of loitering under this section within a Drug Free Zone to leave the premises (Drug Free Zone). Failure to obey the police officer shall subject the person to arrest. The circumstances which lead to a person's arrest must be detailed in the field report, including information about the warning. The probable cause section of the Statement of Charges should include this information, as well as the arresting officer's expertise statement (Training Bulletin Guidelines Vol. 13, No. 8).
11. Write a Disposition Supplement report at the conclusion of each case.
- Chief,
Property Division
12. Ensure signs are designed and printed, which include appropriate information in order that the data in item 4 can be recorded.
13. Upon receipt of a list of Drug Free Zones from the Police Commissioner, ensure:
- A. An adequate supply of signs are provided to each district; and
 - B. The list is printed and disseminated to all members of the Operations Bureau.
- Director,
Education and
Training Division
14. Be responsible for including this directive on the Roll-Call Training Schedule and in the curriculum for In-Service Training.
- Director,
Electronic Data
Processing Division
(EDP)
15. Send each District Commander and the Chief of Patrol statistical data including arrests and reported crime, by specific address locations, on the first day of each month for the previous month.
- Director,
Public Information
Division
16. Upon receipt of a list of Drug Free Zones certified or recertified by the Police Commissioner, request publication in one or more newspapers of general circulation in Baltimore City, a listing of the specific areas to be certified or recertified, at least one week prior to certification or recertification.

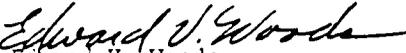
Police Commissioner's Memorandum 29-89

RESPONSIBILITIES

17. Prepare a press release monthly to announce the list of certified/recertified Drug Free Zones.
- Director,
Inspectional
Services Division
18. Prepare correspondence to the Mayor, and the President and Members of the City Council, with a list of the specific areas to be certified/recertified, including the boundaries of the areas and the date when the certification/recertification will begin, not less than one week prior to certification/recertification.
- Deputy
Commissioner,
Operations Bureau
19. Each month review the list of locations proposed to be certified, recertified or terminated, and send it to the Police Commissioner for his approval.
- Police
Commissioner
20. Certify Drug Free Zones using the criteria defined and the information provided by the Deputy Commissioner, Operations Bureau.
21. Alter, recertify or terminate such certification from time to time, but at least every three months from the date of its certification, unless the location is recertified for an additional three months prior to expiring.
22. Send the list of locations selected each month to be certified, recertified or terminated, to the Deputy Commissioner, Operations Bureau, the Chief - Property Division, the Director - Public Information Division and the Director - Inspectional Services Division.
- Additional
Information
23. The effective certification date is two weeks after the Police Commissioner disseminates the list of locations as explained in item 22. This ensures sufficient time for notifications as defined by this law.

COMMUNICATION OF DIRECTIVE

Commanding Officers, Mid-level Managers and Supervisors shall communicate the contents of this directive to their subordinates. This directive is effective on the date of publication.


Edward V. Woods
Commissioner

Distribution "A"
Plus All Departmental Bulletin Boards

Police Department
Baltimore, Maryland

Police Commissioner's Memorandum 29-89

1 August 1989

AMENDED
23 October 1989

Subject: Loitering About or Using a Place Within a
Certified Drug Free Zone

RESPONSIBILITIES

- Member of the Agency
1. Attach Annex A to Police Commissioner's Memorandum 29-89 after the signature page.
 2. Add the following information at the end of Item 10, on page 4.

"(See Annex A)"
 3. Add the following information under the Distribution legend, on the signature page.

ANNEX

- A. Notification of Request to Leave a Drug Free Zone.

COMMUNICATION OF AMENDMENT

Commanding Officers, Mid-level Managers and Supervisors shall communicate the contents of this amendment to their subordinates. This amendment is effective on the date of publication.


Edward V. Woods
Commissioner

Distribution "A"
Plus All Departmental Bulletin Boards

ANNEX A to Police Commissioner's Memorandum 29-89
(Notification of Request to Leave a Drug Free Zone)

NOTIFICATION OF REQUEST
TO LEAVE A DRUG FREE ZONE

RESPONSIBILITIES

- | | |
|---|---|
| Member of
the Agency | Whenever a person(s) is asked to leave a Certified Drug Free Zone ensure the following. |
| | 1. <u>On-view complaint</u> -
Advise the dispatcher of your location and the total number of persons complying/not complying with the request to leave the Drug Free Zone. Ask the dispatcher for an on-view number and code the complaint "F" (abated) when no arrest is made. |
| | 2. <u>Complaint from KGA</u> -
Advise the dispatcher of the total number of persons complying/not complying with the request to leave the Drug Free Zone and code the complaint "F" (abated) when no arrest is made. |
| | 3. Write a report when a person(s) does not comply with the request to leave the Drug Free Zone and is arrested. Ensure the incident "Loitering in a Drug Free Zone" is written in box 15, along with any related offense. Also, advise the dispatcher of the total number of persons involved in each incident, which includes the persons who have complied and the persons arrested. |
| | 4. Record the appropriate information from items 1 and 2 on the Daily Activity Report. Include the number of persons who complied or did not comply. |
| Director,
Communications
Division | 5. Ensure the dispatcher records the number of persons complying/not complying with the request to leave a Drug Free Zone, when notified by an officer. |
| Deputy
District
Commander | 6. Use the District CAD terminal to obtain the total number of persons complying/not complying with the request to leave a Drug Free Zone. |
| | <u>Note:</u> Total the numbers from each incident. Then separate these statistics into the number of persons who complied and the number of persons arrested, by subtracting the arrest statistics for this offense (obtained from the Desk Sergeant) from the total number obtained from the computer. |
| | 7. Keep a written record of statistics from the District computer file for dissemination to members of this department and government representatives. |

Appendix F

Texas Controlled Substances Tax Act and Sample Drug Tax Stamps

CHAPTER 159. CONTROLLED SUBSTANCES TAX

SUBCHAPTER A. GENERAL PROVISIONS

Section

- 159.001. Definitions.
- 159.002. Measurements.
- 159.003. Tax Payment Certificates.
- 159.004. No Defense or Immunity.
- 159.005. Confidential Information.

[Sections 159.006 to 159.100 reserved for expansion]

SUBCHAPTER B. IMPOSITION, RATE, AND PAYMENT OF TAX

- 159.101. Tax Imposed; Rate of Tax.
- 159.102. Tax Payment Certificate Required.
- 159.103. Exemption.

[Sections 159.104 to 159.200 reserved for expansion]

SUBCHAPTER C. CRIMINAL PROVISIONS; SEIZURE AND FORFEITURE

- 159.201. Possession of Item if Tax Unpaid.
- 159.202. Counterfeit Tax Payment Certificates.
- 159.203. Previously Used Certificates.
- 159.204. Property Subject to Seizure.
- 159.205. Forfeiture.
- 159.206. Settlement or Compromise of Tax.

[Sections 159.207 to 159.300 reserved for expansion]

SUBCHAPTER D. DISPOSITION OF PROCEEDS

- 159.301. Disposition of Proceeds.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

SUBCHAPTER A. GENERAL PROVISIONS

§ 159.001. Definitions

In this chapter:

- (1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.
- (2) "Counterfeit substance" has the meaning assigned by Section 481.002, Health and Safety Code.

CONTROLLED SUBSTANCES TAX Ch. 159

§ 159.003

(3) "Dealer" means a person who in violation of the law of this state imports into this state or manufactures, produces, acquires, or possesses in this state:

(A) seven grams or more of a taxable substance consisting of or containing a controlled substance, counterfeit substance, or simulated controlled substance; or

(B) more than four ounces of a taxable substance consisting of or containing marihuana.

(4) "Marihuana" has the meaning assigned by Section 481.002, Health and Safety Code.

(5) "Simulated controlled substance" has the meaning assigned by Section 482.001, Health and Safety Code.

(6) "Tax payment certificate" means a stamp or other device provided by the comptroller under Section 159.003 of this code for use under this chapter.

(7) "Taxable substance" means a controlled substance, a counterfeit substance, a simulated controlled substance, or marihuana, or a mixture of any materials that contains a controlled substance, counterfeit substance, simulated controlled substance, or marihuana.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, § 284(45), (65), eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 705, § 20, eff. Sept. 1, 1991.

Historical and Statutory Notes

Acts 1991, 72nd Leg., ch. 14, in subs. (1), (2), and (4), substituted "Section 481.002, Health and Safety Code" for "Section 1.02, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes)", and in subd. (5), substituted "Section 482.001, Health and Safety Code" for "Section 1, Chapter 306, Acts

of the 68th Legislature, Regular Session, 1983 (Article 4476-15b, Vernon's Texas Civil Statutes)".

Acts 1991, 72nd Leg., ch. 705, § 20 made the same changes; and in subsec. (3)(B) substituted "more than four ounces" for "four ounces or more".

§ 159.002. Measurements

For purposes of this chapter, the weight of a taxable substance is its weight in the possession of the dealer.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

§ 159.003. Tax Payment Certificates

(a) The comptroller shall adopt a uniform system for providing, affixing, and displaying official tax payment certificates to be attached to a taxable substance as evidence that the tax imposed by this chapter has been paid.

(b) A tax payment certificate may not be used more than once.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

§ 159.004

STATE TAXATION
Title 2

§ 159.004. No Defense or Immunity

Nothing in this chapter provides a defense or affirmative defense to, exception to, or immunity from prosecution under the penal laws of this state relating to controlled substances, counterfeit substances, simulated controlled substances, or marihuana.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

§ 159.005. Confidential Information

(a) Information provided by a person in a report or return made for purposes of paying a tax imposed by this chapter is confidential.

(b) The comptroller or any other public official or employee commits an offense if he reveals information made confidential by this section to any person other than:

(1) to the comptroller or a public official or employee whose duties involve the administration or collection of the taxes imposed by this chapter; or

(2) in a judicial proceeding involving a tax imposed by this chapter.

(c) An offense under Subsection (b) of this section is a Class A misdemeanor.

(d) Except in a prosecution directly related to a tax imposed by this chapter, information made confidential by this section may not be used in any way in a prosecution of the dealer for whom the report or return is made unless the information is obtained independently of the report or return.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

[Sections 159.006 to 159.100 reserved for expansion]

SUBCHAPTER B. IMPOSITION, RATE, AND PAYMENT OF TAX

§ 159.101. Tax Imposed; Rate of Tax

(a) A tax is imposed on the possession, purchase, acquisition, importation, manufacture, or production by a dealer of a taxable substance on which a tax has not previously been paid under this chapter.

(b) The rate of the tax is:

(1) \$200 for each gram of a taxable substance consisting of or containing a controlled substance, counterfeit substance, or simulated controlled substance;

(2) \$3.50 for each gram of a taxable substance consisting of or containing marihuana; and

(3) \$2,000 on each 50 dosage units, or portion of 50 dosage units, if the total amount is less than 50 dosage units, of a controlled substance that is not sold by weight.

CONTROLLED SUBSTANCES TAX
Ch. 159

§ 159.102

(c) The tax becomes due immediately when a dealer possesses, purchases, acquires, manufactures, or produces in this state or imports into this state the taxable substance on which the tax has not previously been paid.

(d) In determining the total weight of taxable substance, a part of a gram remaining after the measurement of whole grams is considered as one gram.

(e) For purposes of this section, if a taxable substance consists of a mixture containing both marihuana and another substance listed in the definition of taxable substance provided by Section 159.001 of this code, the taxable substance is taxable under Subsection (b)(1) of this section and not under Subsection (b)(2) of this section.

(f) When the comptroller makes an assessment under this chapter, the comptroller shall issue a determination stating the amount and that the tax collection is in jeopardy. The amount determined is due and payable immediately. A determination made under this chapter becomes final on the expiration of 20 days after the day on which the notice of the determination was served by personal service or by mail unless a petition for a redetermination is filed before the determination becomes final.

(g) If a determination made under this chapter becomes final without payment of the amount of the determination being made, the comptroller shall add to the amount a penalty of 10 percent of the amount of the tax and interest.

(h) In a redetermination proceeding held or a judicial proceeding brought under this chapter, a certificate from the comptroller that shows the issued determination is prima facie evidence of:

(1) the determination of the stated tax or amount of the tax;

(2) the stated amount of the penalties and interest; and

(3) the compliance of the comptroller with this chapter in computing and determining the amount due.

(i) The suppression of evidence on any ground in a criminal case that arises out of facts on which a determination is made under this chapter or the dismissal of criminal charges in such a case does not affect a determination made under this chapter.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 484, § 1, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 705, § 21, eff. Sept. 1, 1991.

Historical and Statutory Notes

Acts 1991, 72nd Leg., ch. 484, § 1 added subsec. (b)(3); and inserted "possesses" following "when a dealer". Acts 1991, 72nd Leg., ch. 705, § 21 added subsecs. (f) to (i).

§ 159.102. Tax Payment Certificate Required

(a) A dealer who pays a tax imposed by this chapter shall securely affix in the manner required by the comptroller to the taxable substance the appropriate tax payment certificate to show payment of the tax.

§ 159.102

STATE TAXATION
Title 2

(b) A dealer shall obtain the necessary tax payment certificates before the tax becomes due as provided by Section 159.101 of this code. The possession of a taxable substance without the possession of the requisite amount or number of certificates is prima facie evidence that and is notice that the tax has not been paid as required by this chapter.

(c) The comptroller's rules shall provide for the return of unused certificates and for the refund of money for returned certificates.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

§ 159.103. Exemption

The purchase, acquisition, importation, manufacture, or production of a taxable substance is exempt from the tax imposed by this chapter if the activity is authorized by law.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

[Sections 159.104 to 159.200 reserved for expansion]

SUBCHAPTER C. CRIMINAL PROVISIONS; SEIZURE AND FORFEITURE

§ 159.201. Possession of Item If Tax Unpaid

(a) A dealer commits an offense if the dealer possesses a taxable substance on which the tax imposed by this chapter has not been paid.

(b) An offense under this section is a felony of the third degree. In addition to the fine provided by law for a felony of the third degree, a person convicted of an offense under this section shall be fined an amount equal to the amount of tax due and unpaid on the taxable substance that is the subject of the offense.

(c) An indictment for an offense under this section may be presented within six years from the date of the offense and not afterward.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

Cross References

Fine, deposit to credit of county in which offense occurred, see § 159.301.
Third-degree felony, punishment, see V.T.C.A. Penal Code, § 12.34.

Notes of Decisions

Construction and application 1

1. Construction and application

Aggravated possession of phenylacetone is not "same offense" as possession of phenylac-

etone without tax payment certificate, and, thus, double jeopardy clause did not bar two sentences in same proceeding. Ex parte Kopecky (Cr.App.1992) 821 S.W.2d 957.

CONTROLLED SUBSTANCES TAX
Ch. 159

§ 159.204

§ 159.202. Counterfeit Tax Payment Certificates

(a) A person commits an offense if the person:

(1) prints, engraves, makes, issues, sells, or circulates a counterfeit tax payment certificate;

(2) possesses with intent to use, sell, circulate, or pass a counterfeit tax payment certificate; or

(3) places or causes to be placed a counterfeit tax payment certificate on a taxable substance.

(b) An offense under this section is a felony of the third degree.

(c) Venue of a prosecution under this section is in Travis County.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

Cross References

Third-degree felony, punishment, see V.T.C.A. Penal Code, § 12.34.

§ 159.203. Previously Used Certificates

A person commits an offense if the person:

(1) uses, sells, offers for sale, or possesses for use or sale previously used tax payment certificates; or

(2) attaches or causes to be attached a previously used tax payment certificate to a taxable substance.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

§ 159.204. Property Subject to Seizure

A peace officer may seize without a warrant:

(1) any taxable substance on which the tax imposed by this chapter has not been paid;

(2) any counterfeit tax payment certificate used or intended for use in violation of this chapter;

(3) any previously used tax payment certificate possessed in violation of this chapter;

(4) any raw material, products, containers, or equipment of any kind used or intended for use in violation of this chapter; or

(5) any conveyance, including a vehicle, vessel, or aircraft, used or intended for use to transport or in any manner facilitate the transportation, sale, receipt, possession, concealment, or delivery of any property in violation of this chapter.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989.

§ 159.205

STATE TAXATION
Title 2

§ 159.205. Forfeiture

(a) Property seized under Section 159.204 of this code is subject to forfeiture to the state in the same manner as provided for forfeiture of seized property under Chapter 103, Alcoholic Beverage Code. Property forfeited to the state that is not ordered destroyed may be used by the seizing agency for official purposes or sold at public auction in the manner provided by law for sheriff's sales. The proceeds from the sale of property forfeited under this section, after satisfaction of all costs, shall be disposed of in the manner provided for by Article 59.06, Code of Criminal Procedure.

(b) The right of the comptroller to collect the tax imposed by this chapter, including applicable penalty and interest, is subordinate to the right of a federal, state, or local law enforcement authority to seize, forfeit, and retain property under Chapter 481, Health and Safety Code; Chapter 59, Code of Criminal Procedure; or any other criminal forfeiture law of this state or of the United States. A lien filed by the comptroller as a result of the failure of a dealer to pay the tax, penalty, or interest due under this chapter is also subordinate to those rights. This section does not affect the validity of a lien or a collection action relating to the tax imposed by this chapter under any other circumstance.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, § 284(54), eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 705, § 22, eff. Sept. 1, 1991.

Historical and Statutory Notes

Acts 1991, 72nd Leg., ch. 14, § 284(54) substituted "Article 59.06, Code of Criminal Procedure" for "Section 5.08, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes)".

Acts 1991, 72nd Leg., ch. 705, § 22 designated subsec. (a) and in the third sentence thereof inserted "for" following "provided" and modified a statutory citation to reflect codification of drug laws; and added subsec. (b).

§ 159.206. Settlement or Compromise of Tax

(a) The comptroller may settle or compromise a tax, penalty, or interest imposed under this chapter only if:

(1) the prosecutor of a criminal offense under this chapter or of another offense arising out of the same incident or transaction requests in writing that the comptroller settle or compromise and specifies the reasons for the request; and

(2) the comptroller determines that the settlement or compromise is in the best interest of the state.

(b) The prosecutor of a criminal offense under this chapter or of another criminal offense arising out of the same incident or transaction or the taxpayer or the taxpayer's representative may request in writing that the comptroller defer an administrative hearing on a determination made on this chapter until a trial has been completed in the criminal case involving the same incident or transaction or another disposition has been made of the

CONTROLLED SUBSTANCES TAX
Ch. 159

§ 159.301

case. The comptroller may comply with a request to defer an administrative hearing if the comptroller determines that the deferral would be in the best interest of the state. This subsection does not prohibit the comptroller from filing a lien or taking any other action to collect the tax in the manner permitted under this code before the conclusion of an administrative hearing.

Added by Acts 1991, 72nd Leg., ch. 705, § 23, eff. Sept. 1, 1991.

[Sections 159.207 to 159.300 reserved for expansion]

SUBCHAPTER D. DISPOSITION OF PROCEEDS

§ 159.301. Disposition of Proceeds

All proceeds from the collection of the tax, penalty, and interest imposed by this chapter shall be deposited to the credit of the general revenue fund. The fine imposed by Section 159.201(b) of this code and the fine provided by law for a felony shall be deposited to the credit of the county treasury of the county in which the offense occurred.

Added by Acts 1989, 71st Leg., ch. 1152, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 705, § 24, eff. Sept. 1, 1991.

Historical and Statutory Notes

The 1991 amendment rewrote the section, which previously read:
"All proceeds from the collection of the tax imposed by this chapter and from the fine

imposed by Section 159.201(b) of this code in addition to the fine provided by law for a felony of the third degree shall be deposited to the credit of the general revenue fund."

DRUGS

DEATH **TAXES**

TAX **PAID**
 50 DOSAGE UNITS **TEXAS** \$2,000

CONTROLLED SUBSTANCE
 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS NO. **VOID**

DRUGS

DEATH **TAXES**

TAX **PAID**
 1 KILOGRAM **TEXAS** \$3,500.00

MARIHUANA
 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS NO. **XXXXX**

DRUGS

DEATH **TAXES**

TAX **PAID**
 500 GRAMS **TEXAS** \$100,000

CONTROLLED SUBSTANCE
 TEXAS COMPTROLLER OF PUBLIC ACCOUNTS NO. **XXXXX**

Appendix G

Hotel/Motel Interdiction Training Curriculum



HOTEL / MOTEL INTERDICTIONS

OUTLINE

NOTES

Introduction - Interdiction Motel / Hotel

Motels and hotels are used by drug couriers and dealers everyday. These people believe they are safe and secure when they register in these motels and hotels.

They register under fictitious names and addresses. They begin to run their illegal business smoothly.

Motels and hotels are prime locations to make contacts, gather information, conduct investigations, make seizures, and arrests.

I. Liaison with Motel / Hotel

- A. Approach management and sell the program to them
 - 1. Convince management
 - a. The use of motels / hotels by drug dealers is a serious problem.
 - b. Your investigation will not disrupt business or create safety problems.
 - c. Their employees will not be dragged into the investigation or court.
 - d. Request his or her assistance.
- B. Brief the manager or clerk on what to look for
 - 1. From front desk
 - a. When guest checked in
 - b. Data from registration form
 - c. Data reference telephone calls
 - d. Associate that may be registered in other room or motel
 - 2. House keeping
 - a. If house keeping service refused
 - b. If they have seen weapons, drugs, etc., in rooms.
 - c. Can provide trash from room
- C. Keep the existence of motel / hotel employee confidential
 - 1. This keeps them happy
 - 2. Refer to the contact as a concerned citizen
- D. Leave a contact number
 - 1. Pager
 - 2. Dispatcher
 - 3. Respond when the motel/hotel calls
 - a. You requested help, you must follow up

OUTLINE

NOTES

II. Follow up Investigation

A. Check motel / hotel records

1. Name, signature
2. Date - arrived and departed
3. Address
4. Tag number, make of vehicle
5. Method of payment - credit card, cash
6. Telephone calls - local and long distance
7. Request to check rooms after suspects have checked out

B. Conduct surveillance

1. For basic narcotic information
 - a. Search warrant
 - b. Probable cause for stop

C. Routine checks

1. DMV records
2. Criminal history - wanted information

D. If no activity and people are about to check out

1. Approach subject
 - a. Identify yourself as a police officer conducting a narcotic investigation
 1. Obtain consent to talk to subject
 2. Obtain consent to search room
 - b. Photograph subject if possible
 1. They will be back
 2. Need photo for line up
2. Search the room after subject has checked out
 - a. Motel / hotel consent

E. Complete reports

1. Keep records

F. Cross reference your information

1. With information from the other motel / hotel
2. With other agencies within and out of state
 - a. Federal
 - b. State
 - c. Local

OUTLINE	NOTES
III. Conclusion Motel / Hotel Interdiction	
Motels and hotels are used by persons involved with the illegal distribution of drugs. These businesses are excellent places where law enforcement agencies can obtain information, conduct investigations, and make seizures.	
Make the contact, tell management what you need, and request assistance from them.	

Hotel / Motel Indicators of Criminal Activity

Guest

1. Pay daily
2. Pay with cash
3. Display large amount of currency
4. Little or no luggage
5. Several persons checking into different rooms, different floors, later joining in one room.
6. Excessive telephone calls
7. Frequent visitors
8. Items found in guest room - plastic baggies, scales, money wrappers, large sums of currency, drugs, etc.
9. Checking in without reservations or check out prematurely
10. Unusual behavior, stay in room, does not go out even or meals, or out late at night, and sleep during the day
11. Refuses maid service

Appendix H

**Joliet Police Department Special Order re
Anti-Loitering Ordinance**

JOLIET

D E P A R T M E N T

Number:91-4

POLICE

S P E C I A L

DEPARTMENT

O R D E R

Issued:
March 15, 1991

Effective:
March 15, 1991

Distribution
Code: A

Subject: LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY

Index as: Loitering for the Purpose of Engaging in Drug-Related Activity
Drug Loitering Ordinance

I. PURPOSE

The purpose of this order is to inform members of Section 21-10.1 of the Code of Ordinances of the City of Joliet.

II. DEFINITIONS

- A. Public or private place: any place open to the public or a public street or sidewalk, or any area in or around a place open to the public.
- B. High drug activity: any area designated by the Chief of Police in memorandum form, that is established as an area of high drug activity. These locations will be declared based upon the number of past drug activity in an area, and will be documented in files of the geographic areas.
- C. Loitering: remaining idle in essentially one location and shall include the concept of spending time idle; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around." For purposes of this order, prior notice to disperse is not required.
- D. Lookout: any person who is observed by a member to be in a high drug activity area, and who seems to be conveying signals to another person or persons a short distance away.
- E. Furtive: actions performed in a stealthy manner; sly; shifty.

III. INFORMATION

The following City Ordinance 21-10.1 has been adopted and reads as follows:

Sec. 21-10.1. Loitering for the purpose of engaging in drug-related activity.

- (a) It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of the Illinois Controlled Substances Act, Ill. Rev. Stat., Ch. 56 1/2, Par. 701 et seq., as amended, the Illinois Cannabis Control Act, Ill. Rev. Stat., Ch. 56 1/2, Par 2301 et seq., as amended, or any other local, state, or federal law prohibiting the manufacture distribution, delivery, use, or possession of a controlled substance (hereinafter "drug laws").

Working With the Community for a Safe City

(b) Among the circumstances which may be considered in determining whether such purpose is "manifested" are the following:

- (1) such person is a known unlawful drug user, possessor, or seller. For purposes of this ordinance, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in the drug laws or such person has been convicted of any of the provisions of said drug laws or substantially similar laws of any political subdivision of this state or any other state or jurisdiction; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks": or a person who possesses drug paraphernalia as defined in the Illinois Drug Paraphernalia Control Act, Ill. Rev. Stat. Ch. 56 1/2, Par. 2101 et seq., as amended;
- (2) such person is currently subject to an order prohibiting his or her presence in a high drug activity geographic area;
- (3) such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";
- (4) such person is physically identified by the officer as a member of a "gang" or association which has as its purpose illegal drug activity;
- (5) such person transfers small objects or packages for currency in a furtive fashion;
- (6) such person takes flight upon the appearance of a police officer;
- (7) such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;
- (8) the area involved is by public repute known to be an area of unlawful drug use and trafficking; or
- (9) the premises involved are known to have been reported to law enforcement as a place suspected of drug activity.

IV. PROCEDURE

- A. The Chief of Police, in memorandum form, will identify those areas of the City of Joliet that are known locations of documented frequent drug-related activity (high drug-use areas), and will review these locations periodically to reflect changes in activity in those areas.
- B. With the exception of subsection (b)(1), enforcement may only be conducted in those areas specifically identified in memorandum form as being high drug use areas.

Department Special Order 91-4

- C. When arrests are made for violations of this ordinance, members will, with specificity, document conditions they observed that preceded the arrest, so that details may be presented when testifying in court.
- D. Bond for arrests under this ordinance will be accomplished in the same manner as any violation of a city ordinance.
- E. All persons arrested for violation of this ordinance will be fingerprinted and photographed.
- F. The arresting officer will forward a copy of the first page of the original report to the supervisor of Tactical Operations so that information regarding arrests for violation of the "Drug Loitering Ordinance" is maintained in a current fashion.

By order of:



DENNIS E. NOWICKI
Chief of Police

Appendix I

Baltimore and Dayton Nuisance Abatement Ordinances

CITY OF BALTIMORE

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended to read as follows:

ARTICLE 19 - POLICE ORDINANCES

PUBLIC NUISANCES

232A. Legislative findings and declarations.

(a) The Mayor and City Council finds and declares that public nuisances exist in the City of Baltimore in the continuing and recurrent use of certain premises in violation of the laws relating to prostitution, gambling, controlled dangerous substances, and stolen property, and that these public nuisances are harmful to the safety, health, and general welfare of the citizens and businesses of, and visitors to, Baltimore City.

(b) The enforcement of abatement procedures by the Commissioner and the penalties imposed pursuant to this law constitute an additional method of law enforcement in response to the proliferation of the above described public nuisances and are an exercise of the City's police power that is reasonable and necessary in order to protect the health, safety, and general welfare of the people of Baltimore City. (Ord. 642, 1986)

232. Definitions

(a) As used in this subtitle, a "public nuisance" is any premises where violations of the law governing prostitution and lewdness, controlled dangerous substances, gambling, or criminal possession of stolen property are occurring and where 2 or more violations of such provisions, which have resulted in 2 or more criminal convictions, have occurred on 2 or more occasions within a 24 month period of time prior to the commencement of a proceeding pursuant to Section 234. It shall be prima facie evidence that a public nuisance has occurred upon the second conviction for a violation of any of the provisions of the law governing the enumerated offenses.

(b) "Owner" and "owner of record" mean the person in whose name a premises is recorded in the land records of Baltimore City.

(c) "Person" means an individual, receiver, guardian, personal representatives, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.

(d) "Commissioner" means the Police Commissioner of Baltimore City or the Commissioner's designee.

(e) "Premises" means any land, building, or other structure, or part thereof.

(f) For the purpose of this subtitle, "conviction" shall include probation before judgment. (Ord. 642, 1986; Ord. 373, 1989)

234. Powers of the Commissioner with respect to public nuisances.

(a) After two convictions pursuant to Section 233(A) and notice to the premises' owner and opportunity for a hearing, the Commissioner is authorized:

(1) To order the discontinuance of the public nuisance in the premises where the public nuisance exists; or

(2) To order the closing of the premises to the extent necessary to abate the nuisance. If the premises consists entirely of residential units or mixed residential and other use units, and the public nuisance has occurred solely within a residential unit or units, abatement authority is restricted to the residential unit or units in which the public nuisance has occurred, and does not extend to any other unit in the premises, except for public nuisances occurring in motels, hotels, and rooming and boarding houses and rooming units as those houses and units are defined in Article 30, subsections 13.0-2-72 and 13.0-2-73 of the Baltimore City Code.

(b) (1) Prior to the issuance of an order by the Commissioner under this section, the Commissioner shall give notice and an opportunity for a hearing to determine whether a public nuisance exists in the premises to the owner, lessor, lessee, mortgagor and mortgagee of the premises.

(2) The notice shall state the date, place, and time of the hearing, the right of the aforesaid persons to be heard and to be represented at the hearing, the possible consequences of failure to appear, and such other particulars as may be appropriate.

(3) The notice shall be given by personal service, or by certified mail to the owner, lessor, lessee, mortgagor and mortgagee, or agent thereof, as their name and address are recorded in the land records of Baltimore City or as they appear in the registration statement filed pursuant to Article 13, Section 309 of the Baltimore City Code, or whose identity and address are otherwise known or readily ascertainable. In addition, the notice shall be posted on the premises.

(4) Following the hearing procedure, an order of the Commissioner issued pursuant to this section shall be posted on the premises and notice thereof shall be given to those persons and in the manner set forth in (3).

(c) On and after the tenth business day following the posting as set forth in (4), and upon the written directive of the Commissioner, the order may be enforced.

(d) The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance, on the part of any person who may be the owner, lessor, or lessee, mortgagor, mortgagee, or other interested person and all those persons in possession of or having charge of as agent or otherwise, or having any interest in the property, real or personal, used in conducting or maintaining the public nuisance, is not sufficient cause to set aside the Commissioner's order of abatement.

(e) A closing shall be for such period as the Commissioner reasonably may direct but in no event shall the closing be for a period of more than one year from the date of the closing.

(f) The Commissioner shall vacate the provisions of the order to close if an interested person:

(1) Posts a bond for the period of the ordered closing in an amount not exceeding the assessed value of the premises as shown in the tax assessment records of Baltimore City, prorated for the proportional assessment of units closed if less than all units therein are closed, but not to exceed \$1,000,000 in any case; and

(2) Submits reasonably adequate proof to the Commissioner that the nuisance has been abated and will not be maintained or permitted in any unit of the premises during the period of the ordered closing.

(g) A closing directed by the Commissioner pursuant to this section is not an act of possession, ownership or control by the City of Baltimore. (Ord. 642, 1986.)

235. Termination of tenancy.

Upon conviction pursuant to Section 237 or issuance of a closing order, the owner, lessor, or agent may immediately terminate the tenancy and if the lessee and any other occupants of the property fail to vacate the premises, the owner, lessor, or agent may use the conviction order in an action pursuant to the tenant holding over, breach of lease, or tenant-at-will provisions of law. (Ord. 642, 1986; Ord. 373, 1989.)

236. Orders, destruction of, violation of.

(a) Any person who destroys, removes or defaces an order posted by the Commissioner is guilty of a misdemeanor punishable by a fine of not more than \$300 or imprisonment for not more than 30 days, or both.

(b) Any person who intentionally disobeys any proper order issued by the Commissioner or who uses or occupies or permits any other person to use or occupy any premises ordered closed is guilty of a misdemeanor punishable by a fine of \$1,000 or imprisonment for not more than 1 year, or both.

(c) Each day a violation of (b) continues is a separate offense. (Ord. 642, 1986.)

237. Rules and regulations.

The Commisisoner shall promulgate rules and regulations that may be necessary or proper to effectuate the purpose and the provisions of this subtitle, including advising the premises owner, or agent of an arrest or conviction for the criminal conduct defined in Section 233(a) occurring in those premises which the Commissioner determines will be subject to this subtitle, and the procedure and terms of posting bonds. (Ord. 642, 1986; Ord. 373, 1989.)

SEC. 2. And it be further ordained, That if any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intent of the Mayor and City Council of Baltimore that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SEC. 3. And it be further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.

238. Appeal.

Any person aggrieved by any act of the Commissioner taken pursuant to this subtitle has the right of appeal to the Circuit Court for Baltimore City as may be provided by law. (Ord. 642, 1986.)

By Mr. Orick No 28336

AN ORDINANCE

Supplementing the Revised Code of General Ordinances by the Enactment of Sections 152.03, 152.061, 152.12, 152.121, 152.122, 152.123, 152.124, 152.125, 152.126 and 152.999, and Amending Sections 152.01, 152.02, 152.04, 152.05, 152.06, 152.07 and 152.08, to Provide Administrative Procedures for the Abatement of Public Nuisances Resulting when Property is Inadequately Maintained or Illegally Used, and to Provide Penalties for Violations.

WHEREAS, In the City of Dayton there are buildings and structures which are so dilapidated, unsafe, dangerous, unhygienic or unsanitary as to constitute a hazard to the health, safety, morals or welfare of the occupants of such buildings and structures and of the people of the City of Dayton; and

WHEREAS, The use of property in violation of law and in such a manner as to constitute a public nuisance presents a hazard to the health, safety, morals or welfare of the people of the City of Dayton; and

WHEREAS, In order that the dilapidated, unsafe, dangerous, unhygienic or unsanitary conditions of such buildings or structures, and the use of such property in violation of law, shall be addressed, and that the enforcement of law shall be facilitated and, in order to preserve peaceful, pleasant and safe neighborhoods as well as sound real estate values and marketability; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

SECTION 1. That the Revised Code of General Ordinances be, and the same hereby is, supplemented and amended to read as follows:

PUBLIC NUISANCES

152.01 Definitions

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Abate." When a public nuisance has been determined to exist pursuant to Subsection 152.01(E)(1), it shall not be deemed to have been abated until it has been made to comply with all applicable housing, building, zoning, and fire code requirements.

When a public nuisance has been determined to exist pursuant to Subsection 152.01 (E)(2), it shall not be deemed to have been abated until all such use constituting a nuisance is terminated.

B. "Director." Whenever, in Sections 152.01 through 152.126, reference is made to a director of a department, any person designated by a director may act in his/her behalf.

C. "Owner." The owner of record of the fee of the premises or lesser estate therein, a mortgagee, vendee in possession, land contract purchaser, assignee of the rents, receiver, executor, administrator, trustee, or lessee, as determined by an examination of the public records of Montgomery County, Ohio, or any other person, firm or corporation in control of a building, or their duly authorized agents.



D. "Person Responsible" or "Responsible Person." Any person or persons who use, occupy, establish, or conduct a public nuisance, as defined in RCGO Section 152.01(E)(2), or aid or abet therein.

E. "Public Nuisance." Any underground container or storage tank, fence, wall, garage, shed, house, lot, building, structure, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern, sidewalk subspace, walks, driveways, terrace steps or parts thereof, which has any or all of the conditions or defects hereinafter described shall be deemed to be a public nuisance.

1. The following conditions or defects shall constitute a public nuisance when they endanger the life, health, property, safety, or welfare of the public, or of any current or prospective occupants:

a. Whenever the premises are a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

b. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

c. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

d. Whenever any building or structure, is determined to be a fire hazard.

e. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

f. Whenever any building or structure whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength; (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

g. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Unified Building Code or Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.

h. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

i. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.



j. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

k. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

l. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

m. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is reasonably safe.

n. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

o. Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

p. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

q. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

r. Whenever the walking surface of any aisle, passageway, stairway or other element of a means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

s. Whenever any door, aisle, passageway, stairway or other element of a means of egress is not of sufficient width or size or is not so arranged as to provide safe and adequate means of egress and creates a serious hazard.

2. The following conditions shall constitute a public nuisance:

a. That which is defined as a nuisance in Section 3767.01(c) of the Ohio Revised Code, which is incorporated herein by reference and made a part hereof.

b. That which is defined as a nuisance in Section 4301.73 of the Ohio Revised Code, which is incorporated herein by reference and made a part hereof.



- c. Premises or real estate, including vacant land, on which a felony violation of Chapter 2925. or 3719. of the Ohio Revised Code occurs, regardless of whether there has been a conviction for said violation.

F. "Superintendent of Neighborhood Development."

The person appointed to the position of Superintendent of Neighborhood Development, Department of Urban Development, or a person designated by the Superintendent to act in his/hor behalf.

Section 152.02 Conflict With Unified Building Code

In the event that any term or provision of this ordinance shall be construed to conflict with any term or provision of the Unified Building Code, the term or provision of the Unified Building Code shall supersede such provision of this ordinance.

Section 152.03 Procedure for Securing an Open Structure

(A) The Superintendent of Neighborhood Development may cause a vacant structure to be immediately secured whenever it is found open to entry at doors, windows, or other points accessible to the general public. The Superintendent of Neighborhood Development shall be authorized at any time to enter on the premises and the owner shall permit him entry to secure the structure in order to lessen the severity of the public nuisance. In securing such structure, the Superintendent of Neighborhood Development may call on any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure. Photographs of the structure shall be taken prior to securing it, and those photographs shall be filed with the Superintendent of Neighborhood Development.

(B) Either before, or as soon as practicable after the securing of a vacant structure, the Superintendent of Neighborhood Development shall cause a written notice to be served on the owner in the manner provided in Section 152.05. The notice shall inform the owner of the date on which the structure was found open to entry and of the securing of the structure, and shall advise the owner that the costs incurred in securing the structure shall be recovered by the City in the manner prescribed by Section 152.08, and that the owner has a right to appeal the said notice to the Nuisance Appeals Board by making a demand therefor in writing to the Superintendent of Neighborhood Development within 15 days after receipt of the notice.

(C) The Nuisance Appeals Board may:

1. Sustain the action of the Superintendent of Neighborhood Development, or
2. Find that the action taken to secure the structure was unconstitutional, illegal, arbitrary, capricious, or unreasonable.

(D) If the Nuisance Appeals Board does not sustain the action of the Superintendent of Neighborhood Development, the costs incurred in securing the structure shall be paid from City funds specifically authorized by the City Commission to be used for such purpose.

152.04 Procedure for Abatement of a Public Nuisance

(A) Whenever the Superintendent of Neighborhood Development suspects the existence of a public nuisance as defined in Section 152.01(E)(1) in the City, he/she shall promptly cause to be inspected the premises on which the public nuisance is suspected to exist. Should the Superintendent find that a public nuisance does exist,



it shall be the duty of the Superintendent of Neighborhood Development to cause photographs of such public nuisance to be made, and to file in his/her office the photographs and the written report of the findings of the inspector. The Superintendent of Neighborhood Development shall cause a written notice to be served on the owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building, structure or nuisance, the same will be abated by the City at the expense of the owner. The Superintendent of Neighborhood Development may also order the owner to take such measures as are reasonably necessary to lessen the severity of the public nuisance in a manner prescribed by the Superintendent of Neighborhood Development. If the owner fails or refuses to comply with such order, the City may cause either the abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the building, structure, or nuisance. Abatement by the owner shall, on the issuance of a Special Building Permit or a Special Wrecking Permit, start within 15 days after service of the notice and shall be complete within the time prescribed in Section 152.06 (c) and (d) or such additional time as the Superintendent of Neighborhood Development may deem necessary to complete the abatement.

(B) Whenever the Superintendent of Neighborhood Development determines the existence of a public nuisance as defined in Section 152.01(E)(2), he/she may cause a written notice to be served on the owner and/or other responsible person, stating the findings with respect to the existence of a public nuisance and ordering the owner and/or other responsible person, to abate the public nuisance within 15 days. Whenever the issues raised by the written notice and order have been finally determined, the Superintendent of Neighborhood Development may request the assistance of the Department of Law in abating the public nuisance in the manner provided in Chapter 3767 of the Ohio Revised Code. If the owner and/or other responsible person fails or refuses to comply with the order to abate the public nuisance, the Superintendent of Neighborhood Development may, in addition to proceeding as provided hereinabove, proceed against the owner for any violation of this Chapter.

(C) The City may, at its option, elect to not utilize the procedure provided in Section 152.04(B), and proceed instead with the filing of an action in common pleas court in accordance with Chapter 3767 of the Ohio Revised Code.

152.05 Service of Notice

Written notice pursuant to Section 152.04 shall be served on the owner and/or other responsible person, personally, or by certified mail addressed to the owner and/or other responsible person, at his/her last known place of residence as appearing in the records of the Bureau of Nuisance Abatement, or at his/her tax mailing address as indicated on the County Tax Duplicate, and by posting a copy of the notice in a conspicuous place on the structure or premises to which it relates. If notices mailed are returned unserved, then a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the County. The Superintendent of Neighborhood Development shall cause a Certificate of Service to be completed which shall set forth the name and address of the person served, the manner of service, and the date thereof.

152.06 Right to Make Immediate Repairs or to Demolish

(A) On being served notice of a public nuisance as defined in Section 152.01 (E)(1), the owner may within 15 days after receipt of notice, make application in writing to the Superintendent of Business

Services for a Special Building Permit to undertake the repairs or replacement of items found to constitute a public nuisance. Upon approval of the application by the Superintendent of Neighborhood Development the Special Building Permit shall be issued by the Superintendent of Business Services.

(B) Adequate plans and specifications as required by the Chief Building Official, covering the repairs or replacements shall be furnished by the owner to the Chief Building Official within 15 days after receipt of notice or such additional time, not to exceed 90 days, as the Superintendent of Neighborhood Development may deem necessary to complete plans and specifications.

(C) The Chief Building Official shall, on approval of the plans and specifications, cause a Special Building Permit to be issued to the owner. The Special Building Permit shall be valid for a period of 90 days and within that time the owner shall effect and complete the repairs or replacements. The Superintendent of Neighborhood Development may grant an extension to the Special Building Permit, in writing, if the owner shows reason or cause for the requested extension and the extension will more readily effect the said repairs and/or replacements.

(D) Whenever permits are issued for repairs to the plumbing, electrical, heating and air conditioning, or similar systems in a nuisance structure, such permits shall be valid for a period of time not to exceed the unexpired term of the special building permit, or extension thereof, pursuant to paragraph (c) of this section, notwithstanding any other provision of the Revised Code of General Ordinances to the contrary. In the event the said permits are issued for work which exceeds that which is necessary for the abatement of the nuisance, and if the nuisance is abated within the time provided in paragraph (C) of this section, then the said permits shall remain valid, subject to the terms, provisions and limitations of the Unified Building Code.

(E) On being served notice, the owner may within 15 days make application in writing or in person to the Superintendent of Neighborhood Development for a Special Wrecking Permit to abate the nuisance completely by demolition and removal of the structure. Upon approval of the application by the Superintendent of Neighborhood Development the Special Wrecking Permit shall be issued by the Chief Building Official. The Special Wrecking Permit shall be valid for a period of 30 days, and within that time the owner shall completely demolish and remove the entire building including basement and foundation walls where practical, and including any accessory structures. The Superintendent of Neighborhood Development may grant an extension to the Special Wrecking Permit if the owner shows reason or cause for the requested extension.

Subsection 152.061 Duty to Vacate Premises

(A) Within 15 days after it has been finally determined that a nuisance exists, as defined in Section 152.01(E)(2):

1. All persons responsible therefor shall vacate the premises;
2. The owner shall initiate such legal action as is necessary to vacate all persons responsible therefor from the premises, and shall diligently prosecute such legal action to a conclusion.

(B) After the last person responsible for the nuisance has vacated the premises, the owner shall keep such premises vacant for a period of three hundred sixty-five days, unless the owner and every person responsible for the nuisance who wishes to occupy the premises, each file a bond naming the City of Dayton, Ohio as obligee, with sureties to be approved by the Superintendent of Neighborhood Development. The

bond shall be in the amount of the value of the property, as determined by the Superintendent. The Superintendent may make such determination on the basis of the total market value of the land and improvements, as shown on the Montgomery County Auditor's current valuation record, or on the basis of any other reliable evidence. The bond shall be conditioned that such owner and other persons responsible for the nuisance will immediately abate such nuisance and prevent the same from being established or kept during the three hundred sixty-five day period. The bond shall be posted for a full three hundred sixty-five days.

152.07 Appeal Hearing of Public Nuisance Structures

(A) The owner or other responsible person named on a nuisance notice may within 15 days after receipt of notice or within 15 days after any other determination has been made by the Superintendent of Neighborhood Development pursuant to this chapter, make a demand in writing to the Superintendent of Neighborhood Development for a hearing on any legal or factual issue relating to the nuisance notice, or any question set forth in Section 152.07(D)(4), or on any determination made by the Superintendent of Neighborhood Development pursuant to the authority granted by this Chapter. The demand shall include the correct mailing address of the owner or person representing the owner. The hearing shall be scheduled within a reasonable time, not to exceed 30 days following receipt of the written demand.

(B) The hearing shall be conducted by the Nuisance Appeals Board, composed of the Director of the Department of Urban Development, the Director of the Department of Fire, the Director of the Department of Economic Development, the Director of the Department of Police, and the Director of the Department of Planning.

(C) In an appeal pursuant to Subsection 152.04(A) the Nuisance Appeals Board may vote to:

- (1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof by repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or
- (2) Sustain the finding that a public nuisance exists on the property and order that the structure be secured and the premises maintained so as to lessen the severity of the public nuisance; or
- (3) Continue the matter for further investigation and disposition; or
- (4) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter.
- (5) Reverse the finding that a public nuisance exists on the property and dismiss the case.

(D) In an appeal pursuant to Subsection 152.04(B) the Nuisance Appeals Board may vote to:

- (1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof.
- (2) Take such other action and render such other



orders as it deems appropriate within the authority conferred by this Chapter.

- (3) Reverse the finding that a public nuisance exists on the property and dismiss the case.
- (4) Determine that the owner of the real property or personal property used in furtherance of the public nuisance was, in good faith, innocent of knowledge of the use of such property as a nuisance and that, with reasonable care and diligence, such owner could not have known thereof, and dismiss the case with respect to that owner.

(E) A copy of the Decision of the Nuisance Appeals Board shall be mailed, with certificate of mailing, to the last known address of the owner, or person representing the owner, who demanded the hearing. It shall be the responsibility of the owner, or person representing the owner, to keep the secretary of the Nuisance Appeals Board apprised of his/her current mailing address. For the purpose of appeal pursuant to Chapter 2506 of the Ohio Revised Code, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

152.08 Abatement of Nuisance by City

(A) Should the nuisance, as defined in Section 152.01(E)(1) not be abated at the expiration of the time stated in the notice, or expiration of the time stated in the Special Building Permit or Special Wrecking Permit, or any extension granted by the Superintendent of Neighborhood Development, or such additional time as the Nuisance Appeals Board may grant, the Superintendent of Neighborhood Development shall be authorized at any time thereafter to enter on the premises and the owner shall permit him/her entry to abate the nuisance by demolition and removal of the structure or by taking such other action as is deemed appropriate to abate the nuisance or lessen the severity of the public nuisance. In abating such nuisance, the Superintendent of Neighborhood Development may call on any department, division, or bureau of the City for whatever assistance may be necessary to abate or lessen the severity of such public nuisance as aforesaid, or may, by private contract, abate or lessen the severity of such public nuisance or take such other action as may be deemed appropriate, and the cost of the contract will be paid from City funds specifically authorized by the City Commission to be used for such purpose. In the event that a fire occurs on the premises of a nuisance structure between the time it is declared a public nuisance and the time such nuisance is fully abated, the reasonable expenses incurred by the City as a result of the service provided by the Department of Fire shall be included in the cost of abating or lessening the severity of the public nuisance. The cost of abating or lessening the severity of such public nuisance shall be recovered in the manner provided in paragraph B of this section.

(B) The cost of abating or lessening the severity of such public nuisance, or of such other action taken by the City pursuant to this Chapter, shall be recovered in the following manner:

- (1) The owner or owners shall be billed directly by certified mail for the cost of abating or lessening the severity of such public nuisance. The bill for the cost thereof shall be paid within 60 days after receipt of the bill.
- (2) If the costs are not so recovered, the City may collect the costs by any of the following methods:

- (a) The City may cause the costs of abating or lessening the severity of such public nuisance to be levied as an assessment and recovered in accordance with Ohio Revised Code, Section 715.261.
- (b) The City may commence a civil action to recover the costs from the owner, as provided in R.C. 715.261.

Section 152.12 Illegal Occupancy of a Public Nuisance

(A) No owner or other person shall occupy or let or permit to be occupied or let by another for occupancy any structure that has been declared by the Superintendent of Neighborhood Development to be a public nuisance without first applying for and obtaining the written consent of the Superintendent of Neighborhood Development. Consent shall be given when all violations of all applicable housing, building and other health and safety codes of the City of Dayton and State of Ohio have been corrected, when any injunctions obtained against use or occupancy have been dissolved, and when all parties have complied with all applicable requirements of Section 152.061.

(B) In the event of a violation of paragraph (A) by the owner, the cost of the relocation of tenants by the City shall be included as a cost of abating or lessening the severity of the public nuisance, and shall be recovered in the manner provided in Section 152.08.

Section 152.121 Unauthorized Entry Upon Nuisance Premises

(A) No owner or other person shall enter or be present in or on any building or premises that has been posted with a notice identifying the said building or premises to be a public nuisance, without first obtaining authorization in writing from the Superintendent of Neighborhood Development and having such written authorization on his/her person at the time.

(B) It shall be an affirmative defense to a violation of this section that the person was the owner, or was authorized by the owner to be present on the said premises, and that one of the persons present had the required written authorization on his/her person at the time.

(C) The officers, agents and employees of the City, State or Federal government, or any political subdivision, or of any public utility, shall be exempt from the requirements of this section while in the course of their employment.

(D) Written authorization, as provided in this section, shall be issued by the Superintendent of Neighborhood Development to any person who provides documentation which, on its face, indicates that such person is either an owner of the premises or is authorized by the owner to be present, or to any person who makes application and pays for any permit to do work on the premises.

(E) Written authorization as provided in this section, shall not be issued in connection with any property which has been declared a public nuisance as provided in Section 152.04(B), unless all parties have complied with all applicable requirements of Section 152.061.

(F) The issuance of an authorization provided herein shall not be construed to create a privilege, as that term is used in Ohio Revised Code Section 2911.21 or in RCGO Section 133.05, nor shall this Section be deemed to have any effect whatsoever on the interpretation or application of those Sections.

Section 152.122 Transfer of Ownership

It shall be unlawful for the owner of any premises, who has received a written notice declaring such premises to be a public nuisance, to sell, transfer, lease, or otherwise dispose of such premises to another until the premises have been rehabilitated or demolished, and until any injunctions obtained against use or occupancy have been dissolved, or until the owner has first furnished the grantee, transferee, or lessee a true copy of the said notice, and has furnished to the Superintendent of Neighborhood Development a signed and notarized statement from the grantee, transferee, or lessee, acknowledging the receipt of such notice and accepting the responsibility for abating the nuisance by rehabilitation, demolition, or otherwise in conformity with the terms of such notice, or extension thereof granted by the Superintendent of Neighborhood Development.

Section 152.123 Failure to Abate a Public Nuisance

(A) No person shall fail or refuse to obtain either a Special Building Permit or a Special Wrecking Permit and to abate a public nuisance within the time prescribed in the notice served pursuant to Section 152.04(A) and any extension thereof granted in writing by the Superintendent of Neighborhood Development.

(B) No person shall fail or refuse to comply with an order to abate a public nuisance, as provided in Section 152.04(B).

Section 152.124 Culpability

A. A violation of Section 152.061, 152.121, 152.122, or 152.123 shall be construed to be a strict liability offense.

B. A violation of Section 152.12 shall be construed to be a strict liability offense as to all owners or persons responsible for the nuisance. Negligence, as defined in RCGO Section 130.08, shall be the standard of culpability as to all other persons who violate Section 152.12.

Section 152.125 Reputation

In any case in which it is necessary to prove that a property is a public nuisance as defined in Section 152.01(E)(2), evidence as to the reputation of such place shall be admissible on the question of whether the property is or is not a public nuisance, and every owner and every person responsible for the premises shall be presumed to have knowledge of the reputation of the place.

Section 152.126 Enforcement

A prosecution for the violation of any provision of this Chapter shall be initiated only by the filing of a complaint by an officer, agent, or employee of the City of Dayton, Ohio. The mere filing of a complaint shall, however, create a rebuttable presumption that it was filed by an officer, agent, or employee of the City of Dayton, Ohio.

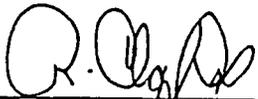
Section 152.999 Penalty

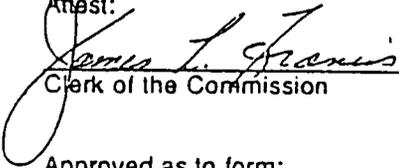
A violation of the requirements of Subsection 152.061(B), 152.12, 152.121, 152.122 and 152.123 shall constitute a misdemeanor of the third degree, punishable as provided in Section 130.99 and each day such violation is continued shall constitute a separate offense.

SECTION 2. That Sections 152.01, 152.02, 152.04, 152.05, 152.06, 152.07 and 152.08 of the Revised Code of General Ordinances, as heretofore enacted by ordinances passed by the Commission, be, and the same hereby are, repealed, except that all rights and/or obligations which accrued, and all notices, orders and decisions which were made under the law as it existed before the adoption of these provisions shall continue, and shall not be affected hereby.

Passed by the Commission July 24, 1991

Signed by the Mayor July 24, 1991


MAYOR OF THE CITY OF DAYTON, OHIO

Attest:

Clerk of the Commission

Approved as to form:


City Attorney

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