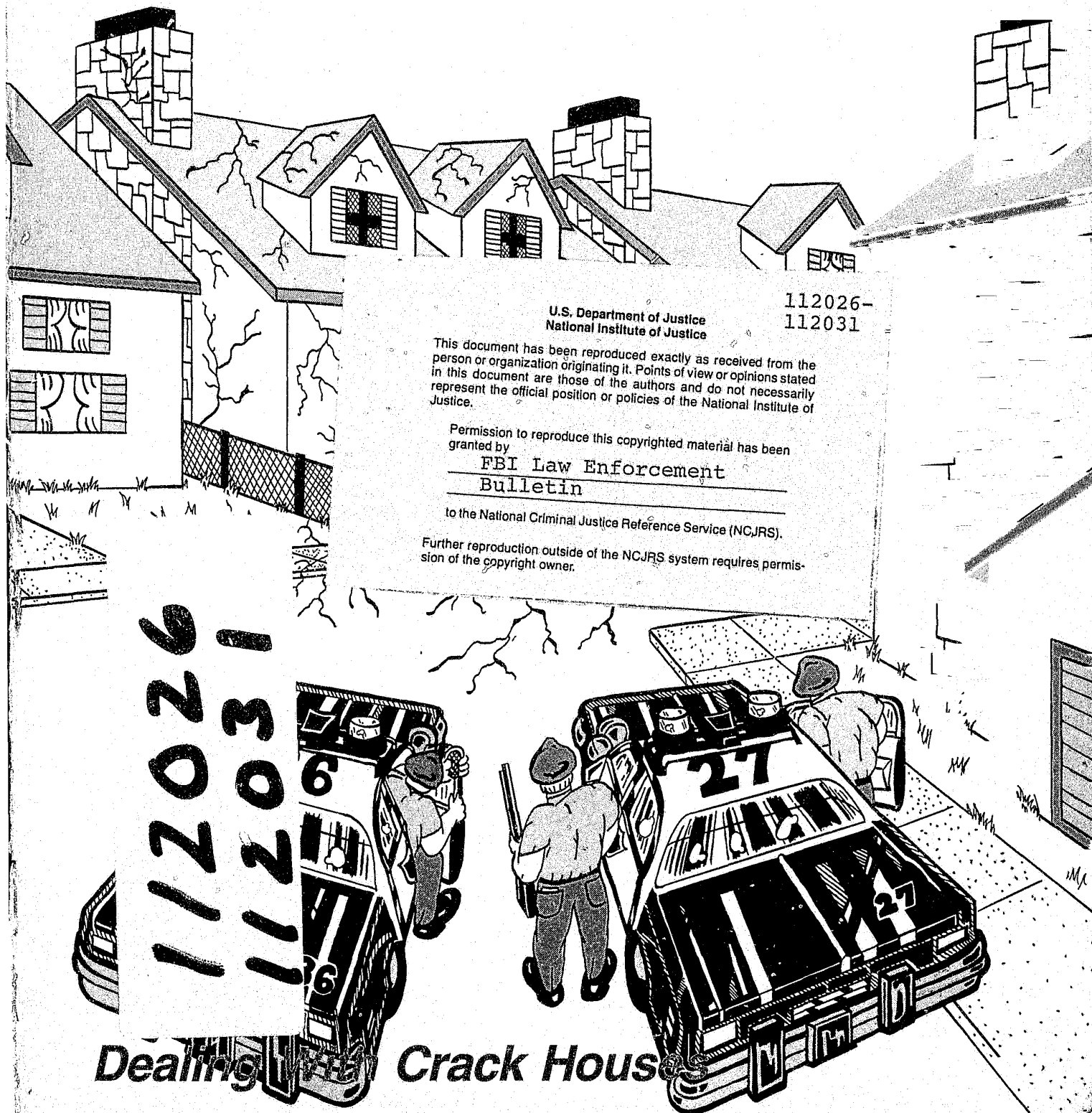


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Law Enforcement Bulletin



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Dealing With Crack Houses

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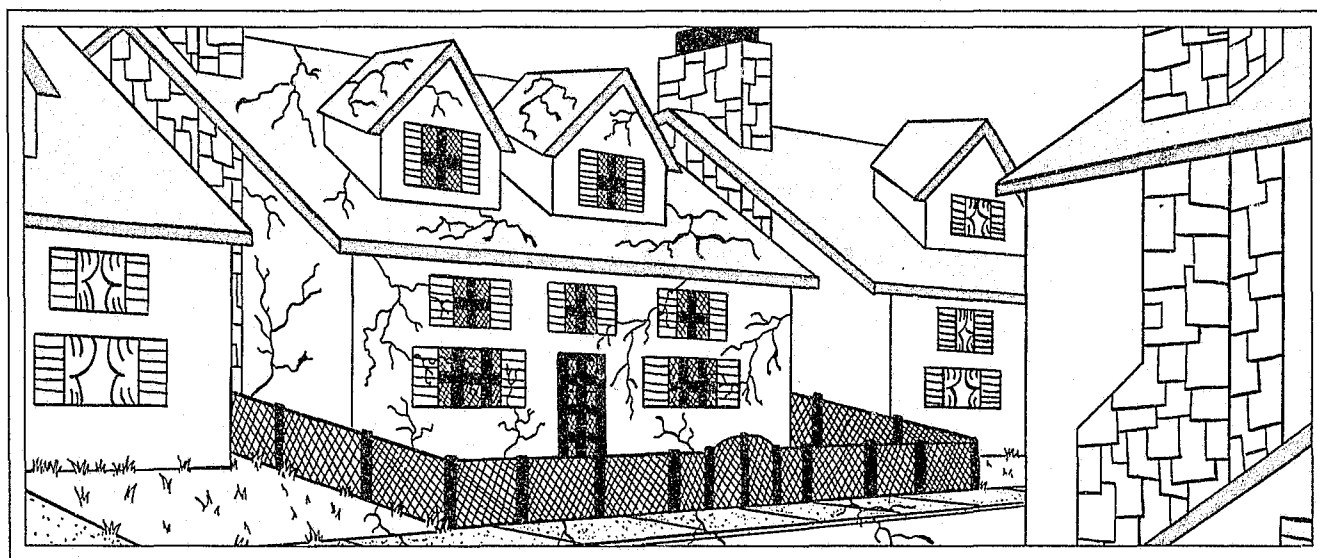
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Houston's approach to the problem of crack house operations (See article p. 4.) Cover art by John E. Ott.

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Strategies for Dealing With Crack Houses

By
LEE P. BROWN
*Chief of Police
Houston, TX*



Perhaps the most significant of illicit drug-use trends in Houston is the increasingly widespread sale and use of a smokable form of cocaine powder known on the streets as "crack," or more technically, as freebase cocaine. Crack is extracted from cocaine powder through a simple chemical procedure that uses baking soda, heat, and water. The conversion of cocaine powder into

freebase yields a form of the drug that users can smoke rather than inhale or inject. The inhalation of freebase smoke is an extremely efficient way to get cocaine into the bloodstream and reap the "high" the drug produces.

Until recently, the process of extracting freebase cocaine from cocaine powder usually required the user to handle volatile substances, such as

ether. To minimize the danger and make the drug more profitable, drug dealers began converting large quantities of cocaine powder into freebase. Because the drug was now safer and more convenient to use, as well as less costly and more readily available, it emerged as one of the most marketable illicit drugs sold on the streets of Houston.



Chief Brown

That crack is so readily available stems largely from the many crack houses set up for the sole purpose of distributing the illicit drug. A crack house can be defined as any building where crack and other illegal narcotics are sold, which has been fortified to delay entry by police officers armed with search warrants. The extent of fortification varies. Some houses have steel doors, steel bars on windows, and 4-foot iron posts embedded around the perimeter of the property to prevent vehicles from ramming the building. Many others, however, have the appearance of private clubs, though in reality they are fronts for drug dealings and other illegal activities. Delayed entry is necessary to give the occupants of the house time to dispose of or conceal the illegal drugs (e.g., by flushing them down a toilet or by hiding them in the building's walls.)

Most crack houses, whether fortresslike or bearing the appearance of an exclusive club, keep on hand only small quantities of crack and other drugs. The supply of crack usually is limited to 50 rocks, or doses, that sell for \$25 to \$50 each. The inventory is replenished as needed. Operators of crack houses often "hire" as many as three persons to sell the drugs during 8- to 12-hour shifts and keep a log to account for the narcotics sold each day. The daily income of crack houses ranges from \$10,000 to \$20,000.

Over the years, the Houston Police Department has raided many of these houses, using various methods to crash the building's doors and windows and gain entry into the structure. The persons inside are arrested and charged with drug violations, but in most cases,

the houses reopen for business in a matter of days or weeks.

The extent of criminal organization involved in crack house operations also varies. Some operators work from a single location, while others—either alone or in groups—operate multiple crack houses. It is these more organized operations that present a challenge to law enforcement officials. In most cases, crack house operators rent the building from a landlord who is not involved in the drug dealings. Evidence indicates, however, that most of the landlords either know or should know that the building they manage is used for drug trafficking.

When a crack house is located in a neighborhood, the problem becomes not only one for the police but also one for the area's residents who must endure a deterioration in the quality of life. Because residents know that drugs are being sold from crack houses and that police actions have been ineffective, the front operations have become symbols of neighborhood lawlessness and crime. This perception is perhaps the most serious aspect of the crack house problem in Houston.

To address the complex problem of crack house operations and their effect on the quality of life in Houston neighborhoods, a Crack House Task Force was formed in early 1987. Members included representatives from the department's Narcotics, Criminal Intelligence, and Patrol Divisions. As a group, they were to develop a comprehensive plan for dealing with the crack house problem in Houston.

The Patrol Division's field officers were asked to identify known crack

"... Title 21, U.S. Code, section 881 (A) (7) ... provides for the forfeiture of real property that has been used to commit or to facilitate the commission of drug law violations."

houses in their assigned beat. These lists were then combined with one provided by the Narcotics Division. The task force then developed a comprehensive list of crack houses in Houston.

Eighteen locations that fit the established definition of a crack house were identified throughout the city. The Criminal Intelligence Division then sought to determine the name of the property owner and the number of narcotics raids staged at each location.

Typical enforcement strategies most often used to deal with locations where illegal drugs are sold involve the use of informants and undercover police officers, as well as the execution of search warrants. In Houston, informants are likely to be used first to verify that drugs are being sold at a particular location. With that determination made, the informant may be used to introduce an undercover officer to drug dealers so that subsequent undercover buys can be made. If an undercover officer cannot be introduced to such persons, the informant may be used to make a controlled buy. Either an undercover buy or a controlled buy may be used as probable cause to obtain a search warrant. After a search warrant has been acquired, the appropriate method of forced entry must be determined. Battering rams, sledge hammers, and similar devices have been used to gain entry through doors and windows. Wreckers have been used to remove steel doors, and recently, a bulldozer was used to knock down an entire wall of one crack house. However, the law allows only such force be used as is necessary to make the required entry safely and effectively.

Simply closing the crack house and arresting the operator, however, is not enough. A more vexing problem is how to keep the drug dealers from reopening the facility—often within a matter of a few days. The solution lies in Title 21, U.S. Code, section 881 (A) (7), which provides for the forfeiture of real property that has been used to commit or to facilitate the commission of drug law violations. Because this is a Federal law, the U.S. attorney's office must initiate the seizure proceeding, and he must do so in the Federal courts. Depending on the individual case, it is advisable to notify the property owner after the police first learn that drugs are being sold from his property. This is done to establish in the forfeiture hearing that the owner did know what was taking place on his property.

The Houston Police Department has been successful in enlisting the cooperation of the Drug Enforcement Administration (DEA) and the U.S. attorney's office in seizing eight crack houses. After a crack house has been seized, it remains in the custody of the U.S. Marshals Service pending forfeiture. The building is secured, and signs prohibiting trespassing are posted. Ultimately, it is the courts that determine whether the property is forfeited to the Federal Government. If forfeiture does occur, Federal agencies are authorized to share the proceeds with local agencies in proportion to their participation in the case. Because of the Houston Police Department's extensive involvement in such cases, it stands to receive as much as 90 percent of the proceeds from a crack house forfeiture.

Traditional enforcement strategies, however, may not be suitable for a particular location or may not deter some crack house operators from reopening their drug-trafficking fronts. For example, there may not be sufficient probable cause to obtain a search warrant, or the U.S. attorney's office may be unable to seize the crack house, even though the property has been raided successfully more than once. The Crack House Task Force, therefore, proposed some nontraditional strategies that were designed to discourage drug users from buying at a given location and to discourage property owners from renting to drug dealers. These nontraditional strategies include the following:

- Maintain high visibility by placing a saturation of uniformed patrols in the immediate vicinity of the crack house.
- Park marked patrol cars in front of the crack house.
- Temporarily detain and briefly question persons in the vicinity of the crack house who are reasonably suspected to be engaged in criminal activity in an effort to develop probable cause to arrest.
- Notify the property owner that the building is being used for narcotics trafficking and that continued violations may result in appropriate action being taken against the property.

After meeting with members of the task force, officials from the Public Works and Health Departments and the Fire Marshal's Office pledged their full

cooperation if the police department were to request the inspection of a crack house for city code violations. The Public Works Department enforces all building code violations, including abandoned, dangerous, or structurally unsound buildings and failure to acquire occupancy, construction, and remodeling permits. Property owners and renters cited for building code violations face fines ranging from \$250 to \$1,000. The Fire Marshal's Office enforces all fire code violations and may order a building closed if the violations are serious and can prohibit it from reopening until the hazards have been corrected. Fire inspectors also can conduct safety inspections at any time without prior notice. The Health Department enforces health code violations at any location that serves food and beverages. Inspectors are available 24 hours a day.

As effective as these nontraditional strategies may be against the operators of single crack houses, they are likely to be far less effective against the operators of multiple crack houses. Such persons suffer only minimal financial loss from the seizure of drugs at houses raided by the police. Because they avoid direct involvement with drug buyers, highly sensitive investigations that use specialized techniques, such as covert intelligence-gathering and surveillance techniques, must be initiated instead. As information becomes available, investigative efforts continue until the crack house operators who have insulated themselves somewhat with hired accomplices are prosecuted successfully.

The police department's ability to ultimately wipe out the crack house

problem in Houston depends on the coordinated efforts of the Investigative Operations Command and the Field (Patrol) Operations Command, particularly the tactical units and the Narcotics Division. Members of tactical units are plainclothes officers who handle street crimes, such as prostitution and narcotics offenses. Because the existence of a crack house is a neighborhood problem and the activity within it is considered consumer-level drug trafficking, the Field Operations Command is responsible for initiating *traditional* drug enforcement strategies against crack house operations. At the same time, the command's geographical division (i.e., patrol districts and patrol beats) make them best suited to carry out *nontraditional* enforcement strategies as well. The specific tactics used to combat a particular situation are based on the prevailing circumstances and the departmental resources available. Each patrol division's captain is allowed to use his discretion in deciding which strategies to implement. After several raids have been completed at a given location, the area's patrol division contacts the Narcotics Division to coordinate their efforts with the DEA and the U.S. attorney's office and to explore the possibility of seizing the property.

If the crack house is part of an organized operation under investigation by the Narcotics Division, then that division also may use *traditional* enforcement strategies. All raids, however, are coordinated with the patrol division in which the crack house is located. Coordination of any activity with the DEA or the U.S. attorney's office and inves-

tigations of a crack house's upper echelon also are the responsibility of the Narcotics Division. When needed, the Criminal Intelligence Division is used to determine the owner of the crack house and to provide other technical support.

As a final step in their deliberations, the Crack House Task Force made recommendations about what actions should be taken against each crack house identified by patrol officers and the Narcotics Division. These recommendations were given to the appropriate patrol division commander for implementation.

After 90 days, the division commanders are required to submit a report indicating the status of each crack house in their respective areas and the actions they have taken. The chief of police reviews these reports and discusses them with his command staff to determine the effectiveness of the actions and what further enforcement efforts are needed.

The Houston Police Department's approach to narcotics enforcement and intervention has always been the mitigation of drug trafficking by aggressively enforcing laws that prohibit the sale and use of illicit drugs and maintaining a close working relationship with other local, State, and Federal authorities. In the months and years ahead, the Houston Police Department plans to continue both strategies in the all-important fight against illicit drugs. Only through concentrated, strategic, and intelligent enforcement activities can the problem of crack houses in Houston be eradicated.

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