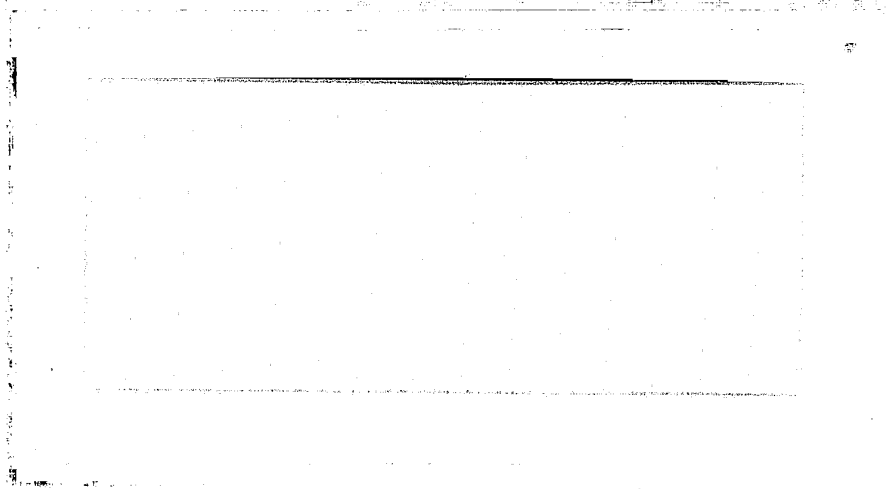


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REPORT ON DRUG LAW ENFORCEMENT EFFORTS IN PENNSYLVANIA

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December 1990

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I. INTRODUCTION

Illegal drugs and drug abuse have been cited as the single greatest danger to the quality of life in the Commonwealth. According to a 1989 report describing "The Pennsylvania Drug-Free Community Trust Fund" (PENNFREE):

An estimated 1.2 million Pennsylvania men, women and children are addicted to crack, cocaine, alcohol and other drugs; more than one-third of all our families are directly affected. The cost to the state's economy through government human services, health care and lost productivity is more than \$10 billion a year. The loss in human potential never can be measured.

At a meeting held in October 1989, the Legislative Budget and Finance Committee directed its staff to conduct a study of the drug law enforcement component of the Commonwealth's "war on drugs." LB&FC staff examination of drug law enforcement efforts in Pennsylvania began in March 1990 and continued through November 1990. The results of study activities carried out during this period are presented in this report.

Study Objectives

The following objectives were established for this study of Commonwealth drug law enforcement efforts:

1. To determine how effective Commonwealth law enforcement agencies have been in apprehending and prosecuting persons who violate Pennsylvania's drug laws.
2. To identify any major problems that may hamper law enforcement efforts in the Commonwealth and to determine what actions have been taken or are underway to address these problems.
3. To determine if the various federal, state, and local agencies involved in drug law enforcement work together in a coordinated manner and what could be done to enhance coordination in areas where it may currently be weak.
4. To determine if state (primarily PENNFREE) and other new federal drug law enforcement monies are being targeted to high priority problem areas.

Scope and Methodology

This study focused on law enforcement efforts related to the drug component of the substance abuse problem. Consistent with

the assignment received from the Committee; the specific study focus was on the apprehension and prosecution phases of drug law enforcement.

While the activities of all state, federal, and local law enforcement agencies involved in drug law enforcement were considered in a survey sense, study activities focused primarily on the Pennsylvania State Police and Office of Attorney General. The activities of numerous other agencies were, nevertheless, also within the scope of the study. Among these were the PA Commission on Crime and Delinquency, the Governor's Drug Policy Council, the PA Department of Corrections, PA Board of Probation and Parole, PA Crime Commission, the PA Commission on Sentencing, the Administrative Office of PA Courts, and county district attorney offices.

The timeframe covered by the study varied depending upon the objective area being considered. For purposes of assessing drug law enforcement activity levels and measures of effectiveness, apprehension and prosecution data from the period 1980 through 1989 was used.

In addressing problems that hamper drug law enforcement efforts, inter-agency coordination and issues related to drug law enforcement funding, the focus was on the period 1987 through mid-1990. This period was selected to coincide with the federal Drug Control and System Improvement (DCSI) Program which was implemented in Pennsylvania as a result of the Anti-Drug Abuse Act of 1986. Also implemented within this period was the \$90 million "Pennsylvania Drug-Free Community Trust Fund" (PENNFREE) initiative which commenced in FY 1989-90.

The study was conducted in accordance with generally accepted government auditing standards and included activities such as:

1. Review of applicable statutes, regulations, management directives, and executive orders.
2. Identification of the various agencies assigned drug law enforcement responsibilities and determination of their respective roles and activities in Commonwealth drug control efforts.
3. Receipt of information and input through meetings with state and federal agencies involved in drug law enforcement in Pennsylvania. Contact was also made with pertinent standing committees of the Pennsylvania General Assembly and interested associations such as the PA Chiefs of Police Association and the PA District Attorney's Association.
4. Review of pertinent reports, agency files and related materials including, for example, the Pennsylvania Drug

Control and System Improvement Strategy Documents prepared by the PA Commission on Crime and Delinquency and similar documents obtained from other states.

5. Identification, in conjunction with state and federal law enforcement agencies and private associations, of statistics and other measures which are generally accepted as being meaningful indicators of a state's drug law enforcement activity levels and commitment.
6. Participation in a conference sponsored by the U.S. Department of Justice and the Criminal Justice Statistics Association related to evaluating drug control initiatives.
7. Collection, tabulation, and analysis of data compiled by various state agencies for the purpose of assessing drug law enforcement activity levels over time (e.g., number of drug law violation arrests, convictions, and commitments, amount of drugs removed, amount of assets seized, etc.) Similar data was obtained from a sample of other states for comparative purposes.
8. Contacts with the Governor's Office of the Budget to discuss drug control spending priorities and plans for the continuation of current drug law enforcement initiatives and programs.
9. Contacts with a sample of ten district attorneys' offices throughout the state (including field visits) for the purpose of discussing the Commonwealth's multi-jurisdictional drug task force program and obtaining input on the cooperation and coordination of state and local drug control efforts.
10. Contacts with a sample of other states to obtain information on statewide drug control planning efforts.

No information has been omitted from this report because it is deemed privileged or confidential.

Report Structure and Acknowledgements

This report consists of four chapters: Chapter I, Introduction, contains information on study origin, objectives and scope and methodology; Chapter II presents the study findings and recommendations; Chapter III provides background descriptive information on drug law enforcement efforts in the Commonwealth; and Chapter IV, Appendices, sets forth various supplemental information.

The LB&FC staff expresses appreciation to all state, federal, and local agencies that provided input and assistance with this study project. In particular, appreciation is extended to Attorney General Ernest D. Preate, Jr., and PA State Police Commissioner Ronald M. Sharpe. The cooperation and assistance which they and their staffs provided was instrumental to the completion of this project. Special thanks are extended to the following persons from these agencies who served as liaisons to the LB&FC staff during the study: Robert L. Holste, Director of the Office of Attorney General's Office of Policy and Planning, Major George P. March, Director of the PA State Police's Bureau of Criminal Investigation, and Captain Paul J. Evanko, Director of the PSP Drug Law Enforcement Division.

Also acknowledged is the input and assistance which was received from James Thomas, Executive Director of the PA Commission on Crime and Delinquency, and his staff including Richard D. Reeser, Director of the Bureau of Program Development, and Phillip J. Renninger, Director of the Bureau of Statistics and Policy Research.

Appreciation is also extended for the cooperation provided by the Governor's Drug Policy Council, the Office of the Budget, the PA Crime Commission, PA Department of Corrections, PA Board of Probation and Parole, PA Commission on Sentencing, and the Administrative Office of PA Courts. Also valuable to the study was input received from various county district attorneys.

The LB&FC staff involved in this study was under the direction of the LB&FC Executive Director Philip R. Durgin and Chief Analyst John H. Rowe. The study team leader was Senior Analyst Mark K. Stine. Vincent P. Cantelupe, Joan E. Hellmann, and Randal E. Mortimore, Analysts, worked on the audit on a full-time basis and Patricia A. Berger, Senior Counsel, Krista L. Keisling, Paralegal, and Natalie A. Jacoby, Analyst, also assisted in the audit effort. Secretarial support was provided by Beverly L. Brown, B. Anne Gange, and Shannon M. Opperman. Additional staff assistance was provided by Michael G. McKenna and Charles V. Saia.

IMPORTANT NOTE:

This report contains information developed by the Legislative Budget and Finance Committee (LB&FC) staff. The release of this report should not be construed as an indication that Members of the LB&FC necessarily concur with all of the information contained in the report. The LB&FC as a body, however, supports the publication of the information and believes it will be of use to the Members of the General Assembly by promoting improved understanding of the issues.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania, 17105-8737.

II. FINDINGS AND RECOMMENDATIONS

A. STATISTICAL MEASURES REFLECT THE COMMONWEALTH'S INCREASED EMPHASIS ON DRUG LAW ENFORCEMENT

In recent years, increased attention and resources have been directed to the Commonwealth's "war on drugs." This emphasis has been especially evident in the areas of apprehension and prosecution of drug offenders, and dramatic increases in the number of drug law arrests, convictions, and incarcerations have occurred in Pennsylvania in recent years. Increases have also taken place in drug removals and non-drug asset seizures by law enforcement agencies. There is a general consensus among criminal justice practitioners and law enforcement officials that, when taken together, arrests, convictions, drug removals, and asset seizures can generally be considered meaningful indicators of drug law enforcement effectiveness.

However, because of the lack of comprehensive and reliable data on drug use, availability, and trafficking, it is difficult to determine to what extent increases in these measures indicate if the "war on drugs" is being won in the Commonwealth. William Bennett, the former director of the Office of National Drug Control Policy, has, however, recently pointed out that Pennsylvania is one of four states cited in the first National Drug Control Strategy for its accomplishments in this area. These accomplishments in the areas of apprehension and prosecution are placing substantial additional strains on all segments of the criminal justice system. These "downstream impacts" are especially pronounced in their effects on overloading the Commonwealth's court and prison systems. Such problems are especially critical in the City of Philadelphia where the drug situation has been described as having reached "epidemic proportions."

DISCUSSION

In recent years, a broad consensus has formed at all levels of government to mobilize and mount a concerted "war on drugs." Pennsylvania has taken an aggressive posture in this effort and has been recognized at the federal level for its drug law enforcement accomplishments to date. However, state law enforcement officials concur that what has been done thus far is only the groundwork for what must be a broad-based and ongoing effort.

INCREASED EMPHASIS ON DRUG LAW ENFORCEMENT IN PA

In early 1990 the PA Commission on Crime and Delinquency characterized the drug problem in the Commonwealth as follows:

No community in Pennsylvania is immune to the drug plague. From the county farm to the inner city ghetto, illicit drugs are available and being abused. Drug arrests and prosecutions continue to rise for nearly every enforcement agency in the state. Increases in arrests and seizures for offenses involving cocaine and its deadly derivative crack have risen the most. Drug activity in rural areas has increased dramatically. Drug-related murders are on the rise in our major cities. Police, prosecutors, the courts and the prisons have not received the resources necessary to adequately respond.

In Pennsylvania the anti-drug effort has received increasing attention and resources in the past several years. State funding support, staffing, and related anti-drug activities have increased significantly during this period. These developments have included targeting available federal Drug Control and System Improvement funds to apprehension and prosecution of drug law violators and expanded state funding for drug law enforcement through the PENNFREE program. Other developments include an increase in joint actions undertaken by the Office of Attorney General (OAG) and PA State Police (PSP) through the regional strike forces, the creation by the PA State Police of Mobile Narcotics Teams, and the development and expansion through the Attorney General's Office of multi-jurisdictional task forces at the local level.^{1/}

As noted above, additional funding has been made available to both the Office of Attorney General and the PA State Police to carry out drug law enforcement activities. As shown on Table 1, state funds provided to the Office of Attorney General increased by \$12.4 million, or 219 percent between FY 1986-87 and FY 1990-91. During the same period, state funding to the State Police increased by \$8.2 million or 186 percent. In both cases, these increases are largely attributable to funds being made available from the PENNFREE appropriation.

Federal funding for drug law enforcement to both agencies has also increased sharply in recent years under the Drug Control and System Improvement Program. (See Table 2.)

^{1/}Additional descriptive information on the drug law enforcement responsibilities and activities of these and other agencies is provided in Chapter III of this report.

TABLE 1. INCREASE IN STATE FUNDING FOR DRUG LAW ENFORCEMENT
EFFORTS OF THE OAG AND PSP (AMOUNTS IN THOUSANDS)

	<u>1986-87</u>	<u>1990-91^{a/}</u>	<u>Percent Increase</u>
Office of Attorney General	\$5,665	\$18,052	218.7%
PA State Police	\$4,398	\$12,559	185.6%

a/Includes PENNFREE.

Source: Developed by LB&FC staff from information provided by the Office of the Budget.

A heavy emphasis has also been placed on allocating federal funds for drug law enforcement apprehension and prosecution. As shown on Table 2, both the OAG and PSP have seen the amount of federal funding increase substantially in recent years.

TABLE 2. INCREASE IN FEDERAL FUNDING FOR DRUG LAW ENFORCEMENT
EFFORTS OF THE OAG AND PSP (AMOUNTS IN THOUSANDS)

	<u>1987-88</u>	<u>1990-91</u>	<u>Percent Increase</u>
Office of Attorney General	\$ 686	\$2,110	207.6%
PA State Police	\$2,296	\$3,795	65.3%

Source: Developed by LB&FC staff from information provided by the Office of the Budget.

As indicated on Exhibit 1, the OAG and PSP have a combined force of 410 assigned exclusively to drug law enforcement work. This number includes the recent addition of 62 narcotics agents in the OAG's Drug Law Division. Additional drug law enforcement officers have not been added to the PSP complement due at least in part to the statutorily mandated ceiling on the PSP enlisted officer complement. (The current ceiling under state law is 3,940 persons.)

Supplementing the OAG and PSP forces are both federal law enforcement personnel and local police and county prosecutors.

EXHIBIT 1. OAG AND PSP PERSONNEL ASSIGNED TO DRUG LAW ENFORCEMENT OPERATIONS*

<u>Office of Attorney General (Drug Law Division):</u>	<u># of Filled Positions</u>
Bureau of Narcotics Investigation and Drug Control	
Harrisburg Headquarters ^{a/}	21
Eastern Zone	71
Central Zone	53
Western Zone	46
Drug Prosecution Section	<u>19</u>
Total Office of Attorney General	210

Pennsylvania State Police:

Drug Law Enforcement Division	
Harrisburg Headquarters	
Eastern Zone	
Central Zone	
Western Zone	
Tactical Narcotics Teams	
Troop Narcotic Vice Units	
Violent Traffickers Project (Philadelphia)	
Special Operations Unit (Philadelphia) ...	
Canine Drug Enforcement Unit	

Withdrawn by
written request of
the Commissioner
of State Police
dated December 7,
1990.

Total PA State Police 200^{b/}

COMBINED TOTAL 410

*/All positions shown are directly assigned to drug law enforcement activities. This exhibit does not, however, include clerical or certain other support staff and does not reflect Pennsylvania law enforcement personnel from local police departments (17,394 reported for 1989) or county prosecutors (approximately 750 county district attorneys and assistant district attorneys).

a/Includes Technical Services Unit.

b/These 200 PSP officers are assigned to organizational units exclusively dedicated to drug law enforcement; it should be noted that other PSP officers may also be involved in drug law violation investigations and arrests.

Source: Developed by LB&FC from information obtained from the Pennsylvania State Police, the Office of Attorney General, and the Pennsylvania District Attorney's Association.

The Commonwealth's recent emphasis on drug law enforcement has drawn attention at the national level. In an address before the PA General Assembly in June 1990, William Bennett, who at that time was Director of the Office of National Drug Control Policy, recognized Pennsylvania as one of four states cited in the first National Drug Control Strategy for its accomplishments in the drug law enforcement field.

MEASURES OF DRUG LAW ENFORCEMENT ACTIVITY AND EFFECTIVENESS

Because of the absence of comprehensive and reliable data on drug use, availability and trafficking, it is difficult to identify specific quantifiable measures of the effectiveness of a state's drug law enforcement efforts. There are, nevertheless, traditional "yardsticks" of success which most law enforcement officials and criminal justice practitioners^{2/} agree are meaningful indicators of activity levels within a state's drug law enforcement program. Further, when taken together, these measures may be considered to be indicative of overall effectiveness.

The measures identified for analysis were:

- Drug violation arrests
- Drug violation convictions/commitments
- Drug removals
- Non-drug asset seizures

While these measures are generally accepted within the law enforcement community, some persons suggest that more dependence should be placed on qualitative measures and public opinion and perceptions to determine whether enforcement efforts are viewed as having a genuine impact. This position was expressed by the National Association of Attorneys General in its "Nationwide Blueprint for State and Local Drug Control Strategies." As stated in this document:

The public's perception is crucial, since deterrence will only be achieved when citizens believe that selling, buying and using drugs is a dirty, secretive and risky business.

^{2/}For purposes of selecting indicators to assess Commonwealth drug law enforcement efforts, the LB&FC staff contacted a number of state and federal drug control agencies. Agencies whose input was solicited included the PA State Police, the Office of Attorney General, the PA Commission on Crime and Delinquency (PCCD), the Office of National Drug Control Policy, the U.S. Department of Justice, Drug Enforcement Administration, the Criminal Justice Statistics Association, and others. None of these organizations, however, were able to identify statewide or national standards to use for the measurement of drug law enforcement effectiveness.

The following sections provide historical statistical information and analysis of drug law arrests, convictions/commitments, drug removals, and non-drug asset seizures made by Pennsylvania law enforcement agencies in recent years.

ARRESTS FOR DRUG VIOLATIONS

Total Arrests

The arrest and eventual prosecution and conviction of drug law violators is a basic objective and key measure of drug law enforcement efforts. Total drug arrests in Pennsylvania have increased by 125 percent since 1980. (See Table 3.) This increase is impressive, especially when compared to only a six percent increase in arrests for all other offenses during the same period. Also noteworthy is the substantial increase in arrests for sale or manufacture, which generally tend to involve larger quantities of drugs than arrests for possession. Such arrests increased by 233 percent since 1980 while arrests for possession of drugs increased by 65 percent.

TABLE 3. TOTAL PA DRUG LAW VIOLATION ARRESTS FOR SALE/MANUFACTURING AND POSSESSION, CALENDAR YEARS 1980 TO 1989

<u>CY</u>	<u>Sale or Manufacture</u>	<u>Possession</u>	<u>Total</u>	<u>Annual % Change</u>
1980	5,001	8,950	13,951	--
1981	5,252	8,910	14,162	1.5%
1982	5,582	8,935	14,517	2.5
1983	5,439	7,887	13,326	(8.2)
1984	5,761	8,601	14,362	7.8
1985	7,337	10,447	17,784	23.8
1986	8,526	10,552	19,078	7.3
1987	10,082	10,139	20,221	6.0
1988	15,792	11,016	26,808	32.6
1989	16,637	14,740	31,377	17.0

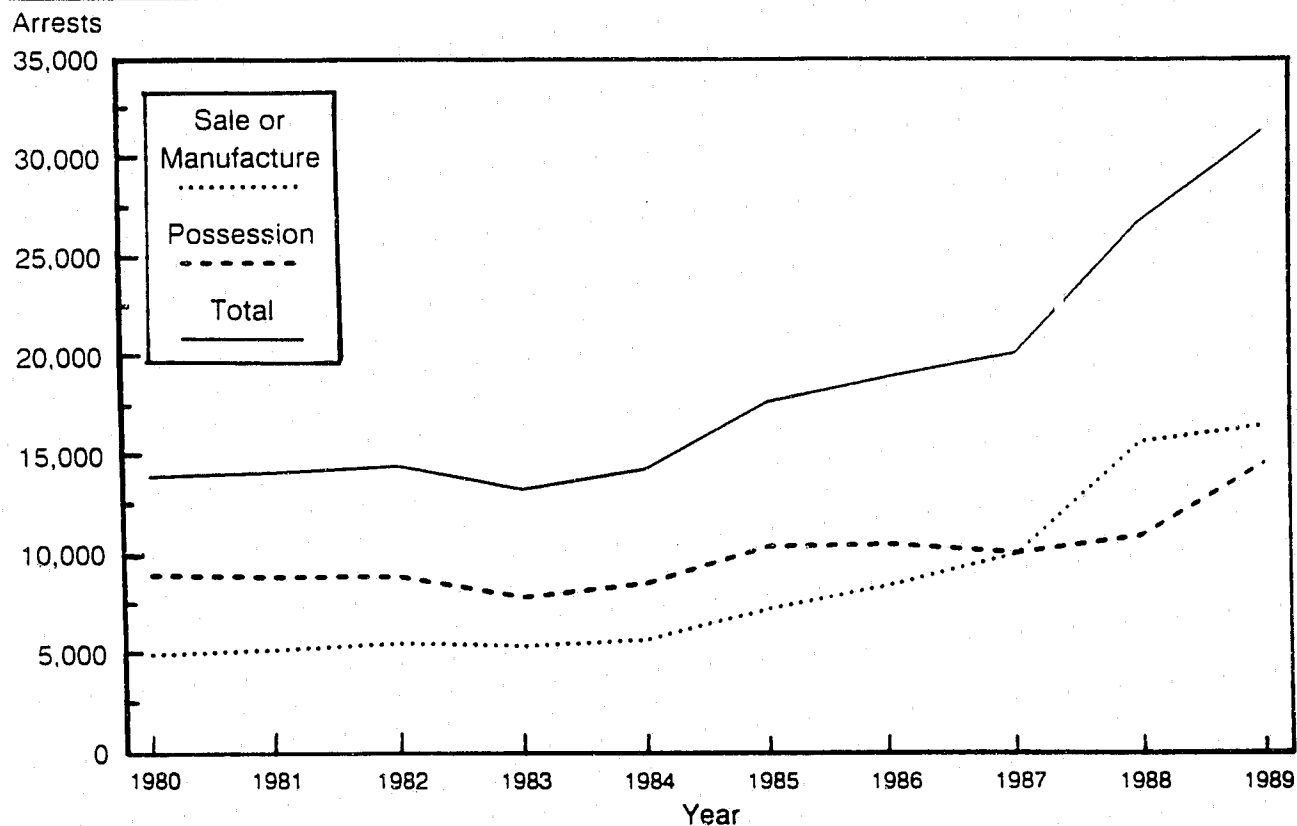
Percent Change

1980-1989	233%	65%	125%
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Source: Developed by LB&FC staff from information obtained from PA Uniform Crime Reports, CY 1980-1989.

The overall trend in drug arrests in the Commonwealth is shown on the graph in Exhibit 2.

EXHIBIT 2. TREND IN TOTAL DRUG LAW ARRESTS IN PA, 1980-1989



Source: Developed by LB&FC staff from information obtained from PA Uniform Crime Reports, 1980-1989.

DRUG ARRESTS BY REGIONAL STRIKE FORCES

Regional strike forces are comprised of agents from the Office of Attorney General's Bureau of Narcotics Investigation and Drug Control, the PA State Police's Drug Law Enforcement Division, and representatives of federal and local law enforcement agencies. As of December 1990 there were nine regional strike forces located throughout the state (Allentown, Erie, Greensburg, Harrisburg, Philadelphia, Reading, State College, Wilkes-Barre, and Zelienople).

The regional strike forces concentrate their efforts on drug dealers and emphasize the disruption of higher level drug trafficking organizations and networks. As shown on Table 4, the regional strike forces made a total of 3,231 arrests during 1989. This was an increase of 89.5 percent over the number of strike force arrests made in 1986.

Over 1,700 of the strike forces' 1989 arrests were related to cocaine, an increase of 149 percent over 1986. This represents a continuation of a shift in emphasis by law enforcement agencies toward investigation of trafficking in cocaine and crack and away from marijuana.

The following is a breakdown of drug arrests made by PA regional strike forces from 1986 to 1989.

TABLE 4. DRUG ARRESTS MADE BY PA REGIONAL STRIKE FORCES 1986 THROUGH 1989*

<u>Nature of Arrest^{a/}</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>% Change 1989 Over 1986</u>
Heroin	160	106	221	102	(36.3)%
Cocaine	691	1,065	1,645	1,722	149.2
Crack	0	22	106	112	N/A
Marijuana/Hashish	289	488	590	665	130.1
Other Narcotics	34	59	77	55	61.8
PCP ("Angel Dust")	1	10	17	17	1,600.0
Hallucinogens	40	34	36	36	(10.0)
Stimulants	297	355	180	131	(55.9)
Depressants	20	13	29	24	20.0
Other Medical Drugs	1	13	22	43	4,200.0
Subtotal	1,533	2,165	2,923	2,907	89.6
Arrested for Other Drug Act and Pharmacy Act Offenses	108	120	98	72	(33.3)
Arrested on Other Charges	<u>64</u>	<u>112</u>	<u>178</u>	<u>252</u>	<u>293.8</u>
TOTAL STRIKE FORCE ARRESTS	1,705	2,397	3,199	3,231	89.5%

*/Includes arrests made by multi-jurisdictional local drug task forces.

a/Arrestees are charged with delivery, possession with intent to deliver, possession, or conspiracy, or charged by another agency in a case involving the designated controlled substance.

Source: Developed by LB&FC staff from information provided by the Office of Attorney General.

DRUG ARRESTS BY COUNTY

The City of Philadelphia and the four large suburban counties surrounding the city account for a significant portion of Pennsylvania's illegal drug problem. As shown below, Philadelphia accounted for 38.5 percent of total statewide drug arrests in 1989. When combined with the surrounding counties of Delaware, Montgomery, Chester, and Bucks, this region of the state accounted for 55 percent of all 1989 drug arrests.

TABLE 5. COUNTIES WITH THE HIGHEST PERCENTAGES OF TOTAL 1989 STATE DRUG ARRESTS

County	1988		1989		% Change 1988- 1989
	Drug Arrests	% of State Drug Arrests	Drug Arrests	% of State Drug Arrests	
Philadelphia	13,501	50.4%	12,063	38.4%	(10.7)%
Allegheny	1,539	5.7	5,223	16.6	239.4
Delaware	1,675	6.3	2,020	6.4	20.6
Lehigh	678	2.5	1,355	4.3	99.9
Montgomery	956	3.6	1,186	3.8	24.1
Bucks	1,028	3.8	996	3.2	(3.1)
Chester	525	2.0	990	3.2	88.6
Northampton	623	2.3	785	2.5	26.0
Lancaster	579	2.2	778	2.5	34.4
York	709	2.6	672	2.1	(5.2)
Berks	658	2.5	645	2.1	(2.0)
Dauphin	655	2.4	601	1.9	(8.2)
Luzerne	285	1.1	381	1.2	33.7
Cumberland	277	1.0	270	0.9	(2.5)
Erie	256	1.0	258	0.8	0.8
All Others (52) .	2,864	10.7	3,154	10.1	10.1
TOTAL	26,808	100.0% ^{a/}	31,377	100.0%	17.0%

^{a/}May not add due to rounding.

Source: Developed by LB&FC staff from information obtained from PA Uniform Crime Reports, CY 1988 and 1989.

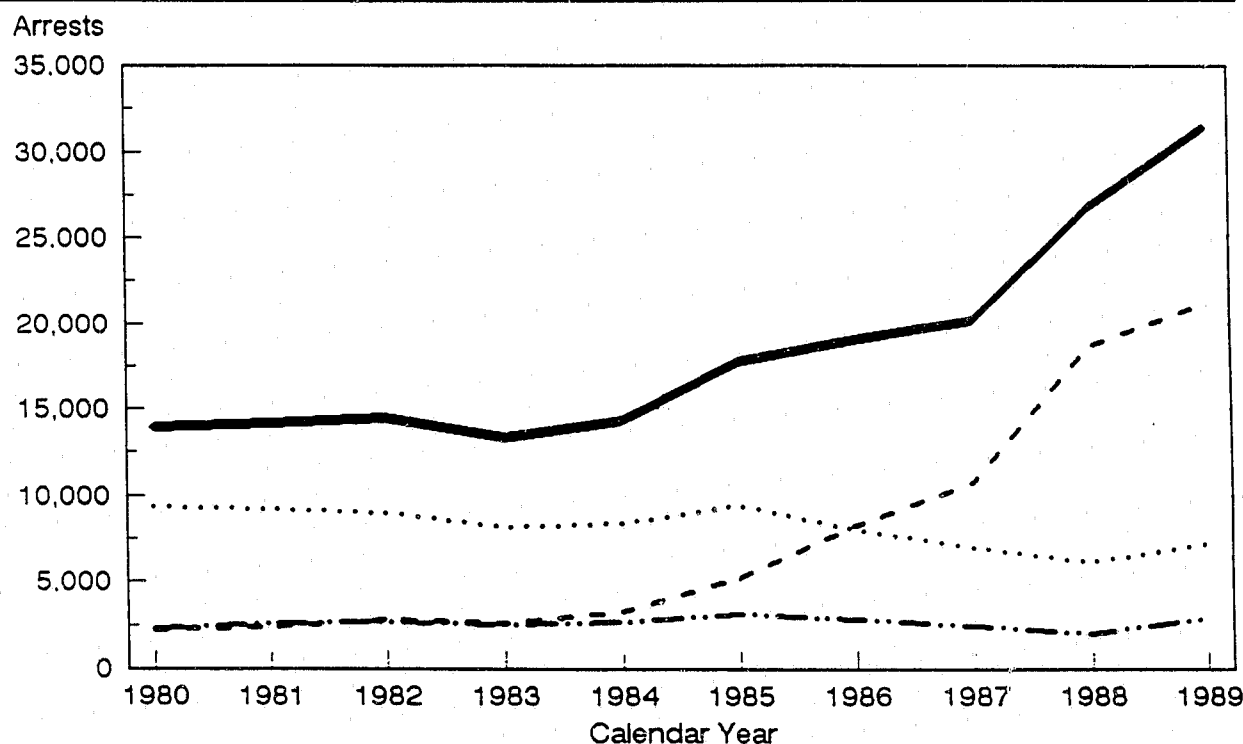
The second largest urban area in the state, Allegheny County, including the City of Pittsburgh, accounted for 5,223 drug arrests, or 16.6 percent of all such arrests in 1989. This represented a substantial increase over the 1988 level of 1,539 arrests.

The remaining 61 counties had 28.2 percent of state drug arrests in 1989.³⁷

ARRESTS BY TYPE OF DRUG

Drug arrest data is reflective of a change in the type of drug which is being abused and sold within the Commonwealth. As shown below, drug arrests involving cocaine and opium have increased dramatically since 1980 while marijuana arrests have declined and the number of arrests in the category "all other drug arrests" remained relatively steady. In 1980 cocaine/opium arrests numbered 2,245. This number increased to 21,195 by 1989. This was 68 percent of all state drug arrests in 1989 and was a 844 percent increase over the 1980 level of cocaine/opium arrests.

EXHIBIT 3. NUMBER OF DRUG ARRESTS IN PA, BY TYPE OF DRUG, 1980 THROUGH 1989



Total Drug Arrests Cocaine-Opium Arrests Marijuana Arrests All Other Drug Arrests

Source: Developed by LB&FC staff from information in PA Uniform Crime Reports, 1980-1989.

3/A breakdown of the total number of 1989 drug arrests in each county is included in Appendix A.

DRUG ARRESTS PER FULL-TIME LAW ENFORCEMENT OFFICER

According to data drawn from the Pennsylvania uniform crime reports from 1980 to 1989, the number of full-time law enforcement officers has been declining in the Commonwealth. The number of full-time police officers (FTO), including the State Police, in 1989 and prior years is shown in Table 6.

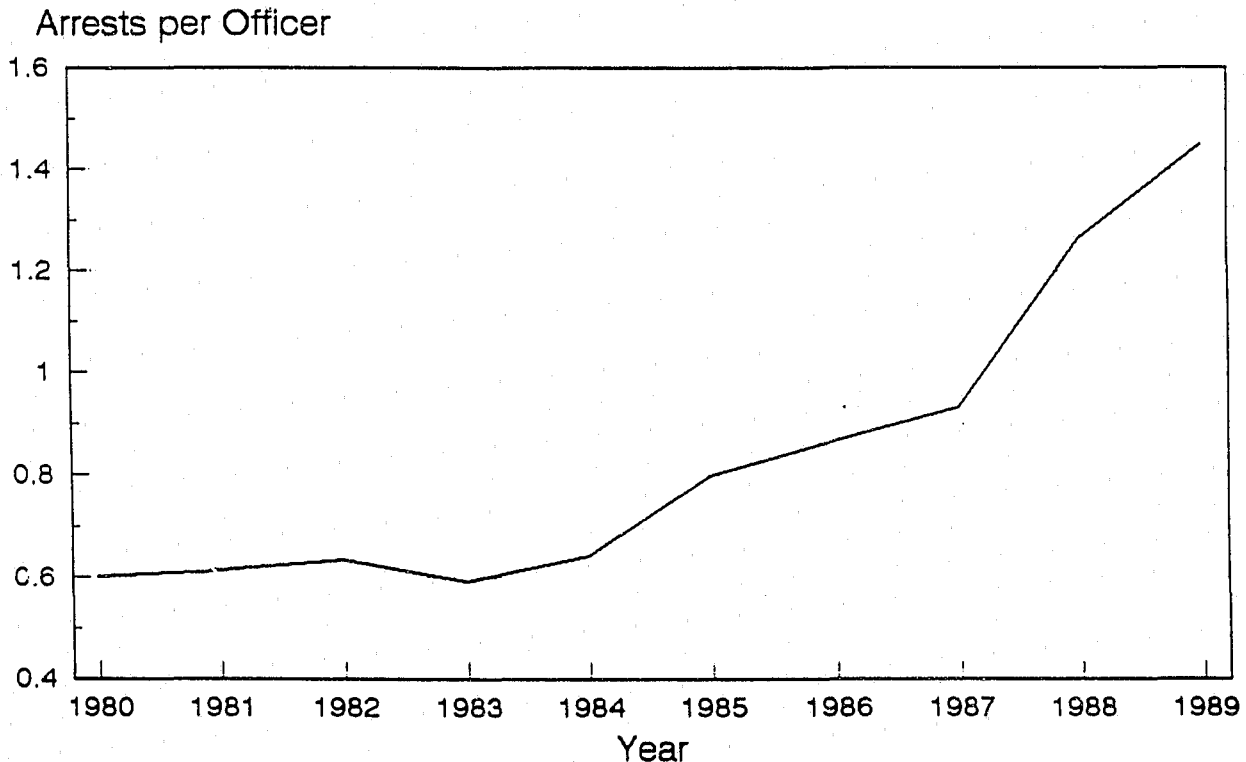
TABLE 6. NUMBER OF FULL-TIME POLICE OFFICERS IN PENNSYLVANIA,
 1980 to 1989

	<u>Number of Full-Time Officers</u>
1980	23,099
1981	22,948
1982	22,807
1983	22,451
1984	22,325
1985	22,172
1986	21,960
1987	21,599
1988	21,159
1989	21,619

Source: Developed by LB&FC staff from information obtained from the PA Uniform Crime Reports, 1980-1989.

As shown on Table 6, the number of full-time officers has declined by about 6 percent since 1980. However, the number of drug arrests per full-time officer has increased during the same period. In 1980 the number of drug arrests per FTO was 0.604. By 1989 this number had increased to 1.451 per FTO. The change in number of drug arrests per FTO during the period examined is shown on Exhibit 4.

EXHIBIT 4. DRUG LAW VIOLATION ARRESTS PER FULL-TIME PA LAW ENFORCEMENT OFFICER, CY 1980-1989



Source: Developed by LB&FC staff from information obtained from the PA Uniform Crime Reports, CY 1980-1989.

DRUG REMOVALS

Drug removals involve drugs seized by law enforcement officers at or near the time and location of the actual arrest or drugs purchased in the course of a criminal investigation. Such removals are a significant activity of agencies involved in drug law enforcement.

As defined by the Criminal Justice Statistics Association, drug removals provide intelligence information about availability, street price, and purity of drugs; remove significant amounts of drugs from the marketplace; and assist in gaining access to distributors and upper-level drug dealers for future investigations and arrests.

The Drug Law Enforcement Division of the PA State Police maintains information on the types and quantities of drugs its officers remove. The type and amounts (in pounds) of drugs removed

by the PSP during calendar years 1987 through 1989 are shown on Table 7 below.

TABLE 7. DRUG REMOVALS BY THE PA STATE POLICE, JANUARY 1987 THROUGH JUNE 1990, BY TYPE AND AMOUNT (AMOUNT IN POUNDS)

<u>Type of Drug</u>	<u>CY 1987</u>	<u>CY 1988</u>	<u>CY 1989</u>	<u>CY 1990 (6 Mos.)</u>
Cocaine	90.7	99.7	109.8	442.8
Methamphetamine ...	296.4	47.1	71.1	10.1
Marijuana	6,713.4	1,196.8	7,319.3	620.0

Source: Developed by LB&FC staff from information provided by the PA State Police Drug Law Enforcement Division.

As shown on Table 7, 442.8 pounds of cocaine were removed by the PSP during the first six months of 1990. This represents an increase of 303 percent over the amount of cocaine seized during all of 1989 and is almost five times more than was seized during 1987. During the same period, removals of methamphetamine and marijuana, though more erratic, have declined.

Information on drug removals was not available for the Office of Attorney General or for local police.

DRUG-RELATED SEIZURES AND FORFEITURES

Another major objective of law enforcement agencies involved in the "war on drugs" is the seizure and forfeiture of the assets of convicted drug offenders. As a result of these efforts, law enforcement personnel can disrupt the illegal activities of drug offenders while generating funds that can be directed back into drug law enforcement activities.

Non-drug assets seized by law enforcement officials in connection with drug arrests are generally cash, vehicles, office equipment, and, occasionally, real property. Under the provisions of the Controlled Substances Forfeitures Act, 42 Pa.C.S.A. §6801, all monies realized as a result of the seizure and forfeiture of such assets are to be earmarked for drug law enforcement.

Assets seized by local authorities are transferred to the custody of the county district attorney and are important sources

of funding for county and local drug law enforcement programs. At the state level, the "Controlled Substances Forfeitures Act" provides that if a state-level law enforcement agency is responsible for the seizure of property during the conduct of a drug investigation, custody of resulting assets is transferred to the Office of Attorney General. The OAG applies these assets to support its drug law enforcement efforts and distributes a portion of the assets to other law enforcement agencies, including the members of local task forces, based on the level of involvement with the case resulting in the seizure.

The amount of money obtained by the OAG as a result of cash seizures and the sale of forfeited property for the past three fiscal years appears below:

FY 1986-87	- \$804,637
FY 1987-88	- \$319,872
FY 1988-89	- \$721,533

In FY 1988-89, the OAG realized over \$648,000 in seized cash and another \$73,000 from the sale of forfeited property. This represented an increase of about \$402,000 over the prior year but a decline of ten percent over FY 1986-87. During this three-year period, the OAG also seized 94 motor vehicles, two pieces of real property, and computer equipment which is not included in the above figures.

As noted above, if a local or county law enforcement agency seizes cash or property, state law provides that it be transferred to the county district attorney.

As reported to the Office of Attorney General, the amount of cash obtained by the various counties as a result of cash seizures for the past three fiscal years appears below:

FY 1986-87	- \$1,594,965
FY 1987-88	- \$2,098,692
FY 1988-89	- \$4,603,509 ^{4/}

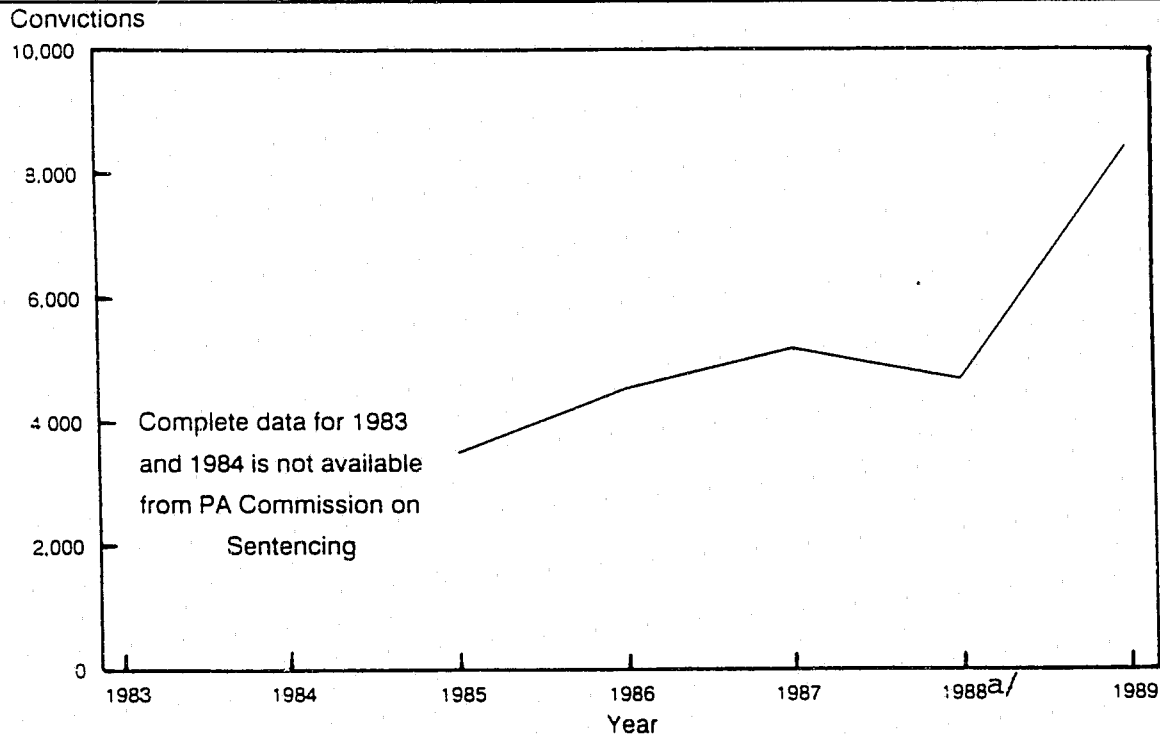
Property such as vehicles, residences, jewelry, weapons, mobile telephones, and electronic equipment were also forfeited as a result of local or county drug law enforcement efforts and is not included in the above totals.

^{4/}A breakdown of cash forfeitures, by county, is shown in Appendix B.

Drug Convictions^{5/}

Prosecution of drug offenders is the responsibility of the county district attorneys and the Office of Attorney General. The increased number of drug prosecutions and convictions in Pennsylvania over the past five years is evident from the graph below. As shown, convictions for drug violations have increased by 139 percent since 1985.

EXHIBIT 5. TREND IN DRUG CONVICTIONS IN PA, 1985 TO 1989



^{a/}According to the PCCD, a 1988 Supreme Court decision invalidated Pennsylvania's sentencing guidelines and some jurisdictions stopped providing the PA Commission on Sentencing with conviction data. Figures for 1988 are, therefore, estimated to be underreported by as much as 15 percent.

Source: Developed by LB&FC staff from information obtained from PCCD and the PA Commission on Sentencing.

^{5/}Drug law violation conviction data for the Commonwealth is compiled by the Pennsylvania Commission on Sentencing. It should be noted, however, that this data does not include convictions from the Philadelphia Municipal Court System which is currently unavailable for the most recent years. Data prior to 1985 is not available due to incomplete reporting.

DRUG ARREST COMMITMENTS TO STATE AND COUNTY PRISONS

Pennsylvania has also experienced substantial increases in the number of drug offense commitments to both state and county prisons since 1980. As indicated on Exhibit 6, annual commitments to state correctional institutions for drug-related offenses have increased from 202 in 1980 to 610 in 1988. Within the county prison system, drug-related commitments increased over 350 percent over the same period, from 466 in 1980 to 2,123 in 1988.

The above data includes drug offense commitments to the Philadelphia County Prison. According to data from the Pennsylvania Commission on Crime and Delinquency, commitments with a drug charge in Philadelphia will decrease under the federally imposed county prison population cap of 3,750, but commitments for drug offenses will still remain at about 250 to 450 per month.

"DOWNSTREAM IMPACTS" ON THE CRIMINAL JUSTICE SYSTEM

The increased emphasis on apprehension and prosecution of drug offenders is placing serious strains on all segments of the criminal justice system. These effects are most apparent in the prison and court systems.

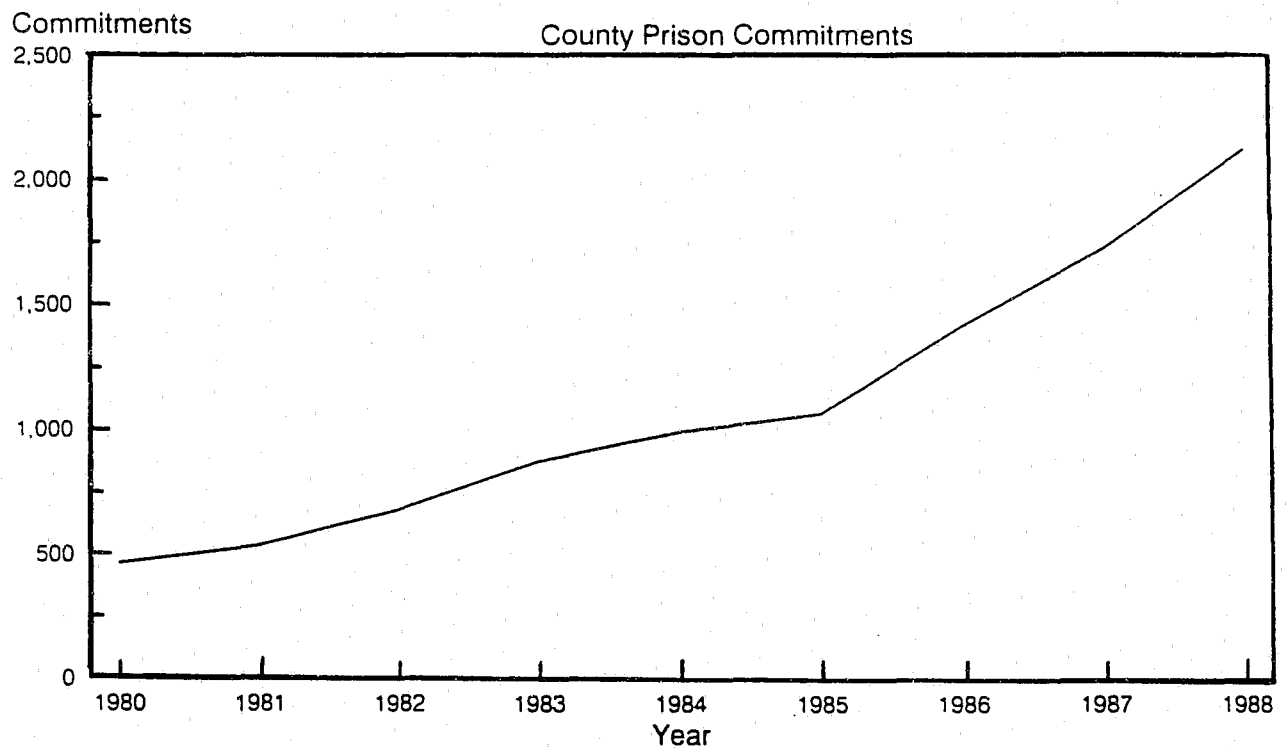
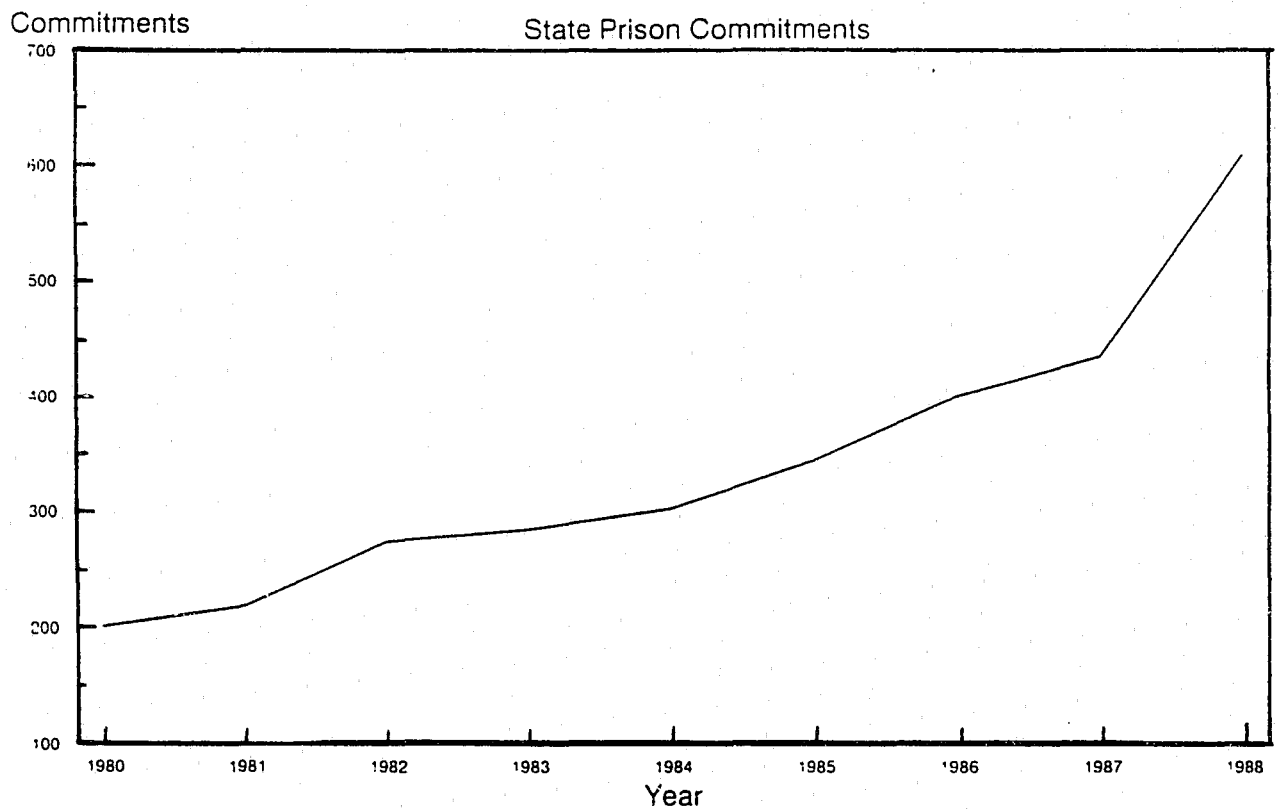
During the period 1985 to 1989, the Pennsylvania courts have experienced a 139 percent increase in the number of drug-related convictions. Additionally, the number of drug offenders sentenced to terms of incarceration has increased 94 percent from 1985 to 1988.

In a report released by the PA Commission on Crime and Delinquency in early 1990, the impact of increased drug arrests on Pennsylvania courts was addressed. The report pointed out that drug-related cases have led to excessive caseloads and increased workloads for the courts and related agencies throughout Pennsylvania, particularly in the urban/suburban jurisdictions and especially in the City of Philadelphia.

Philadelphia is the site of Pennsylvania's most severe drug problem. According to the PCCD, drug abuse and trafficking in Philadelphia have grown to "epidemic proportions." During 1989 Philadelphia accounted for over 12,000 drug arrests or 38.4 percent of the statewide total. This number of arrests represents a 114 percent increase over the number of drug arrests in 1981. In early 1990 the PCCD projected that Philadelphia could reach an annual drug arrest figure of 12,000 to 16,000 by the end of 1990.

This increase in drug arrests is placing heavy burdens on the Philadelphia Common Pleas Court and the Philadelphia Municipal Court. The PCCD describes the situation in Philadelphia as follows:

EXHIBIT 6. DRUG OFFENSE COMMITMENTS TO PENNSYLVANIA STATE AND COUNTY PRISONS, 1980-1988



Source: Developed by LB&FC staff from information obtained from the Pennsylvania Commission on Crime and Delinquency.

The dramatic increase in drug arrests and cases has an impact on the existing operations of the police, district attorney, public defender, courts, probation, pretrial services, sheriff and Clerk of Quarter Sessions. These increases strain current levels of operation for those agencies and inhibit their ability to function in an effective manner. Clearly, the significant increases in both Philadelphia drug arrests and court caseloads threaten to strangle the city's criminal justice system and thwart efforts aimed at enforcing the law, deterring the drug offender and providing treatment alternatives to offenders.

This problem is not, however, confined to Philadelphia. Drug-related court overloads create backlogs and backlogs result in further delays in courts throughout the state. The PCCD reports that speedy trial programs, based upon the psychological expectation of firm trial dates, and court control of its calendar have been devastated. As a result, trial lists grow longer, prison space becomes more scarce, and more defendants are placed on bail, many unsupervised for long periods of time. Additionally, courts are reportedly diverting judges from civil to criminal calendars in an attempt to handle the workload.

The PCCD concludes, however, that the courts do not have the capacity to deal with the current volume of drug cases and that, unless steps to add resources are taken soon, "constitutional values and community safety could be jeopardized." Their recommendation is that permanent enlargement of the judiciary is essential if courts are to do their job.

In a August 1990 news article, the Philadelphia District Attorney was quoted as stating that Philadelphia is faced ". . . with a criminal justice system that is on the verge of collapse." Philadelphia is currently under a court order which imposes a moratorium on pretrial detention for all but the most serious offenders. This moratorium is in effect whenever the jail population exceeds 3,750. According to an official of the Philadelphia District Attorney's office, the population figure is currently fluctuating between 5,000 and 5,100.

According to a Deputy District Attorney in Philadelphia, there is currently little prison space for pretrial detainees (i.e., individuals arrested who are awaiting trial). Because of this condition and the current prison cap, a procedure has been developed in which arrestees are screened at police headquarters to determine whether or not they are to be detained in prison or released.

The Deputy District Attorney explained that currently some offenders, including persons arrested for certain drug violations, are not being detained. The decision on whether or not to detain

drug offenders is based on guidelines which were reportedly developed by the federal judge who issued the prison population court order. Under these guidelines, a person arrested for a drug offense is not detained if their alleged offense involves less than the following drug quantities: possession or distribution of 50 pounds of marijuana; 50 grams of heroin; 50 grams of cocaine; 10 grams of crack; 50 grams of methamphetamine or PCP; 25 grams of amphetamine; or 20 tablets of methaqualone.

If the offense involves less than the amounts specified above, the offender is released at intake without posting bond (referred to as "sign on bond"). If these persons do not later appear on their appointed trial date, a bench warrant is issued for their arrest.

As of July 1990, it was reported that there were 32,880 outstanding warrants for fugitives who had failed to appear in court in Philadelphia. According to data obtained from Court of Common Pleas, this number had grown to 33,990 as of September 30, 1990.

The inmate capacities of state and other county prison facilities have also been further strained by the increased emphasis on apprehension and prosecution of drug offenders. Research conducted by the PA Commission on Crime and Delinquency indicates that prison and parole populations continue to grow faster than their capacity to house and supervise these populations.

Statewide county jail populations reportedly grew by 2,806 inmates during 1989, compared to an average annual growth of 920 inmates from June 1980 to June 1988. Also, according to the PCCD, the average month-end county prison population in 1989 was at 129 percent of statewide county prison capacity.

During 1989 the state prison population grew by 2,101 inmates. This compares to an annual average growth rate of 1,314 inmates from 1980 to 1988. As of June 1990 the state correctional system was at 158 percent of capacity.^{6/} The growth in overcrowding in the state correctional facilities is shown in Exhibit 7.

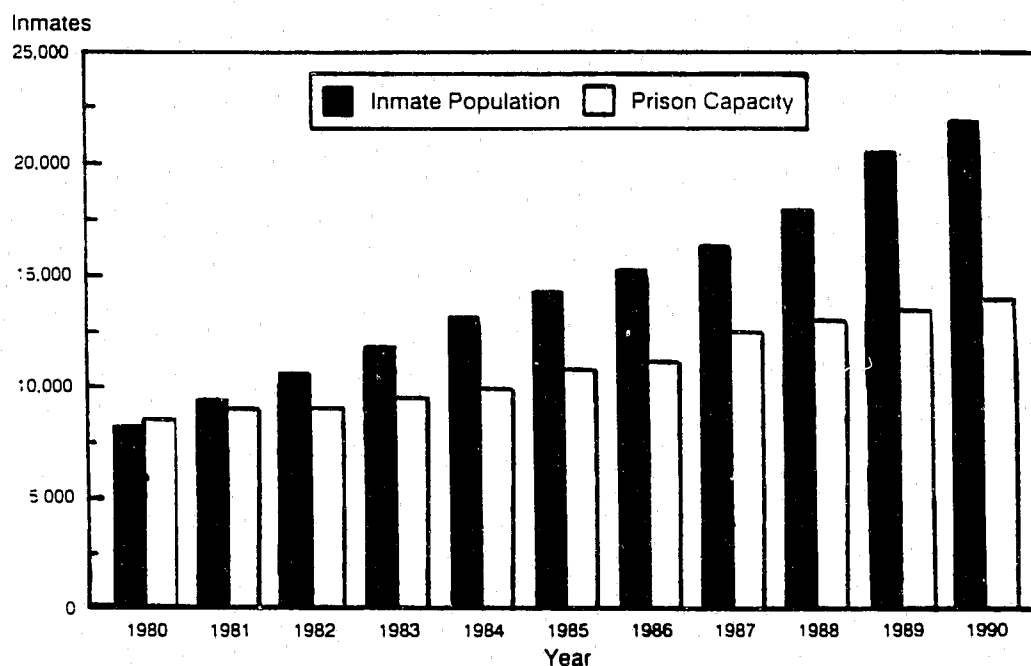
Other segments of the criminal justice system are also being strained by the increase in drug arrests. State probation officers are experiencing an increase in both their caseloads and in the percentage of parolees that were sentenced for drug law violations or have a drug abuse problem requiring close monitoring. The Pennsylvania Board of Probation and Parole anticipates that this situation will become even more critical in the near future as the growing number of drug law violation commitments in the Commonwealth's prison system become eligible for parole. It was reported that, generally, changes to parole populations lag one or two years behind changes of prison populations.

^{6/}According to a document released in November 1990 by the Federal Office of National Drug Control Policy, Pennsylvania ranks third highest among the states in state prison overcrowding. (See Appendix C.)

The emphasis on apprehension and prosecution of drug offenders is also affecting the state crime labs. All suspected controlled substances that will be used as evidence in court must be identified through laboratory analysis. In addition, labs analyze substances obtained through law enforcement investigations or drug removals.

The PA State Police operates six crime labs which provide intelligence information regarding drug purity levels, drug types circulating in the streets, drug sources, and new drugs. Crime laboratory drug analyses have increased by 116 percent during the period 1983 to 1989. In fact, cases submitted to PSP crime labs for analysis in the first six months of 1990 are almost equal to the total completed in all of 1985. (As discussed in Finding H of this report, the PSP crime labs are experiencing backlogs and delays as a result of the increased drug analysis workload.)

EXHIBIT 7. INMATE POPULATIONS AND CAPACITIES OF PA STATE CORRECTIONAL INSTITUTIONS



Note: Figures for 1990 are as of June 1990.

Source: Developed by LB&FC staff from information obtained from the PA Commission on Crime and Delinquency.

RECOMMENDATION

1. The Governor's Drug Policy Council, with technical advice and assistance from the Pennsylvania Commission on Crime and Delinquency, should take the lead in formally assessing the impact which the increased emphasis on drug apprehension and prosecution is having on other segments of the criminal justice system, including especially the court and prison systems. This criminal justice "impact statement"^{7/} should be included as part of a comprehensive statewide drug control strategy for Pennsylvania. (The development of such a strategy document is recommended in Finding C of this report.) This "impact statement" should also include specific proposals to address system-wide resource problems which are identified.

^{7/}The National Association of Attorneys General in its "Toward a Drug-Free America: A Nationwide Blueprint for State and Local Drug Control Strategies" indicated that states need to recognize and plan for the consequences of an increased emphasis on drug law enforcement activities. This document indicates that each state must consider how the deployment of new resources (or the redirection of existing resources) against drug offenders will affect jail and prison populations, as well as the effect an increase in arrests will have in delaying the processing of cases. The "Blueprint" also states that planners must take into account the capacity of existing forensic laboratory facilities and their ability to provide timely reports needed for drug prosecutions. Finally, this document advocates the inclusion of a criminal justice system "impact statement," in state drug control plans and related consideration of solutions to all associated system-wide resource problems.

B. DEVELOPMENT OF MULTI-JURISDICTIONAL TASK FORCES HAS INCREASED PENNSYLVANIA'S DRUG LAW ENFORCEMENT CAPABILITIES

Multi-jurisdictional drug law enforcement task forces are an important component of the Commonwealth's "war on drugs." The recent development and ongoing expansion of these task forces has significantly expanded drug law enforcement capabilities in the Commonwealth. Such task forces consist of state, county and municipal law enforcement agencies which pool their personnel and other resources to jointly investigate, apprehend and prosecute drug traffickers. While some counties operate independent task forces, most have been established and are administered by the Office of Attorney General (OAG). In 1985, two local task forces were operational in Pennsylvania. By November 1990, there were 41 OAG-administered task forces covering 42 counties and about 75 percent of the state's population outside of Philadelphia. Although some are planned, no OAG-administered task forces are currently operational in Philadelphia.

Task force operations are directed both at street- and upper-level drug traffickers. Local jurisdictions which participate in these task forces receive reimbursement for overtime pay and investigative expenses (e.g., "buy money" and informant payments), opportunities for advanced training, and tactical and personnel support from the OAG and PA State Police. During 1989, OAG task forces initiated 1,244 cases which led to 899 drug arrests and cash and property seizures. According to the Attorney General, these activities contributed to successful investigations into upper-level drug trafficking organizations while also impacting on local drug traffickers.

During FY 1989-90, \$1.7 million was expended for the task force program from state PENNFREE and federal funds. State funding to continue the program will be required in FY 1991-92. The task force concept appears to offer a number of important benefits, including the cost-effectiveness of jurisdictions sharing personnel and resources. Investigations which may have been overwhelming or impossible to carry out by a municipality acting alone can now be undertaken as a joint effort with state support. Important potential by-products include the training and experience received by task force participants, the sharing of intelligence information, and the promotion of camaraderie, cooperation and potential for improved morale among participating agencies. For the most part, the task force program has been enthusiastically received at the local level. Concerns were, however, expressed to LB&FC staff by some county district attorneys regarding the expansion of the OAG task forces and the need for better communication and coordination of efforts.

DISCUSSION

Multi-jurisdictional drug control law enforcement task forces are being referred to as "a new development in drug law enforcement." According to the Criminal Justice Statistics Association,

over 700 task forces had been created nationwide as of May 1990. Such task forces are assuming an increasing role and importance in state drug control strategies.

THE MULTI-JURISDICTIONAL DRUG TASK FORCE CONCEPT

Multi-jurisdictional task forces are an important component of state drug law enforcement programs. According to the Consortium for Drug Strategy Impact Assessment,^{1/} a task force is

. . . any law enforcement effort involving two or more law enforcement agencies that received funding via the 1986 (and 1988) Anti-Drug Act(s). Such task forces may include multiple police agencies in the same county; police agencies and prosecutors' offices; State, local, or Federal law enforcement agencies; or multiple law enforcement agencies operating in two or more counties/jurisdictions.

In further describing the concept, the Consortium noted that task forces are multi-jurisdictional in the following ways:

- Vertically--law enforcement agencies from different government levels (state, local, county, federal) team up to investigate, arrest and prosecute drug law violators.
- Functionally--personnel representing multiple local jurisdictions, different sectors of the criminal justice system (police and prosecutors), and other public sectors (public health and finance) team up to coordinate arrest, prosecution, asset seizure and forfeiture, and criminal justice system responses to surging caseloads.

In short, multi-jurisdictional task forces are a mechanism developed by the law enforcement community to pool resources and enhance inter-agency cooperation to address a problem which has intrastate, interstate, national and even international dimensions. Characteristically, drug task forces are predominantly local operations whose primary mission is to investigate, arrest and prosecute street- and upper-level drug law violators. Task force members interact and cooperate across geographic boundaries and levels of government.

^{1/}The Consortium for Drug Strategy Impact Assessment was created in 1987 in a cooperative agreement between the Criminal Justice Statistics Association and the U.S. Department of Justice's Bureau of Justice Assistance to develop comparable data across the states and to assess the impact of drug control strategies. It began as a 15-state effort and expanded to 28 states in 1989. Pennsylvania is one of the Consortium member states.

DRUG TASK FORCE DEVELOPMENT IN PENNSYLVANIA

Drug task forces are a relatively recent development in Pennsylvania. In 1985 there were two local task forces operational in Pennsylvania. By November 1990 this number had grown to at least 41 task forces^{2/} with others in the planning or development stage. (See Exhibit 8.) The expansion of the task force program in the Commonwealth can be largely attributed to federal funding which became available for such efforts through the Anti-Drug Abuse Act of 1986, and the initiative of the Office of Attorney General.

The Office of Attorney General directs and administers Pennsylvania's "Drug Control Task Force Program." The guidelines established for the program state that joint involvement and participation of state and local law enforcement personnel is encouraged in the investigation, apprehension and prosecution of drug traffickers and drug trafficking organizations in the Commonwealth. The guidelines also state that the goal of the program is to:

. . . establish a highly mobile task force of trained drug investigators. This Task Force will be utilized throughout the state in areas that indicate a problem with traffickers selling drugs to school students and to respond to general drug enforcement needs of municipal police departments.

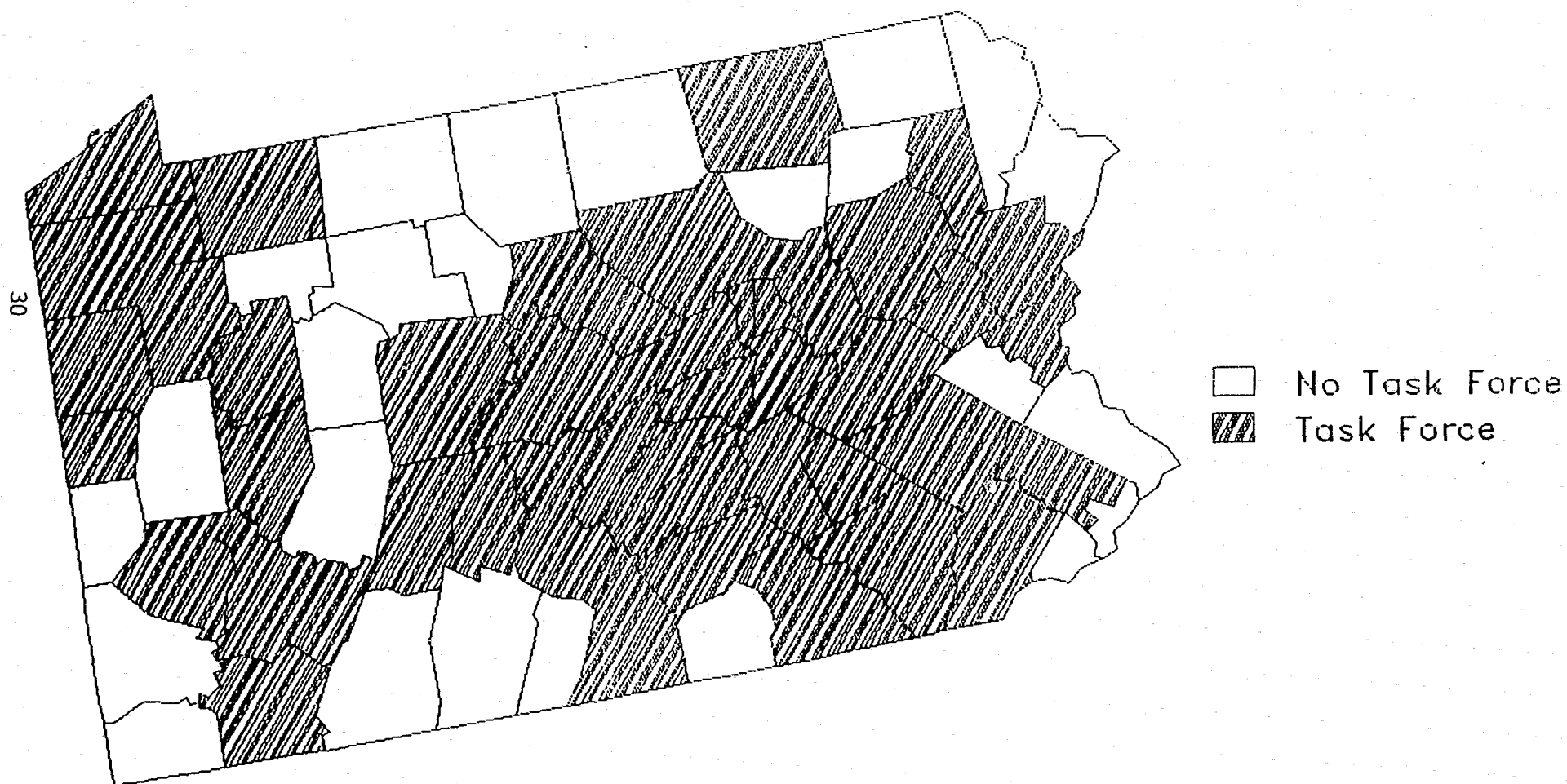
Task forces established under this program are made up of personnel from state, county, and municipal law enforcement agencies. An agent from the OAG Bureau of Narcotics and Drug Control is permanently assigned to coordinate the activities of each task force. Other OAG personnel and State Police officers from the various regional strike force offices work in conjunction with county and municipal personnel to carry out task force operations.

For example, a task force may consist of an agent from the Office of Attorney General's Bureau of Narcotics Investigation and Drug Control, detectives from the county district attorney's office, State Police officers, and officers from local police departments. For example:

- The Chester County task force includes county detectives, PA State Police officers, and officers from numerous municipal police departments in addition to OAG agents.

^{2/}There were 41 local task forces in operation as of November 1990 which were part of the OAG-administered task force program. As discussed later in this finding, some counties have drug task forces which are separate and independent from those administered by the OAG.

EXHIBIT 8. COUNTIES COVERED BY OAG-ADMINISTERED DRUG TASK FORCES, AS OF NOVEMBER 1990



Source: Developed by LB&FC staff from information obtained from the Office of Attorney General.

- The Lackawanna County task force includes OAG agents, detectives from the County Sheriff's office and officers from the Scranton Police Department and those of other surrounding municipalities.
- The Tri-County Drug Task Force is composed of law enforcement officers from Cumberland, York and Perry counties, State Police, and agents of the Office of Attorney General.

Task force operations are directed both at street-level traffickers as well as large volume dealers. The goal of the program is to have the task forces become largely self-sufficient in conducting routine drug investigations and to gradually carry out more sophisticated investigations involving electronic surveillance and asset forfeiture, search and seizure, and use of confidential informants. The theory is that as this occurs OAG agents and State Police will be able to devote more time to more complex investigations aimed at high-volume drug suppliers.

OAG-administered task forces are funded through a combination of state, federal, and asset seizure monies. State funds for the program have been derived from the two-year PENNFREE continuing appropriation. A total of \$5.7 million was allocated to the task force program from this source for FYs 1989-90 and 1990-91. Federal funding, which amounted to \$1 million for FY 1990-91, is provided from Drug Control and System Improvement (DCSI) monies. Assets seized at the local level under the Controlled Substances Forfeitures Act are also available for local drug law enforcement purposes, including drug task force operations.

During FY 1989-90, a total of \$1.7 million was expended for the task force program from state and federal sources. For FY 1990-91, approximately \$5 million in state and federal money is available for the program. Information on the total amount contributed to the program from local asset seizures monies is not available.

The availability of PENNFREE funding for the program will run out at the end of FY 1990-91. For FY 1991-92, the Office of Attorney General is proposing that the task force program be continued through a requested General Fund appropriation of \$5.4 million.^{3/} Federal DCSI funds available for the program during FY 1991-92 are expected to decline to \$692,000.

Continued expansion of the drug task force program is planned during 1991, with a long-range goal to provide task force coverage statewide. The Attorney General informed LB&FC staff that the goal

^{3/}The local drug task force program is a component of the OAG's \$22.5 million "Drug Law Enforcement" appropriation request for FY 1991-92.

is to establish ten additional local task forces during 1991. Among these are planned task forces for the City of Harrisburg and for Westmoreland County and four for Philadelphia. The Philadelphia task forces will reportedly consist of one dedicated to Interstate 95, one which will concentrate on center city and west Philadelphia, one assigned to drug interdiction at the Philadelphia Airport and city train and bus stations, and one concentrating on public housing projects.

However, difficulties may be encountered by the OAG in establishing a task force presence in Philadelphia. In August 1990 the Deputy District Attorney in charge of drug operations in Philadelphia indicated to LB&FC staff that OAG task forces are not necessary in Philadelphia and expressed strong reservations concerning their possible establishment.

DRUG TASK FORCE OPERATIONS IN PENNSYLVANIA

The 41 local drug task forces which were operational in the Commonwealth as of November 1990 are an integral component of the Commonwealth's "war on drugs." These task forces cover 42 counties and approximately 75 percent of the state's population outside of Philadelphia. As noted above, there were no OAG task forces operational in Philadelphia as of November 1990. The efforts of the task forces supplement ongoing drug control efforts of the Attorney General's Bureau of Narcotics Investigation and Drug Control and the Drug Law Division of the PA State Police.

Local jurisdictions which participate in the task force program receive the following:

- A full-time coordinator and other OAG and PSP support personnel, as needed.
- Advanced training for participating police officers.
- Reimbursement for authorized overtime worked by police officers in the course of task force investigations.
- Funding for investigative expenses, including "buy money" and informant payments.
- Investigative equipment, such as surveillance devices.

Tactical and personnel support is provided to the local drug task forces from the Commonwealth's nine regional strike force offices. The Office of Attorney General currently has 170 narcotics agents assigned to the regional strike forces. The addition of an OAG attorney to each region to assist in the coordination of strike force activities was also underway as of November 1990. Additionally, the PA State Police have assigned 78 officers to

these strike forces. The deployment of these agents and officers is shown on Table 8.

TABLE 8. DEPLOYMENT OF OAG AND PSP DRUG AGENTS AND OFFICERS, BY REGIONAL STRIKE FORCE

<u>Location</u>	<u>OAG Agents</u>	<u>PSP Officers</u>
<u>Eastern Zone</u>		
Allentown (#1)	20	
Reading (#2)	20	
Philadelphia (#9)	30	
<u>Central Zone</u>		
Harrisburg (#3)	21	Withdrawn by written request of the Commissioner of State Police dated December 7, 1990.
State College (#4)	16	
Wilkes-Barre (#8)	15	
<u>Western Zone</u>		
Greensburg (#5)	20	
Zelienople (#6)	13	
Erie (#7)	12	
Headquarters (Harrisburg)	17	
<hr/>		
TOTAL	184 ^{a/b/}	

a/Does not include 3 zone commanders and 4 individuals assigned to the Technical Service Unit in the Harrisburg office.

b/Includes 62 Bureau of Narcotics Investigation and Drug Control agents hired by the Office of Attorney General in September 1990.

Source: Developed by LB&FC staff from information provided by the PA State Police and the Office of Attorney General.

The OAG reports that local task forces initiated 1,244 cases during 1989. This activity led to 899 arrests (see Table 9) and the seizure of 135 vehicles, seven real properties, 285 weapons, and \$546,583 in cash.

To date, numerous drug investigations have been conducted by drug task forces which directly resulted in or contributed to both

arrests and the disruption of drug trafficking networks operating within the state. The following are several recent examples of actions in which drug task forces participated:

Example A: In November 1990, a federal grand jury returned a 22-count indictment against seven individuals for their alleged involvement in a multi-kilogram cocaine trafficking operation. The indictment arose out of a lengthy investigation in which the Wilkes-Barre and the Upper Luzerne-Lower Lackawanna drug task forces assisted the OAG, the Pennsylvania State Police, and the FBI.

Example B: In October 1990, a federal grand jury indicated seven persons on charges of operating a New York to Central Pennsylvania drug ring which distributed more than 100 kilograms of cocaine from 1986 to 1989. Members of the team involved in this investigation, which reportedly shut off a major cocaine and heroin pipeline into Central Pennsylvania, included the U.S. Drug Enforcement Administration, the FBI, agents from the Pennsylvania Attorney General's Office, the Lancaster County Drug Task Force, and the Lancaster City Police Department.

Example C: In May 1990, a kilogram of cocaine valued at \$33,000 was seized and five persons were arrested in the breakup of a New York-Lehigh Valley drug distribution operation. The arrests were the first made by the recently reorganized Northampton County Drug Task Force (consisting of officers from Bethlehem, Easton, Walnutport, and Freemansburg and Bethlehem, Bushkill, Lower Saucon, Moore, and Lehigh Townships).

Example D: In March 1990, the Lackawanna County Drug Task Force (consisting of the State Police, OAG agents, investigators from the Lackawanna County District Attorney's Office, Scranton and Dunmore police, and the county sheriff's department) seized 12 pounds of marijuana, a car, and arrested four persons.

Example E: In October 1989, the Monroe County Drug Task Force and agents from the Attorney General's Office seized five pounds of cocaine and arrested 14 persons.

Example F: During the period September 1988 through October 1989, the Lancaster County Drug Task Force seized 43 pounds of cocaine, 1,207 bags of heroin, 226 pounds of marijuana, 276 Valium tablets, 332 dosages of LSD, 200 crack vials, six grams of methamphetamine, \$252,620 in cash, 47 guns, 139 knives, and arrested 236 persons.

TABLE 9. DRUG TASK FORCE ARRESTS IN 1989, BY DRUG

Cocaine	591
Marijuana	195
Heroin	40
Crack	29
Other Narcotic Drugs	13
Stimulants	11
Hallucinogens	11
Depressants	6
Other Drugs	3
TOTAL	899 ^{a/}

a/Does not include 38 arrests made for non-drug offenses.

Source: Developed by LB&FC staff from information obtained from the Office of Attorney General.

BENEFITS OF THE LOCAL DRUG TASK FORCE APPROACH

There appear to be many benefits to the task force concept. In the Commonwealth, the task forces are providing a primary source of manpower to investigate local drug trafficking throughout the state. According to the Attorney General, the task forces have become "extremely effective weapons against local drug trafficking and have generated important intelligence information which has led to successful investigations into upper-level drug trafficking organizations, including multi-county, multi-state, and international networks."

The task force concept also appears to be a cost-efficient approach to dealing with a situation in which the actual number of full-time law enforcement officers has been declining.^{4/} The cost-benefit of task forces was recognized in the "Nationwide Blueprint for State and Local Drug Control Strategies." The report points out that, by sharing resources and expertise, Fugitive Investigative Strike Teams administered by the U.S. Marshals Service have arrested a far greater number of targeted offenders than would have been possible had each agency been acting on its own. The report also cites the accomplishments of the nationwide Organized Crime Drug Enforcement Task Forces (OCDETF) as indicating that inter-agency cooperation can and must be applied to narcotics enforcement at the state level.

^{4/}The decline in the number of full-time law enforcement officers in Pennsylvania is discussed in Finding A.

The Pennsylvania Office of Attorney General also believes that this cost effectiveness is evident in the Commonwealth's drug task force program. In one case reviewed by LB&FC staff, an expenditure of \$33,409 for advance funds (i.e., "buy money" and informant costs) and overtime costs for the Cambria County Drug Task Force financed 49 cases which resulted in 15 arrests and seizures of \$54,614 in cash and 74,651 in savings accounts. It is also reported that there are approximately \$170,000 in additional assets that investigators are reviewing for possible seizure as a result of the outlays made to the task force.

The apparent benefits of task forces are not just financial, however. Most local police departments in the state are small and do not have the necessary specialized expertise or resources to effectively deal on their own with the drug abuse/trafficking problem and related violent crimes. Participation in a task force allows local police officers to work with specially trained personnel from the OAG and PSP. Through such contacts, experience and expertise can be gained in investigative techniques such as electronic surveillance and the use of confidential informants.

The following are other benefits of the task force approach:

- Because task forces are comprised of police officers from groups of municipalities within a county or a multi-county area, municipalities exchange officers so that investigators can work in municipalities where they are not known.
- Drug task forces allow small departments to participate in complex investigations and share in the distribution of seized assets.
- Multi-jurisdictional task forces can facilitate intelligence gathering and sharing among the members of the task force.
- Task forces can facilitate the early involvement of prosecutions in investigations.
- Task forces also have the potential to foster cooperation and mutual respect among federal, state and local law enforcement and prosecuting agencies.

LOCAL REACTION TO THE OAG-ADMINISTERED TASK FORCE PROGRAM

In attempting to combat the use and trafficking of illegal drugs, municipal police departments have been hampered by jurisdictional limitations, manpower and equipment shortages and inadequate financial resources. The task force program provides local municipalities with a means to pool their resources to address these problems.

For this reason, the task force concept has, for the most part, been enthusiastically received at the local level. For example, comments made by local police officials include the following:

- There is no doubt in my mind that they (the Lycoming County Drug Task Force) have had a tremendous impact on the City of Williamsport.
- A [omitted] township police officer cannot do an effective undercover narcotics investigation in [omitted] township. But an officer from another town who isn't known can. That's the basic foundation of the task force concept.
- I have always been in support of this (the drug task force) program. Our police department has played an important role in several arrests.
- It's nice to get the North Hills communities together on a concerted effort on drugs. We can give information through the drug task force and receive information on drugs and other crimes. It'll give us a handle to attack drugs and other serious crimes.
- It's a great help. Before we didn't have the money to put guys on the street for this work.
- The problem in the past was money. Boroughs couldn't afford to pay officers for the hours it takes to work on these cases.

Also, one county district attorney with whom LB&FC staff met indicated the following regarding the benefits of the program:

Benefits of the task force include the promotion of camaraderie among the various municipal law enforcement agencies participating in the task force, the sharing of intelligence among the law enforcement agencies, and the promotion of cooperation which results in more effective law enforcement and criminal investigations. Additionally, the training and experience received by task force participants is taken back by these officers when they return to their respective municipalities.

Another district attorney stated that the drug task force concept is a good one and cited the development of better communication between municipal law enforcement agencies which can result from the establishment of a task force.

While the task force program has many supporters, some persons expressed concerns to LB&FC staff during the study concerning the current expansion of the program. Such comments were often

made by persons from counties in which both an independent local task force and an OAG-administered task force are operating.

For example, one district attorney stated that while he is not unsupportive of the OAG's efforts to initiate a task force in his county, he questions why the task force he had established was insufficient and the utility of forming an additional task force. The district attorney also stated, however, that he was not intending to impede the formation of the parallel OAG-sponsored task force because in his opinion any additional law enforcement activity would assist in the drug law enforcement efforts taking place in the county.

Another district attorney was of the opinion that the manner in which the OAG task forces were being established is not conducive to coordination and cooperation. This individual expressed the opinion that it is inappropriate for the OAG to make direct contact with municipal police departments within his county to initiate a task force. This individual also stated the belief that, as the chief law enforcement officer of the county, all drug control efforts within his jurisdiction should be coordinated through his office.

Other district attorneys expressed concerns over what they perceive to be a tendency for the Office of Attorney General to assume control of existing task forces established within their counties. Additionally, because of the reliance of county and local police departments on the revenues resulting from forfeited assets and because the Attorney General has control over the division of assets seized by OAG-administered task forces, several district attorneys are concerned about how the involvement of a state-level law enforcement agency in task force operations in their counties (i.e., the OAG) will impact on the sharing of these assets.

The following are examples of comments made to the LB&FC staff by county district attorneys in regard to the above concerns:

- One district attorney stated an unwillingness to formally involve the OAG with the [omitted] county task force because, in this individual's opinion, once the OAG is involved, the county chief law enforcement officer (i.e., the district attorney) does not set the agenda for the task force. The opinion was also expressed that the county district attorney's office is more aware of local needs and the procedures which have been in place over the years among various law enforcement agencies participating in drug control efforts. Consequently, the county office is considered by this individual to be the most appropriate and effective agency to coordinate drug control activities in the county.

- Another district attorney stated that the [omitted] county task force is currently not functioning in a manner consistent with what, in his opinion, is the intent of multi-jurisdictional task forces because current investigations and other operations are being controlled by the OAG's office and not local law enforcement officials.
- Another district attorney stated that the major problem his office has with the OAG Task Force arrangement is that funding for drug law enforcement efforts will not be filtering down to the local level. This individual expressed the opinion that the intent of a task force is to promote, encourage, and take advantage of efforts conducted at the municipal level and that the OAG drug task force model is antithetical to the "bottom up" intent of coordinated drug law enforcement efforts.
- The [omitted] county district attorney's office indicated that it does not intend to formally participate in the OAG's Drug Task Force which is currently being created because of the feeling that there is insufficient local input being provided in the creation of the task force, and that the manner in which it will be operated will be too removed from the local level.
- Another district attorney expressed the opinion that if the intent of the OAG is to promote coordination and cooperation by creating county-wide drug task forces, it is inappropriate to establish such task forces without consulting the chief law enforcement officer of a particular county (i.e., the district attorney). This individual stated that a negative impact of this manner of task force development is the placing of the district attorney in the middle between the OAG and local law enforcement agencies. This individual stated that most drug cases are developed at the local level, and it is the district attorney who has a better awareness of problems and needs in the municipalities within his jurisdiction.

Finally, it is clear that the task force approach is an important tool in the "war on drugs" and that substantial development of this tool has occurred in Pennsylvania in recent years. William Bennett, former director of the federal Office of National Drug Control Policy, calls such task forces "a critical part of the 'National Drug Control Strategy.'" It is also clear, however, that the OAG needs to address concerns among at least some local law enforcement officials regarding the development of OAG-sponsored task forces in their areas and related communications and working relationship issues.

RECOMMENDATIONS

1. The General Assembly should give strong consideration to providing General Fund monies to the Office of Attorney General to continue and further expand the "Local Drug Control Task Force Program" when PENNFREE monies run out, and as federal funds available for the program are reduced.^{5/}
2. In proceeding with the planned continued expansion of the "Drug Control Task Force Program," the Office of Attorney General should consider establishing a statewide "drug task force advisory committee." This committee should include persons representing the OAG regional strike force offices, PA State Police, county district attorneys, local police chiefs, and police coordinators from local task forces in each of the nine regional strike force areas. This advisory group should meet periodically to participate in planning for the further expansion of the program and to discuss and resolve operational concerns which may develop in the field.

^{5/}The Office of Attorney General's budget request for FY 1991-92 includes a request of \$5.4 million for continuation of the local drug task force program.

C. ABSENCE OF A COMPREHENSIVE STATEWIDE DRUG CONTROL STRATEGY

Although required by a 1987 executive order, Pennsylvania does not yet have a comprehensive statewide strategy to combat illegal drug use in the Commonwealth. Executive Order 1987-13 created the Governor's Drug Policy Council and made it responsible for the development and implementation of a "comprehensive, coordinated strategy" combining all elements of drug control, including drug law enforcement. Such strategies are endorsed by numerous national law enforcement associations and have been developed by the federal Office of National Drug Control Policy and a number of other states. In the absence of such a statewide strategy or plan, Pennsylvania's drug control efforts are carried out in accordance with multiple agency-level strategies and approaches. Action to develop a statewide strategy was, however, initiated by the Governor's Drug Policy Council during the course of this study.

DISCUSSION

Drug law enforcement in Pennsylvania is a multi-agency, multi-jurisdictional effort. As discussed elsewhere in this report, the Office of Attorney General, PA State Police and several other state agencies are involved in drug law enforcement work in the Commonwealth. In addition to these agencies, numerous federal and local agencies are involved in drug law enforcement activities working independently or in coordination with state agencies on multi-jurisdictional task forces.

CURRENT PENNSYLVANIA STRATEGIES

As of November 1990, the efforts of these agencies and the expenditure of drug law enforcement monies in the Commonwealth were not guided by a comprehensive statewide drug control strategy. While individual strategies and approaches were in place at the agency level, the only formal plans with a multi-agency perspective were the strategy for expenditure of federal Drug Control and System Improvement (DCSI) funds and a spending plan for the two-year PENNFREE appropriation.

The DCSI strategy is prepared by the Pennsylvania Commission on Crime and Delinquency (PCCD) to fulfill a requirement for receipt of federal DCSI monies. While the preparation of this document has in the past involved the input of state and local drug control agencies and professional associations, it is essentially a spending plan for federal grant money rather than a comprehensive tactical strategy for state drug control efforts.

The PENNFREE program is a two-year, \$90 million state anti-drug abuse appropriation which is being used for drug law enforcement, drug and alcohol abuse treatment, drug and alcohol education, and to assist victims of drug and alcohol abuse. The PENNFREE spending plan was developed from a series of public forums held throughout the state in 1989. This, however, is also a spending plan and not a comprehensive statewide drug control strategy.

Although not a statewide strategy for all drug control efforts, the Office of Attorney General also reports having developed a plan or strategy for the "war on drugs." This strategy involves the expansion of multi-jurisdictional drug task forces throughout the state to focus on local drug trafficking in combination with ongoing OAG efforts to target upper-level drug trafficking organizations and networks through its Bureau of Narcotics Investigation and Drug Control. Another component of the Attorney General's drug control strategy was the introduction of a package of drug reform legislation in February 1989. (See Appendix D.)

STRATEGIC PLANNING NATIONWIDE

In December 1988, the National Association of Attorneys General took the lead in establishing a "national blueprint for state and local drug control strategies."^{1/} This document was intended to assist state and local governments develop statewide drug enforcement and prosecution strategies. As indicated below, a key component of the "blueprint" is a statewide planning process for drug law enforcement:

To be effective, and to ensure the optimum use of limited fiscal and human resources, each state must develop a comprehensive drug enforcement strategy which encompasses every law enforcement program or activity. These strategies must be designed not only as means for justifying federal funding, but must provide policy direction for all drug enforcement activities undertaken by law enforcement and prosecuting agencies at every level of government.

Comprehensive drug control strategies have been developed by the federal Office of National Drug Control Policy and by several states, including California, Florida, Maryland, Michigan, New

^{1/}This document, entitled "Toward A Drug-Free America: A Nationwide Blueprint for State and Local Drug Control Strategies" was developed in conjunction with the National District Attorneys Association, in association with the International Association of Chiefs of Police, International Narcotic Enforcement Officers Association, National Criminal Justice Association, and the National Sheriffs Association.

Jersey, and New York. These documents set forth multi-year plans for addressing the drug problem in these states.

For example, pursuant to the provisions of the Anti-Drug Abuse Act of 1988 (21 U.S.C. §1504), a "National Drug Control Strategy" was completed by the federal Office of National Drug Control Policy in September 1989. The preparation of this strategy entailed the solicitation of input from "hundreds of interested and involved anti-drug leaders outside the federal government." The strategy establishes a series of priorities in the criminal justice, drug treatment, education, interdiction and intelligence areas. Also included in the strategy, which was updated in January 1990, are specific goals to be met through national drug control efforts.

In New York, the Governor's Statewide Anti-Drug Abuse Council issued a "State of New York Anti-Drug Abuse Strategy Report" in November 1989. This report briefly discusses the scope and impact of the state's drug problem and describes some of the recent initiatives that have been undertaken in response to this problem. The report provides a background discussion of key drug issues and anti-drug abuse priorities and makes recommendations related to drug prevention, the state's criminal and juvenile justice systems, and drug treatment programs. Each recommendation is followed by explanatory discussion.

"Maryland's Drug and Alcohol Abuse Control Plan," released by the Governor's Drug and Alcohol Commission in October 1989, briefly describes the nature and extent of the drug problem in Maryland and current control efforts in the state. The plan's implementation strategy is divided into four areas: Prevention/Education, Treatment, Law Enforcement, and Research, Evaluation, and Coordination. Each of these areas is then further developed through the use of overall goals, recommendations for each goal, implementation steps, a rationale for the recommendation, and the assignment of agencies responsible for implementing the recommendations.

New Jersey's 1988 "Attorney General's Statewide Action Plan for Narcotics Enforcement" concentrates primarily on drug law enforcement as opposed to other drug control areas. In addition to a description of the nature and extent of the drug problem in New Jersey, the plan sets forth strategic and tactical objectives, directives, and implementation guidelines for the agencies assigned responsibility for individual objectives. New Jersey's strategic objectives, as presented in its narcotics enforcement action plan, appear as Exhibit 9. The plan also includes a description of the plan's four phase, 15 month objective implementation schedule as well as an objectives attainment measuring system.

EXHIBIT 9. STRATEGIC OBJECTIVES FOR THE NEW JERSEY
STATEWIDE ACTION PLAN FOR NARCOTICS ENFORCEMENT

In establishing a statewide action plan for narcotics enforcement, New Jersey established the following broad strategic objectives. All aspects of the New Jersey plan are reportedly designed to further one or more of the these objectives:

Strategic Objective 2.1: To put every actor along the drug distribution chain at enhanced risk of identification, apprehension, swift prosecution, and stern punishment.

Strategic Objective 2.2: To target certain offenders for arrest and expedited prosecution, including repeat offenders, large scale or prolific distributors, upper echelon members of organized trafficking networks, manufacturers, and persons who distribute to or employ juveniles in drug distribution schemes.

Strategic Objective 2.3: To eliminate open and notorious commercial drug transactions and "casual" or "recreational" drug use.

Strategic Objective 2.4: To discourage all persons, and especially young people, from using or purchasing illicit substances.

Strategic Objective 2.5: To prevent, or at a minimum to delay as much as possible, students' exposure to and first use of illicit substances.

Strategic Objective 2.6: To eliminate all drug distribution activities from designated school safety zones so as to provide a secure environment conducive to education.

Strategic Objective 2.7: To disrupt organized drug trafficking networks by targeting those upper echelon network members who could not be easily replaced, and to discourage other persons from entering the network to replace those participants who have been arrested.

Strategic Objective 2.8: To reduce the profit margins currently enjoyed by drug trafficking networks by (1) reducing demand and (2) by increasing perceived and actual "overhead" costs associated with operating the network and avoiding detection and stern punishment.

Source: "Attorney General's Strategic Action Plan for Narcotics Enforcement, Implementation Program," New Jersey Department of Law and Public Safety, January 1988.

NEED FOR A COMPREHENSIVE STATEWIDE STRATEGY IN PA

Pennsylvania state agency officials contacted by LB&FC staff were in agreement that the development of a statewide drug control strategy would benefit the Commonwealth's war on drugs. For example, the Executive Director of the Governor's Drug Policy Council stated that it is very difficult to control and coordinate the efforts of the various state drug control agencies without the overall framework that a comprehensive statewide plan provides.

Additionally, the Director of the PCCD's Bureau of Program Development was of the opinion that such a plan could promote cooperation and coordination among the various agencies involved in drug law enforcement and possibly help in the establishment of broad-based spending priorities.

On this subject, the Executive Director of the Pennsylvania Crime Commission stated that currently there are no established drug control goals for the Commonwealth, nor measurement criteria by which to judge drug law enforcement effectiveness. Thus, none of the state agencies involved with drug control efforts are able to measure the attainment of agency goals against common overall drug control objectives.

STATUS OF STRATEGY DEVELOPMENT IN PA

Executive Order 1987-13 requires that a comprehensive drug control strategy be developed. The order states that:

. . . to avoid duplication of effort and to enhance coordination the Commonwealth must develop a comprehensive, coordinated strategy to combat illegal drug use and drug and alcohol abuse, and such a strategy should combine the elements of prevention, education, treatment, and enforcement in a more effective manner.

Responsibility for implementation of this strategy is assigned to the Governor's Drug Policy Council. (See Appendix E for a copy of Executive Order 1987-13.)

Such a comprehensive strategic plan could serve to promote a coordinated approach to Commonwealth drug law enforcement efforts in which all state agencies involved would be guided by commonly understood goals and objectives. According to the National Association of Attorneys General, the development of such a strategy is advantageous because:

Too often a state's response is little more than a collection of disparate local policies, without uniform direction or guidance. . . . there is no chance of achieving any meaningful impact unless all agree on common goals and objectives.

The development of this statewide drug control plan was initiated during the course of this study. According to the Executive Director of the Governor's Drug Policy Council, representatives of various state agencies (e.g., the PA State Police, Office of Attorney General, Commission on Crime and Delinquency, and Office of the Budget) are providing input in the plan's development.

Three sub-committees appointed from these agencies in August 1990 were charged with developing draft sections of the strategy in the following areas: criminal justice, prevention/education, and treatment/rehabilitation. The Drug Policy Council reports that the draft strategy will undergo refinement during a brief series of public hearings before being sent to the Governor. Release of the state's first comprehensive drug control strategy is tentatively scheduled for January 1991.

RECOMMENDATIONS

1. The Governor's Drug Policy Council should complete development of a comprehensive statewide drug control strategy for Pennsylvania. As prescribed in Executive Order 1987-13, this strategy should combine all elements of drug control, including prevention, education, treatment, and enforcement. Prior to finalization of the drug control strategy document, the Drug Policy Council should ensure that
 - The strategy includes all of the key characteristics and components of a comprehensive statewide drug law enforcement strategy as defined by the National Association of Attorneys General and other criminal justice organizations (see Exhibit 10).
 - The strategy includes specific overall goals and objectives. Examples of the incorporation of such goals and objectives are found in the State of New Jersey's "Statewide Action Plan for Narcotics Enforcement" (see Exhibit 9) and the "National Drug Control Strategy."
 - An exposure draft of the strategy document be provided to criminal justice practitioners and associations from throughout the state and that their input be formally considered through a series of public hearings prior to finalization of the strategy.
 - The strategy document includes both a specific funding component which is recommended in Finding L of this report and a unified training plan as recommended in Finding I.
 - The strategy document includes a criminal justice system "impact statement" which is recommended in Finding A of this report. This impact statement should address how the

increased emphasis on drug apprehension and prosecution and deployment of additional resources against drug offenders is affecting such areas as court workload and case processing time and prison populations so that the strategy can consider solutions to these system-wide problems.

2. Upon completion, the Governor's Drug Policy Council should arrange for distribution of the plan to all pertinent law enforcement agencies and to pertinent members and staff of the General Assembly.
3. Plans should also be made by the Drug Policy Council to periodically assess and report on progress made toward meeting the goals and objectives set forth in the strategy document. Specific information on implementation of the strategy and attainment of related goals and objectives should be provided annually to the House and Senate Judiciary Committees, the Senate Law and Justice Committee and the House and Senate Appropriations Committees.
4. The Drug Policy Council should also provide for a systematic procedure to periodically review, revise and update the comprehensive strategy.

EXHIBIT 10. KEY CHARACTERISTICS AND COMPONENTS OF A COMPREHENSIVE STATEWIDE DRUG LAW ENFORCEMENT STRATEGY

As described by the National Association of Attorneys General and other national associations representing district attorneys, chiefs of police, narcotic enforcement offices and sheriffs, a statewide drug law enforcement strategy should include the following:

- The strategy should include an assessment of the state's substance abuse problem, statewide enforcement needs and a plan of action to address these needs.
- The strategy should encompass every law enforcement program and activity, not just those supported by federal grant money. It should both complement and build upon the drug control strategy of the Office of National Drug Control Policy, but should be tailored to the specific resources and needs of the state.
- The strategy should define and coordinate the roles of all state and local law enforcement and prosecuting agencies and provide policy direction for all drug enforcement activities undertaken by law enforcement and prosecuting agencies at any level of government.
- The strategy should include a census of both resources and needs including identification of: (1) how many law enforcement officers and prosecutors are already engaged in the enforcement of state and local drug laws (e.g., existing specialized drug enforcement units including intelligence gathering, forfeiture investigation, clandestine laboratory, and drug detection canine units), (2) surveillance and other narcotics enforcement equipment and the means for interdepartmental sharing, and (3) which drugs are available and the locations within the state where each drug is typically bought, sold and consumed.
- The strategy should establish tactical priorities to insure that resources will be used in the most cost-effective way by determining, for instance, how resources can best be expended, enhanced, or reprioritized to have the greatest impact on targeted problems.
- The strategy should have a criminal justice impact statement which considers how the deployment of new resources

(Continued)

against drug offenders will affect jail and prison populations, as well as the effect an increase in arrests will have in delaying the processing of cases. The strategy should take into account the capacity of existing forensic laboratory facilities and their ability to provide timely reports needed for drug prosecutions.

- The strategy should include proposals as to how the state can assume the cost of programs supported by federal grants.
- The strategy should be dynamic, allowing law enforcement and prosecuting officials to periodically respond to "new threats, developments, and enforcement opportunities."
- The strategy should be compatible with and complementary to the federal strategies implemented in each federal district.

Source: Summarized by LB&FC staff from Toward a Drug-Free America: A Nationwide Blueprint for State and Local Drug Control Strategies, National Association of Attorneys General and others, December 1988.

D. ADDITIONAL COORDINATION OF DRUG LAW ENFORCEMENT EFFORTS IS NEEDED AT THE STATE LEVEL

Pennsylvania's drug law enforcement efforts are not centrally directed and coordinated. Both the Office of Attorney General (OAG) and the PA State Police (PSP) have major responsibilities in this area. However, neither is clearly designated as the "lead agency" for Commonwealth drug law enforcement efforts. The LB&FC staff observed that these two agencies work cooperatively in many aspects of law enforcement work. It was also observed, however, that there seems to be an underlying sense of competition and "turf consciousness" within each agency on drug law enforcement matters. This appears to relate to the feeling within each agency that it should be the lead agency for the "war on drugs." Dual enforcement responsibilities and potentially overlapping jurisdictions are not uncommon at the state level. To address this situation, the National Association of Attorneys General and other national law enforcement associations have promoted the use of formal agreements and memoranda of understanding to "institutionalize" cooperation among agencies involved in drug law enforcement. In early 1989 the OAG and PSP drafted an inter-agency agreement related to drug law enforcement matters. However, the agencies have not been able to finalize the wording of the agreement and, as of November 1990, it still had not been signed.

DISCUSSION

As discussed in other sections of this report, a number of state, federal, and local agencies are involved in drug control efforts in the Commonwealth. At the state agency level there are seven different agencies with varying degrees of responsibility and involvement in drug law enforcement. Primary among these are the Office of Attorney General and the State Police. However, neither the Office of Attorney General nor the Pennsylvania State Police are clearly designated as the "lead agency" for drug law enforcement efforts in the Commonwealth.

The state Constitution (Section 4.1) states that the Attorney General "shall be the chief law officer of the Commonwealth and shall exercise such powers and perform such duties as may be imposed by law." The Commonwealth Attorneys Act, 71 P.S. §732-206, also designates the Attorney General as the chief law enforcement officer of the Commonwealth and charges him to "continue the existing programs related to drug law enforcement."

This reference to continuation of existing programs related to drug law enforcement refers to the 1973 transfer to the OAG of the police powers of the Department of Health's former Bureau of Drug Control. This legislative action granted the OAG the authority to investigate and make arrests for violations of Pennsylvania drug laws, including pharmaceutical diversions. State law also

mandates that "the PA State Police shall cooperate with the Attorney General and furnish such services as the Attorney General shall request."

The Pennsylvania State Police, on the other hand, also has broad police and law enforcement powers. Among the duties and responsibilities assigned in law to the PSP are the following:

- To assist the Governor in the administration and enforcement of the laws of the Commonwealth.
- To cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the state.
- To collect and classify, and keep at all times available, complete information useful for the detection of crime and the identification and apprehension of criminals.

In this role, the Pennsylvania Commission on Crime and Delinquency has referred to the PSP as "the major state-level agency involved in drug-related apprehensions."

State agencies with overlapping responsibilities in the law enforcement area are not uncommon however. According to a report prepared by the National Association of Attorneys General:

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

As of November 1990, the OAG and PSP had a combined force of 410 officers and attorneys assigned directly to drug law enforcement activities. Within the OAG's Drug Law Division, agents of the Bureau of Narcotics Investigation and Drug Control (BNI) focus on higher level drug trafficking organizations and networks. BNI agents are also assigned to nine regional strike forces and direct the operation of local drug task forces.

Within the same Division, the Drug Prosecutions Section prosecutes individuals charged with drug law violations (including pharmaceutical diversions). Attorneys assigned to this section also prepare asset forfeiture petitions. OAG personnel are also involved in drug transportation interdiction efforts and clandestine drug lab investigations.

Within the PA State Police, the Drug Law Enforcement Division performs activities intended to "combat the importation, manufacture, distribution, and use of illegal drugs in the Commonwealth through overt and covert operations." Additionally, Tactical Narcotics Teams (TNTs) are deployed through the state to conduct undercover drug investigations and perform drug interdiction, and troop narcotics vice units are operational at 15 PSP Troop headquarters.

State Troopers from the PSP Drug Law Enforcement Division are co-located with BNI agents at the regional strike force locations, and State Police officers are available to participate as members of local drug task forces. While State Troopers and OAG personnel assigned drug law enforcement duties work side-by-side on a daily basis, there appears to be an underlying sense of competition and resentment which is based on a feeling within each agency that it is rightfully the "lead agency" for drug law enforcement.

For example, officials of the PSP's Bureau of Criminal Investigation indicated to LB&FC staff that cooperation is good between the PSP and certain organizational units of the Office of Attorney General such as the Drug Prosecution Section, the OAG's Bureau of Criminal Investigation, and the Torts Litigation Section. From their perspective, however, cooperation between the OAG's Bureau of Narcotics Investigation and the PSP is sporadic and needs improvement. This is attributed to the parallel missions of these agencies which can result in coordination problems and an overlap of jurisdiction.

From the OAG perspective, additional coordination between the two agencies is needed. Communication and coordination on personnel deployment and strategy matters are reportedly a "hit or miss proposition." OAG officials believe that these and other related matters should be addressed in an interagency agreement, and formal and ongoing liaison between officials of the two agencies would be beneficial.

Field visits made by LB&FC staff during the study provided various indications of possible strains in the working relationship between the OAG and the PSP. In at least one regional strike force area, for example, PSP officials are not participating in local task force operations. PSP officers from this region expressed concerns to LB&FC staff regarding dual chains of command for drug law enforcement and the OAG's administration of the drug task force program. While acknowledging that some problems may exist, OAG officials maintain that overall coordination in this particular region is good.

Additionally, it appears that the OAG's statutory control over the distribution of seized and forfeited assets has, to some degree, been a point of contention between the two agencies. (See Finding B.) Also, although not necessarily an indication of a

problem, LB&FC staff observed that officers from the PSP's Drug Law Enforcement Division had, until August 1990, shared an office with OAG agents in the Harrisburg office of the Bureau of Narcotics Investigation and Drug Control. These PSP officers and OAG agents are now physically separated, making coordination of effort a greater challenge.

Comments made by a sample of county district attorneys with whom LB&FC staff met during the study^{1/} are also indicative of the need for an enhanced working relationship between the two law enforcement agencies. Examples of these comments, which were made by district attorneys who have OAG drug task forces operating within their counties, follow:

- . . . the major problem hampering the efforts of Pennsylvania drug task forces is the competition between the PA State Police and the Office of Attorney General in performing law enforcement duties.
- . . . situations [exist] where OAG investigators and the PA State Police are suspicious of one another and are pursuing separate agendas . . . this internal squabbling and noncooperation can jeopardize criminal investigations.
- . . . there is an obvious conflict between the PA State Police and the Office of Attorney General . . . municipalities are often in the middle between their "power struggle." . . . the negative impact of this situation is that often-times investigations are disrupted and the effectiveness of local law enforcement efforts is undermined.
- The PA State Police are not involved with the [omitted] county task force. While criminal investigations are assisted by the PA State Police, the State Police refuse to formally participate in the task force itself. State Police cited their frustration with the manner in which the task force has become an instrument of the OAG.
- . . . the PA State Police and the OAG are not cooperating or sharing information at the regional level.

^{1/}LB&FC staff made field visits to meet with district attorneys and local task force participants, including county detectives and municipal police officials, in a sample of nine counties. These were: Allegheny, Beaver, Chester, Lackawanna, Lehigh, Montgomery, Philadelphia, Washington, and Westmoreland Counties. Contact was also made with the District Attorney of Clinton County.

This is not to suggest, however, that the OAG and PSP are not, by and large, working cooperatively. As evidenced by information in Finding A of this report, the number of total regional strike force arrests has nearly doubled since 1986 (from 1,720 to 3,231 in 1989). Narcotics agents from both the OAG and the PSP jointly participate in the activities of regional strike forces.

Conditions suggest, however, a need for further formal communications between the two agencies. Presently, top officials from the PSP and OAG do not meet on a regular basis to plan and coordinate their activities and discuss possible problems and overall coordination approaches and strategies. In short, there is no formal mechanism to promote day-to-day coordination between these two agencies on drug law enforcement matters.

It is clear that no single Commonwealth law enforcement agency has the jurisdictional authority or resources to deal with the drug problem. In addressing the need for strong coordination and communication between law enforcement agencies, the National Association of Attorneys General stated as follows:

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

Actions taken by the OAG and PSP indicate a recognition of the above point. In early 1989 an inter-agency agreement was drafted to further "a desire to work in a cooperative manner to enforce the drug laws of the Commonwealth."

The draft agreement states that the parties (i.e., the OAG's Bureau of Narcotics Investigation and Drug Control and the PSP's Drug Law Enforcement Division), "feel it would be mutually beneficial and advantageous to establish the rights and responsibilities of the respective parties in writing." The following are examples of subject matter covered in the draft agreement:

- Staff assignments and office expenses at BNI regional offices.
- Guidelines and procedures for "the fair and equitable sharing of state forfeiture funds which involve the PSP."
- Municipal Task Force Operations.

- The Clandestine Laboratory Program.
- Investigation and intelligence activities.
- News releases.
- Role and duties of OAG regional attorneys.^{2/}

As of late November 1990, the agreement had not been finalized and signed. The agreement had progressed, however, to the point where there reportedly had been "an agreement in principle."

RECOMMENDATIONS

1. *The Office of Attorney General (OAG) and the PA State Police (PSP) should finalize and implement an interagency agreement to better define and coordinate their drug law enforcement efforts. In this regard, it is also recommended that the Attorney General and the State Police Commissioner each designate a liaison to coordinate and facilitate implementation of the agreement. Arrangements should also be made for drug law enforcement officials from the two agencies to meet on a regular basis to discuss the implementation status of the agreement as well as broader strategy and tactical enforcement issues.*
2. *Once finalized, the OAG and PSP should formally review their interagency agreement on an annual basis or more frequently, if necessary. Updates and revisions should be made to the agreement as conditions warrant.*
3. *To further promote a closer working relationship, the OAG and PSP should again co-locate drug law enforcement staff at a common Harrisburg headquarters location. The OAG and PSP should consider jointly initiating the establishment of a multi-agency "drug law enforcement operations center" similar in concept to the federal El Paso Intelligence Center (EPIC).^{3/} If established, this operations center for the*

^{2/}As of November 1990, each of the nine regional strike forces has a Deputy Attorney General from the OAG Drug Prosecution Section assigned to it. Among the primary functions of this position is to provide legal support and assist in the coordination of the activities of the law enforcement agencies which are members of the strike force.

^{3/}The EPIC is described by the Federal Drug Enforcement Administration as a "unique, cooperative effort" involving personnel from 11 federal agencies. Its primary functions are "to disrupt the flow of illicit drugs at the highest trafficking level (primarily through the exchange of time sensitive information)" and "to support other programs of interest to EPIC's participating agencies."

Commonwealth's "war on drugs" should be staffed by personnel from all state agencies which have major involvement in drug law enforcement work. Also, consideration should be given to making the operations center the central coordinating point for a statewide narcotics intelligence information system.^{4/}

^{4/}The establishment of an automated drug control information system will be possible as a result of the recent passage of House Bill 1141. This legislation removes the prohibition on the automated maintenance of criminal justice intelligence and investigatory information which had existed in the Criminal History Record Information Act. Please see Finding G.

E. PENNSYLVANIA'S RACKETEERING STATUTE DOES NOT PROVIDE FOR THE SEIZURE/DISTRIBUTION OF DRUG-RELATED ASSETS

Pennsylvania's "Corrupt Organizations Act" does not have a forfeiture section to allow law enforcement agencies to use or sell assets seized in racketeering cases involving the sale and dispensing of narcotic drugs. Such provisions are present in the federal racketeering statute and similar statutes in other states. In the absence of this provision, an opportunity to disrupt drug-related criminal organizations by seizing their assets through the criminal and civil litigation process is unavailable to Pennsylvania law enforcement agencies. Legislation was introduced in the last session of the General Assembly to amend the "Corrupt Organizations Act" to provide for asset forfeiture.

DISCUSSION

Pennsylvania's racketeering statute, the "Corrupt Organizations Act" (18 Pa.C.S.A. §911), does not have a criminal or civil forfeiture section to allow for use of confiscated contraband, property, or cash in law enforcement. As defined in the act, "racketeering" is any indictable act relating to criminal homicide, kidnapping, robbery, bribery, gambling, and the sale and dispensing of narcotic drugs.

While Pennsylvania's "Corrupt Organizations Act" outlines prohibited activities and civil remedies, it does not provide for the seizure and distribution of forfeited assets resulting from these racketeering offenses. In contrast, another Pennsylvania criminal statute as well as racketeering statutes at the federal level and in other states have such provisions.

The other Pennsylvania statute, the Controlled Substances Forfeitures Act (42 Pa.C.S.A. §6801 et seq.) states that all money and property subject to forfeiture as a result of a drug offense may be seized by the authorized law enforcement agency. The law enforcement agency may retain this property for official use or sell it. The proceeds from the sale are distributed to either the county district attorney or the Office of Attorney General, depending on the jurisdiction of the law enforcement agency making the seizure. The act also specifically requires that all forfeiture revenues must be used for enforcement of the Controlled Substance, Drug, Device and Cosmetic Act.

At the federal level, the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1963, provides that any person convicted under the act is required to forfeit any property derived from proceeds obtained through racketeering activity. Other states including Florida and New Jersey also have racketeering statutes that specifically provide for the seizure and distribution of forfeited assets.

In New Jersey, forfeited property is to be used solely for law enforcement purposes and is designated for the exclusive use of the law enforcement agency whose activities resulted in the forfeiture. In Florida, forfeiture proceeds are divided among various state agencies including 25 percent to the law enforcement agency conducting the investigation, 25 percent to the agency which filed the civil forfeiture petition, and 25 percent to the state's Drug Abuse Trust Fund.

Pennsylvania's racketeering law does not provide for either a criminal or civil means of forfeiting assets resulting from racketeering activities. While criminal forfeiture provisions are based on the conviction of the defendant, civil actions are not similarly based and require a lesser burden of proof. According to the Attorney General, successful civil actions can often be brought against drug and other corrupt organizations when criminal actions fail.

As a result of the absence of a civil forfeiture provision in Pennsylvania's act, monies which could potentially be forfeited are currently unavailable. Other states that have utilized civil racketeering provisions have reportedly greatly increased forfeiture receipts and the disruption of criminal organizations. In light of drug law enforcement funding needs identified elsewhere in this report, the realization of additional forfeiture revenues could be used to augment monies dedicated to state drug law enforcement efforts.

Senate Bill 950, introduced in the General Assembly in May 1989, would amend the "Corrupt Organizations Act" to provide for forfeiture distribution procedures for assets acquired in violation of the act. Property would be forfeited to the district attorney or Attorney General for official use or sale. The bill also stipulates that the property or proceeds from such sales must be utilized for law enforcement purposes and provides for civil forfeiture proceedings. This bill was not enacted during the 1989-90 legislative session.

RECOMMENDATION

1. *The General Assembly should consider amending Pennsylvania's "Corrupt Organizations Act" to specifically provide for the seizure and distribution of assets related to narcotic offenses indictable under the act and a civil means of forfeiting assets under the act.^{1/} The General Assembly may also wish to consider including in this amendment a requirement that a specified portion of the proceeds from such forfeitures be earmarked for Commonwealth drug law enforcement efforts.*

^{1/}Civil forfeiture proceedings would not require a criminal conviction to be successful. Additionally, a civil forfeiture requires a lesser standard of proof, thereby allowing the prosecutor to prove the elements of the criminal offense by a "preponderance of the evidence" rather than meeting the criminal standard of "beyond a reasonable doubt."

F. AUTHORIZED USE OF STATE-OWNED VEHICLES BY LOCAL DRUG TASK FORCE MEMBERS NEEDS CLARIFICATION

Members of multi-jurisdictional drug task forces who are not state employees are not specifically authorized to operate state-owned vehicles. While Act 1989-100 can be interpreted to provide such authorization, other state law, regulations, and program guidelines restrict operation of state vehicles to authorized employees or officers of the Commonwealth. These restrictions on state vehicle usage are inconsistent with the interagency cooperative nature of the drug task force program and can negatively affect task force operations. Clarification of the authority of local task force members to operate state vehicles is needed.

DISCUSSION

As described in Finding B, there were 41 multi-jurisdictional drug task forces in operation in Pennsylvania as of November 1990. These task forces are made up of drug investigators and prosecutors from state, county, and municipal-level law enforcement agencies, including PA State Police officers, Office of Attorney General narcotics agents, investigators working for county district attorneys, and local police officers.

The authority of task force members who are not state employees to operate state-owned vehicles is unclear. While state law, regulations, and program guidelines prohibit operation of state vehicles by non-state employees, Act 1989-100 can be interpreted as providing such authorization.

RESTRICTIONS ON VEHICLE USAGE

The Administrative Code, 71 P.S. §§249 and 637, and regulations at 4 Pa. Code §§39.91-39.99, provide that state-owned vehicles can be operated only by authorized employees or officers of the Commonwealth. These requirements have also been set forth in subsequent management directives issued by the Office of Administration and the Department of General Services (DGS).

Consistent with these provisions, non-state employees who participate in the state's multi-jurisdictional task force program are prohibited from using state vehicles by contractual language and "Mobile Task Force Guidelines" developed by the Office of Attorney General (OAG). These guidelines currently exclude municipal task force officers from operating Bureau of Narcotics Investigations (BNI) vehicles. Similarly, the OAG's contractual municipal drug task force agreement states that:

No municipal employee assigned under this agreement shall be deemed to be an employee of the Commonwealth of Pennsylvania . . . Each party shall be an independent contractor and responsible for its own employees . . .

It appears, however, that legislation enacted in 1989 can be interpreted as allowing non-state employees to operate state vehicles. Act 1989-100 extended certain immunities and benefits to municipal police officers when they act to assist other law enforcement officers outside of their home jurisdictions. The Act states that:

. . . when any municipal police officer is responding to a request for aid or assistance from a State law enforcement officer . . . for purposes of workers' compensation and allocation of liability for any death, injury or damage he may cause in the performance of his requested duties, he shall be considered to be an employee of the Commonwealth. All costs incurred by any municipality in the defense of lawsuits arising from the performance of any requested duties shall be borne by the Commonwealth.

POTENTIAL IMPACTS OF RESTRICTIONS ON VEHICLE OPERATION

Restrictions on the use of state vehicles are inconsistent with the interagency cooperative nature of the multi-jurisdiction drug task force program. The OAG, the PA Commission on Crime and Delinquency and various law enforcement officials at the county level informed LB&FC staff that this situation can negatively impact on drug task force operations. The following are examples of potential associated problems described to LB&FC staff:

- Multi-jurisdictional task force operations often involve surveillance activities, undercover operations, the use of confidential informants, transporting of prisoners, and other activities requiring the use of vehicles. Ability to respond quickly is of great importance in these situations.
- Current restrictions could reduce the ability of municipal task force officers to respond to drug-related crimes. For example, in cases where law enforcement agencies receive information of an impending drug law violation and surveillance equipment contained within a specialized van is necessary, a state-employed officer must drive the van to the point of surveillance. Currently, municipal task force officers would not be permitted to drive the vans even if it were more expedient for them to do so.

- The safety of municipal officers and their families may be jeopardized in instances in which, due to funding limitations of their municipalities, task force officers are forced to operate their personal family automobiles during task force work. This provides an opportunity for the officer's car to later be recognized by drug law violators, and could thus pose a threat to any occupants who may later use the vehicle.

No formal opinion or statutory interpretation has been rendered in this area, however. Consequently, it is possible that the provisions of Act 1989-100 would not be applicable to the use of state vehicles. That is, liability for injuries caused by the operation of a state-owned vehicle may not be specifically transferred to the Commonwealth by the act.

As of September 1990, officials of the OAG and the Department of General Services informed LB&FC staff that they were interpreting vehicle policies in light of Act 1989-100. Based on this informal interpretation of the provisions of Act 1989-100, it is the belief of these individuals that any municipal police officer assigned to a multi-jurisdictional drug task force who is authorized or requested by a state law enforcement officer to operate a state vehicle in assisting or carrying out task force operations could be extended the required liability and insurance coverages provided by the Commonwealth. Liability protections would in their opinion be provided to municipal task force officers both under the Commonwealth's Automobile Liability Insurance Policy and current laws applicable to employee liability.

Because of this informal interpretation of the provisions of Act 1989-100, the OAG reported that its task force guidelines will be revised to permit operation of state-owned vehicles by local task force members under certain circumstances.

RECOMMENDATIONS

1. *The Office of Attorney General (OAG) should render an official opinion regarding the applicability of the provisions of Act 1989-100 to the operation of state-owned vehicles by municipal drug task force members.*
2. *If it is officially determined that current state law permits the operation of such vehicles by non-state employees, the OAG should also revise its task force guidelines and contractual agreements to remove current restrictions in this area and specifically designate under what circumstances the operation of state-owned vehicles by municipal task force members is permissible.*

3. If it is officially determined that current state law does not permit the operation of such vehicles by non-state employees, the General Assembly should consider amending state law to authorize the use of state vehicles by task force members.

G. STATE LAW PREVENTS DRUG LAW ENFORCEMENT AGENCIES FROM USING COMPUTERIZED CRIMINAL INFORMATION SYSTEMS*
(See Important Note Below.)

Restrictions in state law prevent Commonwealth drug law enforcement agencies from collecting and sharing certain computerized information. Specifically, Pennsylvania's Criminal History Record Information Act (CHRIA) prohibits intelligence, investigative, and treatment information from being collected in a central repository or in any automated or electronic criminal justice information system. No other state has a total restriction of this type. The existence of this restriction necessitates the use of manual information systems by Pennsylvania drug law enforcement agencies. This method of information exchange has reportedly hampered Commonwealth drug law enforcement efforts. Legislation which would amend CHRIA was under consideration by the Pennsylvania General Assembly as of late November. This legislation, which is supported by the Pennsylvania Attorney General, PA State Police, and the District Attorneys Association and others in the law enforcement community, would permit the automated maintenance and dissemination of criminal investigatory and intelligence information.

DISCUSSION

Pennsylvania's Criminal History Record Information Act (CHRIA), 18 Pa.C.S. §§9101-9183, prohibits the automated collection and maintenance of criminal justice intelligence and investigatory information. Specifically, section 9106 of the act restricts intelligence, investigative, and treatment information from being collected in a central repository or in any automated or electronic criminal justice information system.

As defined in the act, the "central repository" is the central location for the collection, compilation, maintenance, and dissemination of criminal record information by the Pennsylvania State Police. "Automated systems" are defined as a computer or other internally programmed device capable of automatically accepting and processing data, including computer programs, data communication links, input and output data, and data storage devices.

***IMPORTANT NOTE:** House Bill 1141, which amends the Criminal History Record Information Act to permit the automated maintenance of criminal justice intelligence and investigatory information, passed the Pennsylvania House of Representatives and State Senate in late November. As of November 30, 1990, the bill had been sent to the Governor for signature.

COMPARISON OF CHRIA RESTRICTIONS IN PA AND OTHER STATES

Pennsylvania is the only state in which law enforcement agencies are completely restricted from maintaining and sharing computerized criminal justice intelligence and investigatory information. The Compendium of State Privacy and Security Legislation published by the United States Department of Justice in 1989 lists twenty states which retain statutory restrictions on maintaining and sharing criminal justice information. However, the restrictions in other states are not as comprehensive as the restriction in Pennsylvania.

Restrictions on criminal justice intelligence and investigatory information which are reportedly in effect in other states include the following:

- Information may be released to law enforcement agencies for law enforcement purposes only.
- The state agencies are responsible for providing security for the information.
- The agency cannot collect political, religious, or association information unless it is related to an investigation of a criminal act.
- The agency must protect an individual's privacy in the release of this information.
- Regulations for the disclosure of the information are to be developed by an agency or there is an advisory council established for this function.
- An opportunity is provided for the individual upon whom a file is kept to challenge the information in the file.

In its Compendium of State Privacy and Security Legislation, the U.S. Department of Justice traces the origin of these current provisions and statutes to the early 1970s when the "public concern about privacy, automation, and mushrooming information systems was at its height."

Pennsylvania's CHRIA was enacted in 1979. Although there have been amendments proposed to the Pennsylvania act, specifically Senate Bill 973 in 1987 and Senate Bill 635 and House Bill 1141 of 1990, section 9106 has remained unchanged since CHRIA's enactment.

IMPACT OF CHRIA PROVISIONS ON DRUG LAW ENFORCEMENT

The inability of state and local criminal justice agencies to catalog and share automated intelligence and investigatory information has reportedly hampered drug law enforcement efforts in Pennsylvania. Currently, CHRIA restrictions necessitate the manual collection and sharing of drug law enforcement intelligence and investigatory information.

For example, in order to share information with other law enforcement agencies, the PA State Police (PSP) has established a manual system for the collection and communication of intelligence and investigatory information. This system is referred to as the Narcotics Analysis Referral Center (NARC) system. Using this system, participating law enforcement agencies (e.g., local police departments, county district attorneys, etc.) report information on the targets of investigations to the Pennsylvania State Police. This information is maintained on index cards and manually collated and checked for conflicts and duplications to better coordinate drug-related criminal investigations.

Additionally, the Director of the PSP's Drug Law Enforcement Division reported that the prohibition of electronically maintaining such information is hampering drug law enforcement effectiveness. Permitting the automation of drug-related information would, in his opinion, assist with the coordination of criminal investigations. The Office of Attorney General is also of the opinion that CHRIA restrictions result in Pennsylvania's law enforcement community being hindered in its ability to collect and analyze intelligence information on criminal operations.

Several county district attorneys contacted by LB&FC staff also noted difficulties with Pennsylvania's CHRIA restrictions. Generally, the district attorneys believe this provision is hampering their efforts in the area of drug law enforcement because the law enforcement agencies are forced to share information manually, which they have found to be an inefficient and time-consuming activity.

The district attorneys also noted various potential benefits of an automated system, including assistance in coordinated case-building among law enforcement agencies and thus more efficient law enforcement. One district attorney commented that the absence of access to information on suspects developed by various law enforcement agencies can impact on the establishment of "probable cause" which is necessary before wire-tapping and other surveillance activities can be initiated.

According to the Director of the Bureau of Program Development of the PA Commission on Crime and Delinquency, the CHRIA prohibition has also hampered Pennsylvania's participation in the Middle Atlantic Governors' Compact on Alcohol and Drug Abuse.

This compact includes Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia and West Virginia. The purpose of the compact is to commit the states to a coordinated approach to drug and alcohol law enforcement, as well as to share information and training resources. Because of Pennsylvania's inability to electronically maintain criminal intelligence information, reciprocal sharing of such information with other compact states is difficult.

CURRENT PROPOSED LEGISLATION (See "Important Note" on page 63.)

Amendments to CHRIA were proposed in the current session of the General Assembly. Both Senate Bill 635 and House Bill 1141 would, if enacted, allow for the computerization of intelligence and investigatory information.

Specifically, provisions in these bills authorize the collection and maintenance of intelligence, investigative, and treatment information within an automated or electronic criminal justice information system, provided access is restricted to authorized personnel of the agency maintaining the information. The proposed bills also provide for the security of the information. For example, Senate Bill 635 requires the agency maintaining any such information to enter, as a permanent part of an individual's information file, a listing of all agencies and persons to whom the information is provided, and the date and the purposes for which the information is disseminated.

The need to amend the CHRIA to enhance drug law enforcement capabilities has been recognized on previous occasions and is supported by numerous law enforcement officials. For example, the 1987 and 1990 "Pennsylvania Statewide Drug Control and System Improvement Strategy" documents prepared by the PA Commission on Crime and Delinquency indicated that the CHRIA "has been an area of persistent concern" for criminal justice agencies. The PCCD documents also stated that the principal suppliers and users of criminal history records recommended the deletion from the act of the prohibition against the collection of intelligence, investigative and treatment information in any automated criminal justice information system.

The most recent bills which would amend CHRIA to permit automated collection of criminal justice information, are also supported by the Attorney General, the PA State Police, the PA District Attorneys Association and the PA Commission on Crime and Delinquency.

RECOMMENDATIONS

1. *The following steps should be taken if House Bill 1141 is signed by the Governor to amend the Criminal History Record Information Act:*

- The Office of Attorney General and PA State Police should coordinate the development and implementation of a statewide computerized drug law enforcement database. This effort should be undertaken in conjunction with other state criminal justice agencies, county district attorneys, and local police departments and should include the development of specific guidelines and procedures for operation, maintenance and access to this database. Consideration should also be given to the incorporation of the current manual PSP Narcotics Analysis Referral Center system into this database.
- The implementation of this statewide database should be coordinated with and operated out of the central statewide drug law enforcement operations center proposed in Finding D.

H. DELAYS IN DRUG ANALYSIS ARE OCCURRING AT STATE CRIME LABORATORIES

Delays are occurring in state crime lab analysis of drugs which are confiscated or purchased in the course of drug law enforcement efforts. The analysis of such drugs is a responsibility of the six regional crime laboratories operated by the PA State Police. While the goal established by the State Police for processing drug cases is ten days, the overall average case turnaround time for all labs for the first six months of 1990 was 24 days. During this period, one lab was operating slightly under the 10-day standard while processing times at the other labs ranged from 14.7 to 53.0 days. Delays in drug analysis have reportedly caused court scheduling problems and can jeopardize efforts to prosecute drug law violators. These delays and resulting backlogs continue despite some additions of personnel and equipment upgrades in recent years and the use of overtime. The PSP estimates that 14 additional positions are needed to handle the current workload.

DISCUSSION

Drugs which are confiscated or purchased in the course of drug law enforcement activities routinely undergo analysis for identification purposes which are important to prosecution efforts. While Philadelphia operates its own facility, most law enforcement agencies in the Commonwealth rely upon crime labs operated by the PA State Police (PSP) for drug analysis.

STATE POLICE CRIME LABS

There are six forensic or crime laboratories which are operated by the PA State Police. All are full service laboratories which provide support to the PSP, the local police, and the Office of Attorney General. Regional crime labs are located in Bethlehem, Erie, Greensburg, Harrisburg, Lima, and Wyoming.

In addition to drug analysis, the PSP crime labs perform a wide range of functions including, for example, fingerprint and handwriting analysis, ballistics testing, photography services, and document analysis to assist in prosecution efforts. The staff complements of the crime labs include forensic scientists who perform chemical analyses of the drugs. As of October 1990 there were a total of 49 forensic scientists assigned to the six crime labs, as follows (see Table 10):

TABLE 10. NUMBER OF FORENSIC SCIENTISTS ASSIGNED TO PSP CRIME LABS, AS OF OCTOBER 1990

<u>Crime Lab</u>	<u># of Filled Positions</u>
Bethlehem	8
Erie	4
Greensburg	11
Harrisburg	12
Lima	9
Wyoming	<u>5</u>
TOTAL	49 ^{a/}

a/Represents filled positions. There was one position vacancy as of November 1990.

Source: Developed by LB&FC staff from information provided by the PA State Police.

DRUG ANALYSIS WORKLOAD AT PSP CRIME LABS

Approximately 65 percent of the work performed at PSP crime labs involves the analysis of drugs. The demand for these services has increased as additional emphasis and resources have been directed to the Commonwealth's "war on drugs." Additionally, recently imposed mandatory sentencing guidelines have created a need for additional precision of crime lab analysis. According to the Crimes Code, 18 Pa.C.S.A. §7508, convictions for violating the Controlled Substance, Drug, Device and Cosmetic Act are based on, among other things, the type and weight of the illegal substance. The determination of these factors is the responsibility of the PSP crime laboratories.

During calendar year 1990 an estimated 14,110 drug analysis cases will be handled by the six labs. As shown on Table 11, this will be a slight increase over the prior year and a 116 percent increase in caseload since 1983.

TABLE 11. NUMBER OF DRUG ANALYSIS CASES PROCESSED AT PSP CRIME LABS, 1983-1990

<u>Year</u>	<u>Number of Cases</u>	<u>Annual % Change</u>
1983	6,519	---
1984	7,402	13.5%
1985	7,897	6.7
1986	8,185	3.6
1987	9,592	17.2
1988	11,389	18.7
1989	14,067	23.5
1990 (six months) ...	7,055	---

Source: Developed by LB&FC staff from information obtained from the PA State Police Laboratory Division.

DRUG ANALYSIS PROCESSING TURNAROUND TIME

The PSP has established a ten-day internal standard or "turn-around time" goal for processing drug analyses. This objective is based upon the need for the results of the lab analysis to initiate or proceed with court action.

Based on data for the first six months of 1990, the average drug analysis turnaround time for all PSP crime labs was 24.2 days. Table ___ shows that while the ten-day standard was being met at the Greensburg lab, the processing times at the remaining labs ranged from 14.7 (at Lima) to 53.0 days (at Bethlehem).

According to the Criminal Justice Statistics Association (CJSA) in a report entitled Crime Laboratories 1988, turnaround time varies across the states. The average turnaround times reported for drug analysis in crime labs nationwide ranged from one to 99.9 days with a median of 10.5 days. However, according to the CJSA, these ranges reflect great variation in the calculation of turnaround time statistics across individual laboratories, rather than great variations in the responsiveness of crime laboratories to requests for analysis.

TABLE 12. NUMBER OF DRUG ANALYSES COMPLETED AND AVERAGE TURN-AROUND TIMES (IN DAYS) AT PSP CRIME LABS, 1988-1990

	1988		1989		1990 (6 months) ^{a/}	
	# of Cases Completed	Average Turn- Around Time	# of Cases Completed	Average Turn- Around Time	# of Cases Completed	Average Turn- Around Time
Bethlehem ..	2,568	35.8	3,288	36.6	1,184	53.0
Erie	788	11.8	1,067	24.2	552	27.3
Greensburg .	1,721	4.1	2,291	5.4	1,226	9.3
Harrisburg .	2,754	29.4	3,086	8.9	1,908	18.9
Lima	2,443	31.4	3,027	25.0	1,594	14.7
Wyoming	1,115	21.0	1,308	45.5	591	36.9
TOTAL ^{b/} ..	11,389	25.4	14,067	22.8	7,055	24.2

a/January 1990 through June 30, 1990, only.

b/Value for total "average turnaround time" is a weighted average.

Source: Developed by LB&FC staff from information provided by the Pennsylvania State Police.

IMPACT OF DRUG ANALYSIS DELAYS

The primary potential consequences of not meeting the ten-day turnaround goal is that crime lab work may not be ready on time for use as evidence in court cases or that errors may occur which could affect the conviction of alleged drug violators. These possibilities were cited by the PSP as well as the PA Commission on Crime and Delinquency and the Administrative Office of PA Courts (AOPC).

According to the AOPC, the turnaround time for processing evidence through the PSP crime labs occasionally leads to scheduling difficulties in the courts. The time required by the crime lab, therefore, has a potential impact on the ability of district attorneys to prosecute drug law violators.

The 1987 DCSI strategy document also addressed the importance of providing adequate resources to the crime labs:

Expansion of the state's regional crime labs will also provide much needed support to the Pennsylvania State Police, local police, and the Attorney General. An increase in requests for cocaine, heroin, and methamphetamine analysis has contributed significantly to the stress on the labs' workload. By increasing the capability of the laboratories to analyze more drugs as well as providing them with the tools to shut down clandestine laboratories, efforts to obtain and use evidence effectively will be enhanced.

Another concern of the PSP is that, because of the current drug analysis workload, the forensic scientists have little time available to develop new methods and techniques to improve crime lab services. The forensic scientists may also be unavailable for other work in the labs because they are testifying in court, causing further delays and backlogs.

Despite some additions of personnel and equipment upgrades in recent years and despite the use of overtime, backlogs continue and have increased. According to PSP officials, these backlogs are ongoing and not seasonal, and additional overtime usage will not solve the problem. The PSP has estimated that a total of 14 additional forensic scientists would have to be hired to handle the current drug processing workload in the crime labs. A total of 12 new forensic scientist positions were requested in FY 1990-91. While PSP officials reported that six of these positions may be approved using federal DCSI formula grant monies, they did not anticipate that any positions would be added from state funds.

No additional forensic scientist positions had been added to the PSP complement as of November 1990, and funding was requested for six such positions in the PSP budget request submitted to the Governor's Budget Office for FY 1991-92.

RECOMMENDATION

- 1. The PA State Police should develop information on the number of staff positions, equipment and other resources, if any, which are necessary to achieve the drug analysis turnaround time standard of ten days at each of its six regional crime laboratories. This information should be presented to the House and Senate Appropriations and Judiciary Committees as well as the Senate Law and Justice Committee for consideration during the FY 1991-92 budget adoption process.***

I. NEED FOR ADDITIONAL TRAINING FOR DRUG LAW ENFORCEMENT PERSONNEL

Additional training opportunities are needed for state and local personnel involved in drug law enforcement work in the Commonwealth. While the Office of Attorney General (OAG), the Pennsylvania State Police (PSP), and other agencies are currently providing courses related to drug law enforcement, the PA Commission on Crime and Delinquency (PCCD) has reported that training needs and requests will continue beyond the level of available resources. In 1987 a comprehensive or "unified" strategy and plan for drug law enforcement training in Pennsylvania was drafted through the efforts of the PCCD. This strategy identified the need for specialized training in the areas of drug law enforcement apprehension and prosecution. The development and funding of such statewide narcotics enforcement training programs is advocated at the national level and is occurring in some states as a part of the development of a larger state drug control strategy. Although the PCCD continues to encourage and promote such training, the 1987 strategy for a unified training program has not been implemented. As a result, there is no ongoing systematic plan or approach to identifying training needs and ensuring that these needs are met.

DISCUSSION

It is generally acknowledged that organized drug trafficking networks are employing increasingly sophisticated transportation, marketing and distribution methods. As such, it is essential that specialized training, continuing education and professional development for all law enforcement personnel be a key part of the Commonwealth's drug law enforcement strategy.

In its "Nationwide Blueprint for State and Local Drug Control Strategies," the National Association of Attorneys General advocates ongoing training for law enforcement personnel and the development of statewide training plans. The "Blueprint" states that:

Each state should assess its existing narcotics enforcement training programs, as well as its training needs and deficiencies. Each state should then develop a statewide training plan and delivery system and should establish minimum drug enforcement training standards designed to instill in new recruits as well as experienced officers the need to be vigilant and to treat drug enforcement as an absolute priority.

ACTIONS TO IDENTIFY DRUG LAW ENFORCEMENT TRAINING NEEDS IN PA

Over the past five years, several efforts have been undertaken to identify criminal justice system training needs in Pennsylvania.

These involved a federally funded Criminal Justice Training Initiative within the PA Commission on Crime and Delinquency (PCCD), an interagency planning team organized by the PCCD, subsequent strategy documents for expenditure of federal drug control funds, and other activities.

The PCCD's Criminal Justice Training Initiative is a federally funded program which began in 1985. The initiative designated law enforcement training as a funding priority with the PCCD as a facilitator, coordinator, and administrator of grant funds.

To encourage an integrated approach to training, the PCCD established the Criminal Justice Training Task Force in 1985. This group consists of both Commission and non-Commission representatives and functions to:

- Identify in-service or specialized training needs affecting component areas of the criminal justice system.
- Establish priorities for training efforts developed under PCCD's Criminal Justice Training Initiative.
- Assure that training projects implemented under the Criminal Justice Training Initiative augment and are coordinated with existing criminal justice efforts within the Commonwealth.
- (Through the Commission) Contract for specific training projects which address identified justice system needs consistent with those federal guidelines applicable to the funding source used to support such activities.

Applications for training projects submitted to the PCCD are reviewed by the task force and recommendations are then forwarded to PCCD's Executive Director for final approval. Because the Training Initiative did not receive federal Drug Control and Systems Improvement (DCSI) funding during FY 1990-91, the task force is currently not meeting on a regular basis.^{1/}

In an August 1990 letter to Task Force members, the PCCD's Executive Director stated that ". . . while this situation is unfortunate, it remains clear that the Commission is and will

^{1/}The DCSI spending strategy for FY 1990-91 which was developed by the PCCD included \$150,000 for continuation funding for the task force's criminal justice training grant program. However, the Governor's budget proposal for FFY 1990 DCSI funds differed from the Commission's spending plan for these monies and the training initiative did not receive funding during the current fiscal year. (See also Finding L.)

continue to be committed to supporting criminal justice improvements facilitated through training." The Executive Director also suggested that criminal justice training initiatives warrant consideration and support during the planning process for the 1991 allocation of DCSI monies.

In 1986, the PCCD's Criminal Justice Training Task Force undertook a study to provide a "baseline of information concerning criminal justice training programs, practices and needs in the Commonwealth." This group's work resulted in a 1987 status report on criminal justice system training in Pennsylvania.

Through the initiative of the PCCD, a "Strategy for Drug Law Enforcement Training in Pennsylvania" was also developed in 1987. This strategy was an outgrowth of an "interagency planning team" effort organized by the PCCD.

As part of the development of a strategy for expenditure of federal Anti-Drug Abuse Act funds, the PCCD sponsored a seminar in early 1987 to identify major concerns associated with the apprehension, prosecution, adjudication, detention, rehabilitation and treatment of drug offenders. As discussed in Finding L, it was determined that Pennsylvania's drug law enforcement strategy should prioritize and direct a majority of its efforts towards the apprehension and prosecution of major drug offenders. From this process it was also determined that a major training effort would be needed. The PCCD concluded:

That a major training effort designed to enhance the skills of law enforcement officers and district attorneys in apprehension and prosecution of major offenders would be an integral component of the Commonwealth's broad-based strategy for controlling this type of criminal activity.

To facilitate the training effort, the PCCD established an interagency planning team representing agencies which have a direct involvement in enforcement or prosecutorial responsibilities relative to drug issues as well as selected criminal justice professional associations whose members are law enforcement officers or district attorneys. Planning team member agencies included the Office of Attorney General, the PA State Police and the PA Crime Commission. Also participating on the team were the PA District Attorneys' Institute and the PA Chiefs of Police Association.

IDENTIFIED TRAINING NEEDS

The planning team's work resulted in a September 1987 document entitled "A Strategy for Drug Law Enforcement Training in Pennsylvania." The strategy document stated that law enforcement

and prosecutorial agencies agreed that training is a critical need for personnel involved in drug law enforcement activities. The strategy document also concluded that implementation of an effective drug enforcement training program in the Commonwealth will ultimately result in greater numbers of apprehensions and successful prosecutions of major drug offenders.

The following is an excerpt from the drug abuse training strategy stated in this document:

Pennsylvania's statewide drug law enforcement strategy focuses on the apprehension and prosecution of major drug offenders. As a component of that strategy, the training of state and local enforcement and prosecutorial personnel should be directed toward creating a statewide cadre of individuals with the requisite skills and abilities to effectively investigate and successfully prosecute major drug offenders. The success of the Commonwealth's endeavors to impact on the "supply" side of illegal drug activities is directly related to the ability of law enforcement and prosecutorial personnel to interdict the importation, manufacture, distribution and sale of illicit drugs. No statewide drug enforcement strategy can be effective without adequate training opportunities for state and local investigators and prosecutors.

The PCCD was designated as the central management and coordinating agency for this "unified" training approach.

As part of the strategy development process, the interagency planning team also identified specific training needs. The listing of training needs for police and prosecutors which were identified by the interagency planning team are shown in Appendix F.

The "unified" training approach which resulted from the interagency planning team process was subsequently reflected in the PCCD's 1987 and 1990 DCSI "strategy documents." Both of these documents cited the need for specialized training in the apprehension and prosecution areas and supported the development and implementation of the "unified" enforcement training program concept.

Most recently, the PCCD's "Statewide Drug Control and Systems Improvement Strategy" (February 1990) stated that training is "a critical issue for the criminal justice system as it enters the new decade." The following statements from this document illustrate the importance of further training opportunities to the "war on drugs":

- Support of training efforts will continue to be a priority. It is expected that the needs and requests related to training will continue beyond the level of available resources. [Emphasis added.]
- Training opportunities for local law enforcement agencies throughout the Commonwealth continue to be extremely limited and special attention must be given to the training needs of the rural and less populated suburban areas of the state where the necessary drug investigation expertise and experience are lacking. These local police officers who are assigned to conduct drug investigations still need to acquire the specialized training that is essential to the successful resolution of these cases (e.g., proper conduct of undercover operations). Although training opportunities have increased and the PA State Police and the Office of Attorney General are continuing to conduct training related to the investigation and apprehension of drug offenders, most police departments have not yet been able to participate in these training endeavors. [Emphasis added.]
- Additional training programs which specifically address the needs of district attorneys and assistant district attorneys in the prosecution of narcotics cases are identified.
- Based on information collected from various state agencies and professional associations involved in providing training to criminal justice practitioners, it has become apparent to the Commission on Crime and Delinquency that existing training resources remain insufficient to meet all of the system's educational needs. While many occupations have entry level and continuing educational requirements, others operate with only rudimentary training programs or no formalized training whatsoever. Even in those areas where basic courses are routinely provided, many organizations are unable to offer the specialized programs often required to keep personnel abreast of current developments in their part of the system. Likewise, only limited opportunities are available for training programs which are interdisciplinary in nature. As a result, the state's justice system continues to function with individuals who are, in certain instances, undertrained or untrained. [Emphasis added.]
- Additional areas which, according to the PCCD, require attention are conducting system-wide assessments which identify component specific and cross-component training needs; promoting increased exchanges of training curricula and instructors among training providers; developing a standardized basic orientation curriculum applicable to all criminal justice occupations; developing an annual criminal justice training calendar covering all parts of the system;

and exploring the potential for standardized management training.

OVERVIEW OF CURRENT DRUG LAW ENFORCEMENT TRAINING IN PA

There is no single state agency responsible for providing drug law enforcement training in Pennsylvania. Presently, training of this type is provided by the Pennsylvania State Police (PSP), the Office of Attorney General (OAG), and the Municipal Police Officers Education and Training Commission (MPOETC). See Appendix G for examples of drug law enforcement training courses currently offered by these state agencies.

The Pennsylvania State Police offer drug law enforcement training annually to new district attorneys and all new PSP cadets receiving drug law enforcement training. In addition, the PSP assists the MPOETC in providing basic, mandatory drug law enforcement training to municipal police under Act 120. The PSP training calendar is sent to all municipal police departments and district attorneys' offices, and space is available to outside agency personnel on a first-come, first-serve basis. The PSP's primary goal is to provide drug law enforcement training for its own officers.

The Office of Attorney General provides training for PSP troops and cadets for the Operation Whiteline program, to local district attorneys on current drug-related issues, and to local police officers participating in the OAG task force program. It also provides training jointly with the PSP for all police agencies on procedures and issues regarding state wiretap and surveillance laws. The OAG disseminates information about its training programs through announcements in its various newsletters and other publications.

The MPOETC includes approximately 12 to 16 hours of mandatory training provided under Act 120 which is related to drug law enforcement. Also, continued training is not mandatory but strongly encouraged by MPOETC.

Additionally, specialized training in the drug control area is also available to Pennsylvania state and local law enforcement agencies from the federal government. Drug law enforcement training can be provided by the U.S. Attorney's Office, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Justice Assistance, and the U.S. Customs Service.

Other drug law enforcement training is provided by the Pennsylvania Narcotics Association, the Pennsylvania Sheriff's Association, the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN), and private consultants. The Pennsylvania State Police reported that many colleges also make training programs in the drug area available to its officers.

CURRENT STATUS OF THE "UNIFIED" TRAINING CONCEPT IN PA

As described in the previous section, law enforcement training opportunities are currently being provided in the Commonwealth. However, while the PCCD has taken a "proactive approach" and is encouraging a comprehensive or unified approach to providing this training, the program outlined in the 1987 training strategy has not been developed.

In the absence of a standardized basic drug law enforcement curriculum or an annual comprehensive criminal justice training calendar, duplication of some training programs reportedly occurs, and training beyond the basic level is often haphazard. Officials of both the PSP and the OAG expressed the opinion that there is a need for a unified drug law enforcement training program and that the development of a standardized curriculum in this area would be beneficial. Such a curriculum, in their opinions, should be prepared, drawing on the input of all drug law enforcement and prosecutorial agencies.

As of late 1990, the "Strategy for Drug Law Enforcement Training in Pennsylvania" had not been implemented, and training was no longer a designated funding priority area under the state's DCSI federal funding allocation. According to the PCCD, the listing of training needs which was a part of the 1987 strategy document may no longer be valid. A PCCD criminal justice system planner indicated that a training needs assessment involving contacts with each state and local agency conducting drug control work would be needed to update these listings.

Additionally, neither the PCCD's Criminal Justice Training Task Force nor the interagency planning team which was involved in the development of the 1987 training strategy was meeting. Both groups were, however, reportedly available to be called upon if needed.

According to the PCCD, there are several reasons that the comprehensive training approach has not been fully implemented in Pennsylvania. Among these are (1) the absence of a legal mandate that law enforcement agencies develop and make such training programs available; (2) the low priority given to training in many law enforcement agencies' planning, programming, and budgeting processes; and (3) the relatively small amount of funding available for training.

One of the primary reasons for the inactivity of these groups is reported to be the amount of funding available for training. For example, twenty-one drug law enforcement training projects have been federally funded through PCCD since October 1987, totaling \$587,500. This amount allocated for training represents a very small portion of the DCSI funds awarded to Pennsylvania which amount to \$17 million for FFY 1990 alone.

In addition, only about \$250,000 of the \$37.6 million available for drug law enforcement from PENNFREE monies was used for training (i.e., juvenile probation training and district attorney training in FY 1989-90 and FY 1990-91). Likewise, a relatively small amount of General Fund monies are allocated specifically for training. According to the State Police, the Bureau of Criminal Investigation receives approximately \$4,000 per year for training. These funds must be allocated to all four BCI divisions and each training request is evaluated on a case-by-case basis. According to the OAG, because it has used some PENNFREE and DCSI monies for training purposes, continuation funding must be provided to continue these programs.

DRUG LAW ENFORCEMENT TRAINING PLANS IN NEW JERSEY AND MARYLAND

LB&FC staff learned that comprehensive, statewide drug law enforcement training programs have been developed in New Jersey and Maryland. Information on these programs was obtained for comparative purposes and to determine the possible applicability for Pennsylvania of approaches used in these states.

In New Jersey, a 1988 "Statewide Action Plan for Narcotics Enforcement" called for the development of a comprehensive and coordinated narcotics enforcement training plan. The basic objectives and components of this plan are summarized in Appendix H.

A "Comprehensive Training Plan for Narcotics" was prepared by New Jersey's Statewide Narcotics Task Force in October 1988. This plan was reportedly based on a narcotics training needs assessment which surveyed 85 agencies statewide. The resulting "Training Plan," which is administered by the Division of Criminal Justice, Department of Law and Public Safety, provided for the following:

- The yearly availability of two dozen narcotics-related classes targeting three levels of narcotics' officers and prosecutors.
- The use of alternate training methods (videos, train the trainers) to enable this training to reach all enforcement officers in the state. It then mandates a minimum of six instructional hours per year to be given to every patrol officer and a minimum of 40 hours of basic narcotics training for every narcotics officer.
- The development of an internship program within the Division of Criminal Justice. To fund this and video training, it was recommended that forfeited funds be used.

In Maryland, the state's 1989 "Drug and Alcohol Abuse Control Plan" recommended the establishment of a statewide drug enforcement training program under the sponsorship of the Maryland Police

and Corrections Training Commission. The reported purpose of the program is to provide quality instruction on all facets of drug enforcement to law enforcement personnel, correctional officers, prosecutors, and certain regulatory agency personnel. The plan also calls for the establishment of a training board composed of a representative number of enforcement and regulatory agencies to identify training needs and to recommend appropriate courses for approval to the Maryland Police and Corrections Training Commission.

As of October 1990, it was reported to LB&FC staff that Maryland was in the process of implementing the recommendations set forth in its "Drug and Alcohol Abuse Control Plan," including the drug enforcement training program. This implementation process reportedly involves the identification of specific training needs for police, prosecutors, and corrections staff.

RECOMMENDATIONS

1. *The Pennsylvania Commission on Crime and Delinquency should continue its efforts to bring about a comprehensive, "unified drug law enforcement" training program in Pennsylvania. In pursuing this objective, the Commission should work with the Governor's Drug Policy Council to ensure that a drug law enforcement training component is included in the comprehensive statewide drug control strategy document which is currently under development. (See Finding C.)*
2. *The PCCD should advocate that training be included as a "designated priority area" when the spending strategy and priorities are established for expenditure of Pennsylvania's share of federal 1991 Drug Control and System Improvement (DCSI) monies. (See also Finding L.)*
3. *The PCCD should reactivate its Criminal Justice Training Task Force and interagency planning team^{2/} to provide advice and assistance in the development of a training component for Pennsylvania's statewide drug control strategy. The Governor's Drug Policy Council should seek input from these groups as well as examine approaches used in New Jersey^{3/} and Maryland for integrating training into the overall state strategy.*

2/This group is drawn from the Office of Attorney General, PA State Police, PA Crime Commission, PA District Attorneys' Institute, and the PA Chiefs of Police Association.

3/Key provisions of New Jersey's comprehensive plan for basic and in-service drug law enforcement training are summarized in Appendix H.

**J. CONTINUATION FUNDING WILL BE NEEDED FOR PENNFREE DRUG
LAW ENFORCEMENT PROGRAMS AND ACTIVITIES**

Future funding for drug law enforcement programs and activities initiated or expanded with monies from the Pennsylvania Drug-Free Community Trust Fund (PENNFREE) program is uncertain. Under this special two-year appropriation, over \$90 million in state funds were provided to supplement drug prevention, treatment and law enforcement efforts. Of this amount, \$37.6 million, or 42 percent of the total, was allocated to the Office of Attorney General, PA State Police and three other state agencies for drug law enforcement programs and activities. These include funding for activities such as State Police mobile narcotics teams, local drug task forces and intensive drug parole units. PENNFREE funding is scheduled to expire on June 30, 1991. Unless General Fund monies are again made available or alternate sources of funding are identified, these programs may have to be curtailed or possibly eliminated.

DISCUSSION

The Pennsylvania Drug-Free Community Trust Fund, commonly referred to as PENNFREE, is a one-time infusion of state funds to expand the "war on drugs" in the Commonwealth. This joint initiative between the Governor and the General Assembly resulted in the appropriation of \$90.3 million (as part of the General Appropriation Act of 1989) for expenditure during fiscal years 1989-90 and 1990-91. The allocation of the PENNFREE appropriation by program area is shown below:

TABLE 13. ALLOCATION OF THE PENNFREE APPROPRIATION, BY MAJOR PROGRAM AREA

<u>Program Area</u>	<u>Dollar Amount</u>	<u>Percent of Total</u>
Law Enforcement	\$37,649,000	42%
Treatment	32,611,000	36
Education	<u>20,000,000</u>	<u>22</u>
TOTAL	\$90,260,000	100%

Source: Developed by LB&FC staff from PENNFREE Plan document dated September 1989.

As shown on Table 13, \$37.6 million, or 42 percent of the PENNFREE total, was earmarked for drug law enforcement purposes. This amount was allocated to five state agencies to carry out the following programs and activities related to drug law enforcement.

- Farview State Hospital Conversion (Department of Corrections)
- Drug Law Enforcement (Office of Attorney General)
- Local Drug Task Forces (Office of Attorney General)
- Mobile Narcotics Teams (PA State Police)
- Local Drug Law Enforcement (PA State Police)
- Drug Law Enforcement (PA State Police)
- Drug Offenders Work Program (Board of Probation and Parole)
- Intensive Drug Parole Units (Board of Probation and Parole)
- Improvement of Adult Probation Services (Board of Probation and Parole)
- Juvenile Drug and Alcohol Probation Units (Juvenile Court Judges Commission)

Descriptive information on these PENNFREE-funded programs and activities is included in Exhibit 11.

As shown on Table 14, \$24.9 million of the \$37.6 million PENNFREE law enforcement allocation was expended and encumbered during FY 1989-90, leaving an available balance of approximately \$12.7 million for FY 1990-91. According to the Governor's Budget Office, this amount will be fully expended during FY 1990-91.

As noted earlier, the PENNFREE appropriation is a two-year continuing appropriation for the period July 1, 1989, to June 30, 1991. Officials of the Office of Attorney General and PA State Police indicated to LB&FC staff that they assume that continuation of PENNFREE-funded programs will require General Fund monies being made available for that purpose beyond the end of the 1990-91 fiscal year. The Office of Attorney General also pointed out, however, that expanded drug law enforcement efforts by the various drug task forces should result in additional forfeiture revenues being made available to help support the operation of that particular program.

Curtailement or elimination of any of these programs would have a negative impact on Commonwealth drug law enforcement efforts. In some cases, PENNFREE monies were used to expand existing law enforcement activities (e.g., multi-jurisdictional drug task forces). In other cases, the funds made available through PENNFREE allowed for the initiation of new programs and activities such as the PA State Police's mobile narcotics teams. If funding is not made available at or near the levels provided under

EXHIBIT 11. STATE DRUG LAW ENFORCEMENT PROGRAMS AND ACTIVITIES
FUNDED BY PENNFREE, BY AGENCY

1. Agency: Department of Corrections

- a. PENNFREE Funding - \$12,000,000
- b. Programs/Activities Funded
 - *Farview State Hospital Conversion* - Farview State Hospital conversion into Waymart Correctional Institution making 132 cells available. By December 1990 capacity was expected to be 1,000 beds.

2. Agency: Office of the Attorney General

- a. PENNFREE Funding - \$11,200,000
- b. Programs/Activities Funded
 - *Local Drug Task Forces* - \$5,701,000 for a program that will enable the OAG to help local drug task forces to counter the spread of drug traffickers into smaller communities and rural areas of the state. The money will pay for task force overtime, confidential case expenses, investigative equipment and OAG narcotics agents for local task forces. The local task forces are comprised of the OAG, local law enforcement agencies, district attorneys, and the State Police.
 - *Drug Law Enforcement* - \$5,499,000 for drug investigations and prosecutions. Included in this statewide program are the establishment of the OAG Drug Law Division, expansion of statewide drug prosecutions, establishment of the Ninth Regional Strike Force in Philadelphia, hiring additional Narcotics Agents, and providing for district attorney training.

3. Agency: Pennsylvania State Police

- a. PENNFREE Funding - \$9,016,000
- b. Programs/Activities Funded
 - *Mobile Narcotics Teams* - \$2,016,000 for funding five statewide mobile narcotics teams intended to assist municipal, state, and federal law enforcement

(Continued)

agencies with undercover drug operations. The teams will also perform drug interdiction investigations at airports, bus and train stations, and hotels.

- Drug Law Enforcement - \$5,000,000 for drug law enforcement includes monies for informant/witness protection, informant compensation funding, confidential "buy" fund, communications and surveillance equipment, and Narcotics Analysis Referral Center.
- Grants to Urban Police Departments - \$2,000,000 for a new program to provide grants to urban police departments strained beyond their budget capacity by the demands of drug investigations.

4. Agency: Juvenile Court Judges Commission

a. PENNFREE Funding - \$3,500,000

b. Programs/Activities Funded

- Specialized Probation Services - \$3,170,000 for a new program to enable the creation and provision of specialized intensive probation and after care services to juvenile drug offenders. Funds will be distributed to counties through the Commission's grant-in-aid program over two fiscal years.
- Statewide Drug Testing - \$280,000 for a new program to provide statewide drug and alcohol testing capabilities to county juvenile probation departments. The program will enable the Commission to monitor the extent of the drug problem and to monitor the success of the PENNFREE initiative. Funds will be awarded to county government through the Commission's grant-in-aid program.
- Statewide Juvenile Probation Training - \$50,000 for a new program to provide training and skills development to juvenile probation officers who supervise juvenile drug offenders. Funding will be distributed to county government through the Commission's grant-in-aid program.

5. Agency: Board of Probation and Parole

a. PENNFREE Funding - \$1,933,000

(Continued)

b. Programs/Activities Funded

- *Special Intensive Drug Parole Units* - \$944,000 for the creation of two units, similar to existing ones funded with PCCD grants, to be placed in densely populated neighborhoods hardest hit by drug-related crime in Philadelphia. The intensive supervision requirements are designed to exercise maximum control and minimize the client's opportunity to lapse back into drug use and criminal activity.
- *County Adult Program Units* - \$869,000 for the continuation of existing programs which attempt to reduce drug and alcohol usage and criminal behavior by county adult probationers/parolees. Funds are expected to add 70 new county adult probation/parole positions and provide additional grants-in-aid to counties to expand drug and alcohol probation programs.
- *Drug Offender Work Program* - \$120,000 for a new program to divert 100 Philadelphia drug offenders from receiving sentences to state correctional institutions to receiving conditional probation under supervision of the Board of Probation and Parole for a court mandated period of time to be served in community work. The clients will receive intensive supervision by two parole agents and the community work will be monitored by three para-professionals.

6. State Total - \$37,649,000

Source: Developed by LB&FC staff from departmental budget materials and PENNFREE Plan document dated September 12, 1989.

TABLE 14. PENNFREE EXPENDITURES FOR DRUG LAW ENFORCEMENT PROGRAMS/ACTIVITIES IN
FY 1989-90 AND FUNDS AVAILABLE FOR FY 1990-91

<u>Agency/Program or Activity</u>	<u>Appropriation</u>	<u>1989-90 Expenditures^{b/}</u>	<u>1990-91 Available</u>
<u>Corrections</u>			
Farview State Hospital Conversion	\$12,000,000	\$12,000,000	\$ 0
<u>Attorney General</u>			
Drug Law Enforcement	5,499,000	4,179,311	1,319,689
Local Drug Task Forces	5,701,000	1,655,264	4,045,736
<u>State Police</u>			
Mobile Narcotics Teams ^{a/}	2,016,000	1,946,649	69,351 ^{c/}
Local Drug Law Enforcement	2,000,000	1,000,000	1,000,000
Drug Law Enforcement	5,000,000	1,047,661	3,952,339
<u>Probation and Parole</u>			
Drug Offenders Work Program ^{a/}	120,000	52,715	67,285 ^{c/}
Intensive Drug Parole Units	944,000	422,232	521,768
Improvement of Adult Probation Services	869,000	869,000	0
<u>Juvenile Court Judges Commission</u>			
Juvenile Drug and Alcohol Probation Units ..	3,500,000	1,764,997	1,735,003
TOTAL	\$37,649,000	\$24,937,829	\$12,711,171

a/A one-year appropriation. All other PENNFREE appropriations are two-year continuing appropriations for FYs 1989-90 and 1990-91.

b/Includes expenditures and encumbrances as of June 30, 1990.

c/According to the June 30, 1990, Status of Appropriations report prepared by the Office of the Budget, these funds have lapsed.

Source: Developed by LB&FC staff from information provided by the Office of the Budget.

PENNFREE, it is conceivable that cutbacks in programs and activities or possible elimination will occur. Additionally, the local match on some federal Drug Control and System Improvement programs presently funded with PENNFREE dollars would have to be met from other sources.

Unless there is an extension of PENNFREE, funding will need to be made available from other sources in order to continue the programs and activities described above. While some monies may be made available from drug-related asset seizures and forfeitures (e.g., through the drug task force program), the budgetary needs of these programs and activities will, for the most part, have to be met with monies from the State General Fund and/or federal Drug Control and System Improvement funds if they are to be continued.

The Office of Budget recognizes that certain PENNFREE-initiated drug control programs will require continuation funding. However, no specific plan or decisions had been made as of November 1990, on funding these drug law enforcement programs beyond FY 1990-91. According to a Budget Office analyst responsible for reviewing drug and alcohol program funding, departmental budget requests for FY 1991-92 will include expected costs to continue operation of drug law enforcement programs and activities currently funded from the PENNFREE appropriation. These requests will reportedly be reviewed by the Budget Office and decisions will be made concerning continuation funding needs.

RECOMMENDATIONS

1. *The Office of the Budget should provide information to the House and Senate Appropriations Committees on which drug law enforcement programs and activities financed with PENNFREE monies during FY 1989-90 and FY 1990-91 they believe should be continued and at what proposed funding level during FY 1991-92. This information should be presented in conjunction with the presentation of the Governor's FY 1991-92 Executive Budget.*
2. *Working in conjunction with the Office of the Budget, the Governor's Drug Policy Council should ensure that the statewide drug control strategy which is currently being developed includes a funding component and that this funding section of the strategy specifically addresses the funding needs of programs and activities initiated or expanded with PENNFREE monies (see Finding C regarding the statewide drug control strategy).*

K. STATE/LOCAL FUNDS NEEDED TO REPLACE FEDERAL FUNDING OF CERTAIN DRUG LAW ENFORCEMENT PROJECTS

Federal funding for 12 Pennsylvania state and local drug law enforcement projects is scheduled to end during FY 1990-91. These projects, which are among the first to expire under the federal Drug Control and System Improvement (DCSI) Formula Grant Program, received a total of \$2.3 million in their final year of eligibility. These include seven city and county programs and five grants to various state agencies, including the PA State Police and the Office of Attorney General. Four of the local projects for which funding is scheduled to expire are operated by the City of Philadelphia. LB&FC staff contact with a sample of grant recipients indicates that most anticipate assuming the full costs of their projects by replacing federal funds with revenues from state or local general revenues or from monies derived from the seizure and forfeiture of drug-related assets. This will, nevertheless, place additional strain on the state and local budgets. In particular, difficulties may be encountered by the City of Philadelphia in continuing its programs in light of an estimated FY 1990-91 budget deficit of \$200 million.

DISCUSSION

As discussed in Finding L, the purpose of the Drug Control and System Improvement (DCSI) Formula Grant Program is to assist state and local governments in implementing projects for improving the functioning of the criminal justice system. According to grant funding guidelines developed by the U.S. Department of Justice, DCSI formula grants may provide personnel, equipment, training, technical assistance, and information systems to apprehend, prosecute, adjudicate, detain, and rehabilitate offenders.

The PA Commission on Crime and Delinquency (PCCD) is the state administering agency for the DCSI program. DCSI grant monies received by the Commonwealth are awarded by the PCCD to state and local agencies which have provided project proposals for the use of drug control monies.

Grants made under the program are awarded on the basis of an evaluation of grant proposals submitted to the PA Commission on Crime and Delinquency. PCCD guidelines limit the duration of DCSI grants to three years, with federal participation declining to 25 percent of total program costs in the third year. After the third year, the state or local grant recipient must assume full responsibility for the program. Not all programs are provided three years of funding by the PCCD, however.

Federal funding for 15 DCSI-funded projects is scheduled to end during FY 1990-91. Of this number, 12 projects are related specifically to drug law enforcement (See Exhibit 12). Four of

these 12 projects are in the City of Philadelphia, three are administered by county governments, and five are awarded to state agencies such as the PA State Police (PSP) and the Office of Attorney General (OAG). These drug law enforcement project grants relate primarily to the apprehension and prosecution of drug offenders.

Because of matching funding requirements imposed by the PCCD, the state and local government units have, by the final year of the grant, assumed responsibility for at least 75 percent of total project costs. Therefore, at the end of this final year of federal participation, a source of funds must be identified to replace federal funding. For the most part, it is assumed that these monies will come from general state or local revenues. In some cases, replacement funds might also be derived from asset seizure and forfeiture monies resulting from successful drug investigations.

LB&FC staff contacted officials in a sample of counties in which drug law enforcement projects are scheduled to expire during FY 1990-91. Contacts were made with project coordinators in each of these counties to determine whether or not the projects would be continued following the discontinuation of federal funding and, if so, how these projects would be funded. As explained in the footnotes to Exhibit 12, projects in this sample were expected to be continued with county funds and/or asset seizure and forfeiture funds assuming the cost.

The Philadelphia project coordinator informed LB&FC staff that the city would continue to fund the projects when federal funding ends. However, recent estimates of Philadelphia's anticipated budget deficit exceed \$200 million. The financial ability of the city government to provide the funding necessary for the continuation of these drug control programs appears, therefore, to be somewhat uncertain.

Philadelphia projects for which federal funding will expire this year include, for example, a juvenile/organized crime drug traffickers program and a dangerous drug offender unit. These projects received \$1.3 million in federal funding during the final year of federal participation.

Certain state drug law enforcement programs are also partially funded through the DCSI formula grant program. For example, the PA State Police's drug detector dog program and the Office of Attorney General's mobile cooperative task force project received a total of \$359,199 in federal assistance in the final year of DCSI eligibility. These federal funds will not be available after FY 1990-91.

EXHIBIT 12. STATE AND LOCAL DRUG LAW ENFORCEMENT PROGRAMS FOR
WHICH FEDERAL DCSI FUNDING WILL EXPIRE DURING
FY 1990-91

<u>Agency</u>	<u>Program</u>	<u>DCSI Funding Expires</u>	<u>Amount of DSCI Grant for Final Year</u>
Pennsylvania State Police	Narcotic Detector Dog Program	3/31/91	\$ 27,043
Pennsylvania State Police	Deoxyribonucleic Acid (DNA) Analysis	6/30/91	180,261
Attorney General	Mobile Cooperative Task Force	1/11/91	332,156
Attorney General	Technical Assistance to Prosecutors	5/31/91	32,939
Pennsylvania State Police	Lab Drug ID Service Upgrade	3/7/91	185,221
Bucks County	Investigation Assistance Program	9/30/90	87,500
Delaware County	Unified Drug Enforcement/ Apprehension/ Incarceration Program	1/31/91 ^{a/}	60,339
York County	Drug Abuse Strike Force	12/31/90	64,008
Philadelphia	Dangerous Drug Offender Unit	2/28/91 ^{b/}	319,607
Philadelphia	Juvenile/Organized Crime Drug Traffickers	3/31/91 ^{b/}	893,196

(Continued)

<u>Agency</u>	<u>Program</u>	<u>DCSI Funding Expires</u>	<u>Amount of DSCI Grant for Final Year</u>
Philadelphia	Accelerated Bench Warrant Service	12/31/90 ^{b/}	\$ 73,736
Philadelphia	Drug Offender Profile Unit	1/31/91 ^{b/}	25,586
TOTAL			\$2,281,592

a/This county was among a sample contacted by LB&FC staff to determine prospects for continued project operation after federal funding ends. Program administrators informed LB&FC staff that it is anticipated that these projects will be continued using a combination of county funds and monies from drug asset seizures and forfeitures.

b/This county was among a sample contacted by LB&FC staff to determine prospects for continued project operation after federal funding ends. Program administrators informed LB&FC staff that it is anticipated that these projects will be continued using city funds.

Source: Developed by LB&FC staff from information obtained from the Pennsylvania Commission on Crime and Delinquency.

Many of the projects currently receiving federal funding address drug law enforcement "problem areas" identified in the most recent DCSI strategy document. If alternative funding sources are not identified for these projects, program cutbacks or eliminations may occur. In addressing this potential funding situation, the National Association of Attorneys General and other criminal justice associations expressed the position that:

States should proceed on the theory that any worthwhile federal grant funded drug enforcement program should survive the initial grant period and, accordingly, states should plan on eventually assuming those program costs.

RECOMMENDATION

1. *The PA Commission on Crime and Delinquency should monitor the status of drug law enforcement projects whose DCSI funding is due to expire in the next state fiscal year to assess the ability of the recipient agency to continue the program or activity in the absence of federal assistance. The Commission should provide information to the House and Senate Appropriations Committees prior to the beginning of their budget hearings concerning any of these projects which may be curtailed or discontinued when federal funding expires. This information should include an indication of the amount of funding which would be needed to continue the program and an estimate of the potential impact(s) if the project is not funded.*

L. STATE SPENDING PRIORITIES FOR FEDERAL DRUG LAW ENFORCEMENT FUNDS REQUIRE CLARIFICATION

Two different spending plans were developed for Pennsylvania's FY 1990-91 share of federal funds from the Drug Control and System Improvement (DCSI) program. Under this program, the Commonwealth received \$17.4 million for a grant program to assist state and local drug law enforcement efforts. The Commonwealth does not have a single coordinated approach to establishing spending priorities for these federal monies. The PA Commission on Crime and Delinquency, which is responsible for administering this grant program, prepares an annual funding strategy which is required by the federal government. For FY 1990-91, the Commission prepared a strategy document for expenditure of these funds which emphasized correctional treatment/supervision initiatives. At the same time, the Governor's Office developed a spending plan for this money which focused on the apprehension, prosecution, and adjudication aspects of drug law enforcement. This created a situation of uncertainty and delay in funding of new grants. Ultimately, the Governor's spending plan was adopted. The state's strategy or priorities for expenditure of next year's DCSI allocation have not yet been established.

DISCUSSION

The Anti-Drug Act of 1986 authorized federal funding for state and local drug law enforcement, education, prevention, and treatment efforts. The drug law enforcement funds available under the Anti-Drug Abuse Act of 1986 were subsequently combined with other federal law enforcement funds under the Justice Assistance Act to establish a new state grant program in 1988. The reauthorized Anti-Drug Abuse Act of 1988 established the Drug Control and Systems Improvement (DCSI) Formula Grant Program.

THE FEDERAL DCSI FORMULA GRANT PROGRAM

The DCSI Formula Grant Program was established in 1988 to provide federal financial assistance to state and local governments for programs to improve the functioning of the criminal justice system.^{1/} Grants may be used for personnel, equipment, training, technical assistance, and information systems for the apprehension, prosecution, adjudication, detention, and rehabilitation of criminal offenders. Application by a state for DCSI funds requires the development of a statewide strategy for drug and violent crime control programs.

^{1/}See Finding K for further discussion related to the DCSI Formula Grant Program.

Since the inception of this program, the Commonwealth has received a total of \$32.0 million for state drug control efforts, including drug law enforcement activities. A breakdown of the amounts received by federal fiscal year is shown in Table 15 below.

TABLE 15. DRUG CONTROL AND SYSTEM IMPROVEMENT (DCSI) FORMULA GRANT FUNDS PROVIDED TO PENNSYLVANIA SINCE 1987

<u>Federal Fiscal Year</u>	<u>Amount</u>
1987	\$ 7,858,000
1988	1,841,000
1989	4,936,000
1990	<u>17,386,000</u>
TOTAL	\$32,021,000

Source: Developed by LB&FC staff from information provided by the PA Commission on Crime and Delinquency.

Of the \$17.4 million allocated to Pennsylvania from the federal DCSI Formula Grant Program for FY 1990-91, approximately \$6.2 million was already committed to continue programs funded in past years. The balance of grant monies available to support new programs for FY 1990-91 was over \$11 million. Both the Pennsylvania Commission on Crime and Delinquency and the Governor's Office developed a plan for spending this money. As described below, these plans differed in their emphasis and priorities.

PCCD'S SPENDING PLAN FOR FY 1990-91 DCSI FUNDS

The PA Commission on Crime and Delinquency (PCCD) is the state agency assigned responsibility for the administration of the DCSI Formula Grant Program. In this role, the PCCD is to facilitate the preparation of a required DCSI spending "strategy document."

The PCCD developed an initial statewide strategy document for the Commonwealth in 1987. To assist in the development of this document, the PCCD sponsored a two-day working seminar involving numerous state and local agencies and professional associations with responsibilities in the drug law enforcement and treatment areas.

As a result of this planning process, the PCCD decided to emphasize the areas of apprehension and prosecution of drug offenders and reserved the majority of the FFY 1987 allocation for this purpose. These funds were awarded for grant programs related to apprehension and prosecution.

In 1989, the PCCD held a follow-up working seminar to the one conducted in 1987. As a result, the PCCD adopted, and reaffirmed in January 1990, a new set of priorities under the DCSI program. The major emphasis of the newly established priorities was on correctional treatment/supervision initiatives targeted to adult and juvenile offenders.

As set forth in the FFY 1990 DCSI strategy document, the PCCD's two major objectives for FY 1990-91 were to:

- Provide assistance to counties in dealing with their prison overcrowding problems.
- Provide resources needed for the treatment and supervision of drug dependent offenders.

A summary of the spending plan proposed by PCCD is shown below.

TABLE 16. PA COMMISSION ON CRIME AND DELINQUENCY'S SPENDING PLAN FOR UNCOMMITTED FY 1990-91 DCSI MONIES

<u>Area</u>	<u>Amount</u>	<u>Percent</u>
Corrections	\$ 6,000,000	54%
Apprehension/Prosecution/Adjudication ..	3,000,000	27
Juvenile Programs	2,000,000	18
Criminal Justice Training	<u>150,000</u>	<u>1</u>
TOTAL	\$11,150,000	100%

Source: Developed by LB&FC staff from information obtained from the Pennsylvania Commission on Crime and Delinquency.

As shown on Table 16, the PCCD's DCSI strategy for FY 1990-91 suggested that the largest portion of federal monies not needed for the continuation of ongoing programs be allocated to corrections. Corrections grants were to be awarded primarily to county programs with a small portion allocated to the Department of Corrections and the Board of Probation and Parole. Twenty-seven

percent of these funds were recommended for allocation to apprehension/prosecution/adjudication purposes through statewide competition for local and state agency projects. Eighteen percent would have been allocated for programs for juvenile offenders and one percent for criminal justice training at the local and state levels.

The Governor's spending plan does not provide for the targeting of monies to the priority problem areas established in the PCCD's 1990 DCSI spending strategy document (i.e., the corrections and treatment areas). Commission officials stated that past emphasis on the apprehension and prosecution phases caused an adverse "downstream impact" (e.g., in the corrections or detention area) which was to be addressed by its DCSI spending plan.

GOVERNOR'S OFFICE SPENDING PLAN FOR FY 1990-91 DCSI FUNDS

In contrast to the PCCD spending plan, the plan outlined by the Governor's Office for expenditure of the federal DCSI funds emphasized the apprehension/prosecution/adjudication phases of drug control. As illustrated on Table 17, the Governor's budget allocated the largest portion (45 percent) of DCSI funds to apprehension/prosecution/adjudication through grants to the Office of the Attorney General (OAG) and the PA State Police (PSP). Twenty-nine percent was allocated to the corrections area through grants to the Department of Corrections (DOC) and the Board of Probation and Parole, and 26 percent was allocated to the PCCD to provide grants to local units for apprehension, prosecution, adjudication, incarceration, and treatment of drug offenders.

TABLE 17. GOVERNOR'S OFFICE SPENDING PLAN FOR UNCOMMITTED
FY 1990-91 DCSI MONIES

<u>Area</u>	<u>Amount</u>	<u>Percent</u>
Apprehension/Prosecution/Adjudication ..	\$ 4,966,000	45%
Corrections	3,251,000	29
Undirected Local ^a /	<u>2,933,000</u>	<u>26</u>
TOTAL	\$11,150,000	100%

a/Includes grants to counties to help alleviate jail overcrowding and to provide intervention/treatment programs for abusing offenders.

Source: Developed by LB&FC staff from information set forth in the Governor's FY 1990-91 Executive Budget.

According to a representative of the Governor's Budget Office, the Governor's spending plan had a "global orientation." This individual stated that the Budget Office examines the needs of all state agencies, the problems identified by the PCCD, the policies of the Governor, and input received through the PENNFREE hearings and proposals in light of the funds available when putting the drug law enforcement budget together. The Budget Office believes that the PCCD's priorities for corrections and treatment are addressed through U.S. Department of Health grants and that it would be preferable to have DCSI funds used for "hard core drug law enforcement" since other monies are available for treatment.

Because two separate spending strategies were developed, there was a period in early 1990 during which there was uncertainty regarding how uncommitted DCSI monies for new projects were to be spent. As a result, no new grant awards were made.

Eventually, the Governor's spending plan was adopted and grant awards consistent with that plan were initiated. A breakdown of DCSI grant allocations made under the Governor's plan by agency and appropriation is shown on Table 18.

Separately developed and different spending priorities are not conducive to a coordinated approach to state drug law enforcement efforts. Absence of clarity in the allocation plans for DCSI grant monies can cause confusion among grant recipients who expect to receive funding for initiating or expanding a project with anticipated DCSI money.

The approach which will be used to establish spending priorities for Pennsylvania's FFY 1991-92 DCSI allocation is presently uncertain. According to the PCCD, no specific plans had been made as of October 1990 to update the Commonwealth's DCSI strategy document for FFY 1991-92.

RECOMMENDATION

1. *The Governor's Drug Policy Council^{2/} should take the lead in establishing a mechanism through which an annual spending plan is established for federal monies made available to the Commonwealth for drug law enforcement purposes. This mechanism should be linked to the comprehensive statewide drug control plan which is recommended in Finding C. This process should also involve direct participation of the PA Commission on Crime and Delinquency in its role as administering agency for DCSI monies as well as input from pertinent state and local law enforcement officials and associations.*

^{2/}As defined in Executive Order 1987-13, one of the powers and duties of the Drug Policy Council is to "establish policies and priorities for the allocation of federal and state funds to support prevention, education, treatment, and enforcement programs administered by state departments, boards, and commissions."

TABLE 18. ALLOCATION OF UNCOMMITTED FY 1990-91 DCSI FORMULA GRANT MONIES*

<u>Apprehension/Prosecution/Adjudication</u>	<u>1990-91 Grant Amount (\$000)</u>
Municipal Police Drug Law Enforcement (PA State Police)	\$ 2,000
Drug Law Enforcement (PA State Police)	1,441
Local Drug Task Forces (Office of Attorney General)	1,000
Drug Transportation Interdiction (Office of Attorney General)	525
Subtotal	<u>\$ 4,966</u>
<u>Corrections</u>	
Correctional Institutions (Department of Corrections)	\$ 1,646
Local Probation Services (Board of Probation and Parole)	1,357
State Parole Services (Board of Probation and Parole)	248
Subtotal	<u>\$ 3,251</u>
<u>Undirected Local</u>	
Law Enforcement (Commission on Crime and Delinquency)	<u>\$ 2,933</u>
TOTAL	\$11,150

*/Does not include approximately \$6.2 million in DCSI grants being used to continue funding programs begun using Anti-Drug Abuse Act monies: \$5.6 million for law enforcement (PCCD); \$260,000 for grant administration (PCCD); \$180,000 for an intensive supervision drug project (Board of Probation and Parole); \$75,000 for a statewide urinalysis testing program (Board of Probation and Parole); \$52,000 for grant administration (Drug Policy Council); and \$28,000 for technical assistance (Office of Attorney General).

Source: Developed by LB&FC staff from information provided by the Governor's Budget Office and the PA Commission on Crime and Delinquency.

III. BACKGROUND DESCRIPTIVE INFORMATION ABOUT PENNSYLVANIA DRUG LAW ENFORCEMENT EFFORTS

Legal Background

Drug law enforcement in Pennsylvania is governed by both state and federal statutes. Primary among these are:

- The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101 et seq., controls the manufacture, sale, and possession of controlled substances, other drugs, devices, and cosmetics. Penalties for a violation of this act include, for example, imprisonment up to 15 years and/or a fine up to \$250,000, depending upon the crime committed.
- The forfeiture provisions of the Pennsylvania Judicial Code, 42 Pa.C.S.A. §6801 (the Controlled Substances Forfeitures Act), subjects property, for example, drug paraphernalia, raw materials, vehicles, money, etc., seized in violation of the Controlled Substance Drug, Device and Cosmetic Act, to forfeiture to the Commonwealth. This section also requires the Attorney General to prepare an annual report specifying the forfeited property and giving an account of all proceeds derived from the sale of such property.
- The general provisions of the Pennsylvania Crimes Code, 18 Pa.C.S. §101 et seq., describes the elements of crimes, including drug-related crimes, and sets penalties for those crimes. Penalties for drug-related offenses may, depending upon the specific crime, range from imprisonment up to 20 years and/or a \$25,000 fine.
- The federal Anti-Drug Abuse Act of 1988, Pub.L. 100-690, is to prevent the manufacture, distribution, and use of illegal drugs. This act establishes and funds many programs, including the Drug Control and System Improvement (DCSI) Grant Program, 42 U.S.C. §3751 et seq. This program provides grants to states and local governments for the purpose of enforcing state and local laws and to improve the functioning of the criminal justice system. Specifically, these grants assist in the development of programs to target domestic sources of controlled and illegal substances; provide community programs to assist citizens to prevent and control crime; assist in the development of programs to improve drug control technology; and provide programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales, among others.

- The Federal Food, Drug and Cosmetic Act, 21 U.S.C. §301 et seq., which controls the manufacture, sale, and delivery of controlled substances and provides penalties for violations of this act. The forfeiture of all controlled substances, all raw materials, equipment, and property used in the commission of a crime under this act is required.
- The Federal Crimes Act, 18 U.S.C. §1 et seq., describes crimes, including drug-related crimes, and sets penalties for these crimes. Drug trafficking, for example, is punishable by imprisonment up to 30 years.

Agencies Involved in Pennsylvania Drug Law Enforcement

Drug law enforcement efforts in Pennsylvania involve both state and local agencies and all segments of the criminal justice system.^{1/} Arrests for violations of drug laws in the Commonwealth are made by the Pennsylvania State Police (PSP), by the Office of Attorney General (OAG), by county and municipal police, and by the various multi-jurisdictional task forces which have been established throughout the state.

Prosecution of drug offenders is the responsibility of county district attorneys and of the OAG, and adjudication of drug offenses occurs in the Commonwealth's court system. Arraignments and preliminary hearings are conducted by the offices of district justice and by Philadelphia's municipal court system, and convicted drug offenders are housed in county, state, and federal correctional facilities.

The following is summary information on drug law enforcement activities carried out by these agencies.

Office of Attorney General (OAG)

The Attorney General is designated by the state Constitution as the chief law enforcement officer of the Commonwealth. In this role, the Attorney General is also charged by law with responsibility for the prosecution of organized crime and public corruption.

^{1/}The activities of Pennsylvania state agencies involved in drug law enforcement are sometimes undertaken or coordinated with federal agencies. These agencies include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Internal Revenue Service (IRS), The Immigration and Naturalization Service (INS), Bureau of Alcohol, Tobacco, and Firearms (ATF), U.S. Customs Service, and the U.S. Coast Guard.

Under the Commonwealth Attorneys Act (71 P.S. §732.101 et seq.), the Office of Attorney General is charged specifically with drug law enforcement responsibilities. The following is a brief description of OAG organizational units, programs and activities related to drug law enforcement:

- Drug Prosecution Section (Drug Law Division). Identifies, investigates, and prosecutes complex multi-jurisdictional drug cases. By law, only the Attorney General can prosecute multi-county cases in the Commonwealth court system. Additionally, one attorney from this section is assigned to each regional strike force.
- Bureau of Narcotics Investigation and Drug Control (Drug Law Division). Agents assigned to this Bureau conduct drug investigations and apprehend drug law violators. Emphasis of this Bureau is on disrupting higher level drug trafficking organizations and networks. BNI agents are also assigned to the various regional strike forces located throughout the state (see below).
- Regional Strike Forces. OAG personnel in the regional strike forces conduct mid- and large-scale drug investigations in cooperation with the Pennsylvania State Police and local law enforcement agencies. The strike forces concentrate their efforts on drug dealers and target the dealers' assets for forfeiture and seizure.

The OAG has nine regional strike forces organized into three zones, with each zone possessing three separate regional strike forces. The strike forces in the Eastern Zone are headquartered in Allentown, Philadelphia, and Reading. The strike forces in the Western Zone are headquartered in Greensburg, Erie, and Zelienople. The central regional strike forces are headquartered in State College, Wilkes-Barre, and Harrisburg.

With the exception of Philadelphia, each strike force has co-directors, one assigned from the Pennsylvania State Police and one from the OAG's Bureau of Narcotics Investigation and Drug Control.

- Financial Investigation Unit (Drug Law Division). This unit of the Drug Law Division generates additional funding for the "war on drugs" through use of the state's forfeiture laws. In addition to the assets seized at the time of the arrest, this unit is responsible for the tracking, seizure, and eventual forfeiture to the Commonwealth of "hidden" assets of convicted drug traffickers.

- Compliance/Diversion Unit (Drug Law Division). This unit of the OAG is responsible for the investigation of the diversion of controlled substances from the legitimate drug distribution system. Diversion is defined as the illegal removal of controlled substances via theft or misappropriation, unlawful prescribing or dispensing by a physician, or the unlawful sales, dispensing, or distributing by a pharmacist.
- Transportation Interdiction Program. This OAG program is an attempt to halt the flow of illegal drugs and illicit money through the airports, bus, and train stations of the Commonwealth.
- Technical Assistance to Local Prosecutors. This program enables the expertise of OAG drug prosecutors to be shared with local district attorneys during drug prosecutions. It also allows the OAG to disseminate information regarding current changes to the drug laws and recent rulings in court cases to prosecutors throughout the state.
- Local Drug Task Force Program. This is a formal joint venture that combines local law enforcement manpower with OAG expertise, advanced surveillance equipment, and fiscal resources (to pay for municipal police officer overtime and provide "buy money") to investigate drug cases from street dealers on up to major drug trafficking networks. (See Finding B for additional information on the Pennsylvania Drug Task Force Program.)
- Clandestine Lab Model Program. Pennsylvania has been identified as being among the states that are leading producers of controlled substances from clandestine laboratories. This program combines the resources of the OAG and the Pennsylvania State Police to investigate and dismantle these labs.

Pennsylvania State Police (PSP)

The Pennsylvania Commission on Crime and Delinquency's "State-wide Drug Control and System Improvement Strategy" identifies the PSP as "the major state-level agency involved in drug-related apprehensions." The following is a brief description of PSP organizational and program activities related to drug law enforcement:^{2/}

^{2/}This descriptive information is derived largely from a PSP document entitled "Drug Enforcement Operations."

- Drug Law Enforcement Division. This division within the PSP's Bureau of Criminal Investigation is responsible for the coordination of all PSP drug law enforcement efforts.
- Regional Strike Forces. State police officers are located around the state in regional offices along with personnel of the Attorney General's Office to conduct in-depth drug investigations. (See "Regional Strike Force" description under the OAG section of this chapter.)
- Tactical Narcotic Teams. State police officers are strategically deployed throughout the state in five teams to assist municipal, state, and federal agencies in undercover drug operations. Additionally, the teams perform drug interdiction investigations at airports, bus, and train stations as well as hotels and motels.
- Troop Narcotic Vice Units. In addition to the strike force and tactical narcotic teams, there are drug investigators assigned to each of the fifteen troop headquarters.
- Canine Drug Enforcement Units. Drug dogs and handlers are located throughout the Commonwealth for use by federal, state, and local departments in drug investigations.
- Philadelphia Task Force. Troopers are assigned to work exclusively in drug law enforcement in the city of Philadelphia with the Philadelphia city police.
- Laboratory Services. A Laboratory Division provides six facilities to analyze drugs which are confiscated or purchased in drug investigations. The Laboratory Division also ensures chemists are available to provide expert court testimony and respond to assist in clandestine laboratory cases. (See Finding H for further information on this PSP activity.)
- Technical Operations Unit. The Technical Operations Unit provides technical and sophisticated electronic surveillance support. This unit provides the electronic expertise to install and service court-authorized, nonconsensual interception and technical surveillance equipment.
- Aviation Services. An Aviation Division supplies pilots, helicopters, and airplanes for both overt and covert drug investigations, including mobile surveillances and aerial photography.
- Photographic Section. This section provides technical training in the use of surveillance cameras and lenses. The section also processes surveillance and drug crime scene photographs, including enlarging them for courtroom presentation.

- Community Services Units. Troopers regularly speak to community and professional organizations on drug enforcement issues. In addition, the Bureau of Community Services develops anti-drug posters for dissemination to schools and community groups.
- Special Emergency Response Teams (SERT). Teams of specially trained and equipped troopers are available 24 hours a day to conduct "high risk" drug raids and arrests.
- Violent Traffickers Project. State police officers are assigned to work exclusively in drug law enforcement in the city of Philadelphia. This contingent of troopers works in conjunction with a task force of federal, state, and local offices targeting violent drug traffickers in Philadelphia.
- Narcotics Analysis Referral Center. This is a statewide drug intelligence center established by the state police. The center enables federal, state, and local drug investigators to cross-index targets and coordinate efforts.
- Clandestine Laboratory Enforcement Program. This program provides specially trained and certified chemists and troopers working with OAG agents to investigate, respond to, dismantle, and dispose of clandestine laboratories.
- Marijuana Eradication Program. The state police have specially trained troopers throughout the state who fly with Aviation Division pilots to identify and eradicate marijuana fields. The program incorporates the DEA, U.S. Soil Conservation Service, U.S. Agriculture Stabilization and Conservation Service, U.S. Forest Service, Department of Environmental Resources (Bureau of Soil and Water Conservation and Bureau of Forestry), National Guard, Civil Air Patrol, and the PA Game Commission and the PA Fish Commission into a comprehensive statewide program.
- Operation "Whiteline". This is a drug interdiction program utilizing uniformed patrol troopers and the Department's canine units to identify drug couriers using the highways to transport drugs. The program is often coordinated with other eastern seaboard states.
- Marine Interdiction Program. The State Police initiated a drug interdiction program on Lake Erie and the Delaware River with the Pennsylvania Fish Commission and the United States Coast Guard.
- Special Projects. The Department regularly participates in both short- and long-term special drug enforcement projects. For example, Operation Commodore was a seven-day

air and marine interdiction operation on Lake Erie involving the Coast Guard, Customs, and the National Guard. Teams of multi-agency investigators in helicopters, airplanes, and Coast Guard cutters were assisted by National Guardsmen manning mobile land radar stations attempting to identify air and marine drug smugglers.

An example of a long-term project is Operation NORTHSTAR with U.S. Customs and the Coast Guard on the Canada border. This is a multi-agency intelligence sharing project to assist in identifying and targeting drug violators crossing the U.S./Canada border.

- El Paso Intelligence Center (EPIC). The State Police is the designated liaison for all Pennsylvania police requests for EPIC intelligence checks. (EPIC is an effort by 11 separate federal agencies to collect, process, and disseminate information concerning drug trafficking. One of its primary goals is to coordinate the flow of intelligence data between law enforcement officials of federal and non-federal agencies.)
- International Police Organization (INTERPOL). The State Police maintain access to INTERPOL for international drug intelligence and liaison with foreign governments.
- Middle Atlantic - Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN). The State Police maintain direct access to MAGLOCLLEN for drug intelligence and investigative resources.
- National Guard. The State Police are the designated liaison for local police department requests for National Guard assistance in drug law enforcement. The Department is also integrating the National Guard into a comprehensive, statewide marijuana eradication program.
- Task Forces. State police officers participate in various federal and county task forces, from federal organized crime drug enforcement task forces to county district attorney task forces.

Local Police

According to the Pennsylvania Commission on Crime and Delinquency (PCCD), as of 1988, there were approximately 1,000 local police departments employing 24,716 full-time officers. These are generally small departments, with 54 percent employing less than five police officers. The PCCD reports that the vast majority of these departments are structured to provide "routine, traditional police service" and generally do not have specialized resources or expertise related to drug law enforcement. Reportedly, most

rely on the Pennsylvania State Police and the Office of Attorney General for assistance in drug law enforcement activities.

Multi-Jurisdictional Drug Task Forces

These local task forces provide a primary source of manpower to investigate local drug trafficking. The composition of the local task forces may include representatives of the Office of Attorney General, local law enforcement agencies, district attorneys, and the Pennsylvania State Police. (See Finding B for additional information on Pennsylvania's Drug Task Force Program.)

Pennsylvania Commission on Crime and Delinquency (PCCD)

The PCCD is a 23-member administrative commission within the Governor's Office. Among other duties, the PCCD examines criminal justice problems and needs, researches and proposes improvement strategies, and assesses the results of these strategies on affected components of the criminal justice system. The Commission also has the power and duty to disburse grants, federal funds, and state funds to qualified applicants; to monitor and evaluate the effectiveness of programs funded by the Commonwealth; and to establish priorities for crime prevention.

In 1986, the Governor designated the PCCD as the administering agency for the state and local law enforcement funds under the Anti-Drug Abuse Act. In this capacity, the PCCD has coordinated the development of the Drug Control and System Improvement (DCSI) Program in the state.

Governor's Drug Policy Council (DPC)

The DPC was established by Executive Order 1987-13 as a state coordinating agency for drug and alcohol programs. The Council is responsible for "formulating, implementing, and evaluating statewide strategies to combat illegal drug use and drug and alcohol abuse in the Commonwealth." (See Appendix E for a copy of Executive Order 1987-13.)

Pennsylvania Crime Commission

The Crime Commission is an independent state agency whose basic function is to investigate organized crime, public corruption, and persons engaged in those activities. In this capacity, the Commission collects, analyzes, and disseminates both strategic and tactical intelligence information concerning organized crime narcotics traffickers. This information is provided to support the drug law enforcement efforts of the Office of Attorney General and the Pennsylvania State Police.

Pennsylvania Department of Corrections (DOC)

The DOC operates a state system for the custody and rehabilitation of convicted criminals. This system includes 14 correctional institutions and 15 community service centers. As of June 1990, the estimated capacity of the state system was 13,851 and the total prison population was 21,911.

Information reported by the PCCD indicates that between 50 percent and 80 percent of all inmates who enter the prison system were abusing drugs at the time of their criminal involvement.

Pennsylvania Board of Probation and Parole (PBPP)

The PBPP is responsible for the rehabilitation and supervision of persons on probation or parole. The Board attempts to provide for an early and controlled release of persons from correctional institutions. In performing this function, the Board helps clients to reintegrate within society and also identifies those who cannot adjust to the community. As of May 1990, the PBPP had 228 parole agents supervising more than 17,000 parolees across the state. According to the PBPP, their programs stress close supervision of parolees and probationers with known drug abuse problems.

Department of Military Affairs (National Guard)

The Department provides aerial photography, radar, and flight crew surveillance and the loan of equipment to drug law enforcement agencies in support of federal drug interdiction programs.

Commonwealth Courts

The Pennsylvania Courts of Common Pleas are responsible for the adjudication of drug offenders. The courts sit 390 judges who cover the 60 judicial districts across the state. The Office of District Justice, which conducts arraignments and preliminary hearings on all criminal cases except in Philadelphia, sits 550 judges. In Philadelphia, arraignments and preliminary hearings are conducted by the 22 judges of the Philadelphia Municipal Court.

County District Attorneys

By law, the district attorney is the chief law enforcement official in Pennsylvania counties. As such, the district attorney is responsible for the prosecution of drug law violations that occur at the county level.

County Prisons

According to the Pennsylvania Commission on Crime and Delinquency, the county jails act as the primary clearinghouse for all individuals passing through the Pennsylvania criminal justice

system, including drug-related offenders. The reported capacity of Pennsylvania county prisons was 12,693, while as of April 1990 population exceeded 18,000.

Funding of Commonwealth Drug Law Enforcement Efforts

Commonwealth drug law enforcement efforts are funded through a combination of state, federal, and local sources (see Table 19). Monies obtained from drug-related asset seizures and forfeitures are also used for drug law enforcement purposes. This section provides overview descriptive information on these funding sources.

State Funds

General Fund. In FY 1989-90, appropriations from the General Fund specifically for drug law enforcement were made to the Office of Attorney General and the Governor's Drug Policy Council. The OAG received \$6.4 million from the General Fund for drug law enforcement, while the Drug Policy Council was provided \$96,000 for administration of anti-drug abuse grants.

PENNFREE. The General Appropriation Act of 1989 appropriated over \$90 million in state funds to supplement funding for drug and alcohol abuse programs. These additional funds, known as PENNFREE, were a one-time infusion of money to fight the "war on drugs." PENNFREE funds are being used for drug law enforcement, drug and alcohol abuse treatment, drug and alcohol education, and to assist the victims of drug and alcohol abuse.

Most of the funds appropriated under PENNFREE were appropriated for a two-year period from July 1, 1989 through June 30, 1991. Over \$37.6 million of the PENNFREE appropriation were specifically allocated to drug law enforcement activities. State agencies receiving PENNFREE monies for drug law enforcement purposes included the Office of Attorney General, the Pennsylvania State Police, the Department of Corrections, and the Pennsylvania Board of Probation and Parole.

PENNFREE's enforcement priorities are for (1) state drug law enforcement under the cooperative direction of the State Police and the OAG; (2) local drug law enforcement; (3) the incarceration of drug law violators (i.e., the conversion of Farview State Hospital to a state correctional institute); and (4) probation and parole programs, both adult and juvenile, to help drug offenders remain drug free. (See Finding J for further discussion regarding PENNFREE funding.)

Federal Funds

The Anti-Drug Abuse (ADA) Act of 1986 authorized funds for drug law enforcement, education, prevention, and treatment. The drug law enforcement funds available under the Anti-Drug Abuse Act

of 1986 were combined with other federal law enforcement funds under the Justice Assistance Act to establish a new state grant program in 1988. The reauthorized Anti-Drug Abuse Act of 1988 created the Drug Control and System Improvement (DCSI) Formula Grant Program.

The DCSI Formula Grant Program provides federal financial assistance to state and local governments for programs to enforce drug laws and to improve the functioning of the criminal justice system with an emphasis on violent crime and serious offenders. Grants may be used for personnel, equipment, training, technical assistance, and information systems for the apprehension, prosecution, adjudication, detention, and rehabilitation of criminal offenders.

Over \$17 million in federal DCSI formula grant money was allocated to Pennsylvania for drug control programs and projects in FY 1990-91. Grants were awarded to the Pennsylvania State Police, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, the Pennsylvania Commission on Crime and Delinquency, and several counties.

Other federal sources of drug law enforcement funding include DCSI Discretionary Grants from the U.S. Department of Justice. These grants are provided directly to agencies or programs and are awarded based on grant programs submitted by the recipient agency. In Pennsylvania the Office of Attorney General has received DCSI discretionary grants in FY 1989-90 and FY 1990-91 for its statewide Drug Prosecution Program and Clandestine Lab Program.

Asset Seizures and Forfeitures

The Controlled Substances Forfeitures Act, 42 Pa.C.S.A. §6801 et seq., provides that drug-related assets and property seized by law enforcement agencies in connection with a drug investigation shall be forfeited. Depending on the jurisdiction of the agency making the seizure, proceeds from the sale of forfeited assets and all cash becomes the property of either the attorney general or the county district attorney. By law, use of funds resulting from such forfeitures must be restricted to enforcing Commonwealth drug laws.

The Attorney General and the various district attorneys routinely share forfeiture monies with state and local law enforcement agencies. The amount of money obtained by the OAG as a result of cash seizures and the sale of forfeited property exceeded \$700,000 in FY 1988-89. During the same period, Pennsylvania's counties reported the realization of over \$4.6 million in revenue from asset forfeitures.

TABLE 19. EXPENDITURES FOR PENNSYLVANIA DRUG LAW ENFORCEMENT PROGRAMS AND ACTIVITIES BY SOURCE OF FUNDS, FY 1989-90

<u>Agency/Appropriation Title</u>	<u>General Fund</u> ^{b/}	<u>PENNFREE</u> ^{b/}	<u>Federal</u> ^{b/}
<u>Corrections</u>			
Farview State Hospital Conversion	\$ --	\$12,000,000	\$ --
<u>Attorney General's Office</u>			
Drug Law Enforcement	\$ 6,596,679	\$ --	\$ --
Drug Law Enforcement	--	4,179,311	--
Local Drug Task Forces	--	1,655,264	--
Statewide Drug Prosecution Program	--	--	244,986
Clandestine Lab Model	--	--	104,665
Mobile Cooperative Task Force	--	--	255,493
Financial Asset Investigation	--	--	231,215
Technical Assistance	--	--	29,329
Subtotal - Office of Attorney General	\$ 6,596,679	\$ 5,834,575	\$ 865,688
<u>State Police</u>			
Mobile Narcotics Teams ^{a/}	\$ --	\$ 1,946,649	\$ --
Local Drug Law Enforcement	--	1,000,000	--
Drug Law Enforcement	--	1,047,661	--
General Government Operations - Drug Law Enforcement	5,262,000	--	--
Subtotal - Pennsylvania State Police	\$ 5,262,000	\$ 3,994,310	\$ 0
<u>Probation and Parole</u>			
Drug Offenders Work Program ^{a/}	\$ --	\$ 52,715	\$ --
Intensive Drug Parole Units	--	422,232	--
Improvement of Adult Probation Services	--	869,000	--
Statewide Urinalysis Testing	--	--	113,000
General Government Operations - Drug Law Enforcement	1,009,000	--	--
Subtotal - Board of Probation and Parole ...	\$ 1,009,000	\$ 1,343,947	\$ 113,000

(Continued)

<u>Agency/Appropriation Title</u>	<u>General Fund</u> ^{b/}	<u>PENNFREE</u> ^{b/}	<u>Federal</u> ^{b/}
<u>Executive Offices</u>			
Drug Policy Council-ADA Law Enforcement Administration	\$ 93,941	\$ --	\$ --
Juvenile Drug and Alcohol Probation Units	--	1,764,997	--
ADA-Local Law Enforcement Administration	--	--	238,306
ADA-Local Law Enforcement	--	--	<u>5,999,999</u>
Subtotal - Executive Offices	\$ 93,941	\$ 1,764,997	\$6,238,305
Total	\$12,961,620	\$24,937,829	\$7,216,993
Total Drug Law Enforcement Expenditures	\$45,116,442 ^{c/}		

a/PENNFREE expenditures represent a two-year appropriation for FY 1989-90 and FY 1990-91 with the exception of these items which are one-year appropriations.

b/Includes expenditures and encumbrances as of June 30, 1990.

c/Does not include expenditures of funds resulting from drug-related asset forfeitures. The Office of Attorney General reported spending approximately \$1.6 million in asset forfeiture monies for drug law enforcement in FY 1989-90.

Source: Prepared by LB&FC staff from information obtained from the Office of the Budget.

IV. APPENDICES

APPENDIX A. BREAKDOWN OF PA DRUG ARRESTS, BY COUNTY, 1989

	<u>Drug Arrests</u>	<u>Total Arrests</u>	<u>County Drug Arrests As a % of: State Drug Arrests</u>	<u>Total County Arrests</u>
Philadelphia	12,063	82,225	38.45%	14.67%
Allegheny	5,223	44,019	16.65	11.87
Delaware	2,020	23,380	6.44	8.64
Lehigh	1,355	11,322	4.32	11.97
Montgomery	1,186	26,293	3.78	4.51
Bucks	996	16,866	3.17	5.91
Chester	990	15,442	3.16	6.41
Northampton	785	10,723	2.50	7.32
Lancaster	778	14,549	2.48	5.35
York	672	13,883	2.14	4.84
Berks	645	9,847	2.06	6.55
Dauphin	601	16,080	1.92	3.74
Luzerne	381	9,177	1.21	4.15
Cumberland	270	6,899	0.86	3.91
Erie	258	8,938	0.82	2.89
Westmoreland	231	10,175	0.74	2.27
Centre	184	5,419	0.59	3.40
Franklin	176	4,384	0.56	4.01
Mercer	154	3,935	0.49	3.91
Washington	146	6,591	0.47	2.22
Lebanon	137	4,394	0.44	3.12
Beaver	135	5,490	0.43	2.46
Schuylkill	132	4,839	0.42	2.73
Lackawanna	125	3,653	0.40	3.42
Lycoming	106	4,713	0.34	2.25
Blair	103	4,030	0.33	2.56
Carbon	94	3,014	0.30	3.12
Lawrence	94	2,795	0.30	3.36
Monroe	87	3,434	0.28	2.53
Butler	86	5,927	0.27	1.45
Bedford	81	1,342	0.26	6.04
Fayette	81	4,095	0.26	1.98
Cambria	77	4,968	0.25	1.55
Crawford	72	3,170	0.23	2.27
Armstrong	71	1,323	0.23	5.37
Northumberland ...	62	3,293	0.20	1.88
Venango	56	3,096	0.18	1.81

(Continued)

County Drug Arrests As a % of:				
	<u>Drug Arrests</u>	<u>Total Arrests</u>	<u>State Drug Arrests</u>	<u>Total County Arrests</u>
Susquehanna	55	524	0.18%	10.50%
Adams	54	2,496	0.17	2.16
Clearfield	41	2,490	0.13	1.65
Somerset	37	2,157	0.12	1.72
Bradford	35	1,362	0.11	2.57
Clinton	31	1,568	0.10	1.98
Elk	31	1,182	0.10	2.62
Mifflin	31	1,537	0.10	2.02
Columbia	30	2,068	0.10	1.45
Indiana	30	2,114	0.10	1.42
Wyoming	26	481	0.08	5.41
Jefferson	24	1,468	0.08	1.63
Tioga	24	1,602	0.08	1.50
Greene	22	686	0.07	3.21
McKean	22	1,854	0.07	1.19
Perry	22	1,047	0.07	2.10
Huntingdon	20	1,052	0.06	1.90
Fulton	18	348	0.06	5.17
Pike	18	616	0.06	2.92
Warren	17	1,220	0.05	1.39
Union	16	826	0.05	1.94
Montour	14	388	0.04	3.61
Clarion	11	1,091	0.04	1.01
Snyder	10	866	0.03	1.15
Sullivan	7	205	0.02	3.41
Cameron	5	279	0.02	1.79
Forrest	4	167	0.01	2.40
Juniata	4	294	0.01	1.36
Wayne	3	577	0.01	0.52
Potter	2	374	0.01	0.53
TOTAL	31,377	436,662	100.00%	7.19%

Source: Developed by LB&FC staff from information obtained from the 1989 PA Uniform Crime Report.

APPENDIX B. CASH FORFEITURES RESULTING FROM DRUG ARRESTS MADE BY
LOCAL LAW ENFORCEMENT AGENCIES - FY 1986-87 AND
FY 1988-89, BY COUNTY*

<u>County</u>	<u>FY 1986-87</u>	<u>FY 1988-89</u>
Philadelphia	\$ 754,961.86	\$2,549,339.17
Montgomery	141,196.00	713,182.93
Bucks	149,408.48	245,180.63
Dauphin	13,960.10	151,314.25
York	26,965.00	135,584.49
Allegheny	132,081.70	124,201.92
Lehigh	5,517.39	118,282.10
Delaware	60,529.59	99,252.38
Luzerne	8,662.00	73,317.52
Lancaster	18,430.34	73,229.76
Cumberland	10,978.00	60,607.62
Berks	11,977.00	40,365.15
Clearfield	0.00	40,000.00
Chester	33,347.24	33,831.50
Westmoreland	89,119.25	28,854.00
Erie	0.00	23,340.00
Centre	411.00	11,268.45
Lebanon	14,092.00	10,030.61
Lycoming	5,024.85	8,553.95
Perry	0.00	8,046.81
Franklin	0.00	7,028.50
Adams	0.00	6,954.50
Northumberland	0.00	6,370.00
Schuylkill	1,015.05	4,804.39
Lawrence	24,691.72	4,260.00
Northampton	11,068.00	3,903.24
Monroe	1,414.00	3,280.00
Wyoming	0.00	2,549.00
Mifflin	0.00	2,500.00
Butler	0.00	2,415.00
Venango	1,190.00	2,245.00
Cambria	0.00	2,133.73
Clarion	0.00	1,718.15
Bedford	0.00	1,620.00
Clinton	0.00	1,309.40
Crawford	0.00	888.00
Armstrong	0.00	732.37
Union	0.00	469.25
Carbon	0.00	287.00

(Continued)

<u>County</u>	<u>FY 1986-87</u>	<u>FY 1988-89</u>
Warren	\$ 0.00	\$ 258.00
Wayne	77,450.00	0.00
Lackawanna	1,029.00	0.00
Snyder	<u>445.00</u>	<u>0.00</u>
TOTAL	\$1,594,964.57	\$4,603,508.77
Percent Difference 1988-89 over 1986-87 =	188.63%	

*/Based solely on information provided to the Office of the Attorney General by the county district attorneys. All monies derived from cash seizures must be used to enforce PA drug laws.

Source: Annual Report of the Attorney General to the Appropriations and Judiciary Committees of Assets received by forfeiture under the Controlled Substance Forfeitures Act.

APPENDIX C

STATE DRUG CONTROL STATUS SUMMARY																								
STATE	STATE DRUG CONTROL MEASURES																		QUANTITATIVE MEASURES					
	State Law Makes it a Crime to:		State Law Penalizes Drug Offenders by:						State Criminal Justice Policies Allow:				State Drug Testing Policies Include:		State Prevention/ Treatment Policies Require:		Funding			Population Characteristics				
	Attempt and Either Offer or Solicit to Buy/Sell Drugs with Same Punishment as Completed Offense	Use/Possess/Deliver or Advertise Drug Paraphernalia	Enhancing Penalties for Drug Crimes within a Drug-Free School Zone	Enhancing Penalties for Drug Transactions Involving Minors	Permitting or Mandating Suspension of Driver's Licenses	Permitting or Mandating Suspension of Occupational Licenses	Mandating Eviction from Public Housing Projects	Taxing Drug Sales Requiring the Purchase of Tax Stamps by Dealers	Boot Camps	Procedures for Seizing Real Property Assets Used to Commit or Facilitate Commission of Drug Offenses	Procedures for Substituting and Seizing Non-Drug Related and Out-of-State Assets	At Least 90% of Asset Forfeiture Proceeds to be Used for Law Enforcement Activities	Guidelines for Private Sector That Permit Random Drug Tests for All Employees	Statute Authorizing/Requiring Testing for Specific Public Sector Employees	Statute Requiring Testing as a Condition of Probation or Parole for Drug Offenders	Contractors and Grantees to Have Drug-Free Workplaces	Public Treatment Centers to Monitor Participants for At Least 6 Months After Treatment	Teachers to Have Formal Training in Substance Abuse Education	Per Capita Corrections Expenditures 1988 (\$)	Percent of State Spending for Criminal Justice Expenditures, 1988	Per Capita Drug Treatment Expenditures, FY-1989 (\$)	Overcrowding in State Prisons (Prison Population as a Percent of Highest Capacity), 1989	IV-Drug Abuse Client Admissions in State-Funded Programs, FY-1989	
Alabama	●	●	●	●	●			●	●			●							47	5.2	0.21	111	500	
Alaska			●	●	●										●				177	5.1	1.91	106	584	
Arizona		●	●	●			●	●			●								101	7.7	1.93	100	2,648	
Arkansas		●	●	●			●		●										30	4.5	0.41	100	783	
California	●		●	●	●		●	●		●					●				128	8.0	1.76	106	35,297	
Colorado	●	●		●	●	●		●					●	●					68	6.2	0.71	124	2,431	
Connecticut	●	●	●	●					●								●		62	6.0	4.57	107	4,866	
Delaware		●	●		●	●								●					83	6.7	1.78	107	1,358	
District of Columbia		●														●		●	413	11.0	0.36	93	2,804	
Florida		●	●	●					●	●			●	●				●	85	7.7	2.07	88	11,911	
Georgia	●	●			●			●						●			●		72	6.1	1.31	102	5,000	
Hawaii	●	●	●	●							●				●		●		65	7.4	0.56	115	593	
Idaho		●		●				●											42	5.3	0.07	94	759	
Illinois			●	●	●			●						●	●	●			52	6.6	1.95	110	5,986	
Indiana		●	●	●	●				●						●		●		43	4.9	1.55	136	2,863	
Iowa			●	●			●	●		●				●					38	4.4	1.50	119	1,389	
Kansas		●	●	●				●						●			●		45	5.6	0.74	102	1,829	
Kentucky					●						●						●		48	5.2	0.47	103	853	
Louisiana		●	●	●	●						●		●			●			57	5.8	1.14	97	3,100	
Maine			●	●	●							●					●	●	49	4.7	0.23	132	3,379	
Maryland		●	●	●		●		●					●	●					100	7.2	2.43	100	7,741	
Massachusetts		●	●	●	●		●		●	●		●					●		69	6.2	1.17	167	13,001	
Michigan	●	●	●	●		●			●				●	●			●	●	83	6.5	1.38	128	3,100	
Minnesota		●	●	●		●		●			●	●	●				●	●	53	4.3	0.07	100	1,300	
Mississippi			●	●					●	●				●					26	4.0	0.37	83	NA	
Missouri		●	●	●	●		●		●					●					48	6.6	1.11	92	3,781	
Montana	●	●						●						●			●	●	37	4.1	1.20	104	963	
Nebraska	●	●				●		●					●	●	●		●		40	3.9	0.95	146	223	
Nevada	●	●	●	●	●	●	●	●	●			●							159	9.1	0.86	100	700	
New Hampshire	●		●	●						●							●		45	5.9	1.41	110	242	
New Jersey	●	●	●	●	●		●		●	●		●			●	●		●	81	7.4	2.35	118	5,782	
New Mexico		●	●	●				●							●	●		●	74	6.1	1.26	101	672	
New York			●	●		●			●	●	●			●			●		140	7.9	8.00	99	14,875	
North Carolina		●	●	●				●											71	5.7	0.89	93	2,000	
North Dakota		●					●												30	3.3	1.01	81	26	
Ohio			●	●	●				●	●	●								67	5.4	0.99	154	4,000	
Oklahoma	●	●	●	●	●	●			●			●			●	●	●	●	54	5.0	1.84	145	1,900	
Oregon		●	●	●	●								●						63	6.3	2.17	120	2,622	
Pennsylvania	●		●	●	●					●		●							52	5.4	0.32	156	9,731	
Rhode Island	●	●	●	●		●				●	●		●	●			●		53	5.7	3.41	137	2,016	
South Carolina	●	●	●	●	●				●			●		●	●	●			74	5.8	1.57	104	1,500	
South Dakota		●		●	●					●				●			●		35	4.3	0.06	184	183	
Tennessee		●		●	●	●		●	●			●		●			●	●	61	5.0	0.46	94	1,688	
Texas	●														●		●	●	59	6.0	0.87	95	7,858	
Utah		●	●	●	●	●		●		●			●		●	●			54	5.0	1.19	93	671	
Vermont			●	●													●		39	4.6	1.67	144	700	
Virginia		●	●	●	●	●			●		●								75	6.9	0.50	118	1,933	
Washington		●	●	●	●	●				●									68	4.8	0.83	106	N/A	
West Virginia								●		●		●							23	3.4	0.26	94	176	
Wisconsin	●	●	●	●	●			●	●		●						●		48	5.5	0.37	101	5,779	
Wyoming	●				●			●	●	●					●				56	4.3	0.91	129	NA	

APPENDIX D. SUMMARY AND STATUS OF DRUG REFORM LEGISLATION PROPOSED BY THE PENNSYLVANIA ATTORNEY GENERAL*

<u>Bill Number</u>	<u>Summary of Provisions</u>	<u>Status as of 11/28/90</u>
H.B. 176	Amends the Uniform Firearms Act to extend the ban on ownership, possession or control of a firearm to persons convicted under the Controlled Substance, Drug, Device and Cosmetic Act or similar statute. The penalty for unlawful ownership, possession or control of a firearm is increased from a first degree misdemeanor to a third degree felony, which is punishable by imprisonment up to seven years and a fine up to \$15,000.	House Rules Committee
H.B. 310	Amends the Crimes Code to impose a mandatory jail sentence of at least two years on anyone who sells drugs within 1,500 feet of a school. This bill increases the distance from 1,000 feet and includes playgrounds, video arcades, and community recreational centers.	Passed House and Senate
H.B. 810	Amends the Public School Code of 1949 prohibiting students from carrying paging devices or beepers while on school grounds or at school events or when riding in any school-provided vehicle. School authorities may make exceptions for those students who belong to volunteer rescue or fire companies or students whose immediate family member has an acute medical condition.	Act 1989-103
H.B. 855	Amends the Controlled Substance, Drug, Device and Cosmetic Act to include anabolic steroids on Schedule II as a controlled substance. Practitioners are now prohibited from prescribing or giving any anabolic steroid for the purposes of enhancing athletic performance, muscle mass, strength or weight unless medically necessary. Unless	Act 1989-104

(Continued)

Bill NumberSummary of ProvisionsStatus as of 11/28/90

the person is a registrant, he is prohibited from possessing more than 30 dosages (labeled dispensed prescription) or three trade packages of anabolic steroids. Human growth hormones are specifically excluded.

H.B. 964

Amending the Crimes Code to state that a person commits a felony of the second degree when drugs are in any way brought into any prison or mental hospital. Individuals commit a first degree misdemeanor for in any way bringing in any contraband other than a controlled substance, absent a physician's signature permitting the delivery.

Act 1989-105

H.B. 1104

Amending the Insurance Company Law of 1921 to provide benefits for drug abuse and dependency related specifically to detoxification, hospitals, non-hospital residential care, outpatient drug services, and administrative matters such as deductibles, copayment plans and prospective pay.

Act 1989-106

H.B. 1274

Amends the Crimes Code to make the selling of tobacco to a minor under 18 years old a summary offense and imposes mandatory sentencing for the manufacture or delivery of a controlled substance.

House Rules Committee

H.B. 1275

Amends the Controlled Substance, Drug, Device and Cosmetic Act to add the definition of "designer drug." The definition addresses substances whose chemical structure is substantially similar to substances listed in Schedules I and II and also produce the effect of those enumerated controlled substances.

Act 1989-107

H.B. 1277

Amends the Crimes Code providing that a first degree felony occurs where a person conducts a financial transaction, stemming from unlawful activity or drug dealing, that is intended to launder the money clean of its illicit source. Laundering also includes attempts

Act 1989-108

(Continued)

Bill NumberSummary of ProvisionsStatus as of 11/28/90

to avoid state and federal transaction reporting requirements. A person may be fined \$100,000 or twice the value of the property at issue in the transaction, whichever is greater, and/or may be imprisoned up to 20 years. Civil penalties of \$10,000 or the property's value, whichever is greater, may also be imposed. Other criminal or forfeiture penalties may be imposed. District attorneys are given the authority to investigate and engage criminal proceedings for these violations occurring within their jurisdiction. The Attorney General has the same authority for related violations involving multiple counties or at least one county and another state and is further empowered to recover a civil penalty against individuals found to be liable.

H.B. 1279

Amends the Crimes Code to impose mandatory minimum terms of imprisonment on persons convicted of multiple sales of small amounts of drugs.

Tabled in the Senate

H.B. 1280

Amends the Crimes Code providing that third degree murder is chargeable to individuals who give, deliver, prescribe or distribute drugs or counterfeit drugs in violation of the Controlled Substance, Drug, Device and Cosmetic Act to anybody who dies upon using the drug. The mandatory minimum sentence is five years imprisonment and a \$15,000 fine (or larger amount necessary to deplete money used in and gotten from the illicit activity). Assets that are or will be subject to forfeiture will not be targeted for a fine; however, a fine may still be imposed against those assets judged not forfeitable.

Act 1989-109

H.B. 1281

Amends the Crimes Code to make drug traffickers who cause the death of someone in the course of committing a drug felony under the Controlled Substance, Drug, Device and Cosmetic Act guilty of murder in the second degree. This carries a mandatory sentence of life imprisonment.

Senate Judiciary
Committee

(Continued)

<u>Bill Number</u>	<u>Summary of Provisions</u>	<u>Status as of 11/28/90</u>
H.B. 1285	The Noncontrolled Substance Reporting and Registration Act requires those who deal with substances known to be drug precursors (chemicals and substances used to make illicit drugs) to register and record sales and distribution.	Act 1990-11
H.B. 1289	Amends the Judicial Code to impose a mandatory minimum penalty for drug distributors and manufacturers who are armed with a firearm.	Tabled in the Senate
H.B. 1298	Amends the Controlled Substance, Drug, Device and Cosmetic Act to make it a felony to use any "communication facility" in committing a drug offense. Punishment would be up to seven years imprisonment and/or a \$15,000 fine. It would also be a felony to engage in a continuing criminal enterprise involving drugs. This targets drug kingpins and carries a maximum penalty of 40 years imprisonment and/or a \$100,000 fine and subjects all drug proceeds to forfeiture. Also considered a crime would be the possession of drug precursors with the intent to manufacture controlled substances, which carries a mandatory fine of \$500 for the first conviction and \$3000 for subsequent convictions of drug possessions. Maintaining property known to be involved in illegal drug activities (e.g., crack houses) is a felony punishable by seven years imprisonment and/or a \$10,000 fine, but enhance the penalty to 10 years imprisonment and/or a \$15,000 fine if property is "forfeited." The bill would also impose life imprisonment for a third conviction of drug trafficking.	Tabled in the Senate
S.B. 123	Amends the Controlled Substance, Drug, Device and Cosmetic Act to classify methaqualone, a long lasting depressant, as a Schedule I drug. As a Schedule I drug, it cannot be prescribed or possessed.	Act 1989-91

Bill NumberSummary of ProvisionsStatus as of 11/28/90

S.B. 355	Amends the Controlled Substance, Drug, Device and Cosmetic Act to permit a court to suspend the driver's license of anyone convicted of possessing or dealing drugs. First and second time offenders are subject to 90-day and one-year suspensions, respectively. Third and subsequent convictions result in two-year suspensions. Multiple sentences are served consecutively, not concurrently.	Act 1989-92
S.B. 454	Requires school boards to adopt and enforce rules prohibiting the use of anabolic steroids by students participating in school-related activities. Mandatory minimum penalties must be applied to students who violate the school board policies.	Act 1989-93
S.B. 617	Amends the Judicial Code to authorize a court to order a parent, guardian, or other custodian of a child to participate in any medical, psychiatric, psychological or other treatment or counseling program to assist in the child's rehabilitation whenever the child is found to be dependent or delinquent.	House Rules Committee
S.B. 618	Amends the Judicial Code to provide that a parent, guardian or custodian of a minor who receives drugs or designer drugs through sale or otherwise may bring a cause of action against the dealer who dealt with the minor. This permits the recoupment of treatment and rehabilitation costs related to the child's drug dependency. The claimant may also be awarded reasonable attorneys' fees if successful in the action.	Act 1989-96
S.B. 620	Amends the PA Board of Probation and Parole law to prohibit the Board from releasing individuals on parole unless there has been a test completed that shows negative results for the presence of drugs or designer drugs within one week before the release.	Act 1989-97

(Continued)

Bill Number	Summary of Provisions	Status as of 11/28/90
S.B. 625	Amends the Judicial Code to require clerks of court to inform the Department of Revenue of those individuals who have been convicted (including those who plead guilty or nolo contendere) of dealing, possessing with intent of distributing or manufacturing drugs or designer drugs. The reporting procedure is for purposes of conducting tax return audits on those individuals, when the drugs, designer drugs or their combination is valued at \$1,000 or more.	Act 1989-98
S.B. 635	Amends the Criminal History Record Information Act to allow the computerization of intelligence and investigation information.	Tabled in the House
S.B. 938	Amends the Crimes Code to increase the penalties for assault on a judge, prosecutor or law enforcement official to constitute aggravated assault.	Senate Rules and Executive Nominations Committee
S.B. 940	Sentencing procedures for first-degree murder, capital punishment cases have been amended to include victims who were judges, Attorney General (including deputies), district attorneys (including assistants), members of the state Legislative and Executive Branch, local, state and federal law enforcement officials (includes assistants), the Auditor General and State Treasurer. Three additional aggravating circumstances were added in drug-related matters involving (1) killing or acting as an accomplice while committing a felony enumerated in the Controlled Substance, Drug, Device and Cosmetic Act; (2) killing as a result of a drug-related involvement or competition with the victim in selling, making or dealing in drugs or counterfeit drugs; and (3) victims who were informants who provided investigators with details of criminal activity, and the murder occurred in retaliation for the informant's assistance.	Act 1989-99
S.B. 948	Amends the Judicial Code to expand the immunities and benefits that accrue in matters involving statewide municipal police jurisdiction. Municipal officers may	Act 1989-100

(Continued)

Bill NumberSummary of ProvisionsStatus as of 11/28/90

now be considered state employees for purposes of receiving workers' compensation or assistance when deadly injury or damage is caused in the performance of their assistance. The state will now incur all costs borne by the municipality in defending against such lawsuits and provide attorneys to defend these lawsuits.

S.B. 949

Amends the Crimes Code to ensure that sentencing provisions for non-classified felonies and misdemeanors are uniform throughout the Crimes Code and Controlled Substance, Drug, Device and Cosmetic Act.

House Judiciary
Committee

S.B. 950

Amends the Crimes Code to strengthen civil remedies available under the "Corrupt Organizations Act" and expands the civil and criminal asset forfeiture provisions of that act. It would mandate the forfeiture of any interest acquired in violation of the corrupt organizations provision, any interest in an enterprise involved in the violation, and any property that is or is derived from the proceeds of the violation. Forfeiture procedures are specified.

Removed from the
Table in the House

S.B. 951

Creates the Substance Abuse Testing Act to specify bases for employer drug testing as well as procedures and safeguards. This bill would provide a civil remedy for abuse of the substance abuse testing program as well.

Senate Labor and
Industry Committee

S.B. 952

Amends the Controlled Substance, Drug, Device and Cosmetic Act to ban the sale, dispensation, or prescription of any amphetamine listed on Schedule II for the treatment of obesity, fatigue, nonclinical depression, mood states or to induce elevated human behavior, cognitive or physical performance.

House Health and
Welfare Committee

(Continued)

<u>Bill Number</u>	<u>Summary of Provisions</u>	<u>Status as of 11/28/90</u>
S.B. 1201 H.B. 1810	Amends the Public School Code of 1949 to mandate drug, alcohol, and tobacco abuse education in every grade from kindergarten through 12th grade.	S.B. - Removed from table in the House. H.B. - In the hands of the Governor for signature.
	The "Earned Time Bill" would provide prison officials with additional control over inmates and give an incentive for model prison behavior by inmates. A prisoner would earn four days off his prison sentence for each calendar month that he did not violate the regulations of the penal institution and also participated in either some drug treatment program, credit educational course, community service, or other program approved by the Secretary of Correction.	Not Introduced
	Amends the Commonwealth Attorneys Act to provide the Attorney General and district attorneys with the authority to issue investigative subpoenas.	Not Introduced
	A Joint Resolution calling for the Joint State Government Commission to examine plea bargaining in the Commonwealth and to report and make recommendations based on its findings to the Judiciary Committees of the House and Senate.	Not Introduced

*/This legislation was presented by the Pennsylvania Attorney General in February 1989 as a comprehensive package of drug control bills. These bills were among the approximately 70 pieces of drug control legislation that were introduced during the 1989-1990 session of the PA General Assembly.

Source: Developed by LB&FC staff from information set forth in the Office of Attorney General's "Drug Reform Legislation" package (revised May 1990) and contacts with the Legislative Data Processing Center.

APPENDIX E



Commonwealth of Pennsylvania
GOVERNOR'S OFFICE
EXECUTIVE ORDER

Subject		Drug Policy Council		Number	1987-13 Amended
Date	February 16, 1989	Distribution	B	By Direction of <i>Robert P. Casey</i> Robert P. Casey, Governor	

WHEREAS, drug and alcohol abuse are responsible for numerous tragedies of contemporary society, including street crime, organized crime, school dropouts, mental illness, suicide, physical illness, unemployment, family breakups, highway injuries, and fatalities; and

WHEREAS, alcohol-related fatalities are the number one cause of death among teenagers in Pennsylvania; and at least 33 percent of all suicides and approximately 50 percent of all child and spouse abuse cases are related to substance abuse; and

WHEREAS, national and state studies have identified a strong link between drug and alcohol abuse and criminal behavior; and at least 50 percent of the prisoners in the Commonwealth's jails and prisons need treatment for drug and alcohol abuse; and

WHEREAS, drug and alcohol abuse costs Pennsylvania an estimated \$5.3 billion annually in lost productivity and absenteeism; and

WHEREAS, the Congress of the United States has appropriated to the Commonwealth funds under the Federal Anti-Drug Abuse Act of 1986, which act encourages each state to develop a comprehensive and coordinated plan to implement a broad-based attack on the problems of drug and alcohol abuse; and

WHEREAS, the Congress of the United States has provided for increased drug education, treatment and law enforcement programs in the Omnibus Drug Initiative Act of 1988, Pub. L. 100-690; and

WHEREAS, to avoid duplication of effort and to enhance coordination the Commonwealth must develop a comprehensive, coordinated strategy to combat illegal drug use and drug and alcohol abuse, and such a strategy should combine the elements of prevention, education, treatment, and enforcement in a more effective manner.

NOW, THEREFORE, I, Robert P. Casey, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:

1. Creation of Drug Policy Council. There is hereby created within the Executive Offices of the Governor an agency to be known as the Drug Policy Council. The Drug Policy Council is designated as the state coordinating agency for purposes of formulating, implementing, and evaluating state-wide strategies to combat illegal drug use and drug and alcohol abuse in the Commonwealth. The Council is authorized to receive and direct the distribution of any and all federal funds previously or hereafter designated for drug and alcohol programs to be identified or selected by the Governor, or categorical funds to be administered by executive branch agencies.

2. Membership.

a. The Drug Policy Council shall consist of the following individuals or their designees:

- (1) The Governor, who shall serve as Chairman.
- (2) The Secretary of Public Welfare.
- (3) The Secretary of Health.
- (4) The Secretary of Education.
- (5) The Secretary of Corrections
- (6) The Commissioner of State Police.
- (7) The Executive Director of the Pennsylvania Commission on Crime and Delinquency.

b. Other state officials may be invited, from time to time, at the discretion of the Chairman, to attend meetings of the Drug Policy Council when such attendance is deemed necessary.

c. The Governor may appoint from among the membership a Vice Chairman, who shall perform the duties of the Chairman in the case of the Chairman's absence, or in other instances as directed by the Chairman.

3. Powers and Duties. The Drug Policy Council shall have the following powers and duties:

a. To implement a state-wide strategy for the prevention and eradication of illegal drug use and drug and alcohol abuse and related problems by:

(1) expanding resources for law enforcement, prosecutorial, correctional and related functions;

(2) promoting coordination of federal, state, and local efforts to focus on particular drugs of abuse such as cocaine and "crack," methamphetamine, "designer drugs," PCP, and prescription drugs;

(3) ensuring that drug and alcohol abuse education programs are carried out in the schools state-wide, and expanding the use of programs that identify and assist students at risk of drug and alcohol abuse;

(4) promoting coordinated delivery of drug and alcohol abuse treatment and rehabilitation services;

(5) encouraging integration of drug and alcohol treatment and rehabilitation services with other human service delivery systems;

(6) establishing policies and priorities for the allocation of federal and state funds to support prevention, education, treatment and enforcement programs administered by state departments, boards, and commissions; and

(7) using such other means as the Council deems appropriate.

b. To evaluate existing drug and alcohol abuse prevention, education, treatment and enforcement programs and strategies, and direct appropriate changes in such programs and strategies.

c. To conduct hearings at such locations as the Council shall determine.

d. To hire an Executive Director.

e. To employ or contract for such additional personnel and support services as may be necessary.

4. Relationship to other agencies. All executive agencies shall cooperate to the fullest extent with the Drug Policy Council and shall provide information needed by the Council in fulfilling its mandate under this Order.

5. Expenses. All expenses of the Council members shall be met through the operating budgets of their respective agencies. The Drug Policy Council shall bear the expenses of the operation of the Council.

6. Termination. Paragraph 6 of Executive Order 1987-13, dated June 2, 1987, is hereby deleted.

APPENDIX F. TRAINING NEEDS FOR LAW ENFORCEMENT OFFICERS AND
PROSECUTORS/ASSISTANTS AS IDENTIFIED BY THE PA
COMMISSION ON CRIME AND DELINQUENCY

Training Needs for Law Enforcement Officers

Patrol Officers

- Drug awareness
- Drug identification
- Requesting assistance with drug cases
- Drug offender profiles
- Basic search/seizure
- What to do when drugs are found
- How to inform higher authorities of local drug information
- Arrest techniques for drug violations

New Investigators

- Basic investigation techniques
- Basic search warrants
- Affidavits
- Evidence Collection/Handling
- Testifying in court
- Procedures for requesting assistance with case
- Annual refresher course
- Using informants
- Interviewing skills
- Basic surveillance techniques
- Awareness of prosecutor's needs for drug cases
- Practical exercises in writing warrants, affidavits, and interviewing

Experienced Investigators

- Wiretaps
- Advanced electronic surveillance
- Financial investigations
- Collecting/analyzing intelligence
- Regional/statewide intelligence networks
- Advanced investigation methodologies such as flow charting of investigations, sophisticated search techniques, advanced warrant writing, and using informants
- Investigating drug networks and organizations
- Interagency drug operations
- Using state/federal resources

(Continued)

Supervisors/Managers

- Interagency cooperation
- Regional strike forces
- Information sharing mechanisms
- Drug intelligence networking
- Understand the prosecutor's needs for a drug case

Agency Executives

- Statewide drug strategy
- Resources available
- Interagency cooperation
- Procedures for requesting from or providing to other agencies

Training Needs for Prosecutors/Assistants

New Prosecutors/Assistants (less than 3 years experience)

- Drug awareness/identification
- Understanding investigation techniques
- Case development
- Awareness of other components of system in drug cases
- Technical capabilities of investigation equipment
- Referral of cases
- Trial tactics
- Using drug dogs
- Sentencing
- Appeals
- Granting immunity

Experienced Prosecutors/Assistants

- Asset forfeiture
- Investigating/prosecuting drug enterprises
- Financial investigation tactics
- Establishing intelligence gathering/analysis functioning
- County/regional strike forces
- Police/prosecutor relations
- New court decisions effecting drug law
- Advanced versions of topics noted for new prosecutors

Source: A Strategy for Drug Law Enforcement Training in Pennsylvania, PA Commission on Crime and Delinquency, September 1987.

APPENDIX G. EXAMPLES OF DRUG LAW ENFORCEMENT TRAINING COURSES
CURRENTLY OFFERED BY PENNSYLVANIA STATE AGENCIES*

Pennsylvania State Police (PSP)

Examples of drug law enforcement training provided to all PSP cadets include:

- Scene Security and Gathering Evidence
- Low Risk Stopping Techniques
- High Risk Stopping Techniques
- Fugitives and Fresh Pursuit
- Search and Seizure
- Search and Seizure Practicum
- Drug Interdiction
- Investigative Techniques/Lab Services
- Collection and Preservation of Evidence
- Initiating Prosecution
- Testifying in Court
- Role of PSP K-9 Drug Enforcement Unit

Office of Attorney General (OAG)

Attorneys for the Attorney General's Drug Prosecution Section provide instruction in the following areas:

- Pennsylvania Rules of Criminal Procedure
- Pennsylvania Crimes Code
- Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (for District Justices)
- Use of Deadly Force and Police Liability (for Capitol Police)
- Search and Seizure
- Pre-Trial Discovery
- Update on New Legislation
- Law of Arrest
- Criminal History Record Information Act
- Civil and Criminal Drug Forfeiture
- Drug Paraphernalia
- Law and Procedure of Electronic Surveillance
- Use of Investigating Grand Juries

The OAG Bureau of Narcotics Investigation and Drug Control training staff provides training to state and local agencies in the following areas:

- Drug Identification
- Report Writing
- Investigative Leads and Techniques
- Forged Prescriptions
- Use of Informants
- Basic Drug Investigative Techniques
- Complex Investigate Techniques
- Special Investigative Techniques Dealing With Interdiction
- Arrest Procedures

Municipal Police Officers Education and Training Commission
(MPOETC)

Under Act 120, MPOETC provides drug law enforcement training to municipal police officers through the following courses:

- Application of Force
- Authority and Jurisdiction
- Criminal Law
- Evidence
- Use of Force
- Controlled Substance Act
- Securing the Crime Scene
- Processing Evidence
- Area Searches
- Surveillance
- Mechanics of Arrest and Search

*/This is not intended as a comprehensive inventory of all drug law enforcement training programs available in Pennsylvania. The list includes training currently provided by the PA State Police, Office of Attorney General, and Municipal Police Officers Education and Training Commission.

Source: Developed by LB&FC staff from PSP Cadet Course Syllabus, Act 120 Revised Basic Training Syllabus, and the OAG's Drug Prosecution Section and Bureau of Narcotics Investigation course listing.

APPENDIX H. KEY PROVISIONS OF NEW JERSEY'S COMPREHENSIVE PLAN
 FOR BASIC AND IN-SERVICE DRUG LAW ENFORCEMENT
 TRAINING

The "tactical objective" of New Jersey's comprehensive plan for basic and in-service drug law enforcement training is "to ensure that all law enforcement officers have access to and actually receive enhanced basic and in-service training as to current and future narcotics enforcement tactics." The specific "directives" and "guidelines" for this plan are as follows:

1. In order to ensure a cooperative and coordinated narcotics enforcement training effort, a Training Working Group shall be established to serve as the liaison between federal, state, county, and local agencies which provide training for law enforcement personnel. The Training Working Group shall be comprised of representatives from the Statewide Narcotics Task Force, the Division of Criminal Justice Police Bureau, the State Police Academy, representatives from the county and local police academies, the Federal Bureau of Investigation, the Drug Enforcement Administration and the New Jersey Narcotic Enforcement Officers Association.
2. It shall be the policy of this State to encourage all sworn law enforcement officers to participate in seminars, workshops and continuing education programs designed to enhance the officers' knowledge of narcotics enforcement tactics and techniques.
3. The Training Working Group established pursuant to Directive 1 shall conduct a statewide assessment of all narcotics enforcement training programs currently available, and shall develop a statewide delivery system for these programs so as to ensure the proper training of all New Jersey law enforcement officers. The Training Working Group shall work in cooperation with federal, state, county and local training personnel to develop a comprehensive, statewide training network designed to maximize resources, reduce duplication and ultimately reach the largest possible target population of law enforcement officers. The Training Working Group shall serve as a clearinghouse for information and literature concerning all training programs offered throughout the State and neighboring states.
4. The quarterly newsletter New Jersey Criminal Justice, which is published by the Division of Criminal Justice, shall include a column which shall provide information on all narcotics

(Continued)

enforcement training programs offered throughout the State and neighboring states.

5. The Statewide Narcotics Task Force shall develop a drug investigators internship program, which shall be made available to select county and local law enforcement personnel. Officers entering into the internship program shall, subject to the applicable provisions of law, take a leave of absence from their current department or agency to participate as an intern. Salary costs for county and local officers participating in the program shall be reimbursed by the State.
6. Each countywide narcotics task force should establish a drug investigators internship program which should be made available to select State, county and local law enforcement personnel.
7. It shall be the responsibility of every law enforcement agency to ensure that by November 1, 1987, every sworn officer has participated in an in-service training program explaining the provisions of the Comprehensive Drug Reform Act of 1987.
8. The Statewide Narcotics Task Force shall continue to provide technical assistance and program materials to county and local police academies to help them in providing training under the new law as required by Directive 6.
9. The Division of Criminal Justice shall within 60 days of the issuance of this Action Plan revise the POST curricula at all certified police academies so as to account for the enactment of the Comprehensive Drug Reform Act. The revised curricula shall be distributed to all training academies conducting basic training courses. The Division of Criminal Justice will similarly revise the basic course for prosecuting attorneys. The State Police shall make the required revisions in their Basic Drug Enforcement Training Program. The Training Working Group established pursuant to Directive 1 shall coordinate the revisions of all other specialized training courses offered throughout the State.
10. The Training Working Group should develop and make available specialized training curricula on specific issues relating to narcotics enforcement. Such courses should include the following subjects:
 - NOMAD Implementation, Data Collection and Reporting Procedures
 - Asset Seizure
 - Money Laundering and Asset Tracing
 - Smuggling

(Continued)

- Undercover Surveillance
 - Evidence Preservation and Forensic Analysis
 - Prosecutors' Preparation for Civil and Criminal Cases
 - Officers' Preparation for Court Appearance
 - Use of Informants
 - Managing a Drug Investigation Unit
 - Financial Investigations Training
 - Development of Computerized Drug Offense and Offender Files
 - Enforcement of Drug-Free School Zones
 - Arrest, Search and Seizure Pertaining to Narcotics Investigations
 - Interview and Interrogation Techniques
 - Prosecutors' Response to Defense Counsels' Conflicts of Interest in Drug Cases
 - Drug Testing and Drug Abuse Detection for Law Enforcement Supervisory Personnel
 - Development of Drug Prevention Courses and Related Instructor Training Program
11. The Training Working Group established pursuant to Directive 1 shall review all training programs offered by federal training agencies, including but not limited to the Federal Bureau of Investigation, the Drug Enforcement Administration, the Internal Revenue Service, the United States Coast Guard and the United States Customs Service.
 12. The Statewide Narcotics Task Force shall review and report to the entire law enforcement community the availability of Bureau of Justice Assistance grants for narcotics enforcement training which are authorized by the federal Anti-Drug Abuse Act of 1986.

Source: Attorney General's Statewide Action Plan for Narcotics Enforcement, New Jersey Department of Law and Public Safety, January 1988.

Statement of Attorney General

Ernest D. Preate, Jr.

on

The Legislative Budget and Finance Committee's

Report on Drug Law Enforcement Efforts in Pennsylvania

December 11, 1990

Chairman Bell, members of the Legislative Budget and Finance Committee, thank you for the opportunity to speak here this morning on the LB&FC report on Drug Law Enforcement Efforts in Pennsylvania. I appreciate the opportunity to come before you and share my thoughts regarding this Report and its recommendations.

I would like to begin by thanking the staff of the Committee, and in particular Senior Analyst Mark K. Stine the study team leader, for their hard work on this report. Your staff conducted themselves in a professional manner and I congratulate them for their hard work and dedication on this report. I enjoyed the opportunity to meet personally with the staff and to share our plans for making Pennsylvania a better and safer place to live and raise a family.

This report confirms and reinforces what I have been saying about Pennsylvania's approach to drug law enforcement for many years. Simply put, the key to winning the war on drugs from a law enforcement perspective is cooperation, and the key to cooperation is the implementation of the Municipal Task Force Program. When I assumed this office, expansion of the Municipal Task Force program was the centerpiece of my overall plan to attack the drug problem in the State. I was pleased, then, to note that the Committee recognized the importance of cooperation and singled out as a key finding the tremendous success of our Municipal Task Force program.

This is not the first time that the Task Force program has been singled out for praise. Earlier this year, the President of the United States cited Pennsylvania as one of just four states with innovative and comprehensive programs and laws. This past Summer, former Drug Czar William Bennett praised Pennsylvania's Task Forces as a model for other states to copy and has given us an "A" rating for our efforts. Local elected officials, Chiefs of Police, and police officers all across Pennsylvania have hailed the program as a major success. And now, today, this Committee, after an exhaustive six month study has recognized and confirmed the vital importance of the Task Force program.

Given the success of the program, it is critical to note that funding for the Local Task Forces expires at the end of the current fiscal year when PENNFREE monies run out. I direct the attention of the General Assembly to this Committee's recommendation that general fund monies should - and must - be appropriated in the FY 1991-92 if this vitally important and successful program is to continue.

I would also like to take a moment to address the unattributed concerns regarding the program which were cited by your Report. Let me state very emphatically, we have gone to great lengths to take local concerns into account. It is for this reason that we have been willing to amend our standard Task

Force agreement documents to provide program flexibility to meet varying local needs. It is not our intent to run local law enforcement, but rather to assist them with money and manpower.

The Task Force agreements only provide for such audit controls as are necessary to ensure that taxpayers' monies are properly spent. Indeed, I would like to point out that each Task Force is run by a board comprised of the Chiefs of Police of the participating municipal departments. Furthermore, the District Attorney, who prosecutes most of the cases arising from Task Force investigations, generally serves as the head of the Task Force. The agent who we assign to the task force is there to provide enhanced coordination and increased undercover capabilities, and, to integrate the activities of the Task Force with those of the Regional Strike Force.

It has been our experience that once we have implemented Task Forces these types of concerns have been replaced with a new spirit of cooperation - not only between our office and the local departments - but among the local police departments themselves as they work together on cases.

Another key finding of your Report was the need for the adoption of an Agreement between the Pennsylvania State Police and my Office to, as you put it, "institutionalize cooperation" between our two agencies. I am pleased to report that the Governor and I, together with the Commissioner of the State Police, Ronald M. Sharpe, signed the Agreement yesterday.

I have long recognized the need for such an Agreement even during my days as the District Attorney of Lackawanna County. I called for such an Agreement during my campaign in 1988, and, I began working on the Agreement during the transition following my election as Attorney General - meeting with the Governor and the Commissioner.

The Agreement provides for the sharing of seized assets, the exchange of intelligence information, a mutual reporting system, a uniform informant-management system, and uniform statistical reporting procedures, and provides a procedure to resolve any disputes which may arise. The Agreement also commits my Strike Force Attorneys to be available 24 hours a day to consult with and advise the troopers. In addition, it formally establishes what has been our practice of providing the State Police with offices, office equipment and supplies, clerical support and investigative operational funding.

This Agreement is the culmination of two years of hard work and growth in the drug fighting capabilities of the Office of Attorney General. Before we could adopt such an Agreement, it was first necessary to put in place the logistical and management systems necessary for successful cooperation. I did that through the creation of the Drug Law Division of the Office of Attorney General, the establishment of the Intelligence section within the Bureau of Narcotics Investigation and Drug Control, and the hiring of the additional agents necessary to develop the type of long term organizational prosecutions essential to a successful drug war. During the time we were experiencing this tremendous expansion of our drug force pursuant to legislative funding, we were regularly meeting with the State Police to hammer out this Agreement.

The Agreement solves a practical problem that developed many years ago when the Strike Forces were created. The General Assembly assigned two agencies with differing procedures and policies to the same mission without designating one agency as in charge, expecting that the two would cooperate as equals. This Agreement finally fulfills the spirit of the General Assembly's intent by replacing competition with cooperation.

This historic Agreement sends a strong message that just as Governor Casey, the General Assembly, and I have worked closely together on anti-drug legislation and on strengthening the Commonwealth's drug law enforcement program, so we and Commissioner Sharpe expect the agents and troopers in the field to work together.

It also sends a strong message to the drug criminals that law enforcement in Pennsylvania is united in our commitment to stopping this scourge.

Cooperation is more important now than ever before. This Agreement comes at a time when we are rapidly expanding our Municipal Task Force program from 15 task forces to 41 with more on the way covering 75% of the State's population outside of Philadelphia - thanks to the infusion of new Commonwealth funds which pay the overtime of local officers, and the enactment of the hold-harmless law which allows local departments to participate without fear of lawsuits. And it comes at a time when, thanks to CHRIA reform legislation now on the Governor's desk, police in Pennsylvania soon will be able to use computers to compile, analyze, and share intelligence information.

I would also like to mention our efforts to assist the City of Philadelphia. When I became Attorney General we had no agents assigned to that City. Despite the fact that over 50% of the Commonwealth's drug crime occurs in Philadelphia our nearest

office was in Reading - over 50 miles from the City. That is why I sought, and the General Assembly funded, the creation of a ninth Regional Strike Force Office in Philadelphia.

Today we have over 30 agents and two lawyers assigned to Philadelphia together with support personnel - 37 people in all. We also have several National Guardsmen working with us at the Philadelphia office on special detachment. We have made our office available to a number of state and federal agencies with whom we are working including the DEA, U.S. Customs, local police, the District Attorney, the New Jersey State Police, and the New Jersey Attorney General's Office.

I am also hopeful that in the near future we will be able to announce the creation of several new task forces for Philadelphia so that we can deliver even more manpower and desperately needed financial help to the City. Additionally, the State Police assure me that they will soon be committing manpower to the Philadelphia Strike Force.

The Report also contains many other findings three of which I will touch on briefly. I was pleased to note that you have recommended the adoption of legislation to amend Pennsylvania's racketeering statute to provide for the seizure of assets. The omission in the law has hampered law enforcement for far too long and has deprived us of a major weapon to use against the drug king-pins.

The Report also recognized the need for increased training in drug law enforcement for Pennsylvania's drug agents. I have long advocated specialized training, and indeed, the Office of Attorney General is one of the leading training agencies in the Commonwealth. We have literally trained hundreds of local police officers in our Task Forces. I consider this free on-site training to be one of the key ways which we assist local police departments.

However, I would like to point out that training can be expensive. If you would like to see us expand our training efforts - and I think we should - the General Assembly will have to appropriate the necessary funds to accomplish this goal.

I would also like to comment on the Report's recommendation that the Office of Attorney General and State Police co-locate drug law enforcement staff at a common Harrisburg headquarters location. Our two offices used to be co-located, but the State Police moved due to severe space constraints which were created by the expansion in the Office of Attorney General. Since that time we have taken steps to create additional space at my Strawberry Square headquarters and the State Police have assured me that they will be moving back as soon as the space can be made available.

I would like to close by once again thanking the Committee and its staff for their hard work on this Report. The release of this Report, together with its recommendations for continued funding for our Task Force program send an important message to the men and women who work every day fighting drugs in our streets that the General Assembly of Pennsylvania recognizes and applauds their dedicated work.

The Report also says that the General Assembly recognizes the need to continue the funding for these important programs in what is likely to be a difficult budget year. For that I am extremely grateful. One of the problems which we have experienced with past "wars on drugs" was the failure of government to make a sustained commitment of energy and resources to the battle. With your findings and recommendations today, the Legislative Budget and Finance Committee has signaled that we are not going to make that mistake in Pennsylvania.

Thank you.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PA. 17110

COLONEL RONALD M. SHARPE
COMMISSIONER

December 7, 1990

Philip R. Durgin
Executive Director
Legislative Budget and
Finance Committee
Room 400, Finance Building
P. O. Box 8737
Harrisburg, PA 17105

Dear Mr. Durgin:

I commend the Legislative Budget and Finance Committee for their exhaustive efforts in researching the drug law enforcement component of the Commonwealth's "war on drugs." The Pennsylvania State Police are in agreement and are supportive of the overall objectives of the study.

The following comments are provided for inclusion as an appendix in the final version of the report:

Of major concern is the public disclosure of logistical deployment of drug enforcement personnel. This data will assuredly be used by drug dealers in developing tactical strategies, particularly, establishing bases of operation to counteract police deployment. I strongly request that this information not be released to the public due to the negative effects it will have on drug enforcement operations and the safety of undercover law enforcement officers throughout the Commonwealth.*

The study did not address the nature, extent and recommended actions concerning the diversion of legitimate pharmaceuticals. Pennsylvania is classified as one of the leading violators in the United States in this area.

Regarding shared office space, the Pennsylvania State Police relocated its operations from the Office of the Attorney General due to insufficient clerical assistance and office space. The relocation also eliminated administrative problems arising from fragmented State Police command structure. Immediate and continuous liaison was established with the Office of Attorney General at the time of the move. We have not encountered any administrative or operational problems in this area.

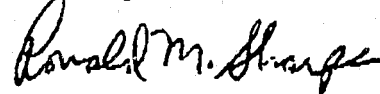
*/LB&FC Staff Note: As requested, this information was withdrawn from the final report.

Philip R. Durgin
December 7, 1990
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The study failed to indicate that the Pennsylvania State Police initiated a drug enforcement regulation in March of 1990. The regulation established procedural guidelines for the exchange of intelligence information between all Commonwealth police agencies, the formulation of drug enforcement strategies, and the coordination of inter-department and inter-agency drug investigations throughout the Commonwealth. This program has been and continues to be extremely successful. Due to the confidential nature of the regulation, a copy is not enclosed.

Assuring you of our continued cooperation in matters of mutual concern, I remain

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald M. Sharpe". The signature is fluid and cursive, with the first name "Ronald" being more prominent.

Colonel Ronald M. Sharpe
Commissioner