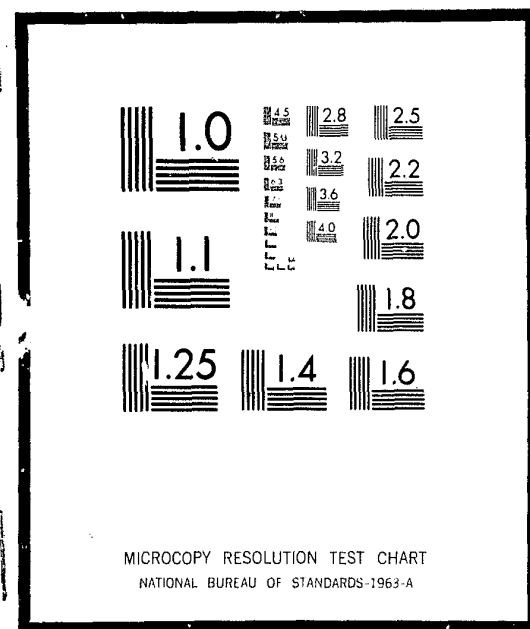


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

1/4/77
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R-76-161

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION POLICE TECHNICAL ASSISTANCE REPORT

SUBJECT: South Carolina; Development of a Multi-County/Inter-District Narcotics Program
REPORT NUMBER: 76-91
FOR: South Carolina Appalachian Council of Governments

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AUG 18 1976

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CONTRACTOR: Westinghouse Justice Institute
CONSULTANT: James L. McGovern
CONTRACT NUMBER: J-LEAA-003-76
DATE: August 1976

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FOREWORD

This request for Technical Assistance was made by the South Carolina Appalachian Council of Governments. The requested assistance was concerned with designing a plan that would serve as a guideline for the development of a multi-county/inter-district narcotics program.

Requesting Agency: South Carolina Appalachian
Council of Governments,
Mr. Robert M. Strother,
Director of Public Safety

State Planning Agency: Office of Criminal Justice
Programs, Division of
Administration,
Mr. John Parton

Approving Agency: LEAA Region IV (Atlanta),
Mr. Ben A. Jordan, Director,
Program Development and
Technical Assistance Division;
Mr. John A. Gregory, Police
Specialist

1. INTRODUCTION

Law Enforcement agency representatives from 10 South Carolina counties expressed interest in developing a multi-county/inter-district narcotics program; and the assistance of the South Carolina Appalachian Council of Governments was sought to design such a cooperative program. Therefore, the requesting agency required a plan that would serve as a guideline for developing the program.

To identify the feasibility of such a program, there are certain basic requirements that must be present. Among these requirements are: Identification of the problem that this effort seeks to address; full commitment of resources by participating agencies to the program's implementation; design of organization and operating structure; identification of staff, financial, and equipment needs; and development of reasonable goals and objectives.

As a preliminary step toward the development of the requested plan, the Consultant held a conference with the following individuals:

- Mr. Robert Strother, Director of Public Safety,
South Carolina Appalachian Council of Governments.
- Sheriff E. E. Cooley, Anderson County.
- Lt. Wade Budette, Deputy, Anderson County.
- Chief Deputy Harold E. White, Green County.
- Deputy Sergeant Charles Webber, Greenwood.
- Chief of Police John H. Young, Greenwood.
- Sheriff Sam B. Cann, Jr., Abbeville.
- Mr. Jack E. Denman, South Carolina Office of
Criminal Justice Programs.
- Mr. Tom Webber, South Carolina Appalachian
Council of Governments.

2. UNDERSTANDING OF THE PROBLEM

The requested plan is intended to provide guidelines for the design of a cooperative, unified program by several jurisdictions to identify and control the unlawful trafficking of narcotics through the allocation of financial assistance, manpower, and equipment. To fully appreciate the problem, recognition must be made that no one agency or single jurisdiction can effectively control the flow of narcotics. This traffic knows no jurisdictional lines; it involves both the importation from other jurisdictions, as well as the transportation and sale within the individual jurisdictions. To effectively cope with the problem, mutual understanding and cooperation is required by the participating agencies.

Some of the areas that must be considered in the design of the guidelines involve the following technical problems: Selection of targets, coordination of manpower, design of governing body, operational structure, designation of authority, fixing of responsibility, creation of multi-county police authority, communications, recordkeeping, public education, as well as the selection of reasonable goals and objectives and effective evaluation of the program.

Several factors have major influence on the program's development. Probably the most serious obstacle to overcome is the development of a truly cooperative effort by the individual jurisdictions.

So that there will be no misunderstanding by the participating agencies, a formal statement should be secured from the governmental official authorized to commit resources, including personnel, to this cooperative effort. This commitment may be in the form of a letter, addressed to the grantee agency, or to the Director of Public Safety for the South Carolina Appalachian Council of Governments. That letter of intent, or resolution, from the governing body, if such authority is required, should specify particular commitment to the objectives and goals of the program, as well as a commitment to share appropriately in the matching fund requirements. The letter, or formal resolution, should also clearly outline the fact that the commitment is for the duration of the program. Since several units of government are involved in the cooperative effort, there must be a clear understanding that the program developed is autonomous, independent of the participating governments and responsible only to the governing body created under the program.

The governing body, which shall also establish administrative and operational policies, should be representative of the participating units of government, but not responsible to any one unit. The governing body should be designed to eliminate the potential threat of domination by any one agency.

The character of the specialized training that should be given to the investigative staff will be influenced by the nature of the controlled substances traffic problem as identified, the level of past experience and training of the investigative staff, and the availability of expert training resources.

In designing the program, consideration should be given to the development of a public education program. Control of the illegal drug traffic problem may, in the final analysis, be accomplished through public education. The nature of this program should envision the use of the data developed through the staff personnel regarding the extent of the problem, and the dissemination of this data to the media and to the public at large.

A cooperative investigative/intelligence-gathering operation by law enforcement agencies that represent several jurisdictions must be supported by a prosecutorial policy that is understanding and in agreement with the objectives and goals of the effort.

3. ANALYSIS OF THE PROBLEM

The problem relating to the development of guidelines for creation of a program aimed at the control of traffic in illegal and legal "controlled substances," for the immediate purposes, is not confined to a specific geographical area. Therefore, no attempt has been made to set forth data relating to the extent of the problem in terms of frequency and nature of arrests, value of controlled substances seized, the extent of criminal prosecutions, manpower allocations, and budgetary commitments by local units of government. Moreover, the problem in terms of the illegal substances, as well as the legal substances that have been diverted to the illegitimate market, have not been identified. The purpose of the immediate approach to this problem is to design guidelines, which would be generally applicable to any area in which a problem relating to traffic in controlled substances is believed to exist and wherein several units of government wish to engage in a multi-jurisdictional cooperative effort.

While the problem addressed herein involves the development of guidelines for the creation of a program, an analysis of the problem requires also a full appreciation of the underlying law enforcement responsibility related to illegal traffic in drugs. Recognition of the drug traffic problem on a local basis has often times been limited to the problem of the user and the local trafficker. The larger traffic problem which involves the importer and the wholesaler who may not be limiting his activities to the local jurisdiction, has often times been ignored or accepted as a condition with which the local authorities could not cope. In the past, by reason of lack of specialized training, local jurisdictions have not recognized the extent of the problem nor the nature of the substances involved in the drug traffic. These conditions were addressed in the proposed guidelines.

4. FINDINGS AND CONCLUSIONS

Based upon the Consultant's past experience in designing and evaluating programs among several jurisdictions, the following conclusions were drawn:

- As the first logical step toward creating this cooperative effort, the extent of the problem should be determined and its nature identified. In the area of law enforcement related to narcotics traffic, there is a broad range of emotion. In addition, there is a lack of knowledge connected with ignorance concerning the substances believed to be involved in the illegal traffic. The extent and nature of the problem must be identified with precision and accuracy before major steps are taken to develop the multi-jurisdictional approach, upon the informal approach that may already exist.
- Based on the assumption that the problem is identified, the individual units of government must agree to create a fully autonomous organization, subject only to the control of the collective representatives of the participating units of government. There must be agreement that the organization created shall not be responsible to any one unit of government. In the absence of a truly independent operation, the program tends to become dominated by the most forceful representative of one of the governmental units, or by the largest governmental unit in terms of population and, therefore, law enforcement personnel.
- Based on the assumption that each governmental unit agrees to the autonomy of the created organization, a formal memorandum of understanding, letter of intent, or resolution from the governing body of the participating governmental units should be secured. This document should be signed by the head of that governmental unit (e.g., chairman of the county commission, Mayor). The memorandum of understanding should clearly specify the commitment to the policy that is adopted by the governing body, to the representation of the governing body, to the manpower to be contributed to the program, to the financial contributions, and to the equipment assigned. In the absence of an unequivocal commit-

ment to this type program, there tends to be a diminution in participation and support with the passage of time during the program's operation.

- In designing the program, reasonable goals and objectives should be selected. Such goals and objectives can be best identified through the accurate problem identification. Immediate objectives of the program, based upon the commitment of the governmental units, shall be the development of the cooperative effort itself. Further objectives will be accomplished insofar as they will relate to a more efficient use of law enforcement personnel and the development of a knowledgeable staff of investigative personnel through training. The program should result in an increased number of arrests and prosecutions, as compared with the baseline data in these areas established during the problem identification phase. This should be the immediate effect of the program, but the ultimate goal must be an in-fact decrease in the extent of the flow of controlled substances in the illegal market. A secondary goal is the identification of criminal activity related to the narcotics traffic problem. Based on the assumption that a public information component is developed for the program, its goal is to increase public knowledge concerning the magnitude of the problem, the nature of the problem, and public participation in the official efforts to curtail the flow of narcotics. The goals and objectives must be reasonable. Total elimination or a very high reduction in the traffic cannot be reasonably expected during the short period of such a cooperative venture. The purpose of the program during its short span should be the demonstration of the merits of a multi-jurisdictional, cooperative effort.
- With the identification of the cooperating governmental units, an equitable, matching fund formula should be developed. These formulas are generally based upon an equal distribution of the costs of the matching funds among each of the participating agencies. In the event an effort is made to divide this cost among the agencies, based upon the extent of the narcotics traffic

problem within a given jurisdiction or on a population basis, the major contributor will generally expect the major allocation of manpower and time to the problem to be within its jurisdictional lines. This tends to create dissension.

- As in the case of matching funds, a mutual agreement must be reached whereby there is an equitable assignment of manpower and equipment by each of the participating agencies. Where there is a preponderance of manpower and equipment by one of the agencies, that agency will expect major attention to be devoted under the program to its problems.
- At the outset of the program, the problem relating to law enforcement jurisdiction throughout the "program impact area" must be resolved. Unless each member of the program can operate throughout the impact area with the same authority as within his home county, questions will arise concerning the legality of any arrests, searches, and seizures that may develop as a result of his efforts. This problem may be overcome, consistent with State laws, through a deputization of all police personnel involved in each of the counties in which he will operate. A ruling in this regard should, however, be secured from a State Attorney General.
- The geographical limitations of the program should be clearly delineated, not only in terms of county lines but with respect to communities within the county area.
- An organizational staff structure should be established to accomplish the program's goals and objectives. This structure should envision the creation of a governing body responsible for the program's overall administration and establishment of the program's policy. Under that governing body, the program should be administered on a day-to-day basis by a project director. The project director should be assisted through staff personnel, primarily investigative and secretarial. The size of the investigative staff will depend upon the extent of the geographical area to be covered and the magnitude of the problem to be scrutinized. The size of the

the investigative staff will also determine the size of the secretarial/clerical component of the program.

- After the nature of the organizational structure has been determined, the governing body should identify the duties and functions of the staff. These will encompass jurisdictional policies with respect to relationship with other agencies; extent of investigative effort; liaison with other agencies; selection of investigative targets; dissemination policies and procedures; identification of the function of the staff personnel as primarily intelligence or investigative, coupled with enforcement.
- The qualifications and responsibilities of the project director should be defined. Consideration should be given to the individual's past experience in narcotics control but the greatest emphasis should be placed upon his administrative and leadership ability. The project director's salary should be commensurate with his responsibilities and on a level with other law enforcement department heads in the area.
- Drug enforcement efforts require specialized knowledge. Therefore, when personnel are selected to serve in this program, their investigative background in this specialized field should be considered. However, regardless of their investigative background, the personnel employed should receive the training necessary to equip them with sufficient knowledge to perform effectively. Police officers are sometimes assigned to programs of this nature without prior experience or background in the field to equip them in the identification of the substances involved, the language used or the techniques employed to successfully gather information and carry out a successful enforcement effort. To provide this training, knowledgeable resources such as the Drug Enforcement Administration, State training programs, and local experts in the field of narcotics should be identified.
- The staff should be housed in an office located apart from any of the participating governmental units. This will preserve its autonomous identity and will eliminate the appearance of identification with one of the participating agencies.

- The operational program should be designed to be consistent and in compliance with the existing State and local laws. Similarly, the day-to-day operation should address itself to the extent and nature of the problem identified at the outset.
- In addition to the law enforcement effort and intelligence-gathering process, the program should include a public education component. Local persons knowledgeable in the total field of drug abuse should be identified and should assist in the design of the public education phase.
- The success of this program will involve not only the identification of drug traffickers but also their prosecution. The program staff must maintain a close liaison with the office of the district or prosecuting attorney. From a technical standpoint, the staff operations will involve the seizure of control substances under the authority of a search warrant. The statement of probable cause for the issuance of a search warrant, as well as the technical accuracy of the search warrant itself, must stand the test of court examination. Similarly, the program's policies and procedures and goals and objectives must have the support of the prosecuting attorney's office. Successful multi-jurisdictional law enforcement efforts have been closely aligned with the office of the district or prosecuting attorney, as the case may be.
- Drug enforcement efforts have historically employed the use of buy money to effect the purchase of illegal substances as part of their method of operation. Strict controls are necessary to ensure that this fund is used properly and to the best advantage.
- To determine that the program is proceeding satisfactorily and accomplishing its goals and objectives, the program must contain an evaluation component. This component should identify the program's progress and ultimate success or failure both through in-house evaluation and independent resources. As indicated previously, unless accurate baseline data are established that define the extent of the drug problem at the outset of the program,

an accurate evaluation cannot be determined. This evaluation should be quantitative in terms of increased arrests, increased prosecutions, reduction in frequency of drug-related crimes, increased cost of controlled substances in the illegal local market, coupled with the qualitative aspects of the program relating to improved specialized training, better use of manpower, reduction in the duplication of investigative effort, creation of a higher level of cooperation between several independent jurisdictions, and more accurate identification of the drug traffic problem.

5. RECOMMENDATIONS

The overall problem relating to the illegal traffic in controlled substances from both legal and illegal sources may be addressed in several manners.

- Efforts can be made to identify the traffickers through the "historic" procedure of relying upon the local police agency to effect controls within the geographical limits of its jurisdiction. That procedure is generally coupled with periodic, but not necessarily, ongoing assistance from neighboring departments. For several reasons, this approach has not been successful; among the reasons for the lack of success may be: Inadequate manpower; lack of specialized training; absence of specialized assignment of personnel; and, perhaps the most serious, the failure or refusal to recognize the existence of the problem itself. In addition, the fact that the official effort to control the problem has been limited to specific jurisdictional areas has failed to recognize that this traffic knows no boundaries. Jurisdictional jealousies have also contributed to this overall lack of success.
- In recognizing the lack of specialized knowledge in many cases at the local level, assistance from Federal and State drug enforcement and regulatory agencies has been requested by local jurisdictions from time to time. Moreover, the Federal and State agencies have operated independently of the local jurisdictions in pursuit of their fixed jurisdictional responsibilities. A cooperative effort has been established from time to time, particularly in specific investigations where mutual interests were involved. The introduction of Federal and State resources has served in individual cases to overcome the obstacle faced by local jurisdictions with respect to geographical limitations. This coordination has not been a continuous program. The Federal and State agencies tend to pursue their particular investigative responsibilities in accordance with the policies they have established. They do not generally demonstrate the same level of concern for narcotics traffic that does not fall within their investigative standards.
- The problem may be approached through creating purely volunteer efforts between local jurisdictions and working in concert with the Federal and State agencies.

Such volunteer efforts have been marked by an unwillingness on the part of the respective levels of jurisdiction to accept administrative direction from representatives of another agency. These purely volunteer efforts have also been usually limited to specific investigative problems and have not displayed an ability to endure as an ongoing cooperative effort.

- Because of the weaknesses recognized in the alternatives mentioned above, the alternative that relates to the creation of a separate, autonomous entity appears to hold the best potential for success over a long-range period. The autonomous organization, governed by representatives of several jurisdictions that have contributed matching funds and personnel, is in a position to provide the specialized investigative services to the several jurisdictions on a continuous basis. This alternative is recommended.

5.1 General Recommendations

It is recommended that the autonomous agency described in Section 5 be established to address the problem related to narcotics traffic as identified in a multi-jurisdictional geographical area. That autonomous agency will seek to identify the nature of the narcotics traffic at all levels from the importer to the wholesaler and the retailer.

5.2 Specific Recommendations

- A general commitment to the concept of the multi-jurisdictional cooperative effort from potential participating agencies and governmental units should be secured. This should be accomplished by the coordinating planning agency, or by a local police agency or unit of government, which is agreeable to assuming the leadership role.
- Through the resources of the regional planning agency, the problem with respect to its magnitude in terms of specific controlled substances, both legal and illegal, should be assessed. Through existing official records, the incidence of arrests in the defined geographical area by various departments and governmental units should be determined. Through similar records, the extent of the drug seizures during a defined period of time within the designated area should also be determined.

Through court records, the number of prosecutions during the same defined period of time in the participating geographical areas should be ascertained. During this record survey, where possible, the frequency and extent of drug-related crime should be determined. This assessment will identify the need for the cooperative effort and will, at the same time, should the need exist, establish a baseline for comparison with similar data gathered during the period of the cooperative program.

- Based on the assumption that the magnitude of the problem justifies the inter-jurisdictional concept, the particular areas of commitment that may be expected from each jurisdiction should be defined through preliminary conferences with representatives of the various jurisdictions. This definition should relate in terms of matching funds, manpower, equipment and other resources that may be identified.
- Through these preliminary conferences, the investigative and clerical manpower needs should be assessed; and the recruitment methods that are being followed, such as detachment from participating law enforcement units, or recruitment from outside of the participating agencies, should be determined.
- After the basic preliminary conferences have been conducted, a formal statement of commitment should be designed, which is acceptable to each of the participating agencies.
- The size and composition of the organizational structure should be established; the agencies to be represented on the governing board should be identified; and the authority of the governing body should be defined.
- The program's goals and objectives should be identified, and the procedures to be followed in accomplishing these goals and objectives should be defined. The goals should be reasonable and the procedures consistent with either the intelligence

or investigative operation, selected for the role of the staff personnel, or both.

- The governing body should establish a general program to be followed in accomplishing the goals and objectives, and its policies with respect to operating procedures should be defined.
- A timetable during which the several phases of the program will be accomplished should be established.
- A funding resource to support the implementation of the program should be identified.

5.3 Action Plan

The following items are considered to be basic requirements for drafting an application for funding:

- Identify the potential funding resource and select the grantee applicant.
- Establish the geographical limitations of the program. Define the period during which the program will be implemented.
- Define the official multi-jurisdictional police authority of the participating employees and secure the necessary ruling from the State Attorney General.
- Define the procedures to be followed by the staff personnel and identify the number of personnel whose services shall be required. Identify the space, equipment, travel, supplies, and other costs to be funded.
- Prepare a detailed budget, taking into consideration the specific items of cost from the standpoint of start-up financial needs, as well as continuing and recurring costs that may be anticipated.
- Prepare job descriptions for each staff level, beginning with the project director through the investigator, consultant, analyst, fiscal officer,

stenographic and clerical personnel, and other positions that may be identified.

- Identify training needs and available training resources.
- Design a uniform reporting system that may become the basis for disseminating information and for a recordkeeping system, which will allow for an accurate program evaluation capacity.
- Define fiscal and administrative controls, particularly with respect to confidential expenditures.

After the grant application has been approved, the following action steps must be taken:

- Hire a project director.
- Acquire space.
- Recruit personnel, by the project director.
- Develop an orientation program, by the project director.
- Acquire necessary office supplies and equipment.
- Acquire automotive equipment preferably by lease arrangement.
- Acquire technical equipment necessary to support the intelligence and/or investigative operations of the staff.
- Establish office procedures with respect to a record system, report writing, distribution of reports, security procedures, in-service training, and conference schedules. The office procedures should also relate to the preservation of evidence and the maintenance of inventory relating to narcotic seizures.

