



# The Police Chief

THE PROFESSIONAL VOICE OF LAW ENFORCEMENT

MARCH 2005

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**Drug Legalization: Why It Wouldn't Work in the United States**

**Marijuana: The Myths Are Killing Us**

**Methamphetamine Laboratories**

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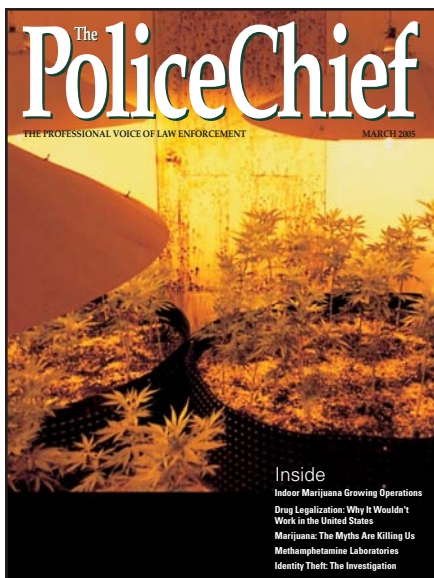
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In a recent survey, 63 percent of law enforcement leaders say that drug abuse is an extremely or quite serious problem in their communities, and 60 percent say that drug abuse is a more serious problem than it was five years ago. This issue of the *Police Chief* focuses on the drug legalization arguments, marijuana, and methamphetamine laboratories.

Cover photograph courtesy York Regional Police, Ontario, Canada.

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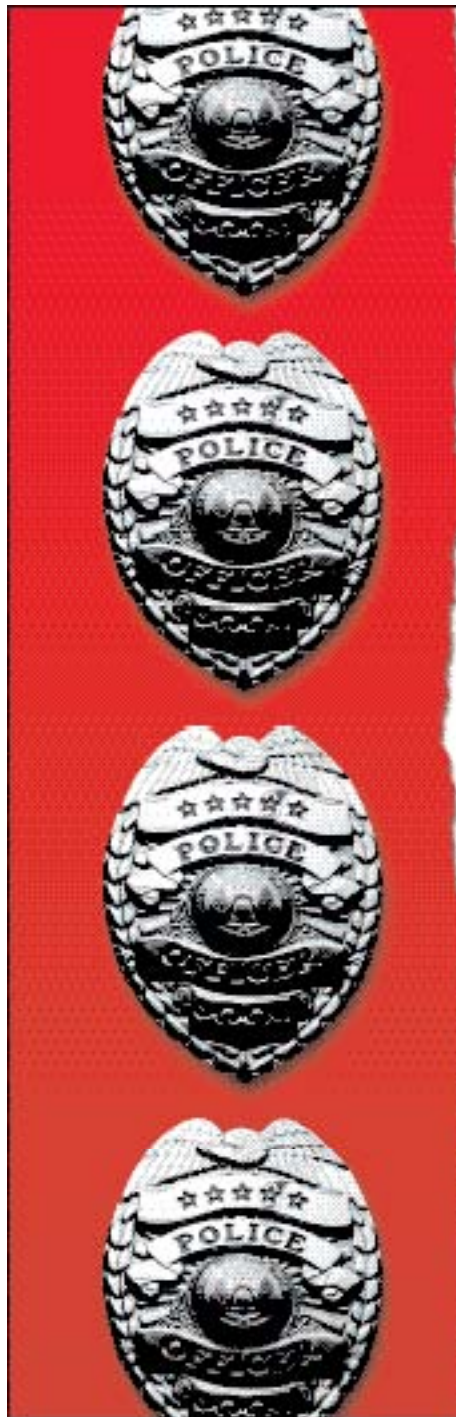
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## *We Must Fight to Save Law Enforcement Assistance Funding*

Over the last decade, the law enforcement profession has made tremendous strides in ensuring the safety of the citizens and communities we are sworn to protect. We have witnessed a steady decline in crime rates, made progress in the battle against drug abuse, improved the safety of our highways through traffic enforcement, and used technology to improve the effectiveness of our officers. Today, law enforcement agencies throughout the United States are better equipped and better staffed, and our officers are better trained than they have ever been.

But when I first read President Bush's proposed budget for 2006 I felt as if someone had punched me in the stomach. Instead of building on this tremendous progress, the budget would cut funding for vital assistance programs and would weaken our ability to protect our communities from crime and terrorism.

In budget proposal released on February 7, funding levels for assistance programs that are primarily designed to help state and local law enforcement agencies were slashed by \$1.467 billion compared to 2005 funding levels. These cuts would affect funding for assistance programs at both the Department of Justice and Department of Homeland Security.

Some of the most successful programs are on the chopping block, including the Community Oriented Policing Services (COPS) program and the Justice Assistance Grant (JAG) program. (In fiscal year 2005 Congress and the Bush administration combined the Local Law Enforcement Block Grant Program with the Edward Byrne Memorial Grant Program to create the JAG Program.) These programs have helped state, local, tribal, and university law enforcement agencies to increase their capabilities and improve their effectiveness. These programs have strengthened the core capabilities of police agencies and improved their crime-fighting efforts. In the latest suggested cuts, the Bush administration would cut funding for the COPS program by 80 percent

(a reduction of \$488 million) and completely eliminate the JAG program (a cut of \$634 million) in the fiscal year 2006 budget.

Significantly, these proposed reductions continue a recent trend in funding cuts for these vital programs. Over the past four years, funding levels have dropped more than \$1.2 billion, or 50 percent. If the fiscal year 2006 budget is enacted as proposed, it would represent cuts of more than \$2.3 billion, or 90 percent, since fiscal year 2002.

These cuts are having a dramatic impact on the ability of law enforcement agencies to meet their responsibilities. For example, because of budget constraints in one California city, the police department has been forced to reduce its staff by 24 police officers and 28 civilian employees. In addition, the department has been

forced to eliminate its DARE program, its street crimes unit, and its commercial enforcement unit. It had to reduce its gang task force by 33 percent, its narcotics task force by 25 percent, and its crime lab by 66 percent.

This is unacceptable. Police budgets are under tremendous pressure already from skyrocketing energy and health insurance costs, and law enforcement assistance programs have become the last reasonable resource to provide any growth, development, or enhancement to accomplish even our basic mission, not to mention additional responsibilities for homeland defense and community safety.

In the coming months, the IACP will be doing all that it can to ensure that our elected officials understand the needs of the law enforcement community and how vital these resources are if we are to meet the challenges that face us. We will drive home the message that funding for our nation's law enforcement agencies is an issue that must be viewed as separate and apart from politics.

But to be successful in this effort we all need to get involved. It is imperative that you contact your elected representatives and let them know what the loss of federal assistance funding will mean to your ability to police your community effectively.

There is too much at stake for police executives to remain on the sidelines while our elected leaders consider proposals that could dramatically alter the way our agencies operate. If we do not speak up, our agencies could be asked to undertake a mission for which we lack the proper resources and that could degrade our ability to protect our communities.

The entire law enforcement community, officers and executives alike, has had to accept new responsibilities and adapt to meet the new reality we all share. But we must do more. We must ensure that our elected leaders understand the impact that their decision will have on our communities and the citizens we serve. ♦



*Chief Joseph G. Estey  
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# Supreme Court Confirms Dog Sniff of Car during a Traffic Stop Is Not a Fourth Amendment Search

By Jayme Walker Holcomb, Associate Chief Counsel, Legal Instruction Section, Drug Enforcement Administration, Quantico, Virginia

A dog sniff of an inanimate object that law enforcement officers have lawfully seized is not a search within the meaning of the Fourth Amendment. The U.S. Supreme Court once again confirmed this principle in the Court's recent decision of *Illinois v. Caballes*.<sup>1</sup> In *Caballes* the Court addressed the use of a narcotics-detection dog to sniff a car during the course of a traffic stop. In a 6-2 vote overturning the judgment of the Illinois Supreme Court, the U.S. Supreme Court stated that a "dog sniff conducted during a concededly lawful traffic stop that reveals no information other than the location of a substance that no individual has any right to possess does not violate the Fourth Amendment."<sup>2</sup>

## The Traffic Stop

In *Caballes* an Illinois state trooper stopped the defendant for speeding. After the trooper informed the dispatcher that he was making the stop, another trooper who heard the radio transmission immediately went to the location of the stop with his narcotics-detection dog. The trooper who made the traffic stop had not requested the assistance of the canine unit.

When the canine unit arrived at the scene, the defendant's car was parked on the shoulder of the highway. The defendant was sitting in the car of the trooper who had pulled him over for the traffic violation and that trooper was still writing him a warning ticket. The second trooper walked his dog around the defendant's car. The dog quickly alerted to the defendant's trunk. The troopers searched the trunk and found marijuana inside. The U.S. Supreme Court specifically noted that the "entire incident lasted less than 10 minutes."<sup>3</sup>

The trial court denied the defendant's motion to suppress and found the defendant guilty after a bench trial. The trial court sentenced the defendant to a \$256,136 fine

and 12 years' imprisonment. The appellate court affirmed. The Illinois Supreme Court reversed the judgments of the lower courts and concluded that the use of the dog in the case unjustifiably expanded the scope of the traffic stop without the requisite level of suspicion to suggest drug activity.

## The Dog Sniff

In *Caballes* the U.S. Supreme Court agreed to review the case<sup>4</sup> to address the narrow question of "whether the Fourth Amendment requires reasonable, articulable suspicion to justify using a drug-detection dog to sniff a vehicle during a legitimate traffic stop."<sup>5</sup> Because the Court proceeded under the assumption that the trooper who walked the dog around the car had no information about the defendant other than that he had been stopped for speeding, the Court omitted any reference to any facts about the defendant that may have been suspicious.

The Court found that the trooper's stop of the defendant for speeding was a concededly lawful seizure based on probable cause. The Court stated, however, that it "is nevertheless clear that a seizure that is lawful at its inception can violate the Fourth Amendment if its manner of execution unreasonably infringes interests protected by the Constitution."<sup>6</sup> The Court explained that a traffic stop could become unlawful if the seizure is justified only by the interest in issuing a warning ticket and it "is prolonged beyond the time reasonably required to complete that mission."<sup>7</sup>

The U.S. Supreme Court took issue with the Illinois Supreme Court's position that the canine sniff outside of the defendant's car made the initially lawful stop for the speeding violation an unlawful seizure. The Illinois Supreme Court had expressed the view that the use of the dog without any reasonable suspicion that the defendant's car contained narcotics converted

the police-citizen encounter from the traffic stop into a drug investigation. In considering this issue, the U.S. Supreme Court stated,

*In our view, conducting a dog sniff would not change the character of a traffic stop that is lawful at its inception and otherwise executed in a reasonable manner, unless the dog sniff itself infringed respondent's constitutionally protected interest in privacy. Our cases hold that it did not.<sup>8</sup>*

The U.S. Supreme Court cited a number of its prior decisions in reaching the conclusion that the use of the dog in *Caballes* did not violate the Fourth Amendment. For example, the court cited the 1984 case of *United States v. Jacobsen*.<sup>9</sup> The *Jacobsen* case involved a Drug Enforcement Administration (DEA) agent who opened a damaged package containing four plastic bags of white powder concealed in a tube initially opened by employees of an overnight delivery company. The agent removed a trace amount of the powder from one of the bags, conducted a field test, and determined the substance to be cocaine. The Court concluded, "A chemical test that merely discloses whether or not a particular substance is cocaine does not compromise any legitimate interest in privacy."<sup>10</sup> Citing to *Jacobsen*, the Court in *Caballes* stated, "Official conduct that does not 'compromise any legitimate interest in privacy' is not a search subject to the Fourth Amendment."<sup>11</sup>

The Court also mentioned *United States v. Place*<sup>12</sup> and *Indianapolis v. Edmond*,<sup>13</sup> two prior U.S. Supreme Court cases that addressed narcotics-detection dog sniffs. The 1983 case *United States v. Place* involved the exposure of a temporarily detained piece of luggage to a narcotics-detection dog. In *Place* agents seized

*This column is prepared monthly by members of IACP's Legal Officers Section. Interested section members should coordinate their contributions with Randy Means at rbmeans@aol.com.*



Place's bag and, 90 minutes later, submitted it to a canine sniff. The Court found the initial seizure of Place's luggage legitimate based on a reasonable suspicion that it contained contraband. However, the Court proceeded to find that the length of the detention of the bag, standing alone, constituted a Fourth Amendment violation in the absence of probable cause. After stating that a person has a privacy interest protected by the Fourth Amendment in the contents of luggage, the Court concluded that the exposure of the luggage to a canine sniff did not constitute a search. The Court stated:

*"A canine sniff" by a well-trained narcotics-detection dog, however, does not require opening the luggage. It does not expose noncontraband items that otherwise would remain hidden from public view, as does, for example, an officer's rummaging through the contents of the luggage. Thus, the manner in which the information is obtained through this investigative technique is much less intrusive than a typical search. Moreover, the sniff discloses only the presence or absence of narcotics, a contraband item. Thus, despite the fact that the sniff tells the authorities something about the contents of the luggage, the information obtained is limited. This limited disclosure also ensures that the owner of the property is not subjected to the embarrassment and inconvenience entailed in less discriminate and more intrusive investigative methods.<sup>14</sup>*

In *City of Indianapolis v. Edmond* officers walked a narcotics-detection dog around cars stopped at a narcotics checkpoint established by police. Although the Court found that the checkpoints violated the Fourth Amendment, the Court stated the following with respect to the canine sniffs:

*The fact that officers walk a narcotics-detection dog around the exterior of each car at the Indianapolis checkpoints does not transform the seizure into a search. Just as in Place, an exterior sniff of an automobile does not require entry into the car and is not designed to disclose any information other than the presence or absence of narcotics. Like the dog sniff in Place, a sniff by a dog that simply walks around a car is "much less intrusive than a typical search."<sup>15</sup>*

Reaffirming this principle in *Caballes*, the Court stated that it had previously treated a narcotics-detection dog sniff as unique "because it discloses only the presence or absence of narcotics, a contraband item."<sup>16</sup>

In *Caballes* the Court found it significant that the second trooper walked the dog around the outside of the defendant's car while he was lawfully seized for speeding. The Court stated, "Any intrusion on respondent's privacy expectations does not rise to the level of a constitutionally cognizable infringement."<sup>17</sup> This is consistent with the previous positions taken by the Court in both *Place* and *Edmond*. The Court also stated that there was no evidence or findings in the record to support the defendant's argument that dog alert error rates call into question whether narcotics-detection canines only alert to contraband.

The Court ended its short opinion in *Caballes* with a discussion of its 2001 decision in *Kyllo v. United States*.<sup>18</sup> In *Kyllo* the Court ruled that "the use of a thermal-imaging device to detect the

growth of marijuana in a home constituted an unlawful search."<sup>19</sup> The *Kyllo* Court had been concerned about using a device to detect lawful activity taking place in a person's home. The Court distinguished the *Caballes* decision from *Kyllo* by specifically stating, "The legitimate expectation that information about perfectly lawful activity will remain private is categorically distinguishable from respondent's hopes or expectations concerning the nondetection of contraband in the trunk of his car."<sup>20</sup>

### Summary

The holding in *Caballes* is a narrow one, but the case provides important guidance for law enforcement. Following the logic of the *Caballes* majority, the Court confirmed that there is no legitimate privacy interest in contraband. Because a dog sniff by a well-trained narcotics-detection dog is likely to disclose only the presence or absence of a contraband item, that sniff is not a Fourth Amendment search when done during a lawfully made and ongoing traffic stop. The Court has confirmed, once again, the principle that once the police lawfully seize an item, the use of a narcotics-detection dog to sniff the item without a search warrant or other applicable exception to the search warrant requirement does not transform the seizure into an unlawful search.

It also should be noted that the Court stated that an initially lawful seizure could be trans-

formed into an unlawful seizure if "its manner of execution unreasonably infringes interests protected by the Constitution."<sup>21</sup> If a narcotics-detection dog sniff were conducted during an unlawful detention, the Court implied that the use of the dog and any resulting discovery of contraband would be found to constitute the product of an unlawful seizure.<sup>22</sup> Because of the narrowness of the Court's decision in *Caballes*, officers should continue to consult with their legal advisors regarding the use of narcotics-detection dogs during traffic stops and in other investigative situations and contexts.<sup>23</sup> ♦

- 1 \_\_\_ S. Ct. \_\_\_, 2005 WL 123826 (U.S.).
- 2 Id. at \_\_\_, 2005 WL 123826 at \*3.
- 3 Id. at \_\_\_, 2005 WL 123826 at \*1.
- 4 541 U.S. 972 (2004).
- 5 \_\_\_ S. Ct. \_\_\_, 2005 WL 123826 (U.S.).
- 6 Id. at \_\_\_, 2005 WL 123826, at \*1.
- 7 Id. at \_\_\_, 2005 WL 123826, at \*2.
- 8 Id.
- 9 466 U.S. 109 (1984).
- 10 Id. at 123.
- 11 \_\_\_ S. Ct. \_\_\_, 2005 WL 123826 (U.S.).
- 12 462 U.S. 696 (1983).
- 13 531 U.S. 32 (2000).
- 14 462 U.S. 696, 707 (1983).
- 15 531 U.S. 32, 40 (2000).
- 16 \_\_\_ S. Ct. \_\_\_, 2005 WL 123826 at \*2 (U.S.).
- 17 Id. at \_\_\_, 2005 WL 123826, at \*3.
- 18 533 U.S. 27 (2001).
- 19 \_\_\_ S. Ct. \_\_\_, 2005 WL 123826 at \*3 (U.S.).
- 20 Id.
- 21 Id. at \_\_\_, 2005 WL 123826, at \*2.
- 22 Id.

<sup>23</sup>For additional information regarding these issues, see Jayme S. Walker, "Using Drug Detection Dogs—An Update," *FBI Law Enforcement Bulletin* (April 2001): 25.

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# President's Proposed Budget for 2006 Would Slash Law Enforcement Assistance Programs

Gene Voegtlin, IACP Legislative Counsel,  
and Jennifer Boyter, IACP Legislative Analyst

On February 7, President Bush released his proposed budget for fiscal year 2006. Overall funding levels for programs that are primarily designed to assist state and local law enforcement agencies were slashed by \$1.467 billion compared to fiscal year 2005. This includes funding for assistance programs at both the Department of Justice and the Department of Homeland Security.

## Department of Justice

Funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) program, which was established last year by combining the Byrne Grant program and the Local Law Enforcement Block Grant program, was completely eliminated. This program received \$634 million last year.

In addition, the Community Oriented Policing Services (COPS) program was significantly cut in the proposed budget. The budget proposes \$118 million for the program, down from \$606 million last year, an 80 percent decrease. But \$96 million of this amount is actually funding that will be carried over from the fiscal year 2005 budget. That means that the president has proposed only \$22 million in new funding for the COPS Office.

In fiscal year 2005 these two primary law enforcement assistance programs received \$1.24 billion. The administration's budget would fund these crucial programs at just \$118 million, a cut of \$1.12 billion, or 90 percent.

The proposed fiscal year 2006 budget continues a steady decline in funding levels for these programs in recent years. The funding levels for these programs have declined more than \$2.3 billion since fiscal year 2002.

In addition, the proposed budget would also eliminate funding for both the Juvenile Accountability Block Grant program, which received \$55 million in fiscal year 2005, and the State Criminal Alien Assistance Program (SCAAP), which assists state and local governments with the costs of jailing illegal immigrants who have committed crimes not related to their immigration status. This program received \$305 million in fiscal 2005.

Proposed funding for grants under the Violence Against Women programs remains fairly constant at \$363 million, down slightly from \$387 million in fiscal year 2005. In addition, the administration is seeking \$177 million, up from \$110 million, to help criminal justice professionals make better use of DNA evidence. Of this amount, \$151 million is designated to help clear the backlog of unanalyzed DNA samples. Finally, the budget proposes \$58 million to upgrade criminal records, up from \$25 million in fiscal year 2005.

## Department of Homeland Security

The Department of Homeland Security would receive a 7 percent increase over last year's funding. But the proposed budget includes significant cuts to two of the primary assistance programs from which law enforcement agencies are eligible to obtain funds: the State Homeland Security Grant (SHSG) program and the Urban Area Security Initiative (UASI). Funding for the Law Enforcement Terrorism Prevention program remains steady at \$400 million.

SHSG funds are distributed to the states on a formula basis, 80 percent of which must be passed on to local governments. These funds are not designated solely for law enforcement use but can be used to fund a wide range of other public safety agencies like fire departments and EMS who have responsibilities related to preparing or responding to terrorist attacks. The proposed funding level is \$820 million, down \$280 million, or 25 percent, from last year.

The administration is also proposing to change the formula for distributing these grants, a move Congress has rejected in the past. Under the budget, every state would receive 0.25 percent of the total spending, down from the current 0.75 percent. A revised formula would then allocate funds based on the threat of terrorism, which would result in a loss of funds for small states and rural areas.

There is also a decrease in funding for the Urban Area Security Initiative, from \$885

million to \$820 million, a 7.3 percent decrease. This program allocates funds to urban areas selected by the Department of Homeland Security based on a formula that takes into account factors such as critical infrastructure, population density, and credible threat information.

But the vast majority of law enforcement agencies are not eligible to receive funds under the urban area grant program and will be forced to compete for funding assistance from a much smaller pool of money. Once the urban grants are excluded, the proposed funding levels for state and local public safety agencies is reduced by almost 19 percent from fiscal year 2005 levels, and almost 45 percent from fiscal year 2004.

## Combined Funding Proposals

When combined, the proposed fiscal year 2006 funding level for Justice Department and Homeland Security Department assistance programs is \$2.158 billion. This is a reduction of \$1.467 billion, or 40 percent, from the combined fiscal year 2005 level of \$3.625 billion. It represents a decrease in \$2.55 billion, or 54 percent, from fiscal year 2004.

## Next Steps

The president's submission of his budget proposal represents the first step in the federal budget process. In coming weeks, the House and Senate budget committees will begin work on drafting the Congressional budget resolution. This nonbinding document serves as a statement of Congress's priorities in the budget process. At the same time, the various subcommittees of the House and Senate appropriations committees will begin their efforts to craft the 13 appropriation bills that actually fund the federal government. Throughout this process, the IACP will be working closely with members of Congress to ensure that the needs of the state and local law enforcement community are adequately addressed in fiscal year 2006. ♦



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*Where do the good ideas come from?*

*In this column, we offer our readers the opportunity to learn about — and benefit from — some of the cutting-edge technologies being implemented by law enforcement colleagues around the world.*

**Tribal Police Department Partners with Spillman Software**

Spillman Technologies announces the purchase of its public safety software by the Nez Perce Tribal Police Department, headquartered in Lapwai, Idaho. The new software system enables the police department to track evidence, manage investigations, obtain information from local and state databases, track agency resources, and monitor traffic information.

The police department was looking for a reliable software program to automate much of the agency's data management. "We currently use a repetitive manual system that is time consuming and work intensive," said Chief Thomas Idol. "Spillman software will provide for an efficient, one-time entry of information."

With 19 sworn officers to serve a population of approximately 28,000, the department needed a software solution that maximizes the agency's resources. Using Spillman's crime analysis capabilities, officers can assess crime incidents and reallocate resources accordingly to prevent criminal activity.

In addition, the software's integration allows detectives to cross-index information about a person, vehicle, or property item to save time during investigations.

The jurisdictional boundaries of the 1,200-square-mile Nez Perce reservation overlap the jurisdictions of four sheriff's offices and two police departments, so interagency cooperation is critical.

"One of our primary challenges is to coordinate our operations with multiple jurisdictional entities," said Chief Idol. "The Spillman system will help us manage relative information to our jurisdiction. Additionally, the ability to share information with other law enforcement agencies on a timely basis will provide for effective inter-agency cooperation to deter and suppress crime."

The Nez Perce police chose to partner with Spillman because of the company's reliable reputation among other customer agencies. "We know that the capability of the system will help our officers provide improved quality law enforcement services to the members of the Nez Perce tribe, the general reservation public, and other reservation communities," said Chief Idol.

*For more information, circle no. 101 on the Reader Service Card, or enter the number at [www.theiacp.org/freeinfo](http://www.theiacp.org/freeinfo)*

**Virginia City and County to Acquire Interoperable Radio System**

M/A-Com Inc. announces it has been awarded a \$18.9 million contract from the Rockingham-Harrisonburg Emergency Communications Center, created by a joint exercise of powers by the City of Harrisonburg, Virginia, and Rockingham County, Virginia.

M/A-Com's solution is designed to provide seamless interoperable communications for the city and county's public safety and public service agencies, which could not communicate over their disparate radio systems when responding to emergencies or while performing routine day-to-day tasks. A complementary paging system and 800-megahertz mutual aid network will also be implemented as a part of the communications network.

The backbone of the communications system will include an 800-megahertz EDACS IP digital communications network with Project 25 Common Air Interface, designed to provide users with comprehensive digital coverage.

The new system replaces conventional low-band and UHF systems that do not currently provide adequate coverage to users or grant interoperable communications capabilities among various agencies in the city and county.

"The new M/A-Com system will provide our public safety personnel with an essential

communications tool necessary to better perform their work," said Jim Junkins, director of the Harrisonburg-Rockingham Emergency Communications Center. "For the first time, the City of Harrisonburg and Rockingham County's police, sheriff, fire, and emergency medical first responders will be able to talk to one another and coordinate with other city and county service agencies on a single communications system, enabling them to act more quickly and efficiently in times of crisis, without awkwardly switching radios or attempting to patch in to remote dispatchers."

*For more information, circle no. 102 on the Reader Service Card, or enter the number at [www.theiacp.org/freeinfo](http://www.theiacp.org/freeinfo)*

**Phoenix Police Department Buys Supplemental Fire Protection for Cars**

FIRE Panel announces that the Phoenix City Council approved the purchase of 681 of the company's fire-resistant panels for installation in the Phoenix Police Department's fleet of Ford Crown Victoria Police Interceptors (CVPIs). The decision comes after months of extensive testing conducted by the city.

Phoenix, which has already taken the preventative measures suggested by Ford to improve the safety of the CVPIs, has decided to add supplemental protection for their officers.

"My colleagues and I have been consistent on this. . . . We're not putting a price on the safety of our officers," said Mayor Phil Gordon.

Installation of the fire-resistant panels requires no disassembly of the CVPI's components and can typically be completed in less than 20 minutes.

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## Marijuana: The Myths Are Killing Us

When 14-year-old Irma Perez of Belmont, California, took a single ecstasy pill one evening last April, she had no idea she would become one of the 26,000 people who die every year from drugs.<sup>1</sup> Irma took ecstasy with two of her 14-year-old friends in her home. Soon after taking the tiny blue pill, Irma complained of feeling awful and said she felt like she was “going to die.” Instead of seeking medical care, her friends called the 17-year-old dealer who supplied the pills and asked for advice. The friends tried to get Irma to smoke marijuana, but when she couldn’t because she was vomiting and lapsing into a coma, they stuffed marijuana leaves into her mouth because, according to news sources, “they knew that drug is sometimes used to treat cancer patients.”<sup>2</sup>

Irma Perez died from taking ecstasy, but compounding that tragedy was the deadly decision to use marijuana to “treat” her instead of making what could have been a lifesaving call to 911. Irma was a victim of our society’s stunning misinformation about marijuana—a society that has come to believe that marijuana use is not only an individual’s free choice but also is good medicine, a cure-all for a variety of ills. A recent poll showed that nearly three-fourths of Americans over the age of 45 support legalizing marijuana for medical use.<sup>3</sup>

It’s a belief that has filtered down to many of our teens, if what I’m hearing during my visits with middle school and high school students across the country is true. I’m amazed at how well versed in drug legalization these teens are. It is as if legalization advocates stood outside their schools handing out their leaflets of lies. Here is what students have told me about marijuana: “It’s natural because it grows in the ground, so it must be good for you.” “It must be medicine, because it makes me feel better.” “Since everybody says it’s medicine, it is.”

Legalization advocates themselves have alluded to the fact that so-called medical marijuana is a way of achieving wholesale drug legalization. A few years ago, the *New York Times* interviewed Ethan Nadelmann, director of the Lindesmith Center, a drug policy research

center. Responding to criticism that the so-called medical marijuana issue is a stalking horse for drug legalization, Mr. Nadelmann did not disagree. “Will it help lead toward marijuana legalization?” he asked. “I hope so.”<sup>4</sup>

The issue of marijuana as medicine has captured the nation’s attention and has now made its way to the U. S. Supreme Court, with *Ashcroft v. Raich* still pending.<sup>5</sup> The natural extension of this myth is that, if marijuana is medicine, it must also be safe for recreational use. This pervasive mindset has even reached our courts. In January 2005, for example, Governor Frank Murkowski of Alaska had to ask the legislature “to overrule a court ruling that adult Alaskans have the right to possess marijuana for personal use in their homes.”<sup>6</sup> There was no



**By Karen P. Tandy, Administrator,  
U.S. Drug Enforcement  
Administration, Washington, D.C.,  
and Chair, IACP Narcotics and  
Dangerous Drugs Committee**

pretense of medical use in this ruling; it gave Alaskans the legal right to smoke marijuana for any reason, lending credence to the belief that marijuana is not only safe to treat serious illness but somehow safe for general use and for all society.

What is the antidote? Spreading the truth. As a prominent spokesperson in your community, you have the opportunity and, I would argue, the responsibility to inform your neighbors. America is not suffering from anything that the truth can’t cure. To help you set the record straight, this article seeks to rebut the rhetoric and recap the reality.

### **Myth: Marijuana is medicine.**

### **Reality: Smoked marijuana is not medicine.**

The scientific and medical communities have determined that smoked marijuana is a health danger, not a cure. There is no medical evidence that smoking marijuana helps patients. In fact, the Food and Drug Administration (FDA) has approved no medications that are smoked, primarily because smoking is a poor way to deliver medicine. Morphine, for example has proven to be a medically valuable drug, but the FDA does not endorse smoking opium or heroin.

Congress enacted laws against marijuana in 1970 based in part on its conclusion that marijuana has no scientifically proven medical value, which the U.S. Supreme Court affirmed more than 30 years later in *United States v. Oakland Cannabis Buyers’ Cooperative, et al.*, 532 U.S. 483 (2001). Marijuana remains in schedule 1 of the Controlled Substances Act because it has a high potential for abuse, a lack of accepted safety for use under medical supervision, and no currently accepted medical value.<sup>7</sup>

The American Medical Association has rejected pleas to endorse marijuana as medicine, and instead urged that marijuana remain a prohibited schedule 1 drug at least until the results of controlled studies are in.<sup>8</sup> The National Multiple Sclerosis Society stated that studies done to date “have not provided convincing evidence

that marijuana benefits people with MS" and does not recommend it as a treatment.<sup>9</sup> Further, the MS Society states that for people with MS "long-term use of marijuana may be associated with significant serious side effects."<sup>10</sup>

The British Medical Association has taken a similar position, voicing "extreme concern" that downgrading the criminal status of marijuana would "mislead" the public into thinking that the drug is safe to use when, "in fact, it has been linked to greater risk of heart disease, lung cancer, bronchitis, and emphysema."<sup>11</sup>

In 1999 the Institute of Medicine (IOM) undertook a landmark study reviewing the alleged medical properties of marijuana. Advocates of so-called medical marijuana frequently tout this study, but the study's findings decisively undercut their arguments. In truth, the IOM explicitly found that marijuana is not medicine and expressed concern about patients' smoking it because smoking is a harmful drug-delivery system. The IOM further found that there was no scientific evidence that smoked marijuana had medical value, even for the chronically ill, and concluded that "there is little future in smoked marijuana as a medically approved medication."<sup>12</sup> In fact, the researchers who conducted the study could find no medical value to marijuana for virtually any ailment they examined, including the treatment of wasting syndrome in AIDS patients, movement disorders such as Parkinson's disease and epilepsy, or glaucoma.

The IOM found that THC<sup>13</sup> (the primary psychoactive ingredient in marijuana) in smoked marijuana provides only temporary relief from intraocular pressure (IOP) associated with glaucoma and would have to be smoked eight to 10 times a day to achieve consistent results. And there exists another treatment for IOP, as the availability of medically approved once- or twice-a-day eye drops makes IOP control a reality for many patients and provides round-the-clock IOP reduction.<sup>14</sup> For two other conditions, nausea and pain, the report recommended against marijuana use, while suggesting further research in limited circumstances for THC but not smoked marijuana.<sup>15</sup>

Before any drug can be marketed in the United States, it must undergo rigorous scientific scrutiny and clinical evaluation overseen by the FDA. For example, the FDA has approved Marinol (dronabinol)—a safe capsule form of synthetic THC that meets the standard of accepted medicine and has the same properties as cultivated marijuana without the high—for the treatment of nausea and vomiting associated with cancer chemotherapy and for the treatment of wasting syndrome in AIDS patients.

The federal government has approved and continues to approve research into the possible use of marijuana as medicine and any new delivery systems of marijuana's active ingredients. To quote U.S. Supreme Court Justice Stephen Breyer's remarks during the November 2004 *Raich* oral argument, "Medicine by regulation is better than medicine by referendum."<sup>16</sup> Proving that the regulatory process does work, DEA has registered every researcher who meets FDA standards to use marijuana in scientific studies.

Since 2000, for example, the California-based Center for Medicinal Cannabis Research (CMCR) has gained approval for 14 trials using smoked marijuana in human beings and three trials in laboratory and animal models.<sup>17</sup> This CMCR research is the first effort to study the medical efficacy of marijuana. But researchers have not endorsed smoking marijuana and instead are attempting to isolate marijuana's active ingredients to develop alternative delivery systems to smoking.<sup>18</sup> Not one of these researchers has found scientific proof that smoked marijuana is medicine.<sup>19</sup>

**Myth: Legalization of marijuana in other countries has been a success.**

**Reality: Liberalization of drug laws in other countries has often resulted in higher use of dangerous drugs.**

Over the past decade, drug policy in some foreign countries, particularly those in Europe, has gone through some dramatic changes toward greater liberalization with failed results. Consider the experience of the Netherlands, where the government reconsidered its legalization measures in light of that country's

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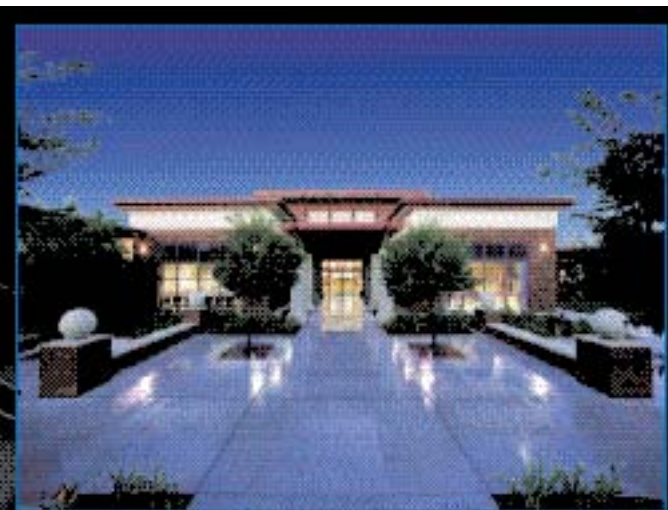
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experience. After marijuana use became legal, consumption nearly tripled among 18- to 20-year-olds. As awareness of the harm of marijuana grew, the number of cannabis coffeehouses in the Netherlands decreased 36 percent in six years. Almost all Dutch towns have a cannabis policy, and 73 percent of them have a no-tolerance policy toward the coffeehouses.<sup>20</sup>

In 1987 Swiss officials permitted drug use and sales in a Zurich park, which was soon dubbed Needle Park, and Switzerland became a magnet for drug users the world over. Within five years, the number of regular drug users at the park had reportedly swelled from a few hundred to 20,000. The area around the park became crime-ridden to the point that the park had to be shut down and the experiment terminated.<sup>21</sup>

Marijuana use by Canadian teenagers is at a 25-year peak in the wake of an aggressive decriminalization movement. At the very time a decriminalization bill was before the House of Commons, the Canadian government released a report showing that marijuana smoking among teens is "at levels that we haven't seen since the late '70s when rates reached their peak."<sup>22</sup> After a large decline in the 1980s, marijuana use among teens increased during the 1990s, as young people apparently became "confused about the state of federal pot laws."<sup>23</sup>

**Myth: Marijuana is harmless.**

**Reality: Marijuana is dangerous to the user.**

Use of marijuana has adverse health, safety, social, academic, economic, and behavioral consequences; and children are the most vulnerable to its damaging effects. Marijuana is the most widely used illicit drug in America<sup>24</sup> and is readily available to kids.<sup>25</sup> Compounding the problem is that the marijuana of today is not the marijuana of the baby boomers 30 years ago. Average THC levels rose from less than 1 percent in the mid-1970s to more than 8 percent in 2004.<sup>26</sup> And the potency of B.C. Bud, a popular type of marijuana cultivated in British Columbia, Canada, is roughly twice the national average—ranging from 15 percent THC content to 20 percent or even higher.<sup>27</sup>

**Marijuana use can lead to dependence and abuse.** Marijuana was the second most common illicit drug responsible for drug treatment admissions in 2002—outdistancing crack cocaine, the next most prevalent cause.<sup>28</sup> Shocking to many is that more teens are in treatment each year for marijuana dependence than for alcohol and all other illegal drugs combined.<sup>29</sup> This is a trend that has been increasing for more than a decade: in 2002, 64 percent of adolescent treatment admissions reported marijuana as their primary substance of abuse, compared to 23 percent in 1992.<sup>30</sup>

**Marijuana is a gateway drug.** In drug law enforcement, rarely do we meet heroin or cocaine addicts who did not start their drug use with marijuana. Scientific studies bear out our anecdotal findings. For example, the Journal of the American Medical Association reported, based on a study of 300 sets of twins, that marijuana-using twins were four times more likely than their siblings to use cocaine and crack cocaine, and five times more likely to use hallucinogens such as LSD.<sup>31</sup> Furthermore, the younger a person is when he or she first uses marijuana, the more likely that person is to use cocaine and heroin and become drug-dependent as an adult. One study found that 62 percent of the adults who first tried marijuana before they were 15 were likely to go on to use cocaine. In contrast, only 1 percent or less of adults who never tried marijuana used heroin or cocaine.<sup>32</sup>

**Smoking marijuana can cause significant health problems.** Marijuana contains more than 400 chemicals, of which 60 are cannabinoids.<sup>33</sup> Smoking a marijuana cigarette deposits about three to five times more tar into the lungs than one filtered tobacco cigarette.<sup>34</sup> Consequently, regular marijuana smokers suffer from many of the same health problems as tobacco smokers, such as chronic coughing and wheezing, chest colds, and chronic bronchitis.<sup>35</sup> In fact, studies show that smoking three to four joints per day causes at least as much harm to the respiratory system as smoking a full pack of cigarettes every day.<sup>36</sup> Marijuana smoke also contains 50 to 70 percent more carcinogenic hydrocarbons than tobacco smoke and produces high levels of an enzyme that converts certain hydrocarbons into malignant cells.<sup>37</sup>



In addition, smoking marijuana can lead to increased anxiety, panic attacks, depression, social withdrawal, and other mental health problems, particularly for teens.<sup>38</sup> Research shows that kids aged 12 to 17 who smoke marijuana weekly are three times more likely than nonusers to have suicidal thoughts.<sup>39</sup> Marijuana use also can cause cognitive impairment, to include such short-term effects as distorted perception, memory loss, and trouble with thinking and problem solving. Students with an average grade of D or below were found to be more than four times as likely to have used marijuana in the past year as youths who reported an average grade of A.<sup>40</sup> For young people, whose brains are still developing, these effects are particularly problematic and jeopardize their ability to achieve their full potential.<sup>41</sup>

**Myth: Smoking marijuana harms only the smokers.**

**Reality: Marijuana use harms nonusers.**

We need to put to rest the thought that there is such a thing as a lone drug user, a person whose habits affect only himself or herself. Drug use, including marijuana use, is not a victimless crime. Some in your communities may resist involvement because they think someone else's drug use is not hurting them. But this kind of not-my-problem thinking is tragically misguided. Ask those same people about secondhand smoke from cigarettes, and they'll quickly acknowledge the harm that befalls non-smokers. Secondhand smoke is a well-known problem, one that Americans are becoming more unwilling to bear. We need to apply the same common-sense thinking to the even more pernicious secondhand effects of drug use.

Take for instance the disastrous effects of marijuana smoking on driving. As the National Highway Traffic Safety Administration (NHTSA) noted, "Epidemiology data from . . . traffic arrests and fatalities indicate that after alcohol, marijuana is the most frequently detected psychoactive substance among driving populations."<sup>42</sup> Marijuana causes drivers to experience decreased car handling performance, increased reaction times, distorted time and distance estimation, sleepiness, impaired motor skills, and lack of concentration.<sup>43</sup>

The extent of the problem of marijuana-impaired driving is startling. One in six (or 600,000) high school students drive under the influence of marijuana, almost as many as drive under the influence of alcohol, according to estimates released in September 2003 by the Office of National Drug Control Policy (ONDCP).<sup>44</sup> A study of motorists pulled over for reckless driving showed that, among those who were not impaired by alcohol, 45 percent tested positive for marijuana.<sup>45</sup>

For those of you who patrol streets and highways, you know that the consequences of marijuana-impaired driving can be tragic. For example, four children and their van driver—

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nicknamed Smokey by the children for his regular marijuana smoking—died in April 2002 when a Tippy Toes Learning Academy van veered off a freeway and hit a concrete bridge abutment. He was found at the crash scene with marijuana in his pocket.<sup>46</sup>

Some such drug-impaired drivers will be detected through the Drug Recognition Expert program, which operates under the direction of the IACP and is supported by NHTSA.<sup>47</sup> However, if we are to bolster cases against drugged drivers, greater protection for innocents on the road requires the development of affordable roadside drug detection tests, and some are in the testing phase now.

Secondhand smoke from marijuana kills other innocents as well. Last year, two Philadelphia firefighters were killed when they responded to a residential fire stemming from an indoor marijuana grow.<sup>48</sup> In New York City, an eight-year-old boy, Deasean Hill, was killed by a stray bullet just steps from his Brooklyn home after a drug dealer sold a dime bag of marijuana on another dealer's turf.<sup>49</sup>

## Chief: Help Spread the Truth about Marijuana

Debunking these myths and arming our young people and their parents with the facts do work. We have proof. It came in the form of good news from the Monitoring the Future survey that reveals that marijuana use has dropped 36 percent among eighth graders since 1996, and modestly declined among 10th and 12th graders.<sup>50</sup> It is no coincidence that while marijuana use declined, the proportion of students perceiving marijuana use as dangerous increased.<sup>51</sup> "Quite possibly, the media campaign aimed at marijuana use that has been undertaken by ONDCP, in collaboration with the Partnership for a Drug Free America, has been having its intended effect," University of Michigan researcher Lloyd Johnston, the study's principal investigator, said.<sup>52</sup> Research also shows that parental disapproval can prevent teen drug use. Most young people (89 percent) reported that their parents strongly disapprove of their trying marijuana. Among these youths, only 5 percent had used marijuana in the past month.<sup>53</sup>

Spread the truth. Join with your community leaders. Clear the smoke-screen by educating the children, parents, teachers, physicians, and legislators in your community before the myths kill any more Irma Perezes or Deasean Hills. ♦

<sup>1</sup>Centers for Disease Control and Prevention, "Deaths: Final Data for 2002," *National Vital Statistics Reports*, vol. 53, no. 5: 11.

<sup>2</sup>Matthew B. Stannard, "Ecstasy Victim Told Friends She Felt Like She Was 'Going to Die,'" *San Francisco Chronicle*, May 4, 2004.

<sup>3</sup>Elizabeth Wolfe, "AARP Finds Support for Medical Marijuana," *(Baton Rouge) Advocate*, December 19, 2004.

<sup>4</sup>Christopher Wren, "Small but Forceful Coalition Works to Counter U.S. War on Drugs," *New York Times*, January 2, 2000.

<sup>5</sup>*Ashcroft v. Raich, et al.*, 352 F.3d 1222 (9th Cir. 2003), cert. granted, June 28, 2004, No. 03-1454.

<sup>6</sup>Sean Cockerham, "Governor Moves to Change Pot Law," *Anchorage Daily News*, January 22, 2005.

<sup>7</sup>21 U.S.C. 812(b)(1).

<sup>8</sup>American Medical Association, Policy H-95.952 Medical Marijuana.

<sup>9</sup>National Multiple Sclerosis Society Information Sourcebook, available at [www.nationalmssociety.org/pdf/sourcebook/marijuana.pdf](http://www.nationalmssociety.org/pdf/sourcebook/marijuana.pdf).

<sup>10</sup>National Multiple Sclerosis Society Information Sourcebook.

<sup>11</sup>"Doctors' Fears at Cannabis Change," *BBC News*, January 21, 2004.

<sup>12</sup>Institute of Medicine, "Marijuana and Medicine: Assessing the Science Base" (1999): 159, 178.

<sup>13</sup>Delta-9-tetrahydrocannabinol.

<sup>14</sup>Institute of Medicine, "Marijuana and Medicine": 173-177.

<sup>15</sup>Institute of Medicine, "Marijuana and Medicine": chapter 4 and summary.

A single narrow exception was the recommendation that short-term use of smoked marijuana of less than six months should be considered under closely monitored and documented conditions for potential use by terminal cancer and AIDS patients, for whom it said the benefits might outweigh the harms of smoking marijuana. See page 179.

<sup>16</sup>*Raich, supra*, oral argument transcript, 50-51.

<sup>17</sup>CMCR, National Advisory Council Conference Call, November 19, 2004.

<sup>18</sup>CMCR Mission Statement, available at [www.cmcr.ucsd.edu/geninfo/mission.htm](http://www.cmcr.ucsd.edu/geninfo/mission.htm).

<sup>19</sup>DEA Office of Diversion Control.

<sup>20</sup>White House Office of National Drug Control Policy, "What Americans Need to Know about Marijuana," 10; Dutch Health, Welfare, and Sports Ministry, report, April 23, 2004; University of Tilburg (Netherlands), "Coffeeshops in the Netherlands 2003," September 2004.

<sup>21</sup>Roger Cohen, "Amid Growing Crime, Zurich Closes a Park It Reserved for Drug Addicts," *New York Times*, February 11, 1992.

<sup>22</sup>Janice Tibbetts, "More Teens Getting Stoned," *Ottawa Citizen*, October 29, 2003.

<sup>23</sup>Janice Tibbetts, "More Teens Getting Stoned."

<sup>24</sup>Of the nearly 20 million current illicit drug users, 14.6 million (about 75 percent) are using marijuana. U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 2003 National Survey on Drug Use and Health (2004).

<sup>25</sup>U.S. Department of Health and Human Services, National Institutes of Health, "Monitoring the Future National Results on Adolescent Drug Use: Overview of Key Findings," NIH publication 04-55062003, by L. D. Johnston, et al. (2004): 10.

<sup>26</sup>White House Office of National Drug Control Policy, quarterly report (University of Mississippi Potency Monitoring Project), no. 87 (November 8, 2004): figure 1C and figure 2.

<sup>27</sup>Drug Enforcement Administration, [www.dea.gov](http://www.dea.gov).

<sup>28</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, *Treatment Episode Data Set, National Admissions to Substance Abuse Treatment Services, 1992-2002*: 39, table 3.1b, 119.

<sup>29</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, *Treatment Episode Data Set, National Admissions to Substance Abuse Treatment Services, 1992-2001*: table 5.1a, table 5.1b, 156-157.

<sup>30</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, "Adolescent Treatment Admissions: 1992 and 2002," *Drug and Alcohol Services Information System (DASIS) Report* (October 15, 2004).

<sup>31</sup>White House Office of National Drug Control Policy, "What Americans Need to Know about Marijuana," 9.

<sup>32</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, *Initiation of Marijuana Use: Trends, Patterns and Implications*, by Joseph C. Gfroerer, et al. (July 2002): 62.

<sup>33</sup>Statement by Nora D. Volkow, M.D., director of the National Institute on Drug Abuse on "Marijuana and Medicine: The Need for a Science-Based Approach" before the House Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, U.S. House of Representatives, April 1, 2004.

<sup>34</sup>T. C. Wu, et al., "Pulmonary Hazards of Smoking Marijuana as Compared with Tobacco," *New England Journal of Medicine* 318 (1988): 347-351; cited in White House Office of National Drug Control Policy, *Marijuana Myths & Facts*, 9.

<sup>35</sup>National Institute on Drug Abuse, "NIDA Info Facts: Marijuana" (MARCH 2005): 3.

<sup>36</sup>D. P. Tashkin, "Pulmonary Complications of Smoked Substance Abuse," *Western Journal of Medicine* 152 (no. 5) (1990): 525-530; cited in White House Office of National Drug Control Policy, *Marijuana Myths & Facts*, 9.

<sup>37</sup>National Institute on Drug Abuse, "NIDA Info Facts: Marijuana": 3.

<sup>38</sup>J. S. Brook, et al., "The Effect of Early Marijuana Use on Later Anxiety and Depressive Symptoms," *NYS Psychologist* (2001): 35-39; cited in White House Office of National Drug Control Policy, *Marijuana Myths & Facts*, 4.

<sup>39</sup>J. Greenblatt, "Adolescent Self-Reported Behaviors and Their Association with Marijuana Use," based on data from SAMHSA National Household Survey on Drug Abuse, 1994-1996 (1998); cited in White House Office of National Drug Control Policy, *Marijuana Myths & Facts*, 4.

<sup>40</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, National Household Survey on Drug Abuse, "Marijuana Use among Youth" (July 19, 2002); cited in White House Office of National Drug Control Policy, *Marijuana Myths & Facts*, 3.

<sup>41</sup>White House Office of National Drug Control Policy, *Marijuana Myths & Facts*, 3-4.

<sup>42</sup>U.S. Department of Transportation, National Highway Traffic Safety Administration, "Drugs and Human Performance Fact Sheets," by Fiona J. Couper and Barry K. Logan (March 2005).

<sup>43</sup>U.S. Department of Transportation, National Highway Traffic Safety Administration, "Drugs and Human Performance Fact Sheets."

<sup>44</sup>White House Office of National Drug Control Policy, "Marijuana and Kids: Steer Clear of Pot," fact sheet.

<sup>45</sup>White House Office of National Drug Control Policy, "White House Drug Czar Launches Campaign to Stop Drugged Driving," press release, citing the *New England Journal of Medicine*.

<sup>46</sup>Aimee Edmondson, "Drug Tests Required of Child Care Drivers—Fatal Crash Stirs Change; Many Already Test Positive," (Memphis) *Commercial Appeal*, July 2, 2003.

<sup>47</sup>See Chuck Hayes, "Drug Recognition Experts: A Public Safety Resource," *The Police Chief* 70 (October 2003): 103-106.

<sup>48</sup>David B. Caruso, "Murder Charged in Blaze that Killed Two Firefighters," Associated Press, August 21, 2004.

<sup>49</sup>Alisha Berger, et al., "Tragic 'Pot' Shots," *New York Post*, November 19, 2003.

<sup>50</sup>Monitoring the Future, "Overall Teen Drug Use Continues Gradual Decline," University of Michigan News Service press release (December 21, 2004): 2; available at [www.monitoringthefuture.org](http://www.monitoringthefuture.org).

<sup>51</sup>Monitoring the Future, "Overall Teen Drug Use": 2.

<sup>52</sup>Monitoring the Future, "Overall Teen Drug Use": 2.

<sup>53</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 2003 National Survey on Drug Use and Health: National Findings: 4.



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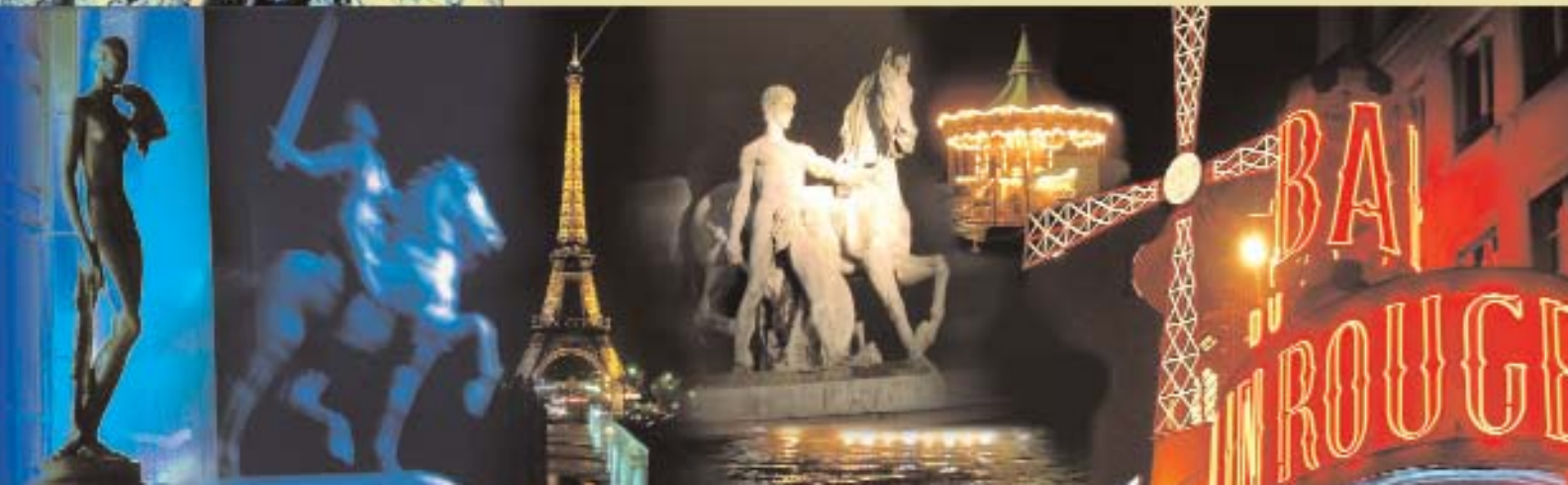
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# Drug Legalization: Why It Wouldn't Work in the United States

By Edmund Hartnett, Deputy  
Chief and Executive Officer,  
Narcotics Division, New York City  
Police Department, New York

**The majority of Americans are not in favor of drug legalization. Police chiefs are encouraged to borrow facts from this article and speak out against drug legalization.**

*Editor's note: In 1997 the International Association of Chiefs of Police and the Drug Enforcement Administration convened police chiefs to discuss the proper role of law enforcement in the legalization question. The working group reached several conclusions: first, law enforcement should play an important role in the discussion of legalization issues; second, law enforcement officials have tremendous credibility in areas such as the impact of legalization on crime; and third, in order to maintain credibility, law enforcement officials should be familiar with all of the legalization-related issues but stick primarily to what they know best when discussing the impact of legalization. In July 1997 the IACP and DEA published "A Police Chief's Guide to the Legalization Issue," a publication designed to give chiefs an overview of the issue and enough details to raise chiefs' level of comfort when speaking about drug legalization. This document, among many other IACP documents regarding drug legalization, is available at [www.theiacp.org](http://www.theiacp.org). Use the Web site's search feature to find the documents quickly.*

The issue of drug legalization is a complex one. Most Americans do not favor it, yet there is a strong and very vocal lobby in the United States that feels that legalization would be the proper course to take. When this vocal minority raises the issue in any community, citizens look to the police chief to speak to the issue. Police chiefs are encouraged to borrow from this article as they prepare their speeches.

## Proponents' Arguments

Proponents of drug legalization believe that the current policies regarding drugs have been harmful to individuals, families, and society as a whole. They strongly oppose current drug laws and policies for a variety of reasons. Some see the laws as an impingement of individual freedoms. Some see them as a colossal waste of government resources citing the opinion that the legalization of drugs could produce millions in tax revenues while at the same time putting drug dealers out of business and ensuring quality controls in the production of drugs. Some feel that legalization would reduce overall crime. Some argue that the laws are a form of institutionalized racism designed to keep minorities as a permanent disenfranchised underclass by keeping them in prison, addicted, or completely dependent on government aid. Others take what they view as a humanitarian approach, arguing that certain substances should be made legal for medicinal purposes. Some have chosen to refer to the issue as harm reduction instead of drug legalization in an apparent effort to soften the issue and give it a more humanitarian tone. Still others view the prohibition

against drugs as an inherently flawed and impossible strategy that has exacerbated crime and violence and has contributed to a sense of despair and hopelessness for millions of Americans.

It is also interesting to note that the proponents of legalization include supporters from across the political spectrum, from progressives on the far left to libertarians on the far right. Liberal Democratic Congressman Charles Rangel is adamantly opposed to drug legalization, while conservative icon and columnist William F. Buckley has long been a proponent of making drugs legal. Congressman Rangel has referred to legalization as "a very dangerous idea" that should "be put to rest once and for all."<sup>1</sup>

## Opponents to Legalization

Although it is clear the majority of U.S. citizens are in favor of keeping the use, sale, and possession of drugs illegal, much of the writing from the antilegalization viewpoint comes from law enforcement and government officials. Former New York City Mayor Ed Koch once described drug legalization as "the equivalent of extinguishing a fire with napalm."<sup>2</sup> Although many acknowledge that the so-called war on drugs has had mixed success, they believe that the alternative would have catastrophic effects on the nation. They believe that the legalization of drugs would increase use, lead to more experimentation by youth, and exacerbate the existing deleterious effects that drugs have on society. They are of the opinion that government subsidization of addicts would have crippling effects on the economy. They also feel that legaliza-

tion would help to create a large black market for drugs. Antilegalization proponents also point out that drug dealers and hardcore addicts would not suddenly become productive, law-abiding members of society. The antilegalization point of view is that dealers will still be involved in crime and violence and that users will still need to support themselves by engaging in criminal activity. Basically, they believe that the legalization of drugs would lead to increases, not reductions, in crime because there would be more addicts and because of the aforementioned black market. Also, opponents of legalization often cite statistics that show that drug prevention initiatives, drug awareness curricula in schools, and drug treatment programs are working. They point to the fact that there are fewer addicts today than there were 20 years ago.

### Drugs and Crime

There are two schools of thought on the issue of drug legalization and crime. Do drugs cause crime? Does drug use inevitably lead to crime? If drugs were made legal, would there be less crime? If the government subsidized addicts, would they still engage in criminal conduct? What would happen to drug dealers and drug gangs if drugs were legalized? Although the issue is complex, both groups agree that drugs and crime are inexorably linked.

Many legalization supporters believe that property crime, particularly burglary, larceny from persons (purse snatchers, chain snatchers, and pickpockets), auto theft, theft from autos, and shoplifting would decrease by 40-50 percent if drugs were made legal. Similarly, many believe that the terms "drug-related murder" and "drive-by shooting" would become outdated once drugs were legalized. In their view, turf wars would be eliminated because there would no longer be a need to fight for one's turf.

Additionally, there are those who point out that drug enforcement is a waste of valuable law enforcement resources since statistically most drug users do not get caught. Thus, the deterrent effect of criminalization is lost. Todd Brenner uses the example of marijuana arrests. In 1987 approximately 25 million people in the United States used marijuana, the most easily detectable drug, yet only 378,000 arrests were made; roughly one arrest for every 63 users.<sup>3</sup> His point is that the public would be better served if the police targeted crimes in which they had a better success rate. Also, legalization supporters believe that once drugs were legalized, the government could pay less attention to drug-related crime and spend more time and money on treatment, rehabilitation, education, and job training programs. Other benefits cited

would be reduced prison populations, more manageable caseloads for judges and attorneys, and better relations between the public and the police.

Many believe that traditional organized crime would be seriously affected by legalization. Benjamin and Miller write: "The Mafia would not disappear, because organized crime would be able to survive on other criminal activities, such as loan sharking, gambling, prostitution, and child pornography. But drug legalization would remove the backbone of organized crime's profits, causing it to diminish in importance."<sup>4</sup>

Opponents to legalization obviously do not see legalization as a panacea that will make crime go away. They see a clear connection between drug use and crime and, perhaps more importantly, between drug use and violence. Joseph Califano, the author and a member of President Johnson's cabinet, stated: "Drugs like marijuana and cocaine are not dangerous because they are illegal; they are illegal because they are dangerous."<sup>5</sup> The DEA reports that six times as many homicides are committed by persons under the influence of drugs than those looking for money to buy drugs and that most arrestees for violent crimes test



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positive for drugs at time of arrest.<sup>6</sup> Speaking to a Congressional subcommittee on drug policy in 1999, Donnie Marshall, then deputy administrator of DEA, spoke of drug use, crime, and violence. He said that there is "a misconception that most drug-related crimes involve people who are looking for money to buy drugs. The fact is that most drug-related crimes are committed by people whose brains have been messed up with mood-altering drugs."<sup>7</sup>

Legalization opponents are convinced that the violence caused by drug use "will not magically stop because the drugs are legal. Legal PCP isn't going to make a person less violent than illegally purchased PCP."<sup>8</sup> Susan Neiberg Terkel echoes these sentiments by saying that legalizing drugs "cannot change human nature. It cannot improve the social conditions that compel people to engage in crime, nor can it stop people from using drugs as an excuse to be violent."<sup>9</sup> The belief is that drugs, legal or not, often lead to violence. Erich Goode, a SUNY professor and a proponent of harm reduction, writes: "It is extremely unlikely that legalization will transform the violent nature of the world of heavy, chronic drug abuse very much. That violence is a part of the way that frequent,

heavy drug users live their lives; it is systemic to their subculture."<sup>10</sup>

It is interesting to note that the federal approach to drugs and crime is not solely linked to arrest and incarceration. In Congressional testimony in 1999, Barry McCaffrey, then-director of the U.S. Office of National Drug Control Policy, stated: "We cannot arrest our way out of our nation's drug problem. We need to break the cycle of addiction, crime, and prison through treatment and other diversion programs. Breaking the cycle is not soft on drugs; it is smart on defeating drugs and crime."<sup>11</sup>

### Public Health Concerns

Opponents of legalization seem to be just as committed as the prolegalization lobby. They believe that the legalization of drugs would have devastating effects on public health, the economy, quality of life, American culture, and society as a whole.

The advocacy group Drug Watch International points out that drugs are illegal "because of their intoxicating effect on the brain, damaging impact on the body, adverse impact on behavior, and potential for abuse. Their use threatens the health, welfare, and safety of all people, of users

and nonusers alike."<sup>12</sup> Legalization advocates contend that the same statement could be made about alcohol.

William J. Bennett, former director of the Office of National Drug Control Policy, responds to that claim, arguing "that legalized alcohol, which is responsible for some 100,000 deaths a year, is hardly the model for drug policy. As Charles Krauthammer has pointed out, the question is not which is worse, alcohol or drugs. The question is, can we accept both legalized alcohol and legalized drugs? The answer is No."<sup>13</sup> Morton M. Kondracke of the New Republic magazine discusses another comparison between drugs and alcohol: "Of the 115 million Americans who consume alcohol, 85 percent rarely become intoxicated; with drugs, intoxication is the whole idea."<sup>14</sup>

Legalization opponents believe that our already burdened health care industry would be overwhelmed if drugs were legal. This would come in the form of direct results of drug use (more overdoses, more AIDS patients, and more illness stemming from addiction) and indirect results of drugs (more injuries due to drug-related violence, accidents, and workplace incidents). They also believe that legalization would increase the num-



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ber of emergency room visits, ambulance calls, and fire and police responses. The ONDCP reports that in 2002 direct health care costs attributable to illegal drug abuse were \$52 billion.<sup>15</sup>

In addition, legalization opponents disagree with legalization advocates regarding whether legalization would increase drug use. Legalization opponents believe that drug use would increase dramatically if drugs were made legal and easy to obtain. William J. Bennett uses the example of crack cocaine. He writes: "When powder cocaine was expensive and hard to get, it was found almost exclusively in the circles of the rich, the famous, or the privileged. Only when cocaine was dumped into the country, and a \$3 vial of crack could be bought on street corners, did we see cocaine use skyrocket — this time largely among the poor and disadvantaged."<sup>16</sup> The DEA also takes issue with the legalization lobby on the link between easier access to drugs and an increase in addiction from a humanitarian standpoint: "The question isn't whether legalization will increase addiction levels — it will — it's whether we care or not. The compassionate response is to do everything possible to prevent the destruction of addiction, not make it easier."<sup>17</sup>

## Drugs Tied to Terrorism

In the aftermath of September 11, it was evident that enormous amounts of money were part of a global terrorist network. Much of this money was hidden in ostensibly legal outlets, primarily banks, investments, and charitable organizations. They were correctly targeted by law enforcement agencies and, in many cases, frozen; thereby denying terrorists access to the money. Many experts believe that terrorists are now using narcotics trafficking to fund their activities. Although much of this activity seems to be centered in the Afghanistan and Pakistan region (sometimes referred to as the Golden Crescent in law enforcement circles), all international narcotics investigations now have to add terrorism to their list of concerns. Legalization would only exacerbate this problem and put more money into the terrorists' bank accounts.

The DEA has identified links between drug suppliers and terrorism. Their investigations, again primarily in Afghanistan and Pakistan, have shown connections among traffickers in heroin and hashish, money launderers, and al Qaeda members. They also suspect a drug-related connection involving al Qaeda and the train bombings in Madrid. According to DEA,

"The bombers swapped hashish and ecstasy for the 440 pounds of dynamite used in the blasts, which killed 191 people and injured more than 1,400 others. Money from the drugs also paid for an apartment hideout, a car, and the cell phones used to detonate the bombs."<sup>18</sup>

## Economy Issues

Legalization advocates claim that if drugs are legal it will be a financial windfall for the American economy. They believe that all the public funds now wasted on the enforcement of drug laws and related matters could then be used for the good of society in areas such as education, health care, infrastructure, and social services. As mentioned earlier, some believe that drugs could eventually be taxed and thus create much-needed revenue. The DEA's response is: "Ask legalization proponents if the alleged profits from drug legalization would be enough to pay for the increased fetal defects, loss of workplace productivity, increased traffic fatalities and industrial accidents, increased domestic violence and the myriad other problems that would not only be high-cost items but extremely expensive in terms of social decay."<sup>19</sup>

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## Medical Marijuana

The antilegalization point of view rejecting the use of marijuana to ease the pain of those suffering from a variety of illnesses and conditions may appear harsh and insensitive. Their view is that there are safer, more effective drugs currently available and that there is therefore no need to rely on medicinal marijuana. The DEA states that the "clear weight of the evidence is that smoked marijuana is harmful. No matter what medical condition has been studied, other drugs have been shown to be more effective in promoting health than smoked marijuana."<sup>20</sup> They also believe that many proponents of the use of medicinal marijuana are disingenuous, exploiting the sick in order to win a victory in their overall fight to legalize drugs. They point to studies that show that marijuana smoke contains hundreds of toxins, similar to cigarettes, and that prolonged use can lead to serious lung damage. This, they feel, can only exacerbate existing health problems, especially for people with compromised immune systems. The DEA cites the fact that marijuana has been rejected as medicine by the American Medical Association, the American Glaucoma Society, the American Academy of Ophthalmology, the International Federation of Multiple Sclerosis Societies, and the American Cancer Society.<sup>21</sup>

## Harm Reduction

The term "harm reduction" is anathema to the antilegalization lobby. They believe that "harm reduction, a cover-all term coined by the legalizers, is a euphemism encompassing legalization and liberalized drug policy, and can best be defined as 'a variety of strategies for making illicit drug use safer and cheaper for drug users, at the expense of the rest of society, regardless of cost.'"<sup>22</sup> The passion surrounding the issue of harm reduction is illustrated by Drug Watch International: "Harm reduction abandons attempts to free current drug users and encourages future generations to try drugs. It asserts that drug use is natural and necessary. Rather than preventing harm and drug use, harm reduction feebly attempts to reduce the misery level for addicts. Harm reduction forsakes a portion of the population, often the poor and minorities, to lifetime abuse of drugs."<sup>23</sup>

Opponents of harm reduction see it as a very dangerous message. They complain that, instead of addressing and eventually eliminating the problems of addiction, harm reduction creates a situation that prolongs the agony of the addicted, their families and their community.

## Public Reaction

A 1998 poll by the Family Research Council showed that eight out of 10 responders rejected the legalization of cocaine and heroin. The same poll asked whether they would support making these drugs legal in a manner similar to alcohol; 82 percent responded "No." A 1999 Gallup poll revealed that 69 percent of Americans are against the legalization of marijuana. In addition, another Gallup poll showed that 72 percent were in favor of drug testing in the workplace. However, one of the better indicators of the public's disdain for drugs is the fact that an estimated 50 million Americans who have used drugs in their youth have now rejected them.<sup>24</sup>

The U.S. Department of Justice National Drug Intelligence Center (NDIC) reveals some additional alarming statistics. In 2002 an estimated 35.1 million people aged 12 or older reported using an illegal drug within the past year; approximately 3.2 million people were drug-dependent or drug abusers.<sup>25</sup> Based on this set of figures, there is still a significant demand for



drugs in America and multitudes willing to supply the drugs. It is this demand for drugs that is at the heart of the issue. Speaking from a law enforcement perspective, it is clear that we can make millions of drug arrests, but if we don't address the demand side of the problem, the best we can hope for is maintenance of the status quo.

Progress in this regard has been achieved and considerable inroads have been made through years of proactive prevention and education efforts. By 1999 the Office of National Drug Control Policy reported that drug use in America had been cut in half and cocaine use was reduced by 75 percent.<sup>26</sup> Nevertheless, in spite of these promising statistics, the across-the-board nature of the drug problem in America indicates that we are far from declaring victory.

### Speaking Out

The process of completing this project has led to a reexamination of my personal opinions and values on the issue of drug legalization. I assume that it is normal to be introspective when exploring both sides of a broad and complex problem. As a parent, a citizen, and a law enforcement official, I am clearly a stakeholder in this issue. I was concerned that my views in light of my police background would make me sound like an ideologue. As a public administrator, I hope that I reinforced my opinions against the legalization of drugs with sound logic and analysis.

My research allowed me to see the issue from a broader outlook. I now understand the pro-legalization viewpoint much better. Although I am still strongly opposed to the notion of drug legalization, I realize that, for the most part, they are Americans, from a broad field, who are truly committed to a cause in which they believe. Although they are pursuing a course that is dangerous for America, I respect their passion and education. But they are woefully wrong on this issue.

I encourage police executives to speak out against drug legalization, and I hope the information in this article has provided some of the resources they need as they prepare to make these speeches. ♦

<sup>1</sup> Charles B. Rangel, "Legalizing Drugs: A 'Dangerous Idea,'" in *Drugs: Should We Legalize, Decriminalize, or Deregulate?*, ed. Jeffrey A. Schaler (New York: Prometheus, 1998), 74.

<sup>2</sup> Susan Neiburg Terkel, *Should Drugs Be Legalized?* (New York: Franklin Watts, 1990), 16.

<sup>3</sup> Todd Austin Brenner, "The Legalization of Drugs: Why Prolong the Inevitable?," in *Drug Legalization: For and Against*, ed. Rod L. Evans and Irwin M. Berent (LaSalle, Ill.: Open Court, 1992), 173.

<sup>4</sup> Daniel K. Benjamin and Roger Leroy Miller, *Undoing Drugs* (New York: Basic Books, 1991), 175.

<sup>5</sup> U.S. Department of Justice, Drug Enforcement Administration, "Fact 7," *Speaking Out against Drug Legalization* (Washington, D.C.: U.S. Government Printing Office, November 2002), 2; available at [www.usdoj.gov/dea/demand/speakout/index/html](http://www.usdoj.gov/dea/demand/speakout/index/html).

<sup>6</sup> U.S. Department of Justice, Drug Enforcement Administration, "Fact 7," *Speaking Out against Drug Legalization*, 2.

<sup>7</sup> Donnie Marshall, testimony before the U.S. House of Representatives, Committee on Government Reform, Subcommittee Criminal Justice, Drug Policy, and Human Resources, June 16, 1999; transcript available at [www.usdoj.gov/dea/pubs/cngtrtest/ct061699.htm](http://www.usdoj.gov/dea/pubs/cngtrtest/ct061699.htm).

<sup>8</sup> Carolyn C. Gargaro, "Drug Legalization? Drugs Should Not Be Legalized; Just Say No to Drug Legalization" (1999): 5; available at [www.gargaro.com](http://www.gargaro.com).

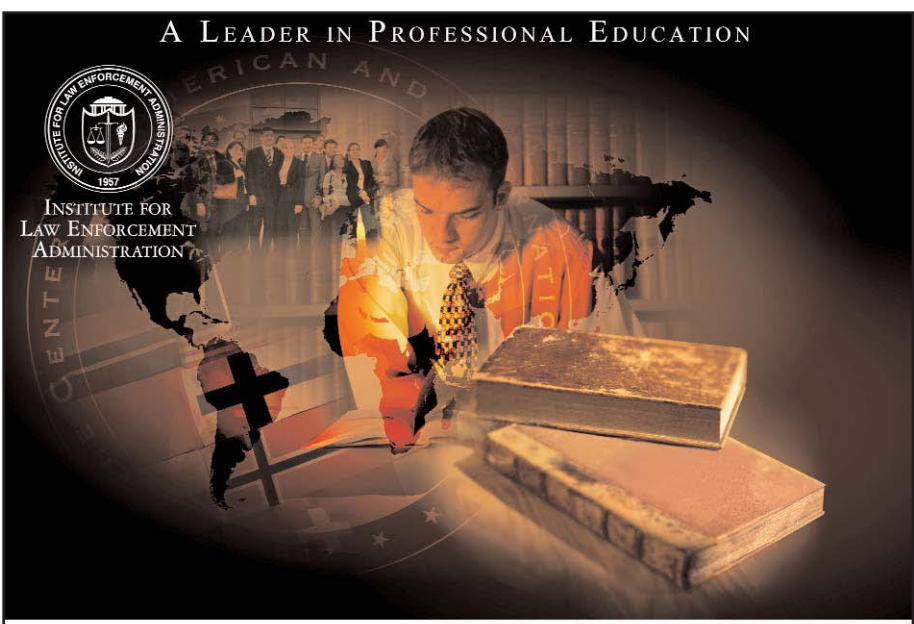
<sup>9</sup> Terkel, *Should Drugs Be Legalized?*, 91.

<sup>10</sup> Erich Goode, *Between Politics and Reason: The Drug Legalization Debate* (New York: St. Martin's, 1997), 129; see text of chapter 7, available online at [www.druglibrary.org](http://www.druglibrary.org).

<sup>11</sup> Barry R. McCaffrey, "The Drug Legalization Movement in America," testimony before the U.S. House of Representatives, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, June 16, 1999, 20; transcript available at [www.drugwatch.org](http://www.drugwatch.org).

<sup>12</sup> Drug Watch International, "Drug Legalization," no. 3 in the "Truth and Lies" series (October 1995): 1; available online at [www.drugwatch.org](http://www.drugwatch.org).

<sup>13</sup> William J. Bennett, "Mopping Up after the Legalizers: What the 'Intellectual' Chorus Fails to Tell You," in *Drug Legalization: For and Against*, ed. Rod L. Evans and Irwin M. Berent (LaSalle, Ill.: Open Court, 1992), 226.



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<sup>14</sup> Morton M. Kondracke, "Don't Legalize Drugs: The Costs Are Still Too High," in *Drug Legalization: For and Against*, ed. Rod L. Evans and Irwin M. Berent (LaSalle, Ill.: Open Court, 1992), 284.

<sup>15</sup> U.S. Department of Justice, Drug Enforcement Administration, "The 'Secondhand Smoke' Effects of Drugs on Society": 5.

<sup>16</sup> Bennett, "Mopping Up after the Legalizers": 225.

<sup>17</sup> U.S. Department of Justice, Drug Enforcement Administration, "Fact 6," *Speaking Out against Drug Legalization*, 2.

<sup>18</sup> U.S. Department of Justice, Drug Enforcement Administration, "Secondhand Smoke": 16.

<sup>19</sup> U.S. Department of Justice, Drug Enforcement Administration, *Speaking Out against Drug Legalization*, 17.

<sup>20</sup> U.S. Department of Justice, Drug Enforcement Administration, "The DEA Position on Medical Marihuana" (May 2004): 2.

<sup>21</sup> U.S. Department of Justice, Drug Enforcement Administration, *Speaking Out against Drug Legalization*, 19.

<sup>22</sup> Sandra S. Bennett, "The Drug Decriminalization Movement in America," testimony before the U.S. House of Representatives, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, June 13, 1999; transcript available at [www.drugwatch.org](http://www.drugwatch.org).

<sup>23</sup> Drug Watch International, "Harm Reduction," no. 2 in the "Truth and Lies" series (May 1995): 1; available at [www.drugwatch.org](http://www.drugwatch.org).

<sup>24</sup> McCaffrey, "The Drug Legalization Movement in America": 5.

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# Indoor Marijuana Growing Operations



## Quick Facts

### York Regional Police

Population: 870,000

Sworn Officers: 1,133

Civilians: 345

Serving an area immediately north of Toronto, the York Regional Police was formed in 1971 when 14 local police services were amalgamated.

By Armand P. La Barge, Chief of Police, and Karen Noakes, Detective Sergeant, Drugs and Vice Enforcement Bureau, York Regional Police, Ontario, Canada

**Between 2000 and 2003 Ontario's indoor marijuana growing operations were capable of producing 1.2 million kilograms (2.6 million pounds) of marketable marijuana with a revenue generation of \$10.1 billion. Canada now has the dubious distinction of being a main source country for marijuana exportation.**

In 1999 law enforcement in the province of British Columbia identified a phenomenon involving indoor marijuana grow operations that were largely controlled by organized crime. It was estimated that one out of every eight homicides in the province was a grow-related murder. By 2001 police in the province of Ontario had identified the same alarming phenomenon.

It has been estimated that between 2000 and 2002 the number of grow operations in Ontario had increased by at least 250 percent and that in 2002 there may have been as many as 15,000 grow operations active in the province. During 2001 police services across southern Ontario executed 650 search warrants in relation to indoor marijuana grow operations, compared to 160 in 2000.

Indoor marijuana grow operations are major funding sources for a variety of organized criminal activities. It is estimated that between the years 2000 and 2003 Ontario police services could seize more than 1.2 million plants from grow operations. In that same time period, these operations are capable of producing 1.2 million kilograms (2.6 million pounds) of marketable marijuana with a revenue generation of \$10.1 billion.<sup>1</sup>

Canada now has the dubious distinction of being a main source country for marijuana exportation. There has been a dramatic increase in the amount of mari-

juana being seized at Canada's border with the United States. In 1998 authorities seized 369 kilograms (813 pounds) of marijuana; in 2002 they seized 9,477 kilograms (20,893 pounds). It is suspected that the majority of marijuana being grown in Canada is being exported to the United States and in some cases exchanged for cocaine that is brought to Canada for resale. As cannabis has become more powerful and more addictive, the demand for this product has increased. Organized crime groups have found in marijuana a product that provides them with a low-risk yet lucrative business.

During 2001 several police services and agencies across Ontario began collaborating and identified the need for a formal multiagency strategy. Operation Green Sweep was the beginning. This operation involved police services throughout Canada executing search warrants on indoor marijuana grow operations on the same day (January 30, 2002). Operation Green Sweep involved almost 1,000 officers executing 189 search warrants and seizing 56,000 plants valued at more than \$44.6 million in one day.

This one day operation was a catalyst for York Regional Police to solidify efforts to combat the constant threat that indoor marijuana grow operations posed to the community.

## Everyone Pays for Marijuana Grow Operations

Marijuana plants grown using hydroponics require light, oxygen, nutrients, minerals, water, and carbon dioxide in their environment. The highly oxygenated, nutrient-enriched surrounding allows the plants to flourish and can yield a marijuana crop every three to four months. Some of the nutrient solutions include phosphorous, sulfur, and calcium. Hydroponic equipment can be easily purchased. Initial start-up costs for equipment and supplies for a grow operation is estimated at \$25,000. Other costs associated with the operation could include such things as rent, maintenance, electricity, renovations to accommodate the operation, and various supplies for each crop.

The most cost-prohibitive element of an indoor marijuana grow operation is the cost of the electricity required to run the lighting systems. Grow operations often steal electricity by tampering with meters or, more commonly, by diverting the electricity from the main supply line with a bypass. At one point, a regional hydroelectric utility company reported that an overwhelming amount of residences were stealing power to operate these grow operations. The average bypass steals electricity worth between \$1,100 and \$1,600 per month.

In 2002, a York Region utility serving a population of about 300,000 disconnected 191 grow operations that stole electricity worth roughly \$1 million, and the utility estimates that 450 grow operations in the region stole a total of \$2.5 million in electricity in 2002. In 2003 the same York Region utility disconnected 373 sites. Hydroelectric companies throughout Ontario have employees who specialize in disconnecting hydroelectric services, repairing structural damage, and recovering lost revenue from electricity bypass thieves. Eventually the cost of the stolen electricity is passed on to the consumer. The York Region utility claimed that in 2002 each paying customer paid an additional \$40 to cover the utility's losses from hydro theft, repair costs, and administrative fees.

## Grow Operations Endanger Everyone

The Electrical Distributors Association indicates that grow operations can consume upwards of 300 kilowatt-hours per day, which is 10 times the average household electricity consumption. This is obviously a concern, as transformers are often unequipped to handle such high loads. The Electrical Safety Authority has warned that grow operations may be responsible for contributing to summertime shortages of electricity in Ontario, and may raise the risk of reducing the available voltage or blackouts.

**Electrocution:** The potential for electrocution is real. The process of creating a hydroelectric bypass to steal electricity involves the digging and exposing of a 10,000-watt wire that is attached to the hydroelectric meter. Ballasts are then used to convert the 10,000-watt wire into the 60,000 watts often required to run the growing lights. The wire outside of the home is exposed and not grounded. This can result in the possibility of the surrounding grounds being charged, making them dangerous and even lethal to an innocent person passing by or to any emergency response service, including police, fire, and ambulance. Even after hydroelectric power is cut, the interior of the dwelling can still pose a serious risk because the ballast and capacitor used to boost the wattage can still retain an electrical charge.

**Fire:** During 2001 and 2002, 4 percent of grow operations in Ontario experienced fire. This rate is consistent with the rate in British Columbia, where 3.5 percent of grow operations experienced fire between 1997 and 2000. The likelihood of fire in a grow operation is 40 times greater than a private dwelling. Chemicals that are often stored at grow operations include liquid nutrients, fertilizers, pesticides, and fungicides that could create toxic smoke if ignited, and chemical spills at grow operations also create a risk of land and water pollution. The typical loss resulting from a

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residential fire is \$29,000. Most of this cost is assumed by insurance companies and is ultimately passed on to the general public through increased premiums.

The potential for explosions in grow operations is very real. Grow operations provide an environment that contains oxygen, high volumes of nitrogen, and accelerants. A spark from a badly wired hydroelectric bypass is all that is required to cause an explosion. Quite often, flammable chemicals are found in close proximity to electrical wiring.

**Carbon Dioxide:** Carbon dioxide enhances plant growth but poses serious health risks to humans. High concentrations can displace oxygen in the air, resulting in oxygen deficiency, combined with the effects of carbon dioxide toxicity. Operators will sometimes disconnect furnace piping to vent the pungent smell of the marijuana plants, resulting in the release of carbon monoxide. Some operators mistakenly believe that the carbon monoxide enhances plant growth; acting on that belief could result in carbon monoxide poisoning.

**Molds:** Grow operations contain a high level of humidity and are prone to the build-up of various molds. These molds can be damaging to human health, causing or aggravating immunological diseases such as hay fever, allergies, asthma, infections, and even cancer. Residents of the active grow operation risk this exposure.

Quite often, during the execution of search warrants, York Regional Police have observed medication for upper respiratory problems belonging to the residents. Upon execution of a search warrant at a grow operation, police secure the residence and then immediately open doors and windows to get a fresh flow of

oxygen through the home. Headaches, dizziness, and nausea are common complaints upon initial entry into an indoor grow operation due to the poor air quality.

The long-term effects of exposure to mold and various chemicals that are often present are yet to be determined. What is concerning is that these grow operations are often repaired with a layer of plaster and paint over the mold, thereby endangering future renters or buyers. It is estimated that the cost to repair a house that has hosted an indoor grow operation and return it to habitable conditions is \$32,000 to \$40,000.

**Booby Traps:** Rivals sometimes vandalize or otherwise interfere with indoor marijuana grow operations to gain a business advantage. To protect their investments, operators have been known to take defensive measures and set up booby traps such as points of entry rigged to cause electrical shocks to anyone entering a dwelling, noxious compounds set up to be released upon entry to a dwelling, jars of nitric acid placed in areas to spill on intruders, and a plank of wood and metal parts rigged to detonate a shotgun shell. These traps pose a serious threat to first responders and any community member. In British Columbia, between 1997 and 2000, 2 percent of grow operations were found to contain hazards such as booby traps and explosives.

### York's Operational Strategy

One of the goals of the York Regional Police 2002-2004 business plan is to "continue to increase our knowledge and understanding of hydroponic marijuana grows, including the development of appropriate and safe enforcement strategies." This goal and the

## Signs of an Indoor Marijuana Growing Operation

### Property

- Evidence of tampering with the electric meter (damaged or broken seals) or the ground around it
- Houses that are made to look lived-in but have very few people coming in and out
- Water lines or electrical cords running to a basement or outbuilding
- An unusual number of roof vents in a house or exhaust fan noises coming from an outbuilding
- An outbuilding with air conditioners
- A house rooftop with no snow on it when the roofs of surrounding houses are snow-covered
- Excessive condensation around windows
- Little or no garbage being put out
- Excessive security such as guard dogs, Keep Out signs, high fences, heavy chains, and locks on gates
- The presence of a greenhouse or tin barn on property where these structures would normally not be used

### Behavior

- People making only late-night or very short visits
- People bringing excessive amounts of potting soil or other grow mediums into the house
- People continually bringing items and taking items away in garbage bags
- People arriving at the house to put out the garbage, shovel the snow, or cut the lawn and then leaving immediately
- People coming and going from the house only once a week
- New neighbors never bringing furniture or groceries into the house

absolute need for ongoing participation with the community resulted in the development of the York Regional Police Indoor Marijuana Grow Operation Strategy.

The operational strategy has many elements. For enforcement there is a street-level grow enforcement team; and recently an investigative team was formed to target grower hierarchy. There is a community outreach program to educate residents about the problem and tell them how they can detect a marijuana grow operation, and there is a mechanism enabling community members to report suspicious locations. The news media are regularly updated to keep the information in front of the community.

York Regional Police also work closely with the region's hydroelectric utilities. Investigations have revealed that electricity is the major component required to grow marijuana indoors. Without the electricity, growers are not capable of producing large quantities of marijuana.

Over the last several years, the hydroelectric utilities have proactively sought and identified the theft of power, and as a result more marijuana growers have started to pay for the power. The growers believe that the hydroelectric utility will not notify the police if they pay for the power consumed. The fact that the power is being paid for does not reduce the safety concerns, as these grow houses are usually improperly wired.

The hydroelectric utilities work closely with York police. The utilities help identify possible indoor grow operations where large amounts of power are being used and notify police when they discover utility theft.

The Electrical Safety Authority (a provincial agency) has the power to inspect the premises when notified by the electrical utility that suspicious electrical activity is taking place inside the premises.

If they inspect the premises and discover an unsafe electrical situation, they disconnect the premises from electrical service. If they discover marijuana, they notify the police, who can then obtain and execute a search warrant and seize the marijuana.

Among the other partners the agency hopes to work more closely with in the future are insurance companies, real estate boards, and financial institutions. At this time these agencies can contact the York Regional Police Freedom of Information Bureau to determine whether a residence has housed a grow operation that was investigated by the police service.

### Ongoing Effort

The York Regional Police Indoor Marijuana Grow Operation Strategy is an ongoing effort of the police, community, and businesses. New partnerships continue to flourish among the businesses, the community, and the police. Feedback continues to be a critical component of York's strategic direction and the indoor marijuana grow operations continues to be policing priority in York.

In 2003, members of the Drugs and Vice Enforcement Bureau executed 173 warrants, laying 345 charges against 136 people and seizing marijuana worth nearly \$40 million. In 2004, 132 warrants were executed, with 120 people facing 247 charges and marijuana worth more than \$30 million seized.

Of growing concern is the fact police are finding more and more children living in these toxic residences. In 2003 in York Region, 22 children were discovered living in marijuana grow operations; in 2004, that number had risen to 39. ♦

<sup>1</sup> All monetary amounts expressed in U.S. dollars.



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# Drug Trafficking Murderers

By William J. Renton Jr., Special Agent in Charge, Drug Enforcement Administration, Saint Louis, Missouri, and Chief Joseph Mokwa, Saint Louis Metropolitan Police Department, Saint Louis, Missouri

*VTTF was designed to dismantle violent drug trafficking organizations through the sharing of critical, real-time intelligence and mutual cooperation with state and local agencies.*

In late 2001 the homicide rate in Saint Louis rose at an alarming rate. Police determined that the rate increase was not result of a surge in the number of crimes of passion or even acts of random violence. Rather, the increase was the result of drug-related violence committed by organized drug traffickers. Approximately 70 percent of all homicides had a definite drug nexus, as the victim, the perpetrator, or both had prior felony drug arrests. Homicides and associated violent crimes were directly linked to a cadre of entrenched violent drug trafficking organizations.

Because of the drug involvement issues, Saint Louis homicide detectives were able to enlist the help of the U.S. Drug Enforcement Administration (DEA). In 2002 the Saint Louis DEA office assigned two agents to join forces with Saint Louis Metropolitan Police Department (SLMPD) homicide detectives. The DEA agents monitored all DEA intelligence resources and provided homicide detectives and violent crime specialists with any available information in real-time. This included

data from criminal informants, current electronic surveillance information from telephone intercepts, and review of other items of documentary evidence from ongoing investigations. The agents also analyzed and evaluated data obtained from cellular telephones and pagers recovered from violent crime scenes.

The identification and targeting of career offenders, and linking them to local drug trafficking organizations, formed the foundation of the evolving enforcement strategy. Using court-authorized telephone wiretaps on members of these organizations as a primary investigative technique resulted in valuable intelligence on both drug and violent criminal activity and opportunities for viable prosecutions of these career criminals.

Based on the early success of the DEA agents and the homicide detectives, in 2003 the concept of the Violent Traffickers Task Force (VTTF) developed. Because the violent traffickers crossed jurisdictional lines, the Saint Louis County Police Department joined the task force and as-

signed personnel. All of the targeted violators were convicted criminals possessing and using guns in violations of federal law, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives joined the task force. The VTTF was designated as a High Intensity Drug Trafficking Area (HIDTA) initiative and received funding from the White House Office of National Drug Control Policy.

Beside the law enforcement agencies involvement, VTTF needed prosecutorial support. VTTF was able to obtain commitments from the U.S. attorney's office and the circuit and state attorney's offices to aggressively prosecute all career criminals.

This collaboration provided the necessary staffing, funding, and operational capability to identify, target, arrest, detain until trial, and aggressively prosecute the career criminals responsible for murder and other violent crimes.

The new VTTF initiated investigations targeting longstanding, well-entrenched criminal drug organizations that sustained themselves through violence to protect



their identification and suppress the willingness of law-abiding citizens and witnesses to assist law enforcement agencies. Task force members developed a target list and assigned suspects to VTTF investigators.

One of the founding directives of the VTTF was to systematically identify and target violent career criminal offenders and arrest them. The simple premise that the VTTF operates under is that the removal of a violent career drug criminal from a particular part the metropolitan area, by any judicial avenue available, will result in the reduction of violent crime in that area. This results in the improvement of quality of life for the law-abiding citizens residing in that neighborhood.

Traditionally, court-authorized telephone wiretaps conducted by DEA would only concentrate on drug-related intelligence information and the intelligence was kept within the drug investigation arena. However, the VTTF was designed to provide a systematic approach to disseminate actionable intelligence regarding violent crime to elements of the responsible police agencies. For Saint Louis, the VTTF was the first effort to merge DEA, ATF, Saint Louis City, and Saint Louis County law enforcement and the prosecutors as a means to identify and target violent trafficking organiza-

tions effecting communities in the metropolitan area.

In an unprecedented effort to coordinate violent crime intelligence, Saint Louis police and the VTTF instituted a first-of-its-kind citywide lookout on VTTF-targeted offenders. The VTTF enters detailed data on its targets and intelligence information drawn from virtually every law enforcement element in the Saint Louis metropolitan area into local databases that are routinely queried by line police officers during the conduct of their daily responsibilities. A hit notification is transmitted to the line officer and to a VTTF representative when a patrol officer comes into contact with a targeted violent offender. If asked, the VTTF provides additional intelligence information on suspect's residences, vehicles, and associates. In addition, the lookout provides a degree of officer safety when the subject is contacted on routine calls. The lookout has proved invaluable in identifying the whereabouts and organizational ties of targeted offenders.

Of the many successes of this unique task force, none was more crucial to public safety than the role the VTTF played in the largest manhunt in the history of the city. A Saint Louis Metropolitan Police Department patrol officer, while on duty, was brutally shot five times with an AK-47 rifle by a

career criminal wanted for homicide. At the time of the shooting, DEA and Saint Louis police were jointly monitoring an active federal wiretap targeting a violent drug trafficking organization. While being sought for this heinous crime, the target was intercepted calling the telephone being tapped, and his cellular telephone number was electronically captured. Over a three-day period, agents and police officers painstakingly tracked the target's phone activity, movement, and location using sophisticated electronic equipment around the clock. He became isolated and his exact location was determined. The target was arrested without incident.

Of the 140 individuals arrested by the VTTF in its first year, 68 percent were identified on the VTTF target list and prosecuted in federal court. Since the task force inception the murder rate in the city of Saint Louis has declined by 38 percent. Although VTTF is not solely responsible for Saint Louis's drastic decline in violent crime, it has greatly contributed to the public safety and is credited as a contributing factor. ♦

*For more information, write to the Violent Traffickers Task Force at DEA, 317 South 16th Street, Saint Louis, MO 63103, or call Assistant Special Agent in Charge John Riley at 314-538-4600.*

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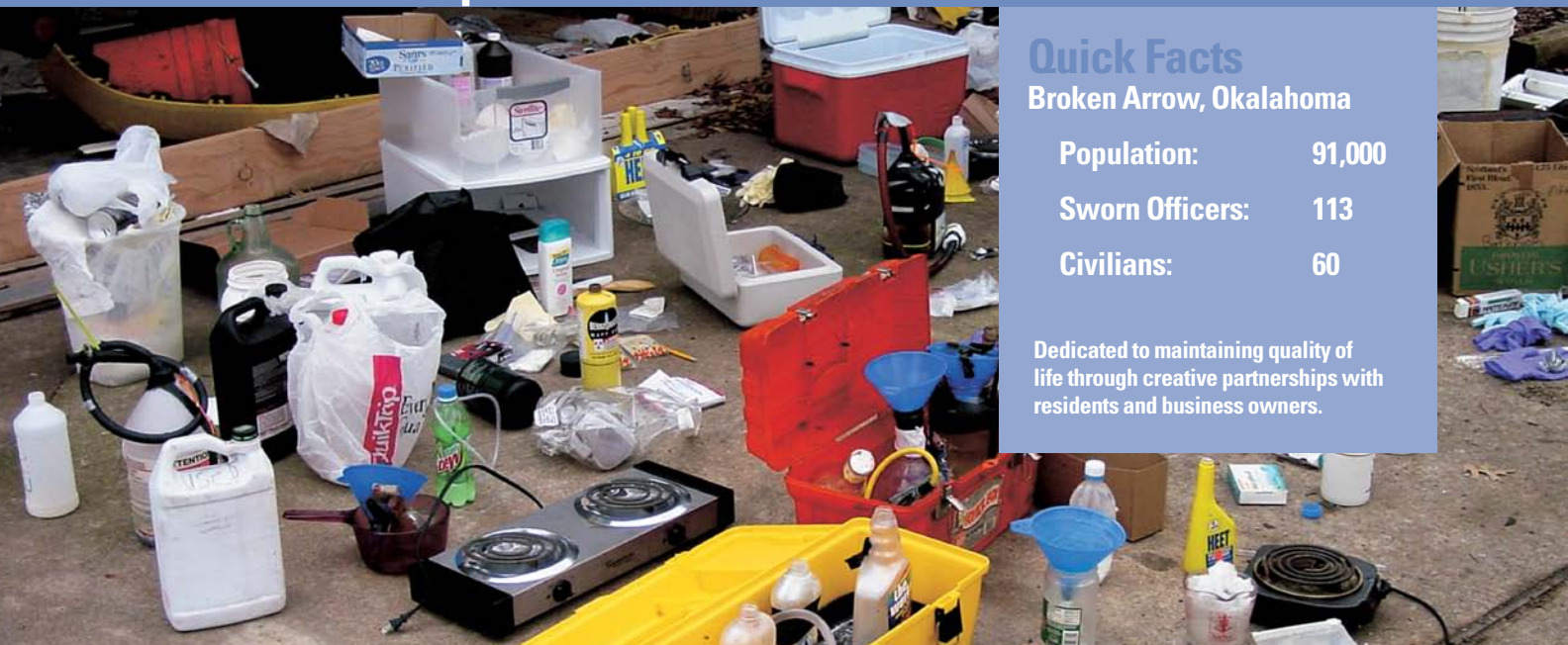
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# Enlisting Community Help in the Investigation of Methamphetamine Laboratories

Photographs courtesy  
Broken Arrow Police Department



## Quick Facts

### Broken Arrow, Oklahoma

Population:	91,000
Sworn Officers:	113
Civilians:	60

Dedicated to maintaining quality of life through creative partnerships with residents and business owners.

By Todd Wuestewald, Chief of Police, and Gayla R. Adcock, Detective, Broken Arrow Police Department, Broken Arrow, Oklahoma

Methamphetamine is an insidious and dangerous drug that causes severe addictive behavior and physical and psychological damage to its victims. The use and manufacture of methamphetamine, or meth, has been growing exponentially in Oklahoma in the last several years, and the effects of the meth epidemic have been felt in Broken Arrow.

A problem-solving project called Operation Don't Meth Around, implemented by a narcotics officer in the department's street crimes unit with support from the department's leadership, focused on raising three groups' awareness of the meth problem:

- Retailers who unknowingly sold the ingredients for manufacturing methamphetamine
- Patrol officers who must detect signs of meth labs and investigate suspected labs
- Residents and business owners

Methamphetamine, known to some as "poor man's cocaine," is produced in clandestine laboratories using common household chemicals and over-the-counter cold remedies. Fewer than 10 percent of those arrested for manufacturing meth are

trained chemists. Meth laboratory operators, or cooks, usually have little or no chemistry training and simply learned the formula from other meth cooks or found instructions on Internet Web sites.

### Meth Labs Involve Many Risks

Many of the chemicals found in these labs are corrosive or flammable or both. The vapors that are emitted from the chemical reactions attack mucous membranes, skin, eyes, and the respiratory tract. Some chemicals will react with water or other chemicals and cause a fire or explosion.

What became apparent to the Broken Arrow Police Department was the large number of fires caused by methamphetamine laboratories. When attempts were made to geographically profile the laboratories, police found that some of these fires were in rural areas and others were within a few feet of neighboring homes and schools. Police discovered early in the operation that there was no specific area of focus for the perpetrators. Police investigated meth labs in neighborhoods both lower-class and upper-class neighborhoods, as

well as in local motels, hotels, storage buildings, outbuildings, automobiles, and rural areas. In other words, meth labs were a problem throughout the city.

In addition to the risk of explosive gases, chemical contamination from the hazardous waste of these labs posed a serious threat to the environment and to the health of unsuspecting citizens in the community. Each pound of meth manufactured in a clandestine lab generates several more pounds of toxic waste. Clandestine lab operators routinely dump such waste into local streams, rivers and sewage systems in order to dispose of the evidence of their illegal operation.

### Danger to Children

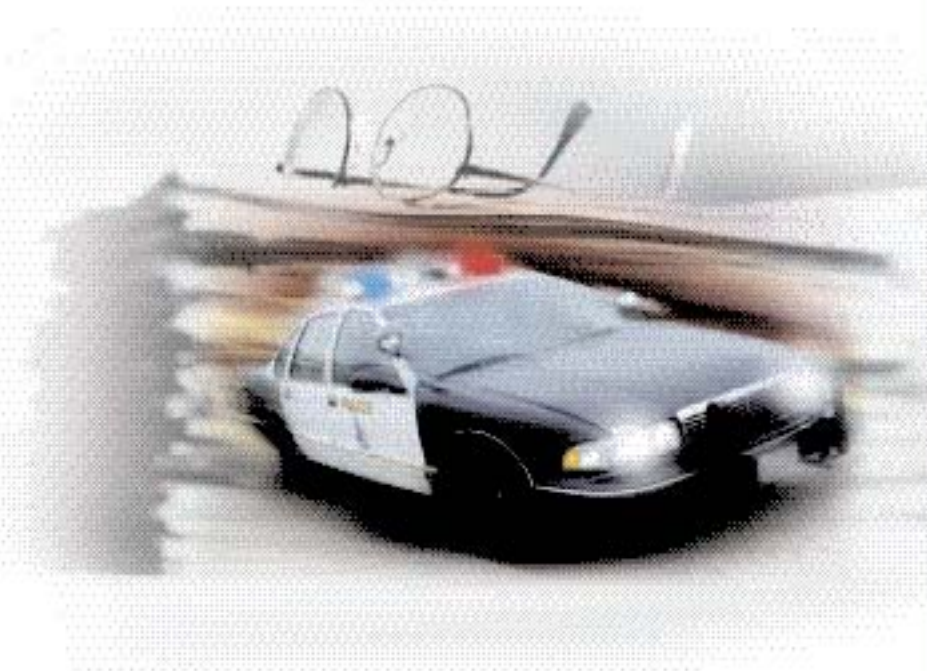
Along with increasing the chance of fire, meth labs threaten the safety of children in other ways. Children who are found in these homes where meth labs are housed run the risk of toxicological, neurological, respiratory, dermatological, and other adverse affects of exposure to chemicals and stimulants. Of the children Broken Arrow police have removed from houses

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Last April, Oklahoma began requiring retailers of Sudafed, Claritin-D, and other popular over-the-counter cold remedies to do what many in Broken Arrow had already been doing: keeping the pills behind the pharmacist's counter, limiting the amount sold to any customer, and requiring buyers to furnish identification before completing the sale. What do these cold pills have in common? They contain ephedrine, pseudoephedrine, or phenylpropanolamine and are precursors to the manufacture of methamphetamine. Police in Broken Arrow credit the new law with dramatically reducing the output of clandestine methamphetamine labs in their jurisdiction.

where meth labs had been in operation, 100 percent tested positive for methamphetamine.

Children living with meth labs are also at high risk of neglect or abuse. During the seizure of one lab, police discovered that the suspects were manufacturing meth on the same table where two young children were eating.

To address the danger to children, Broken Arrow implemented a set of procedures designed to do the following:

- Ensure the immediate safety and security of children found when law enforcement seizes in-home methamphetamine laboratories, by obtaining for children medical assessment and treatment and placement in crisis intervention support
- Enhance charges against offending parents and guardians with child endangerment charges
- Incarcerate offending parents when necessary, and place children in stable families
- Obtain treatment for offending parents and guardians who seek reunification with their children in a stable home environment
- Break the generational cycle of drug use by intervening on behalf of children in drug-affected families
- Increase community awareness of the danger associated with meth production to reduce community exposures to such dangers

Broken Arrow officers recognized that the chemicals used to manufacture methamphetamine could be bought locally at grocery stores, hardware stores, convenience stores, veterinarian supply stores, and chemical supply stores. To attack this problem of clandestine meth labs, the best approach for Broken Arrow was to address it where the chemicals are bought (local stores), where the manufacturing process takes place (the community), and to break the cycle of learning through the method of being passed down to the next generation (the children). If successful, the city would lower the risk of chemical explosion and fire, rid neighborhoods of chemical pollution, and create a safe and healthy environment for children. Police believed that decreasing the accessibility of methamphetamine could also lead to a decline in other crimes.

### Educating the Supply Source

Police officers made contact with business managers and owners in Broken Arrow and made them aware of the ingredients used to manufacture methamphetamine. Most of the people police talked to said that they were unaware of what was actually used to manufacture the drug and were surprised to learn of how accessible

the ingredients are. Business owners acknowledged an increase in the sale—and the theft—of certain items used in meth manufacture, such as paint thinners, cold medication, matches, and lithium batteries.

Business owners were not the only ones who were unaware of the meth lab problem and the details of its manufacture. Police officers and other department employees had received little training in regard to these labs. Officers asked questions about the ingredients, the hazards posed by meth labs, and how to recognize a lab if they came across one during a traffic stop or on a call. By training the patrol officers to recognize telltale signs of meth labs, the department strengthened its enforcement efforts.

Empowered with the knowledge that education for the community and officers was needed the police department responded in the following ways:

- Developing an informational brochure for the community
- Obtaining and disseminated color posters with pictures of ingredients and items used to manufacture methamphetamine so that officers and retailers could easily identify them
- Holding community seminars
- Conducting in-service training for officers and dispatchers
- Developing a departmental policy and procedures on clandestine meth labs
- Working with local business to place hidden cameras where they were needed
- Providing a telephone crime-line on which callers could report suspicious activity anonymously
- Placing an informational center about clandestine laboratories on the police department's Web site

Acting on information provided by community members, Broken Arrow police identified a number of suspects involved in the manufacture of methamphetamine and made several arrests for drug-related crimes. Just a few weeks after disseminating information on meth labs, the police department received a call from a local business. The caller stated that two men came into the store and purchased items used to make meth; he had seen the same two men in the store buying the same products on an earlier visit. That tip led to an investigation that resulted in the dismantling of one of the largest meth labs in Broken Arrow and the arrests of several suspects involved in the lab. Acting on the tip, police identified suspects, discovered suspect vehicles, found possible meth lab locations, and identified the type of labs in operation.

From interviews of meth offenders, police found that community support for the police program has made it more difficult for perpetrators to obtain the ingredients needed to manufacture meth. For example, local businesses that sell pseudoephedrine

have placed the products either behind the pharmacy area and made them available for sale only upon request, or they displayed fewer boxes on the shelf, thereby reducing the number that could be bought or stolen at one time. They have also gone as far as asking to see identification of suspicious purchasers before the sale is permitted. Stores have placed hidden cameras on aisles where the commonly used utensils and precursors needed by meth labs are displayed. In these ways and others, retailers have helped police identify suspects and find and dismantle clandestine methamphetamine laboratories.

Just last month, a retailer informed police that a suspicious person had just bought a surprising number of matches from a convenience store. The tip led investigators to the largest clandestine methamphetamine laboratory police have ever found in Broken Arrow.

## Educating the Officers

Knowing that members of the public would ask officers questions about meth and its dangers, the police department conducted in-service training on clandestine meth labs for all officers. This became a valuable element of the project; once officers were trained they began to notice signs of a clandestine lab. One sign they began noticing in particular was the bluing of the metal valve on propane tank, an indicator of anhydrous ammonia.

But the police department didn't stop training at the officer level; the department educated the dispatchers as well. It created an informational booklet designed to help dispatchers understand callers who are reporting a possible meth lab. For example, a call came in to the police department about the sale of a substantial amount of psuedophedrine pills at a local business. The dispatcher was able to recognize that the call was in reference to ingredients being purchased for a possible meth lab. The dispatcher began to ask the caller question about the persons who purchased the items and was able to get valuable information about the suspects and the vehicle they were driving. That information led officers to the right suspects, who they arrested for endeavoring to manufacture methamphetamine.

Knowing the type of laboratory in operation is important to police for investigative and safety reasons. For example, the purchase of numerous matchbooks could indicate that the buyers are involved with a lab that is using red phosphorous as the primary type of "cook," as it is known, and the sale of an unusual number of lithium batteries could indicate the operation of a methamphetamine laboratory that is using anhydrous ammonia. This distinction could be very important to the investigating officers. Knowing what chemicals to expect is always a safety issue among officers. Lithium metal, for instance, reacts violently to water. What if a fire broke out during a raid? Emergency responders wouldn't want to attempt to extinguish the fire with water.

Suspect information gathered by businesses and provided to police also helps ensure officer safety. Once a possible suspect is identified, police can conduct a records check to determine whether a suspect has a violent history or is even a violent offender from a previous arrest. Knowing the identity of the suspects helps the officers prepare themselves and their case before making contact with the suspects.

Operation Don't Meth Around has resulted in methamphetamine seizures and the disruption of the distribution chain of this narcotic in and around Broken Arrow. The Broken Arrow Police Department expects to see a continued decrease in the seizures of clandestine methamphetamine laboratories and an increase to the community's safety and health by ensuring that contaminated residences used as meth labs are dismantled and the precursor chemicals are increasingly more difficult to obtain. ♦

For more information, call or write to Detective Gayla Adcock, Broken Arrow Police Department, 2302 South First Place, Broken Arrow, OK 74012; telephone: 918-451-8404; fax: 918-451-8242; e-mail: gadcock@brokenarrowok.gov.



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# Juvenile Restorative Justice Initiative Boosts Youth Accountability in Florida City

As the city of Port Saint Lucie, Florida, grew from a mere 14,000 citizens in 1980 to its present population of more than 100,000, so did its rate of juvenile crime. The one-time retirement community is now home to predominately young families. This shift in demographics posed a host of new challenges for the community's police department.

The influx of juveniles placed increasing demands on an already overburdened juvenile justice system. Although the number of cases increased dramatically, no corresponding increases in services were available for these children until the Juvenile Restorative Justice program launched in 2002. The department and its comprehensive program were honored with the IACP/Motorola Webber Seavey Award for Quality in Law Enforcement at the Annual IACP conference last November.

"We are exceedingly proud to be an IACP/Motorola Webber Seavey Award winner," said Port Saint Lucie Police Chief John M. Skinner. "To be recognized with the industry's highest honor and among such a distinguished group of law enforcement agencies is what every department strives for."

The Port Saint Lucie Police Department's juvenile initiative is a diversion program for first-time juvenile offenders. It consists of a dedicated juvenile section in the department's detective division that monitors, evaluates, and facilitates all facets of the program. The initiative also incorporates extensive community outreach and education efforts, along with a youth court, short-term counseling, and peer review and impact panel.

Key goals of the initiative include the following:

1. To improve the quality of life in the community by providing quality services to the community's youth and the victims of juvenile crime while emphasizing the need for the expeditious imposition of consequences for delinquent acts
  - a. Coordinate with local juvenile justice service providers to identify existing resources in the community for juveniles
  - b. Reduce complacency in the juvenile justice system to dispel belief that nothing happens to juvenile offenders
  - c. Enhance citizen satisfaction with the police department's services through immediate intervention for juvenile offenders
2. To increase citizen, police, and public and private agency involvement with strategies to improve the quality of life and enhance public safety
  - a. Facilitate improved communications and coordination of services by social services, juvenile justice, and other providers to enhance diversion programming for delinquent youth
  - b. Initiate and coordinate meetings between agencies that are responsible for juvenile services in the community
  - c. Increase services to the victims of juvenile crime through direct communication and information on the progress of the juvenile
3. To increase the department's effectiveness through efficient use of resources
  - a. Decrease time spent by the responding officer in processing juvenile cases
  - b. Expedite processing of the cases by a reduction in paperwork, no formal booking, and direct release to parent upon issuance of juvenile notice to appear at the scene
  - c. Provide services to ensure that juvenile offenders are held accountable

"Law enforcement agencies worldwide face compelling public safety challenges," said then-IACP President Joseph Polisar, chief of the Garden Grove, California, Police Department. "This year's IACP/Motorola Webber Seavey Award winners, finalists and semi-finalists exemplify a dedication to making a difference in the communities they serve and IACP and Motorola are proud to recognize their outstanding accomplishments."

## In the Beginning

When the initiative launched, the Port Saint Lucie Police Department established the Juvenile Services Section and assigned a full-time detective to manage the caseload. After a thorough evaluation of the community's juvenile offenses, it was determined that a large number were misdemeanors. Thus, the overriding goal of the program was to ensure juvenile offenders are held accountable for their actions in a timely manner.

Prior to changes dictated by the Juvenile Restorative Justice program, the average time between the date of formal processing of a juvenile offense and the imposition of consequences was 45 to 90 days. The new process allows a police officer to exercise discretion in determining whether formal processing is required. The officer may issue a juvenile notice to appear to both the juvenile and responding parent or guardian in lieu of taking the child into custody if the case meets one of following criteria:

- A first-time juvenile offender has committed a violation of law that would be a misdemeanor if committed by an adult
- A juvenile offender has committed an offense on school grounds and school officials request nonjudicial handling of the case
- A juvenile offender and the victim agree to the nonjudicial handling of the case

The juvenile notice to appear directs the juvenile offender and his or her parent or guardian to appear at the Port Saint Lucie Police Department at a specific date and time within two weeks of the offense. At that time, they will meet with a juvenile services specialist, a juvenile detective, or a trained volunteer who will evaluate the offender's suitability for diversion.

Recognizing that every case needs to be evaluated on its own merits and circumstances, the program offers three options to meet the needs of juveniles and their families. The evaluator ultimately selects the most appropriate option.

**Youth Court:** Youth court consists of juvenile volunteers from the community, primarily high school students enrolled in law studies programs. These students serve as courtroom personnel: bailiff, court clerk, prosecutors, defenders, and jurors. Local judges volunteer to serve as the youth court judge. This process fosters a deeper respect for the individual participants, their school, law enforcement, the community, and legal system.

**Short-Term Counseling:** This component consists of an initial conference with the juvenile and family. The victim is invited to participate. Juveniles involved in this program are counseled by law enforcement regarding the legal consequences of their actions. If professional counseling is determined to be necessary, a referral to a community-based program is provided.

**Peer Review/Victim Impact Panel:** The purpose of the peer review/victim impact panel is to give the juvenile offender an opportunity to discuss the nature of the offense and its consequences with the victim and a panel of peers. The victims are permitted to confront

the offender in a constructive manner, and the offender is held directly accountable for the harm that resulted to both the victim and community. The offender's peers impose appropriate sanctions.

"The power of peer-to-peer evaluation and accountability is truly significant and a key component of our program's success," said Chief Skinner. "Many times the sanctions imposed by our peer volunteers are tougher than those that would have been recommended by an adult."

In the program's first year of operation, 51 juvenile cases were referred to youth court, 82 cases were resolved in short-term counseling, and the peer review panel sanctioned 89 cases. All of the offenders successfully completed their imposed sanctions well before the 90-day average that it would have taken for resolution in the previous juvenile justice system. Only 2 percent of juveniles who participated in this program have been charged with repeat offenses.

Since its inception, the program has restored the community's faith in the police department's ability to manage juvenile crime more effectively, and local justice officials have recognized the program as a best demonstrated practice in the state of Florida.

"This program is a shining example of the value of early intervention on crime reduction, as well as the significant accomplishments that can be achieved through building strong alliances with schools and the community at large," stressed Chief Skinner. "The Juvenile Restorative Justice program has made our entire juvenile justice system faster and more efficient for officers, offenders and victims. We share our success with the community and the more than 300 volunteers that continue make it possible -- and effective."

### The Webber Seavey Distinction

The IACP/Motorola Webber Seavey Award is presented annually to agencies and departments worldwide for promoting a

standard of excellence that epitomizes law enforcement's contribution and dedication to the quality of life in local communities. In 2004, from among a field of more than 179 nominees—almost 20 percent coming from countries other than the United States, such as India, Brazil, and Ireland—three departments were selected to receive law enforcement's most distinguished honor, and 22 other departments were recognized as finalists and semifinalists.

"For the last 12 years, the IACP/Motorola Webber Seavey Award has honored the critical role first responders play in each of our lives," said Jim Sarallo, Motorola vice president and general manager, North America. "On behalf of Motorola, I'd like to thank all this year's winners for the commitment, creativity, courage, and leadership they bring to their jobs every day."

All nominated Webber Seavey law enforcement programs were evaluated by a distinguished panel of judges against five criteria:

- Their impact on improving services available in the community
- How they strengthened police relations with the communities they served and whether the programs promoted greater community participation in local law enforcement activities
- How effectively available resources were used
- Whether the programs enhanced communications within, and cooperation among, local law enforcement agencies
- The creativity of the approaches developed and whether they raised the quality and effectiveness of law enforcement services provided. ♦

*For details on all of the 2004 IACP/Motorola Webber Seavey Award-winning programs, call the IACP at 800-843-4227, or visit the IACP Web site at [www.theiacp.org](http://www.theiacp.org). Applications are now available online for the 2005 IACP/Motorola Webber Seavey Award. The deadline for receipt of completed applications is April 4, 2005.*

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## *U.S. Postal Inspectors: Partners in the Investigation of Identity Theft and Crimes Involving the U.S. Mail*

Teamwork leads to success on the playing field and on the job. The success of the U.S. Postal Inspection Service for more than 200 years has been built upon our partnerships with agencies from all levels of domestic and international law enforcement.

Even though postal inspectors interact daily with local, county, state, tribal, and federal law enforcement agencies, the Postal Inspection Service has often been referred to affectionately as the Silent Service—effective and professional but often unnoticed. Today, there are still police organizations that are unaware of the investigative resources that we can share with law enforcement.

The mission of our organization is to protect the U.S. Postal Service, its employees, and its customers from criminal attack; to secure the nation's mail system from criminal misuse; and to ensure the American public's trust in the U.S. mail. These duties and responsibilities are enormous. There are approximately 750,000 postal employees at 40,000 postal facilities who deliver 650 million pieces of mail daily to more than 141 million American households and businesses.

The agency's 1,900 postal inspectors rely on their partners in domestic and international law enforcement. The contrast between our small size and our great success appears even more dramatic when one considers the extent to which offenders use the mail to facilitate criminal activities.

In the early 1990s, when identity theft started to accelerate, inspectors in our Pittsburgh field division worked with their counterparts at the federal, state, county, and city levels to create the Financial Crimes Task Force of Southwestern Pennsylvania. The task force has conducted several hundred investigations.

Some of our most recent identity theft task forces are in Washington, D.C., and Richmond, Virginia. In Washington, we have created an identity theft task force that comprises federal and county law enforcement agencies and several financial institutions. Our most recent task force is the Metro Richmond Fraud and Identity Theft Task Force, housed in our Richmond domicile.

This task force includes federal, state, county, and city law enforcement.

One of the investigative tools available to our identity theft task forces is the Financial Crimes Database, an investigative application used to analyze mail theft and identity theft reports. The database contains information on stolen U.S. mail as well as stolen and fraudulently used checks and credit, ATM, and debit cards. Data from financial institutions and major mailers is included in the database.

Another effective method of sharing information comes from Financial Industry Mail Security, our newsletter for credit card industry members, financial institutions, airlines, and law enforcement agencies. Information in this newsletter includes hot addresses that local law enforcement agencies and financial institutions believe criminals are using to facilitate fraud schemes.

To stem the growing trend of telemarketing fraud crossing our borders, we are members of

task forces with Canadian police and regulatory agencies. Victims of cross-border fraud are often the elderly and others who are vulnerable because they are living on a fixed or limited income. The four major cross-border fraud partnerships are Project Colt in Montreal, the Strategic Partnership in Toronto, the Alberta Partnership against Cross-Border Fraud in Calgary, and Project Emptor in Vancouver, British Columbia.

In conjunction with our cross-border task forces we have implemented several major consumer protection campaigns with the Federal Trade Commission to educate consumers and increase awareness about the various mail fraud schemes targeting the public.

Since fall 2001, postal inspectors have faced new challenges in protecting the nation's mail system. The anthrax and ricin-tainted mailings served to highlight the vulnerability of the Postal Service's component of the national critical infrastructure.

Within months, the focus of the Postal Inspection Service was expanded from its primary and historical role of investigating domestic criminal activity, such as mail theft, mail fraud, child exploitation, the shipping of narcotics and criminal proceeds through the mail, and postal robberies and assaults, to responding to a new national and international threat with security implications for the Postal Service and the entire nation.

The Postal Inspection Service has created dangerous-mail response teams to report to postal facilities in the event of a biohazard alert. Some postal inspectors have been specially trained as hazardous waste operations and emergency response standard (Hazwoper) technicians who can enter hazardous environments and gather evidence. Since October 2001, postal inspectors have responded to more than 20,000 incidents of suspicious substances in the mail or postal facilities.

The U.S. Postal Inspection Service has a rich tradition that dates back to the founding of the United States, and today's postal inspectors look forward to working with their law enforcement partners to make sure good triumphs over evil. ♦



*Lee R. Heath, Chief Postal Inspector, U.S. Postal Inspection Service, Washington, D.C.*

# IDENTITY THEFT...

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# Identity Theft and the Police Response

## The Investigation

**The new federal FACT Act will increase the number of victims reporting identity theft cases to local police agencies.**

*By Ed Dadisho, Sergeant, Los Angeles Police Department, Los Angeles, California*

### **The Preliminary Investigation**

Generally, identity theft crimes will not be contained in one jurisdiction. Every investigation requires investigators to determine the point of compromise of the victim's identity—that is, where the offender may have obtained the victim's identification information. This will help lead to possible suspects and will often lead to additional victims.

A properly structured preliminary investigation saves investigative time, involves the victim in resolution of the theft, and lays the foundation for prosecution.

The investigation starts with the victim's report of the theft. Victims should be informed of the steps they need to take to prepare for investigation. This enables victims to start doing something constructive immediately and helps fulfill their emotional needs. By providing a worksheet or explaining exactly what victims need to do, investigators help victims organize their thoughts and information. In preparing for the investigation, victims should gather the following information and materials and turn them over to the police investigators, being sure to keep any original documents related to the case:

*Editor's note: Guest editor Ed Dadisho is a sergeant with the Los Angeles Police Department. Through a grant from the IACP Foundation, Sergeant Dadisho was detailed as a fellow from the Los Angeles Police Department to the IACP. As part of his work at the IACP offices in Alexandria, Virginia, Sergeant Dadisho completed a comprehensive three-part article on identity theft. This article on the investigation of identity theft concludes the series. The first installment, a discussion of the problem, appeared in the January issue of the Police Chief; the second installment, in the February issue, covered identity theft prevention. All three articles are available online at [www.policiechiefmagazine.org](http://www.policiechiefmagazine.org).*

### Patrol Can Prevent Identity Theft

Patrol officers can observe suspects engaged in Dumpster diving (searching through trash for personal data found on such discarded documents as so-called preapproved credit card applications or credit card slips) during trash pick-up nights in their patrol areas. Apprehension of the Dumpster divers can lead to the bust of an organized identity theft ring.

The most effective weapon against identity theft is cooperative efforts by law enforcement agencies, consumer protection agencies, and financial institutions. The cooperative efforts will reduce the problems associated with investigating identity theft. Here are just some of the problems investigators must overcome:

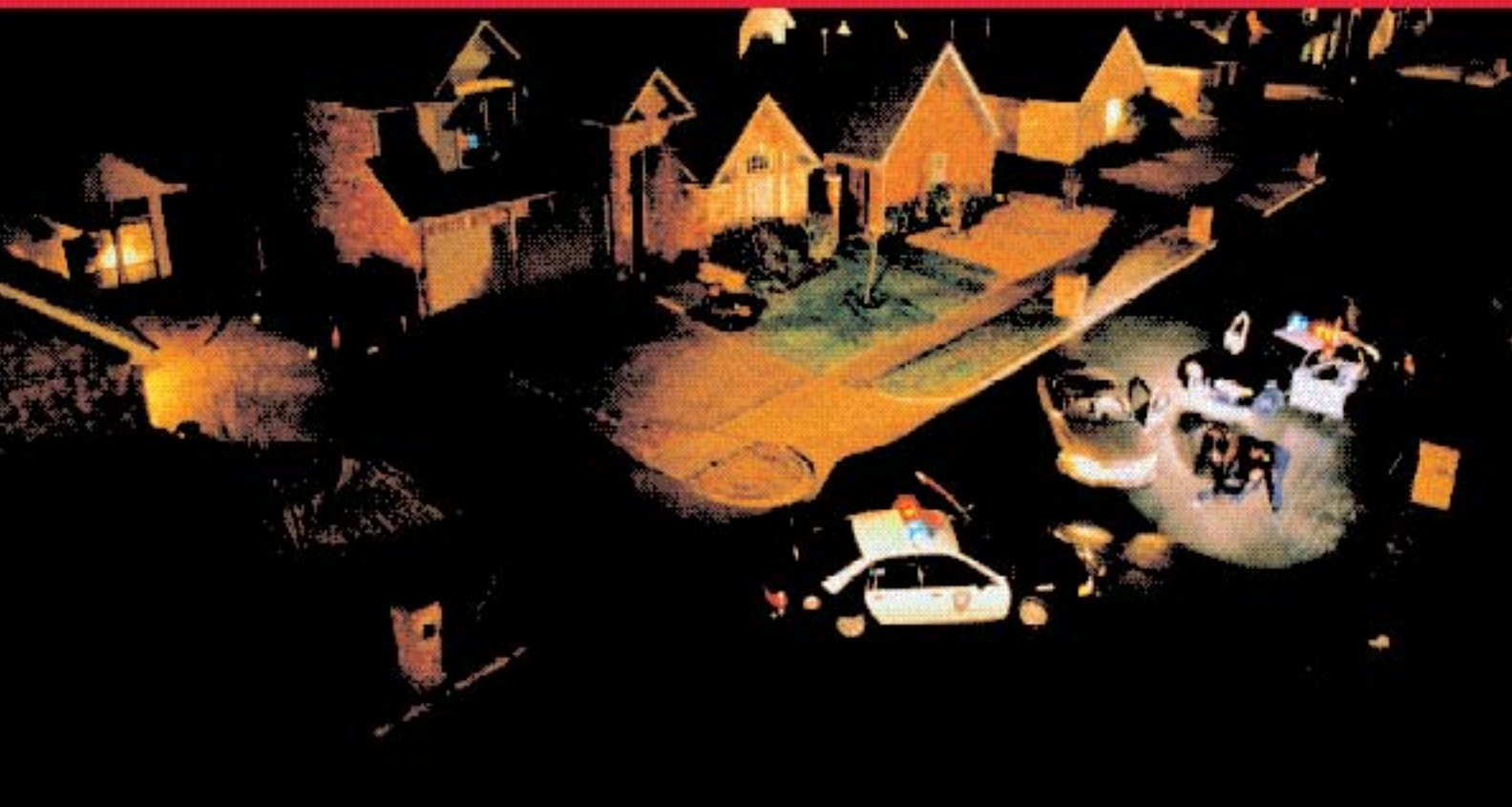
- Investigating across multiple jurisdictions
- Identifying the true victims
- Recovering evidence
- Recovering business and financial records
- Recovering Internet and computer data
- Finding the resources necessary to investigate the case
- Unraveling complex criminal schemes
- Overcoming investigators' unfamiliarity with aspects of the crime and obtaining expert assistance

In a recent study conducted by Public Interest Research Group in Michigan (PIRGIM), researchers interviewed detectives and found several areas investigators have difficulty with during identity theft investigations:

- Investigators usually do not have a suspect when they start their investigation.
- Private companies are not focused on security because it would hurt customer service and sales.
- Private companies sometimes fail to cooperate with investigators.
- Identity theft crimes often involve more than one jurisdiction, and investigators usually find it to difficult to collect evidence and identify victims in jurisdictions other than their own.
- The criminal justice system sometimes fails to recognize consumers as the victims of identity theft crimes.

By coordinating with other agencies and combining resources, investigators can defer costs, recover evidence related to mutual interests of each other's investigation, identify other possible victims, eliminate the concern of jurisdictional lines, and, finally, make it easier for each other to obtain business and financial records.

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- Date of birth, driver's license number, social security number, telephone numbers (work, home, and cellular), and e-mail addresses of every victim in the household
- Account numbers involved in the theft and the names of primary and secondary account holders
- When and how the fraud or theft was discovered, and under what circumstances the victim became aware of the identity theft
- Exact locations (addresses, businesses, persons involved) where fraudulent use of the identity occurred
- Name, addresses (home and work), phone numbers, date of birth of every person involved in the incident
- Names of financial institutions the victim has notified of the theft, along with the names, addresses, and phone numbers of customer service representatives or investigators who accepted the report, the dates and times of the reports, a brief summary of the conversation, and copies of any e-mail messages or faxes sent to or received from the financial institutions
- Photocopies of any letters, account statements, and other documents associated with the case
- A chronological log of the theft and the victim's actions since discovering the theft, to include information about the discovery of theft or fraud, possible locations of the theft, and names or descriptions of persons around when the theft might have occurred

During the early stages of the investigation it is important to determine the motive. The motive will help direct the investigation. The motive for financial crimes is usually greed, drugs, or revenge. Determining the motive requires investigators to conduct a detailed interview with the victim. The U.S. Secret Service, along with the IACP, has developed an outstanding 11-page document that investigators can give to the victim to fill out. This document is in effect a questionnaire filled with a variety of useful information to the investigator. This document can be obtained from the U.S. Secret Service/IACP "Identity Crime" CD-ROM; call the Secret Service or the IACP for details.

### *The Continued Investigation*

The next steps taken by the investigator should be to examine all financial and credit bureau documents. These documents are useful and vital pieces of evidence to tie suspects to the crime and eventual prosecution. For help with this step, the investigator can contact appropriate state and local agencies, as well as the following federal agencies:

- Postal Inspection Service
  - Federal Bureau of Investigation
  - Bureau of Immigration and Customs Enforcement
  - Social Security Administration
  - Secret Service
- The Secret Service has a program called E-Information, an intranet site that is available, for free, to law enforcement agencies and investigators. It is an important tool for investigators in accessing bank and credit card information. For more information, go to [www.einformaton.usss.gov](http://www.einformaton.usss.gov). The resources available on the Secret Service E-Information Network include the following:
- Bank identification number search
  - Credit card and skimming information
  - Counterfeit check database
  - Genuine and counterfeit identification document database
  - Cybercrime resources
  - Fraudulent document database

FinCEN (Financial Crimes Enforcement Network) is another excellent network for investigating identity theft and other financial crimes. FinCEN links databases maintained by the law enforcement, financial, and regulatory communities. Its purpose is to collect, analyze, and share information with law enforcement agencies. FinCEN accesses approximately 37 different and independent databases in three main categories: law enforcement, financial, and commercial. The databases include AutoTrack, LexisNexis, the Social Security Administration Death Master File, and Drug Enforcement Administration, Federal Bureau of Investigation, and Internal Revenue Service databases, to name a few.

Another excellent tool for investigators is the use of informants. Investigators should develop informants from potential suspects during the investigation. Investigators should identify possible informants by using intelligence from other law enforcement agencies or the private sector. Another good technique to develop informants is using other people who participated in some capacity in the identity theft, such as a store employee who sold goods knowing the suspect was using someone else's identity.

Investigators should consider using other means to gain access privileged information. Obtaining federal cooperation and funds, seeking state and federal RICO statute investigations, or using forfeiture statutes to gain access to financial records. Above all, investigators should always follow the money; this is an appropriate investigative technique in any financial crime.

In January 2002 the IACP published a model law enforcement policy on identity theft. The purpose of the IACP policy is to enable police agencies to develop protocols for accepting, recording, and investigating

the crime of identity theft. The IACP model policy suggests the following:

- An identity theft report should not normally be taken when a related crime report has already been filed with any law enforcement agency. If a resident of your agency's jurisdiction is not satisfied that another forgery-related report is sufficient, complete an identity theft report. Note in the narrative, "Victim insisted on report," and reference related reports.
- An identity theft report should not be taken in lieu of a worthless-document report. Specific forgery-related crimes shall continue to be reported on a worthless-document report.
- The location of occurrence for an identity theft is the victim's residence. Therefore, nonresidents of your agency's jurisdiction should be referred to the law enforcement agency having jurisdiction over their residence.
- Identity theft reports shall not normally be taken telephonically. Residents of your agency's jurisdiction making telephonic inquiries should be directed to appear in person at the nearest police station with copies of supporting documentation and identification to file a report.
- Officers conducting a preliminary investigation of an identity theft shall include with the report the following:
  - Include all copies of documents supporting the allegation (credit reports, invoices, demand letters, affidavits of forgery, and so on) as pages of the report. If these documents are not available, explain in the narrative.
  - Attach a copy of the victim's identification as a report page. If the victim is not in possession of identification at the time of the report, explain in the narrative.
  - Include all notifications made by the victim to any financial institutions or credit reporting agencies in the narrative portion of the report.
  - Cause the reporting person to sign the report and submit the report to a supervisor for approval.
  - When the taking of the report is beyond the ability of the desk officer or requires expert knowledge, the desk officer shall refer the reporting person to a detective or agency unit specializing in theft crimes. When the concerned detective or unit is not available, referral shall be made to the watch commander. In all cases, the final interviewing officer shall take the report.
- Review the crime report and conduct any follow-up inquiries of victims or others as appropriate for clarification or expansion of information.



- Contact the FTC Consumer Sentinel law enforcement network and search the database for investigative leads.
- Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies include but are not limited to the following:
  - Federal law enforcement agencies such as the U.S. Secret Service, the Federal Bureau of Investigation, and the U.S. Postal Inspection Service as appropriate, whether or not the victim has filed a crime report with them.
  - Any state or local enforcement agency with which the victim has filed a crime report with them.

### Obtaining Financial Information

Getting financial information for any fraud case can be a daunting task for the investigator, especially when cooperation is lacking. It is imperative that the investigator gain cooperation from both the victim and the financial organization. There are three ways of getting the financial information needed for an identity theft case: (1) search warrant, (2) subpoena power, (3) or consent. Consent is the simplest and most cost-effective. This article will assume that investigators are quite familiar with obtaining search warrants and subpoenas for their cases; therefore, we will concentrate more on obtaining consent through the victim and financial institutions.

As in other cases dealing with victims, identity theft cases require officers and investigators to develop a rapport with victims and witnesses to gain their cooperation. This is more important when dealing with victims who are experiencing an emotional crime such as identity theft, much like an assault victim. Comforting the victim and assuring them that the crime was not their fault will go a long way toward gaining their confidence and cooperation.

Nevertheless, investigators should explain the potential consequences of being a victim of identity theft (the effect on the victims' credit, the financial loss, the amount of time the investigation may take, and the long-term issues relating to this crime).

Victims have an overwhelming need to be actively involved in the case because ultimately it is their reputation, their credit, and their family's livelihood on the line. Although this is the investigator's case and the officer must maintain control, giving the victim some sense of control will help develop information and evidence for a successful conviction.

Ask the victim to begin gathering and providing documentation, to include the following:

- Bank and credit card statements
- Letters from creditors
- Merchant account statements
- Any other financial documentation related to the crime

Ask the victim to obtain and voluntarily provide you the credit reports from the three major credit bureaus (Equifax, Experian, and TransUnion). A subpoena is needed from the courts if the victim does not voluntarily provide you with the credit reports. Remember, if the victim provides authorization the investigator can get the victim's identity theft-related transactions records from creditors without first obtaining a subpoena under the 2003 amendments to the Fair Credit Reporting Act.

Advise the victim to keep a log or a diary of everything they do or everyone they talk with regarding the crime. This can be used as part of the victim impact statement during any subsequent court proceeding. The FTC or ID Theft Resources Center provides valuable information on how victims can organize their identity crime cases.

The investigator should contact the financial institution or merchant security departments and ask for (or subpoena) documentation on all fraudulent or suspect accounts.

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## Identifying Additional Victims

There are many reasons why an investigator should locate and identify additional victims, but among the most important is to ascertain if there is a larger, organized ring victimizing the community. One way of doing this is by quarrying the FTC Clearinghouse for other reported complaints that may be related to the case. Investigators can also contact other agencies in the area to determine if there have been similar crimes reported and possibly connected. If that is the case, these agencies can combine resources and personnel into a task force to combat the crime.

## Case Preparation

Filing the case criminally can be another daunting adventure for the investigator. However, if the case is well prepared, the criminal prosecutor will be better equipped to file the case. As noted earlier,

the best way of preparing the case is having the victim play a role in the case by taking and keeping notes or a diary, requesting and collecting financial information regarding the identity theft, and taking an overall interest and partnership in the case.

The Los Angeles County District Attorney's Office has an active prosecuting unit involved with high-tech crimes. Deputy District Attorney Jeffrey McGrath indicated that the unit handles an average of 60 high-tech cases per year. Of the 60 cases, approximately 50 percent involve identity theft. Many more are brought for filing but they are declined because of the office's lack of resources. The prosecutors in the L.A. County District Attorney's Office must therefore be selective in the cases they accept for filing, and they focus on the large identity theft cases that involve an organized ring with multiple victims, losses, and suspects. Because of the cases they do file, and the investigations they receive from area law enforcement agencies, the unit has a 100 percent conviction rate.

## Interrogating an Identity Theft Suspect

The Federal Trade Commission estimated that in 2002 identity theft cost businesses and consumers \$53 billion. Because of the prevalence of identity theft, many investigators find themselves having to interrogate a suspect on this issue. Identity theft is an unusual offense because it is not only a crime but also an MO to commit other crimes. The first consideration, therefore, is to determine in what offense to accuse the suspect of involvement. The general guideline here is to base the accusation on the strongest evidence. For example, if there is strong evidence indicating that a suspect (using someone else's identity) made fraudulent credit card purchases, the confrontation statement should only address the illegal purchases. At a later stage the investigator can develop the details of how the suspect obtained the fraudulent credit card. This approach is similar to one investigators would take in an arson-homicide case, in which it is best to confront the suspect with the killing and later develop the details of starting the fire to cover up the homicide.

When dealing with multiple crimes, it is easier to persuade the suspect to tell the truth about one crime at a time; once a suspect confesses to one crime, information about other illegal activity is usually forthcoming. On the other hand, an investigator is making this task much more difficult by initially confronting the suspect on both crimes: "Brian, our investigation clearly indicates that you fraudulently obtained a loan using someone else's identity and then illegally defaulted on the loan."

When the strongest evidence does point to identity theft, this should then be the focus of the interrogation: "Mark, our investigation clearly indicates that you obtained a passport and driver's license using someone else's information." In this example, it would be appropriate to use a transition statement that addresses the purpose for the suspect's actions: "I wanted to talk to you about this because, right now, we don't know why you got these documents." A theme can then be developed. Is the suspect linked, for instance, to international terrorists who sought to use the documents to board an airplane that they then would hijack and crash into the White House? Or did the suspect want to use the documents to establish a separate identity for tax purposes, to hide assets in a divorce, to escape government intrusion, or to escape from gambling debts or a vindictive ex-wife? The investigator can follow whatever line the facts of the case suggest.

Another theme investigators can touch on during interrogations of identity theft suspects is the carelessness of the credit card companies and banks that make identity theft so easy and so tempting: "George, I realize this thing is not entirely your fault. Banks and credit card companies are so eager to get customers that they rush applications through without really properly checking on information. In addition, they entice honest people like you to do something like this through their advertisements where they promise quick approvals and an application that asks for practically no information. A lot of these companies don't even meet with their customers, and everything is done over the Internet or

through the mail. If they really cared about something like this happening they would not make it so easy to do."

Another angle to consider is how the suspect got the victim's personal information. In most cases this information is obtained through the victim's carelessness or sold on the street or over the Internet. If interrogators believe the suspect happened upon the victim's personal identifying information, they can blame the victim who left important documents in plain view where the suspect couldn't help but see it and then act on it. If they believe the suspect purchased the information, they can blame the person who sold it to the suspect for approaching the suspect and putting pressure on him to buy it.

In other cases, it may be appropriate to blame curiosity and the media. The line of questioning would go something like this: "Joe, I think what happened here is that you heard on TV or read in the newspaper about how easy it is to get a credit card using someone else's personal information. Just out of curiosity you decided to test the system to see if it was as easy as everyone said it was. After submitting the simple application, to your amazement, they issued you a card. Under normal circumstances you probably would have thrown the card away and never used it, but just when the card arrived so did other bills and you gave in to temptation and put charges on your new credit card. I would hate to think that you went into this whole thing with the greedy intent of maxing out the card by buying frivolous things that you didn't really need."

The following are possible alternative questions to consider for identity theft cases:

- "How many false identities (false credit cards, fraudulent loans) have you established? Dozens or just a few?"
- "How much have you charged to this card? Did you charge the maximum limit, \$10,000, or was it less than that?"
- "Are you a member of an organized network, perhaps with a terrorist affiliation, or did you just do this to hide from your ex-wife?"
- "Did you pay money to bribe people to get this credit card, or did they simply accept your application at face value?"

Confessions follow a hierarchy. It is psychologically easiest for guilty suspect to admit what they did. Second, they may or may not truthfully acknowledge the method or planning involved in their crime. The most difficult aspect of a crime to reveal is the true motive behind the act. For this reason, interrogators ought to focus on the crime that was committed through identity fraud and develop secondary issues after the suspect has confessed to the original issue.

*Source: "Interrogating a Suspect on the Issue of Identity Theft" (December 2003) was prepared by John E. Reid and Associates Inc. and published online as part of the firm's Monthly Web Tip series. It is revised and printed here with the firm's permission. For additional Monthly Web Tips, go to [www.reid.com](http://www.reid.com) and select Helpful Info.*



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According to McGrath the key to getting an identity theft case filed, and getting a successful conviction, is organization. The investigator has to organize the case logically. McGrath recommended that investigators use binders containing a contents page and dividers with tabs on each major section. In McGrath's words, "Avoid the brick." A brick is a giant stack of papers the district attorney has to shuffle through. Those cases will never get filed.

The binders need to include supporting documents such as search warrants, all financial account numbers for each victim, names and addresses of the financial institutions, and documentation for subpoena duces tecum that would be admissible in court. McGrath said it is fine to get all of the financial information from the victim, but eventually the court will require these in an admissible format. The binder also needs to include an outline of expected testimony from victims and witnesses.

McGrath recommended that the investigator have an outline of the particular law that is sought for filing when dealing with district attorneys who are unfamiliar with the law. List the requested charges and enhancements on the charging sheet, along with any additional charges.

### *The Future*

The new FACT Act will invariably increase the number of victims reporting identity theft cases to local police agencies. But more report taking is not the only problem facing local police agencies. This influx of reports will require at least a preliminary investigation if not a full investigation and filing with the local prosecutor. This reporting influx will require police agencies to look at the problem as any other crime affecting the community and begin comprehensive problem resolution strategies.

To provide the level of service required by the community, police departments must prepare for the increase of identity theft victims reporting identity theft crimes. Police agencies can prepare by teaching the public how to prevent and report identity theft and training officers in the prevention and investigation of identity theft crimes and other financial crimes. Having a robust community education program, such as providing pamphlets on identity theft prevention and organizing community and business meetings, will help a police department reduce the likelihood of community members being victimized.

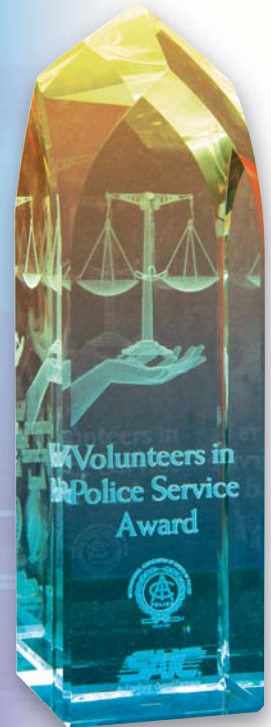
Police officers must be knowledgeable about state and federal laws relating to identity theft and other fraud crimes so that they can identify violations involving identity theft and peripheral criminal activity that are related, such as burglary or robbery, that specifically target financial information. These peripheral crimes could lead to bigger cases involving criminal rings. Investigators should receive training in conducting complex financial crime investigations involving multiple suspects, victims, and witnesses. The investigator must be knowledgeable in interviewing techniques, evidence collection, and presentation of evidence to ensure cases are filed with the local prosecutors office.

All of this can be done at little or no cost to local police agencies by merely asking for assistance from government or private organizations. Government agencies such as the FTC, the FBI, and the Secret Service have excellent resources and training tools; resources such as FinCEN and Consumer Sentinel are available to all law enforcement agencies; one needs only to apply. Private nonprofit organizations such as the IACP and NW3C provide training for police officers and investigators in all facets of high-tech crimes, including identity theft. The training provided by the NW3C is available at no cost to any law enforcement agency, along with any resource material they publish. ♦

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## Evidence tracking system

Pitney Bowes launches Arrival Law Enforcement, a data-collection track-and-trace solution designed to help police departments better manage their evidence and property. Law enforcement officials accountable for evidence management may use the system to securely track and trace handguns, forensic evidence, drugs, items, and cash as these items are archived and transported between various departments during a criminal investigation or as part of the chain-of-custody procedures inside a law enforcement facility.

The system is designed to allow officers to tag, barcode, and photograph all items and store the data and images in a database for automated search and quick retrieval. The system includes a camera and signature pad designed to capture the person's signature and record an image of the person requesting the item to sign out or record disposition. For more information, circle no. 104 on the Reader Response Card, or enter it at [www.theiacp.org/freeinfo](http://www.theiacp.org/freeinfo)

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Palomar Display Products announces the release of its TrooperII mobile computing system. TrooperII is an open-architecture computer equipped with an Intel 1.6-megahertz Pentium M processor, 512 megabytes of random access memory, and a 20-gigabyte hard drive, and many upgrade options. Palomar also offers a display designed to be fully sunlight-readable and the PowerShield 2.0 power management system. For more information, circle no. 105 on the Reader Response Card, or enter it at [www.theiacp.org/freeinfo](http://www.theiacp.org/freeinfo)



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### Wireless data system

BIO-key introduces PocketCop, a wireless mobile data solution designed to help police officers using personal digital assistants to run registration and license plate checks in the field instantly while also silently communicating with each other. The system is engineered to give officers and agents in the field a photograph or mug shot of the person whose license is being checked and allow officers to share information quickly.

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Crime Fighter LLC introduces e-Crime Fighter, a database-driven Web site designed to help police investigators post

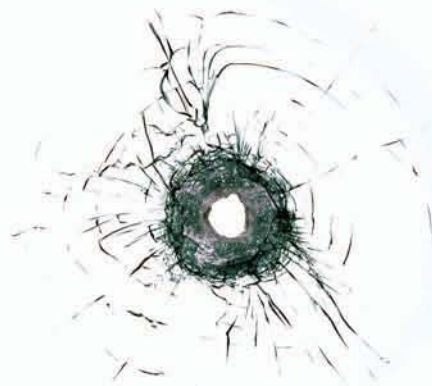
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Pelican Products introduces the M1 (2310) and M3 (2370) LED task lights. Both lights feature a side-located button designed to allow for easy one-handed operation, are constructed of machined aluminum with a no-slip knurled diamond pattern and anodized finish, are powered by lithium batteries that are engineered to have a long shelf life and offer exceptional performance in extreme temperature conditions. The M1 LED's one-watt Luxeon LED is designed to project 26 lumens of brilliance for up to three hours of battery burn time. The M3 LED utilizes a three-watt super bright Luxeon III LED to cast 56 lumens of brilliance for more than six hours of battery burn time.

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### Fantino Accepts New Position, Leaves IACP Board of Officers

Julian Fantino, former chief of the Toronto Police Service, has been appointed commissioner of emergency management for the province of Ontario, Canada. The position was created last year to ensure a coordinated response to emergencies. As commissioner, Fantino will work with the various government agencies, including the police and fire departments as well as the transit systems, to ensure the province is prepared to cope with a major emergency.

Unfortunately, the duties and responsibilities of Commissioner Fantino's new position do not fulfill the eligibility requirements for continuing service as IACP vice president at large and, as a result, Fantino has left the IACP Board of Officers.

Fantino served as chief of police for three Ontario jurisdictions: London from 1991 to 1998, the York Region from 1998 to 2000, and Toronto from 2000 to 2005. Fantino directed Toronto's policing response to the 2003 SARS (severe acute respiratory syndrome) outbreak and the 2003 blackout. He directed the development of an upgraded emergency response plan for the Toronto Police Service, and he has spoken around the world on preparing for emergencies, fighting terrorism, and providing security for events such as the Olympics and papal visits.

Elected IACP vice president at large during the 2003 annual conference in Philadelphia, Fantino has been an active IACP member, serving on committees and participating in summits. He was the host chief for the 2001 annual IACP conference.

### New IACP Election: ICAP Vice President at Large

With the departure of Julian Fantino from the IACP Board of Officers, an election to serve the remaining one year on Fantino's term as vice president at large will be held during the 112th Annual IACP Conference in Miami, September 24–28, 2005. The successful candidate will also be eligible to run for an additional three-year term as vice president at large at the 113th Annual IACP Conference in Boston, October 14–18, 2006.

Rule 19 of the IACP Constitution, "Election Procedures," outlines the process for electing officers for IACP. Any member seeking this office must file a declaration of candidacy and a certification of eligibility with the IACP executive director at least 120 days before the opening of the annual conference where the election will be held. The official opening date for the 2005 annual IACP conference is Saturday, September 24, and the conference is being held at the Miami Beach Convention Center, Miami Beach, Florida.

Balloting for the office will occur Monday and Tuesday during the annual conference.

IACP has detailed rules that govern the qualifications to hold office, the qualifications to serve as campaign manager and treasurer, the contributions and expenditures for campaigning, the filing of campaign financial statements, and acceptable campaign practices, as well as the duties of the election commission and how the election will take place. For complete information on filing for this position, please send official written correspondence to

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Founded in 1893, the International Association of Chiefs of Police is the world's oldest and largest association of law enforcement executives. It has more than 19,000 members in nearly 100 countries.

### 2005 National Crime Victims' Rights Week: April 10–16

Twenty-five years ago, President Ronald W. Reagan declared the first National Crime Victims' Right Week in the United States and soon after issued an executive order that established the President's Task Force on Victims of Crime. The 25th anniversary of National Crime Victims' Rights Week will be observed April 10–16, 2005.

The theme of the silver anniversary is "Justice isn't served until crime victims are." This message focuses attention on victims' needs for justice, for comprehensive services to help them cope in the aftermath of crime, and for the right to be treated with dignity and compassion by the criminal justice and juvenile justice systems and society.

A new resource guide is available to help police departments plan for victim and public awareness activities during 2005 National Crime Victims' Rights Week and throughout the year. The comprehensive guide includes sample speeches and many other elements of value to the local police executive. The complete resource guide can be accessed in electronic format from the Office for Victims of Crime in the U.S. Department of Justice's Office of Justice Programs at [www.ovc.gov/ncvtrw2005/welcome.html](http://www.ovc.gov/ncvtrw2005/welcome.html).

### NIMS Compliance Assessment Tool Available for Police Departments

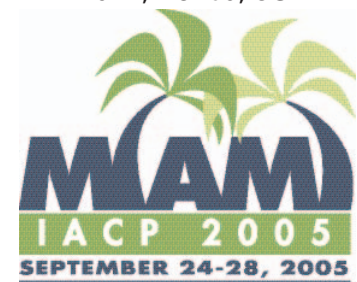
The U.S. Department of Homeland Security's Federal Emergency Management Agency and the NIMS Integration Center have released a Web-based self-assessment system that will help feder-

al, state, tribal, and local departments and agencies evaluate their incident preparedness and response capabilities. The voluntary system, known as the National Incident Management Compliance Assessment Support Tool, or NIMCAST, will also help users determine what they need to do to comply with National Incident Management System (NIMS) requirements.

"NIMCAST is a valuable tool that will allow organizations to evaluate and monitor their progress in implementing NIMS," said Michael D. Brown, undersecretary of homeland security for emergency preparedness and response. "But it's more than just a technical assessment system. It

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## The 112th Annual ICAP Conference

also will help the federal government target NIMS improvement strategies in areas where there is the greatest need."

Although the NIMCAST is a permission-based system, anyone may access the site and use the NIMCAST Demo Assessment to work through topics, descriptions, and questions associated with all of the primary NIMS categories. Users may also download the complete assessment tool, chapter by chapter, in PDF read-only format. NIMS points-of-contact for each of the FEMA regional offices were trained on the use of the system in mid-January.

The IACP notes the passing of the following association members with deepest regret and extends its sympathy to the families and coworkers left to carry on without them.

- Ronald G. Aaron, Deputy Chief of Police, Midland Police Department, Midland, TX  
K. C. Alvarez, Chief of Police (ret.), Ocala, FL (life member)  
John A. Blackburn, Special Assistant County Attorney, Maricopa County Attorney's Office, Phoenix, AZ  
Roger W. Bruett, Chief (ret.), WA State Patrol, Woodinville, WA  
Pat W. Cowley, Sergeant (ret.) US Park Police, Pittsburg, TX  
Bernard J. Gillespie, Detective Sergeant (ret.), Montgomery County Police Department, Rockville, MD; Silver Spring, MD  
Harold H. Graham, Commissioner (ret.), Ontario Provincial Police, Scarborough, Ontario, Canada (life member)  
Albert W. Hass, Superintendent (ret.), Police & Fire Prevention, Milwaukee Railroad Police, Chicago, IL; Arlington Heights, IL (life member)  
Henry G. Jackson, Sheriff (ret.), Morgan County, Jacksonville Illinois; Murrayville, Illinois  
Norman W. Kates, Chairman, Economic Crime Task Force, Washington Law Enforcement Executive Forum, Bellevue, WA  
Murray Kutner, Major/Chief of Police (ret.), Fairfax, VA; St. Petersburg, FL (life member)  
Ervin G. Lothrop, Chief of Police (ret.), West Bridgewater, MA (life member)  
Keith F. (Frank) McCoskey, Major/Jail Administrator, Hendricks County Sheriff's Office, Danville, IN  
James J. McKenna, Professor Criminal Justice Administration, Villanova University, Villanova, PA  
Lars E. Olsen, Chief of Police (ret.), Saddle Brook, NJ (life member)  
Alfred P. Pattavina, Deputy Chief of Police (ret.), Omaha, NE; Waterloo, NE (life member)  
Julius F. Ritchie, Chief of Police (ret.), Harrisonburg, VA (life member)  
Francis J. Schafer, Assistant Chief of Police (ret.), Pittsburgh Police Department, Pittsburgh, PA; Camp Hill, PA (life member)  
Theodore L. Vernier, President, Surete' Ltd., Grosse Pointe, MI (life member)

They will in turn provide NIMCAST training to state contacts.

NIMCAST may be accessed via the NIMS home page at [www.fema.gov/nims](http://www.fema.gov/nims), or directly at [www.fema.gov/nimcast](http://www.fema.gov/nimcast). For more information about NIMS and NIMCAST, send an e-mail message to [NIMS-Integration-Center@dhs.gov](mailto:NIMS-Integration-Center@dhs.gov), or call 202-646-3850.

### Scam Artists Hit U.S. Residents with Counterfeit Postal Money Orders

The U.S. Postal Inspection Service reports that a fraud scheme is making the rounds through Internet chat rooms and auction sites, in e-mail messages, and over the telephone is costing victims in the United States time, money, and a not-so-pleasant chat with bank and other officials about passing counterfeit postal money orders.

According to postal inspectors, the counterfeit money order scam begins when someone contacts a victim through an Internet chat room or online auction site claiming to have financial problems or needing help to cash domestic or international postal money orders. The person in need often claims to be living in a foreign country (usually Nigeria), but the scam artist can cook up the scheme from any location. The scam artist is simply looking to recruit someone in the United States to cash the money orders and return the funds via wire transfer.

U.S. residents are lured into the scam when they are told they can keep some of the money as a gift or payment for their help. Unsuspecting victims provide their home mailing address to the fraudster and are told they will receive a postal money order that they should deposit into their own bank account. After receiving the postal order, the victim is to immediately send the money via Western Union or conventional bank wire transfer to a bank or person located outside the United States.

Victims learn the postal money order is counterfeit only when they attempt to cash it, or when their bank account takes a hit for the full amount when the bank refuses payment on the bogus deposit. For more information about postal money order security features, visit the U.S. Postal Service Web site at [www.usps.com/missingmoneyorders/security.htm](http://www.usps.com/missingmoneyorders/security.htm).

The COPS office sponsored research resulting in the publication "Call Management and Community Policing: A Guidebook for Law Enforcement." The national call management survey conducted for this guidebook showed 77 percent of the departments assign patrol officers to specific geographic areas, and 55 percent have adopted problem-solving techniques. However, only one-third reported having changed communications procedures for call handling as part of community policing.

### Call Management and Community Policing

"Call Management and Community Policing: A Guidebook for Law Enforcement," published by the COPS office, provides specific examples of how current call management practices support community policing, discusses strategies for improving community policing efforts. The full text of this publication is available online at [www.cops.usdoj.gov/mime/open.pdf?Item=913](http://www.cops.usdoj.gov/mime/open.pdf?Item=913).



## Line of Duty Deaths

*"They will be remembered — not for the way they died, but for how they lived."*

The IACP wishes to acknowledge the following officers, who made the ultimate sacrifice for their communities and the people they served. We extend our prayers and deepest sympathies to their families, friends and colleagues.

Police Officer Peter J. Lavery  
Newington, Conn., Police Dept.  
Date of death: December 30, 2004  
Years of service: 17

Police Officer Cristy Sue Tindall  
Peoria, Ill., Police Dept.  
Date of death: December 30, 2004  
Years of service: 10

Police Officer Bryan Hurst  
Columbus, Ohio, Police Dept.  
Date of death: January 6, 2005  
Years of service: 8

Sergeant Howard King Stevenson  
Ceres, Calif., Police Dept.  
Date of death: January 9, 2005  
Years of service: 18

Police Officer Scott M. Armstrong  
Bridgeton, Mo., Police Dept.  
Date of death: January 12, 2005  
Years of service: 2

Patrol Officer James Mitchell Prince  
Boiling Spring Lakes, N.C., Police Dept.  
Date of death: January 18, 2005  
Years of service: 6

Sheriff Matthew H. Samuels  
Greenwood County, Kans., Sheriff's Office  
Date of death: January 18, 2005  
Years of service: 18

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# The 2005 IACP/ITT Community Policing Awards CALL FOR ENTRIES

In its eighth year, the IACP/ITT Community Policing Awards competition honors those departments worldwide that have **prevented and decreased crime and terrorism** by forging partnerships with their communities.

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**To enter online**, please visit [www.nightvision.com](http://www.nightvision.com) or [www.theiacp.org](http://www.theiacp.org). For more information, call 1-800-488-2848 ext. 5538.

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## Florida Program Protects Elderly Drivers

By Joel Bolton, Lieutenant, Lake Charles Police Department, Lake Charles, Louisiana

Almost 25 million people in the United States are now over the age of 70. This 9 percent of the population is involved in 14 percent of all traffic fatalities, making their special needs and limitations as drivers a concern for law enforcement and traffic safety advocates.

Judges in last year's IACP National Law Enforcement Challenge found an innovative response to this issue in the Florida Highway Patrol entry. Florida's work in the area of mature at-risk drivers made the judges' "nifty 50" list of interesting, innovative, and replicable traffic safety programs.

Florida has made it easier for law enforcement to report to driver's license offices drivers whose skills have declined. The Florida Highway Patrol has also undertaken an effort to educate the public and troopers about the method for reporting drivers in need of evaluation.

The Transportation Research Board has noted that older drivers are second only to drivers under the age of 25 in crash rates per mile traveled. There are differences between the two age groups in the types of crashes they experience and the causes of those crashes. Younger drivers have more speed- and alcohol-involved crashes, according to National Highway Traffic Safety Administration research, while older drivers are more frequently involved in right-of-way violations and crashes during turning maneuvers. Inexperience, poor judgment, and risk taking are crash factors for younger drivers. Older drivers certainly have the experience, but declining physical and mental abilities often affect judgment and the ability to react quickly.

Although they drive fewer miles than drivers in other age groups, older drivers have a higher fatality rate on a per-mile driven basis. Drivers 75 years of age and over, once they are involved in a crash, are three times more likely to die than a young driver.

Intersections are more dangerous for older drivers, accounting for 60 percent of crashes, compared to 50 percent for other age groups. Making a left turn is the maneuver that most frequently results in a crash for the older driver.

As we age, we find several skills necessary for safe vehicle operation in decline. Its important to note that there is no magic age where this degradation of skills begins, meaning some folks continue to drive safely many years after others of the same age have stopped driving. For most of us, decision making and functional, physical limitations top the list of driving skills slipping away, along with medical conditions and vision problems.

Crash statistics indicate that many older drivers have adapted to their changing vision by driving less at night. The way our eyes react to light decreases our ability to discern objects in low light conditions and makes it more difficult to adapt to glare from bright headlights and other sources.

Declining vision is probably the easiest condition to detect in the driver's licensing process. Florida now requires that any driver over the age of 80 submit to a vision test when renewing their driver's license. The test may be taken free of charge at driver's license offices or may be conducted by the applicant's private licensed health care provider. If a vision problem is detected, the applicant is referred to his or her eye doctor before being allowed to renew their driving privileges.

In addition to driving less at night, older drivers adapt to their changing skills in other ways. They will tend to avoid high traffic times and locations, make shorter trips, and not venture out in bad weather. Those who are aware of their limitations may choose to rely on public transit, friends, and family for transportation.

Unfortunately, there are drivers who do not adapt to the changes occurring in their lives. Because of dementia or other conditions, they may not be aware of the danger they pose. Others lack a support structure of family and friends to get them to the places they need to go. These are the ones who most often come to our attention, because of a crash or a violation or because a family member has sought our help in getting them to stop driving.

For more information on the Florida initiative, see the report "The Effects of Aging on Driving Ability" on the Florida Department of Highway Safety and Motor Vehicles Web site at [www.hsmv.state.fl.us/ddl/atriskdriver.pdf](http://www.hsmv.state.fl.us/ddl/atriskdriver.pdf). ❖

### National Law Enforcement Challenge Deadline Nears

The National Law Enforcement Challenge entry deadline is May 2.

The IACP National Law Enforcement Challenge is a fun way to showcase your traffic safety efforts, share your success stories, and have an opportunity to win some neat prizes.

Agencies compete with like-size departments in several different categories (municipal police departments, sheriff's offices, state police agencies, and so on). The winners in each category are honored during ceremonies at the annual IACP conference.

There is still time to put together a winning application. For more information, call Rick Larson at 800-THE-IACP, extension 236.

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