

# Police Strategy No. 3:

## Driving Drug Dealers Out of New York

The Honorable Rudolph W. Giuliani  
Mayor of the City of New York



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April 6, 1994

## **TABLE OF CONTENTS**

- 1 INTRODUCTION**
- 3 THE PROBLEM**
- 5 CURRENT PRACTICE**
- 9 STRATEGY**
- 14 GIVE PATROL RESPONSIBILITY FOR TARGETING AND  
ULTIMATE SUCCESS**
- 15 REFOCUS PATROL PERSONNEL AND PRACTICES**
  - Use of All Uniformed Personnel
  - Borough Task Forces
  - Street Narcotic Enforcement Units
  - Precinct Responsibility
- 16 REFOCUS NARCOTICS DIVISION PERSONNEL AND  
PRACTICES**
  - Create Gun-Narcotic Teams
  - Other Narcotics Division Efforts
  - Referral to Investigative Units
- 17 EXPAND, CONCENTRATE, AND COORDINATE SEIZURE  
ACTIVITY**
  - Location Inventory
  - Civil Enforcement Unit
- 18 REVISE AND EXPAND TRAINING**
  - Police Executives
  - Personnel
  - Patrol Supervisors and Police Officers
- 19 REVISE DEPARTMENTAL POLICIES**
  - Communications Division
  - Patrol

20 **BUILDING WORKING PARTNERSHIPS**

- **With the Housing and Transit Police**
- **With the Department of Correction**
- **With the City Department of Probation and State Division of Parole**
- **With the Public**

21 **EVALUATION**

## Introduction

Criminal justice officials—whether police, prosecutors, judges, correctional or probation officers—have noted for many years that the main engine of urban crime in the United States is narcotics.

People rob and steal to keep using drugs, and people kill and maim to keep selling drugs.

Whatever may be the mix of economic, sociological, and biological causes for the narcotics problem, it is clear that the widespread sale and use of certain drugs has led to the deaths of thousands, the degradation of hundreds of thousands, and the deterioration of communities across New York.

Mayor Rudolph W. Giuliani has said that the drug problem must be fought at every level and by every legal means—so that our children do not grow up with drug dealers as role models.

This national menace does, of course, require national attention. Stricter criminal penalties, enhanced enforcement task forces, funds for demand-reduction and treatment programs, and increased border interdiction are imperative. Strong leadership must make this issue a national and international priority. Yet, as the Mayor has said, no locale responsibly can wait for federal action to solve this problem. Therefore, every relevant municipal agency in the City of New York is being required to do what it can.

*Driving Drug Dealers Out of New York* is a blueprint for deploying the enforcement resources of the New York Police Department to reclaim and hold targeted geographical areas of the city with and for the people who live there. The narcotics strategy builds upon both the successes and failures of previous efforts by the NYPD.

It takes from 1984's Operation Pressure Point the confidence and knowledge that integrated, persistent work by a variety of internal units working in concert with certain external agencies can have a dramatic impact on neighborhoods. It corrects mistakes made by the old Tactical Narcotics Teams, (some of which were cited by the Vera Institute study on TNT), in which areas too large could never be secured, crack activity was often only displaced, rigidly scheduled and publicized operations became predictable to criminals, and community residents were not effectively challenged to help take charge of their own neighborhoods.

Giving citizens the opportunity to help keep drugs out of their neighborhoods is, however, the job of the police. Therefore, the New York Police Department will:

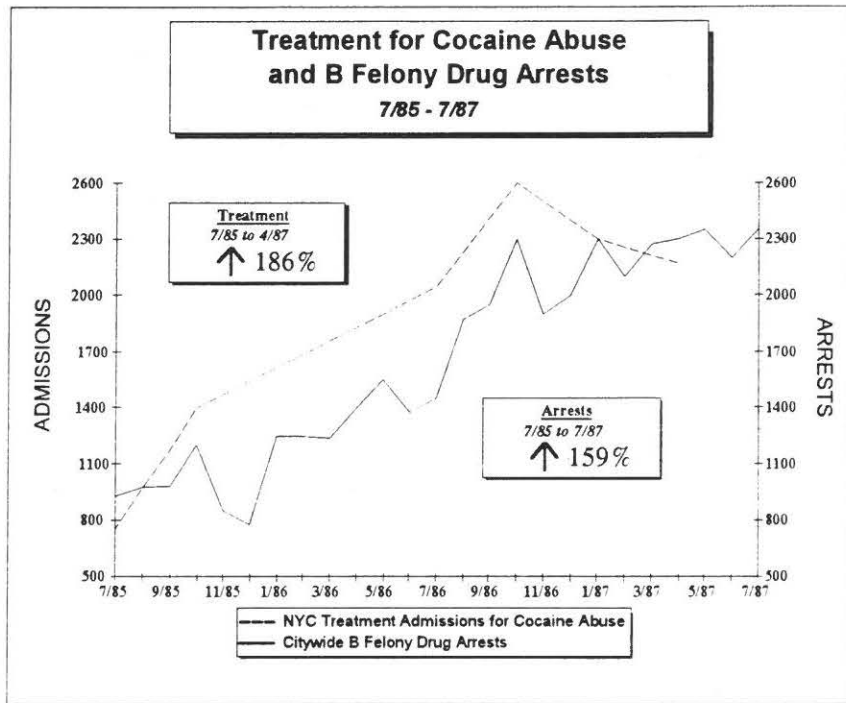
- prioritize and target areas where the infrastructure of neighborhoods (schools, business districts, transit and housing facilities) is in jeopardy;
- use Strategic Narcotics And Gun (SNAG) teams, which change the mission and some methods of the old TNTs of the Narcotics Division, to initiate intensive buy-and-bust operations against both drug and gun dealers in these targeted areas;
- focus all NYPD personnel to act against all illegal activity they witness or hear through a complaint is taking place in public areas, be they inside or outside buildings;
- make it the business of Narcotics detective units to strengthen all cases against felony narcotics offenders and attempt to link them with outstanding violent crimes;
- prioritize in the targeted areas drug and gun-related warrants, and parole and probations violations; and
- expand, concentrate, and coordinate civil enforcement efforts to close commercial and residential facilities where illegal activity has occurred, to evict drug dealers, to confiscate vehicles used in drug transactions, and to seize drug-related paraphernalia wherever it may be sold.

At the same time, work with federal, state, and other city agencies to put mid- and upper-level drug dealers out of business will be intensified.

## The Problem

Crack cocaine first appeared in New York in 1983. By 1986, it could be found virtually anywhere in the city.

Drug tests given on male arrestees at Manhattan Central Booking showed that the percentage of suspects who tested positive for cocaine doubled between 1984 and 1986 (rising from 42% to 83%).



There was other evidence that narcotics activity was rapidly growing.

- Between 1980 and 1986, narcotics complaints more than quadrupled (rising from 13,135 to 58,577).
- Between 1980 and 1986, the amount of currency seized during drug enforcement more than tripled (rising from \$864,000 to \$2.9 million).
- Between 1980 and 1986, the number of firearms seized by Narcotics Division personnel doubled and, by the following year, nearly tripled (rising from 353 in 1980, to 695 in 1986, to 962 in 1987).

The overall effects on the communities of New York were pronounced. For example:

- In 1980, there were 43,189 reports of child abuse and neglect in the city; by 1988, the number had more than doubled, to 93,778.

Today, in New York, the crack cocaine problem remains severe.

During the last five years, at least 25% of all homicides in New York City were directly related to drugs.

Drug tests of male suspects at Manhattan Central Booking at four different times during 1993 indicated that:

- 78% of suspects arrested for all charges tested positive for drugs, with 66% testing positive for cocaine;
- 79% of robbery suspects tested positive for drugs, with 68% testing positive for cocaine;
- 81% of weapons-charge suspects tested positive for drugs, with 54% testing positive for cocaine; and
- 80% of burglary suspects tested positive for drugs, with 73% testing positive for cocaine.

Federal research has shown that offenders on drugs engage in criminal activity at a rate four to six times higher than when they are drug-free. Today much of this criminal activity is violent.

While no drug is worse in this regard than crack, there is evidence that heroin use is again on the rise in New York City.

- While overall Narcotics Division arrests declined by 23% between 1988 and 1993, heroin arrests doubled.

## Current Practice

Within the last decade, the New York Police Department proved at least three separate times that it could take back defined geographical areas, severely disrupt narcotics traffic, and in some instances reduce crime lastingly.

In 1984, *Operation Pressure Point* was launched on the Lower East Side of Manhattan to address blatant street sale of drugs, especially heroin. Within the first four weeks, 1,780 arrests had been made in the target area. Community residents were encouraged to call in tips and complaints of drug activity, to serve as blockwatchers, and to use their streets and parks without fear. Federal, state, and city agencies actively participated in the effort.

In six months, robberies in the targeted area declined eight times faster than in the city at large, and burglaries declined nearly four times faster. Lasting gains were made, especially in neighborhoods which were undergoing gentrification. But the question remained, could similar success be replicated in poor neighborhoods where crack cocaine, not heroin, was the drug of choice.

In 1990, *Operation Take Back* was launched in Midtown Manhattan. Utilizing large numbers of uniformed officers on overtime, its objective was to reduce robbery. After three months of operation, robberies declined by 28%. This success was duplicated in other areas of the city.

In 1988, after Police Officer Edward R. Byrne was shot to death in Queens while guarding a house previously firebombed because its occupants had testified about crack sales in the neighborhood, the Department launched the first TNT (*Tactical Narcotics Teams*) in Southeastern Queens.

The operation consisted of four parts: 1) intensive buy-and-bust operations by closely supervised teams in a defined geographical location; 2) saturation of the targeted area with uniformed officers charged with eliminating quality-of-life conditions which seemed to encourage drug selling and use; 3) encouragement of community residents in making tips to officers; and 4) enlistment of help from numerous other public agencies.

By the end of 1989, TNT was a citywide operation. In that year, the NYPD made 79,200 felony and misdemeanor narcotics arrests,



the highest number on record, nearly five times as many as had been made in 1980.

Even with a dramatic jump in arrests, however, critics noted that permanent gains were harder to secure.

In 1993, the Vera Institute of Justice published its two-year long study of TNT. It found that drug economies in certain neighborhoods were hindered but not destroyed. Its report said that "police crackdowns on curbside crack markets are not likely to achieve durable improvements in the neighborhoods plagued by them, unless the community itself is drawn into a more active role than was observed in the Brooklyn South TNT target areas."

The operations of the Tactical Narcotics Teams had a number of other features that hindsight indicates could be improved.

For example, they attempted to recover areas that were far too large for concentrated efforts. More importantly, TNT operations were not well coordinated with the precincts where they took place and had several inadequacies:

- Strategies for holding areas reclaimed by TNT were not constructed.
- TNT operations were planned for defined geographical areas for fixed periods of time, without regard to impact.
- In practice, intelligence gathering and crime analysis were not systematically shared between the Narcotics Division and the precincts.

The separation of specialized narcotics efforts from the precincts hindered TNT's ultimate effectiveness. Narcotics commanders became more concerned with their own numbers than with their impact on the City. Combined with city pressures to reduce overtime, this eventually caused slippage in the focus of Narcotics Division work.

Personnel came to work mainly on weekdays. Relatively few arrests were made after 6PM, and there was little enforcement on weekends.

FACT: These hours became known to drug traffickers working the streets, who could easily ply their trade accordingly.

Drug dealers benefited in one other way from TNT practice. In an effort to keep citizens informed of Departmental efforts, meetings were held in each targeted precinct prior to, in the middle of, and at the end of TNT operations. Drug dealers sometimes attended these meetings and were able to adjust the places and times of their own operations.

Car confiscation efforts were sporadic and seldom involved Patrol.

During the 1980s, Narcotics Division personnel more than quadrupled (from 421 in 1980 to 1721 in 1989). While Narcotics Division staffing levels in 1993 had declined 11% compared with 1989, narcotics arrests made by the Division declined by 30% during the same period.

During the same four-year period, narcotics arrests made by the Patrol Services Bureau declined by 43%.

During this period, due to concern among police administrators that the temptations of the lucre of narcotics trafficking would be too great, uniformed personnel were encouraged to report on drug activity and locations rather than to make arrests themselves. While there was no written policy forbidding uniformed officers from making such arrests, the intent of commanders was made clear in a number of ways.

FACT: Training for the uniformed patrol force centered on recognition of different narcotics, intelligence gathering, and reporting violations rather than on the procedures involved in making drug arrests.

FACT: 911 complaints about the sale of narcotics inside building common areas were referred to the Organized Crime Control Bureau for investigation rather than to the Patrol Services Bureau for immediate response by a marked patrol car.

FACT: The only precinct-based Patrol unit assigned to act against street drug activity, the Street Narcotics Enforcement Units, had to do their work in uniform.

The combined effect of all these practices was to erode arrest activity.

In short, while the NYPD has proven its capability of taking areas of the city away from drug (especially heroin) dealers, it had inadequate resources, insufficiently coordinated efforts, and too-limited participation by Patrol Services personnel to be able to hold those areas long enough for neighborhoods to help reestablish themselves as drug-free.

## **Strategy**

As of Monday, April 18, 1994, the policy of the New York Police Department will be one of No Tolerance for drug sellers and buyers at all times.

The policy will be implemented by:

- 1) driving open-air drug activity off the streets of targeted areas, confiscating and tracing guns, and then closing and, where possible, seizing the inside drug-trafficking locations;
- 2) preventing the return of drug activity to the targeted areas through the deployment of uniformed personnel;
- 3) targeting mid-level dealers and suppliers more aggressively; and
- 4) strengthening the Narcotics District Major Case Squads (NYPD), the Drug Enforcement Task Force (Federal, State, City), and the Joint FBI/NYPD Task Force to pursue and apprehend local high-level narcotics suppliers.

These coordinated actions will attempt to create drug-free zones that will be maintained with special attention given to the schools inside their boundaries.

The strategy will:

### **GIVE PATROL RESPONSIBILITY FOR TARGETING AND ULTIMATE SUCCESS**

- by collecting information from beat officers, neighborhood organizations, Precinct Commanders, the Narcotics Division and other sources, Patrol Borough Commanders will prioritize areas targeted for removal of open-air and inside drug dealing; most such areas will include one or more schools, retail districts, transit facilities, and public housing.

### **REFOCUS PATROL PERSONNEL AND PRACTICES**

- by directing Patrol personnel, including those in uniform, to act against narcotics activity they witness and to respond to complaints about drug activity in public places;
- by supplying uniformed personnel to back up the interruption of targeted drug traffic caused by the Strategic Narcotics And Gun teams;
- by permitting precinct Street Narcotics Enforcement Unit officers who serve in observation points to work in plainclothes and providing close supervision of these units to prevent corruption;
- by giving Precinct Commanders responsibility for holding targeted areas cleared by Strategic Narcotics And Gun teams.

### **REFOCUS NARCOTICS DIVISION PERSONNEL AND PRACTICES**

- by directing Strategic Narcotics And Gun teams (SNAG) to conduct aggressive buy-and-bust activities against gun as well as drug dealers in targeted locations wherever and whenever necessary on a 7-day-a-week basis;
- by utilizing other OCCB divisions to take corrective action when SNAG operations uncover vice or other conditions in or around schools and other targeted locations;
- by directing the Narcotics Division to arrest any dealers wanted on outstanding felony narcotics bench warrants within the targeted areas;

- by focusing special Narcotics Division efforts on making cases against street-level and mid-level drug traffickers within the targeted areas; and
- by assigning one Narcotics Division module (consisting of one supervisor, six investigators, and two undercover officers) to work with homicide detectives to make connections between murders and drug activity.

**EXPAND, CONCENTRATE, AND COORDINATE SEIZURE ACTIVITY**

- by directing Precinct Commanders, working with the Narcotics Division, to identify the exact locations of inside drug-selling activity and designating these locations for closure efforts;
- by having the NYPD's recently expanded Civil Enforcement Unit use various legal means to close locations where criminal activity is taking place;
- by enlisting both Patrol and Narcotics Division personnel to confiscate cars used to transport drugs in the targeted locations and other areas prioritized by Precinct Commanders;
- by seizing inventory in all drug-paraphernalia selling locations, making arrests, and closing such locations; and
- by expanding efforts with the District Attorneys' Offices and the U.S. Attorneys' Offices to commence forfeiture proceedings against landlords who knowingly have allowed their buildings to become havens for drug activity.

### **REENERGIZE ENFORCEMENT AGAINST HIGH-LEVEL DRUG ACTIVITY**

- by capitalizing on the recent decision of the U.S. Drug Enforcement Administration to use its New York office to focus on local rather than international drug organizations;
- by closely monitoring joint efforts of the Organized Crime Investigation Division of OCCB and the FBI to conduct high-level drug investigations involving specific groups of drug traffickers, importers, and distributors;
- by driving forward Narcotics Division investigations of middle and upper echelon narcotics offenders through expanded cultivation of registered confidential informants, covert operations, eavesdropping tactics, and all other necessary, legal means; and
- by continuing to expand the Narcotics Investigative Tracking of Recidivist Offenders (NITRO) database to track career felony drug offenders identified by the Department.

### **REVISE AND EXPAND TRAINING**

- by providing police executives at the rank of Captain and above with briefings on the new enforcement strategy, policies, and procedures;
- by providing Patrol personnel with video instruction on the full process of a drug arrest; and
- by providing police officers with video instruction on safe and effective drug enforcement techniques, proper evidence processing, and courtroom testimony.

### **REVISE DEPARTMENTAL POLICIES**

- by changing Communications Division protocol to clarify Patrol's responsibility for drug-related enforcement activity in all public areas, whether inside buildings or not; and
- by clarifying the enforcement responsibilities of all members of the service, whether in uniform Patrol or not, with regard to illegal drug activity.

### **BUILD WORKING PARTNERSHIPS**

- with the Housing and Transit police departments, to conduct coordinated enforcement offensives in and around public housing developments and transit facilities in the targeted areas;
- with the city's Department of Correction to accommodate increased arrests and convictions;
- with the Department of Probation and Division of Parole to encourage arrests, within the target areas, of probation and parole violators who have drug-related convictions; and
- with the public, to assist in maintaining streets and neighborhoods where narcotics conditions have been improved.



## **Give Patrol Responsibility for Targeting and Ultimate Success**

By surveying Precinct Commanders, examining complaint records, and inventorying arrest locations, the Narcotics Division recently estimated that there are 12,526 sites in New York City where drug sales are occurring. More than 7,000 of these are on the streets; more than 5,000 are inside buildings.

By choosing areas where these are concentrated, each of the seven Patrol Borough Commanders will choose a first priority area where:

- 1) Strategic Narcotics And Gun teams will conduct intensive buy-and-bust operations to reduce open-air and inside drug dealing, and identify and arrest illegal gun dealers;
- 2) In the wake of SNAG team operations, uniformed personnel will prevent a return of drug activity and work to secure public areas for free use by all law-abiding citizens;
- 3) The Civil Enforcement Unit of the NYPD will seek court orders, under the Padlock Law or the Nuisance Abatement Law, to close any location for up to a year that is being used for the sale of drugs or drug paraphernalia, prostitution, or any other illegal activity within the targeted area;
- 4) The Civil Enforcement Unit will also assist police officers in seizing vehicles used to transport drugs;
- 5) The Housing and Transit police departments will prioritize and execute warrants for anyone arrested by their departments who is wanted for a narcotics or weapons-related crime;
- 6) Similar warrant and civil-enforcement initiatives will take place in any Department of Housing Preservation and Development property where useful in the targeted area; and
- 7) Once the targeted area is stabilized, precinct resources will be used to hold the area and encourage community residents to keep it drug-free.
- 8) Criminal activity within the vicinity of schools will be prioritized for attention.

## **Refocus Patrol Personnel and Practices**

### **USE OF ALL UNIFORMED PERSONNEL**

In accordance with New York State Criminal Procedure Law (Section 140.10), which provides the authority for an arrest by a police officer without a warrant, all Patrol Services Bureau personnel are being directed to act on narcotics violations occurring in their presence.

### **BOROUGH TASK FORCES**

Borough Commanders will deploy their uniformed Task Forces, where possible, to engage in intensive enforcement activity in and around the targeted areas to keep narcotics buyers and sellers from returning.

### **STREET NARCOTICS ENFORCEMENT UNITS**

To enhance the effectiveness of their efforts, SNEU officers assigned to observation points are being directed to work in plainclothes for the first time since 1985.

### **PRECINCT RESPONSIBILITY**

Precinct Commanders will have significant responsibility for the success of these efforts. Therefore, they will have authority and accountability for deploying precinct resources and for stimulating assertive community action to help maintain the gains made by the SNAG teams.

## **Refocus Narcotics Division Personnel and Practices**

### **CREATE GUN-NARCOTICS TEAMS**

Strategic Narcotics And Gun teams will work in targeted areas on a 7-day-a-week basis, conducting aggressive buy-and-bust operations wherever and whenever warranted by conditions. Each targeted area will be addressed by nine modules (each with one supervisor, six investigators, and two undercovers) until street-drug activity is severely curtailed and until the known inside drug locations are addressed. These teams will work in a concentrated fashion and then move to other sites.

By adding 15 sergeants to the Narcotics Division, the Division will be expanded by 15 modules with no other increases in personnel required.

### **OTHER NARCOTICS DIVISION EFFORTS**

The SNAG teams will prioritize arresting any drug dealers wanted on outstanding felony bench warrants within the targeted areas. The Narcotics Division will also focus special attention on making and strengthening cases against street-level and mid-level drug traffickers.

Since drugs and guns are often associated, the Narcotics Division will provide, on a pilot basis, one module to assist in solving outstanding drug-related homicides.

### **REFERRAL TO INVESTIGATIVE UNITS**

Whenever SNAG teams uncover criminal activity apparently unrelated to narcotics—such as auto theft, prostitution, or gambling rings—the situations will be referred to the appropriate investigative division of the Detective Bureau or of OCCB.

## **Expand, Concentrate, and Coordinate Seizure Activity**

### **LOCATION INVENTORY**

In conjunction with OCCB, Precinct Commanders will conduct inventories of all locations where street and inside drug-selling, prostitution, gambling, and auto chop shop activities are known to be going on. Precinct Commanders will prioritize these locations for closure, according to their current effect on violent crime, disorder, and fear in the community, especially where proximate to schools.

### **CIVIL ENFORCEMENT UNIT**

The Civil Enforcement Unit of the NYPD will hire 14 attorneys in the current fiscal year to help Borough, Division, and Precinct Commanders close locations and seize assets used or gained in illegal activity. An additional 12 attorneys are budgeted for hire during FY 95.

Under the Nuisance Abatement Law, the New York Supreme Court can close locations where there were three violations for narcotics or gambling activity. Under the Padlock Law, the Police Commissioner is authorized to close a location where two or more narcotics or gambling violations resulted in at least one arrest and conviction within the last year.

Working with the Corporation Counsel and the District Attorneys, the Civil Enforcement Unit will secure evictions of individuals who are dealing drugs. They will facilitate seizure of drug paraphernalia and closure of stores selling them. And they will facilitate sustained efforts to confiscate cars which are being used to transport narcotics.

The Civil Enforcement Unit will expand efforts to assist the District Attorneys' Offices and the U.S. Attorneys' Offices to notify landlords of widespread illegal activity in their buildings and then, if no action is taken, to seize these buildings.

Priority in all civil enforcement actions will be given to the geographical areas targeted for Strategic Narcotics And Gun teams action by Borough Commanders.

## **Revise and Expand Training**

### **POLICE EXECUTIVES**

NYPD executives at the rank of captain and above will receive briefing on the new enforcement strategy, policies, procedures, and current case law.

Particular attention will be given to the impact objectives of the drug strategy. That is, Department resources are to be coordinated to make targeted areas as free as possible of drugs, violence, other crime and disorder, so that community residents will have the opportunity to help keep their neighborhoods safe.

### **PERSONNEL**

Patrol and Detective personnel will receive video training on the full process of a drug arrest.

### **PATROL SUPERVISORS AND POLICE OFFICERS**

Police officers and their supervisors will receive video instruction on drug enforcement techniques, proper evidence processing, and courtroom testimony.

## **Revise Departmental Policies**

### **COMMUNICATIONS DIVISION**

Communications Division personnel will be informed of Patrol's responsibility to respond to all complaints about narcotics activity being conducted in public places, be they inside locations or not.

### **PATROL**

Relevant sections of the Patrol Guide will be assessed and, where necessary, rewritten to reflect the enforcement responsibility of uniformed members of the service in the narcotics area.

## **Building Working Partnerships**

### **WITH THE HOUSING AND TRANSIT POLICE**

The New York City Housing and Transit Police Departments will conduct coordinated enforcement offensives in and around public housing and transit facilities inside the targeted areas, especially where those areas impact on one or more schools.

### **WITH THE DEPARTMENT OF CORRECTION**

Regular reports on arrest activity will be submitted to the city Department of Correction to enable it to plan for increased usage of its facilities.

### **WITH THE CITY DEPARTMENT OF PROBATION AND STATE DIVISION OF PAROLE**

The Department of Probation and the Division of Parole will be asked to make arrests, within the targeted areas, of all probation violators and parole absconders.

### **WITH THE PUBLIC**

The final success of these and all other efforts to reduce violent crime, disorder, and fear in the City of New York will depend on the willingness and determination of citizens to help fight to secure their streets, blocks, and neighborhoods.

## **Evaluation**

After deploying these strategies for a period of six months, a report on their impact will be submitted to the Mayor, with recommendations for strategic and operational adjustments as required.