

# Chapter 8. Law Enforcement

## Overview

This chapter discusses the law enforcement component of the Weed and Seed strategy. It presents a law enforcement vision in which collaborative processes, coordinated activities, and focused strategies lead to reductions in crime, violence, and citizen fear. The chapter focuses on police and prosecutorial strategies to remove serious and visible criminals quickly from high-crime neighborhoods. Other criminal justice strategies to reduce criminal behavior in the long term are also discussed. Joint task forces are discussed as the vehicle for implementing many enforcement strategies.

## Vision

The weed portion of Weed and Seed concentrates law enforcement resources to reduce crime and violence in the designated site. This is key to transforming a high-crime community into a safe and healthy place to live. Visibly reducing crime, suppressing violent activity, and reducing citizen fear gives residents hope for a better life and sets the stage for community revitalization.

With collaborative problem-solving processes, the law enforcement strategy focuses on enforcement tactics designed to reduce and suppress crime at the neighborhood level.

The law enforcement component of the strategy should focus on removing violent crime from the community, using tactics to suppress violent crime, gang activity, drug trafficking, and drug-related crime. Efforts should be directed at identifying, apprehending, and prosecuting

criminals, with priority given to quickly removing the most serious and visible criminals from the neighborhood.

The law enforcement strategy is most effectively developed and undertaken through collaborative processes. A law enforcement subcommittee with representatives from all law enforcement agencies that operate within the jurisdiction provides an excellent starting point. This subcommittee can determine which crime issues are the highest priorities, develop the law enforcement strategy, and make recommendations to the Steering Committee. The breadth of its membership allows it to function as a coordinating body for law enforcement activity in the target community.

The goals, objectives, and tasks identified in the Weed and Seed strategy form the basis for law enforcement activities in the designated area. A range of programs can be used to address the site's priorities. Successful enforcement programs at the federal, state, tribal, and local levels can serve as models for Weed and Seed sites. Strategies may include reentry programs, gun abatement efforts, gang intervention programs, intensive drug investigations, targeted prosecutions, or the creation of a Sexual Assault Nurse Examiner Unit or Child Advocacy Center. Each Weed and Seed site must determine which strategies will be most effective in reducing crime.

When it considers law enforcement tactics during the planning process, the Steering Committee may consult other criminal justice officials and invite them to join the subcommittee, depending on the severity of local crime problems and the law enforcement priorities

established. For many sites, apprehending and prosecuting criminals is given the highest priority; activities involving other criminal justice agencies are placed on hold until local Weed and Seed efforts mature and needs change.

Securing the involvement of law enforcement representatives in the planning process and the framing of goals and objectives for this component of the site strategy reaps benefits even before the law enforcement activities are implemented. This coordinated planning process improves working relationships among local law enforcement agencies and results in improved service to residents.

## Implementation Process

### Step 1: Establish the Weed Subcommittee

#### Roles and responsibilities

Early in the planning process, the Steering Committee should establish a subcommittee to oversee the law enforcement component of the local strategy. The subcommittee is responsible for developing and implementing the law enforcement strategy and for coordinating with the other three program components. Other roles and responsibilities will vary depending on the circumstances and needs of the Weed and Seed site.

#### Membership

Members of the subcommittee represent the law enforcement agencies with jurisdiction in the designated area. Police and prosecutorial agencies from all levels of government—city, county, state, tribal, and federal—should be represented on the subcommittee. At the local level, police officers who work in or oversee the designated community should be represented on the subcommittee. A community policing officer may also be a member to help bridge

any gaps between the Weeding and Seeding subcommittees.

Subcommittee members should have the appropriate skills, knowledge, resources, and time to help develop and implement the Weed and Seed law enforcement strategy. The Steering Committee should consider appointing midlevel managers or frontline staff from each agency. One Steering Committee member should be designated to ensure ongoing and effective channels of communication among the committees.

Special consideration must be given to whether residents should be part of the subcommittee. Law enforcement officers might resist having residents present when they are planning and coordinating law enforcement operations; the sensitive nature of the information discussed may take precedence over community participation. The decision depends on the structure of the local Weed and Seed organization and staff. The subcommittee should be put together in a way that works best for the individual site.

The Steering Committee must keep in mind, however, that community input is critical for Weed and Seed success, and subcommittee members must gather residents' views on crime issues and integrate their perspectives into the strategy.

#### Frequency of meetings

During the planning process, the subcommittee meets regularly, perhaps biweekly, until the law enforcement strategy is drafted and reviewed by the Steering Committee. The planning process requires a great deal of work—identifying local crime problems, setting priorities, developing goals and objectives, and establishing an implementation plan and schedule. During implementation, the subcommittee may meet less often. Meeting schedules will vary from site to site.

## Step 2: Review the Needs Assessment

### Needs assessment

In the needs assessment phase, subcommittee members focus on identifying the most intractable crime problems and providing data and information that explain these problems.

It may be difficult to get detailed police data on the designated Weed and Seed area because Weed and Seed boundaries may not correspond precisely to police districts or beats, particularly in tribal communities. However, usually some data are available that will help subcommittee members better define and understand local crime problems.

Before setting priorities, the subcommittee should carefully review the results of the needs assessment. In setting law enforcement priorities for the Weed and Seed site, members should consider not only the most serious local crime problems as identified in the assessment, but also the community's perspective on issues of greatest concern and signs of neighborhood deterioration, such as high unemployment, dropout, and truancy rates.

### Community perspectives

Community participation is a fundamental principle of Weed and Seed. The views of local residents must be considered and integrated into decisionmaking and strategy development. The law enforcement subcommittee can include community opinion in many ways. Members can review the results of the needs assessment, a community survey, or focus groups (if administered or conducted as part of the assessment process) to identify resident views on area crime issues.

The subcommittee must work closely with the Steering Committee, which comprises the various community stakeholders. Even though these stakeholders live or work in the area, their opinions may differ from those of the law enforcement representatives.

## Step 3: Establish Law Enforcement Goals, Objectives, and Tasks

The law enforcement strategy should be clearly articulated relative to the goals and objectives that can be achieved in the short and long term.

### Collaboration and coordination

In developing the strategy, subcommittee members should consider the goal of building long-term working relationships among law enforcement agencies. The strategy should emphasize collaboration rather than differences among federal, state, tribal, and local law enforcement. It should focus on coordination and information sharing among all law enforcement agencies in the community, with the local U.S. Attorney's Office taking the lead.

**Federal law enforcement efforts.** Federal law enforcement agencies have expertise that can be applied to specific local issues in any community. The roles of the Federal Bureau of Investigation and Drug Enforcement Administration are familiar. However, other federal agencies also should be considered as partners if crime problems warrant their involvement. For example, the Bureau of Alcohol, Tobacco, Firearms and Explosives can trace confiscated weapons to help locate and prosecute illegal sources of weapons. The U.S. Marshals Service can execute federal warrants and access the witness protection program.

**Local law enforcement efforts.** Weed and Seed sites may want to consider implementing the following state and local law enforcement strategies that have proved effective on the street level.

*Career criminal or reentry programs.* These programs focus on apprehending, prosecuting, and incarcerating the most serious offenders in a community. The premise is that a few offenders commit a disproportionate amount of crime. By concentrating on removing repeat offenders, law



enforcement can significantly reduce crime overall in a community.

*Gun abatement.* Many sites focus on both the supply and demand sides of the illegal gun market by using law enforcement strategies that interrupt the sources of illegal guns, identify gun offenders, target gun cases for prosecution, and enhance penalties for gun offenses through federal prosecution.

*Gangs.* Gangs are a constant source of illegal activity. Various law enforcement approaches have been used for gang identification and intervention, including combining police and probation patrols, communicating and implementing a policy of zero tolerance for gang violence, restricting gang activities through injunctions, increasing the swiftness of sanctions against gang members, focusing on major offenders, implementing gun-seizure programs, and using witness protection programs.

**Prosecution.** Several prosecution strategies have been effective in combating and suppressing crime. Consider the following when developing law enforcement strategies.

The U.S. Attorney's Office, State or Tribal Attorney General's Office, and county or district attorney's office should be part of the law enforcement strategy. Because most crimes are state violations, the county or district attorney will be

the primary prosecutor. Even when applying special statutes such as the Racketeer Influenced and Corrupt Organizations Act (RICO), federal RICO prosecutions frequently are predicated on state crimes. The law enforcement strategy should support the efforts of local prosecutors.

The U.S. Attorney, the local prosecutor, and the State or Tribal Attorney General, when appropriate, decide which office prosecutes specific types of cases. A detailed memorandum of agreement (MOA) signed by all parties can establish priorities and specify responsibilities for developing and presenting cases.

Whenever multijurisdictional organizations work together, turf battles occur. In working with three jurisdictions (i.e., federal-state-tribal), an MOA is an effective tool for promoting the working relationship. It should clearly outline all parties' responsibilities and establish criteria for case selection and assignment to avoid interagency conflicts.

#### **Step 4: Identify Additional Resources for the Law Enforcement Strategy**

Some law enforcement strategies require the involvement of officials from the courts, corrections, probation and parole, victim services, juvenile justice, and other areas of criminal justice.

The participation of court administrators or service providers may enable a site to address more effectively the needs of specific offenders such as drug users and minor offenders through drug courts, community courts, and teen courts that provide special case processing and alternative adjudication practices. A Weed and Seed site's law enforcement strategy may include establishing such a program or coordinating efforts with an existing program.

The participation of corrections and probation and parole departments is particularly important when many community residents are under

correctional supervision or many offenders are expected to return to the area after serving their sentences. These offenders may require a range of services (e.g., vocational training, remedial education, counseling, drug treatment) to prevent their return to criminal activity, or they may require greater supervision. In either case, coordination between law enforcement and corrections may be an important component of the Weed and Seed law enforcement strategy.

If juvenile crime is a priority, consider the need for input and participation from juvenile justice officials. If targeted enforcement of juvenile offenders is a goal, then it is important to coordinate long-term plans to offer prevention and intervention services for juveniles. Consult with juvenile justice officials when planning the strategy and expand the law enforcement subcommittee to include these officials during implementation.

The criminal justice efforts undertaken depend on the local circumstances. Many Weed and Seed sites initially focus on police and prosecution tactics to reduce crime quickly. Later in the process, they focus on other strategies to reduce long-term criminal behavior.

### **Step 5: Develop an Implementation Plan for the Law Enforcement Strategy**

The implementation plan should identify the agencies responsible for each major task and activity in the strategy and the start and completion dates for those tasks and activities. In many Weed and Seed sites, joint task forces carry out the tasks and activities identified in the law enforcement strategy (at least those involving police and prosecution efforts). These joint task forces represent a collaboration of law enforcement agencies and are designed to target specific crimes or offenders. Task force targets include drug trafficking, street crack sales,

stolen car rings, burglaries, fencing rings, and gun trafficking.

Representatives of the prosecuting agencies in the jurisdiction (including the U.S. Attorney, State or Tribal Attorney General, and county prosecutor or district attorney) should actively participate in task force operations. Community policing officers are important resources for information about the designated area. Other criminal justice officials may be invited occasionally to attend task force meetings or special meetings, during which active investigations or sensitive matters are not discussed, to assist in planning task force operations. These officials include probation and parole officers, correctional officials, local municipal prosecutors, traffic court personnel, public or tribal housing officials, health agency personnel, and code enforcement officials.

## **Implementation Issues**

The U.S. Attorney's Office plays a pivotal role in the Weed and Seed law enforcement strategy. Local prosecutors may or may not be as involved; they are typically elected officials whose priorities may differ from those of Weed and Seed. If possible, try to involve the local prosecutor's office in the Weed and Seed planning process, but do not expect to overcome political



differences at the outset. It is preferable but not mandatory that local prosecutors be involved in the law enforcement strategy.

Each Weed and Seed site will establish its own timetable and schedule, but because the

community's incidence of violent crime is a deciding factor in receiving Official Recognition, law enforcement is a logical starting point. All program components need to support and strengthen the overall strategy.

## Exhibit 8–1. Local Drug Enforcement Tactics

**Directed patrol.** Patrol units focus on specific problems or assignments and target particular places (e.g., street corners, playgrounds, abandoned property, businesses), individuals, or drugs. The saturation patrol can be an effective show of force.

**Executing outstanding arrest and bench warrants.** Habitual offenders are often the subjects of outstanding arrest warrants or bench warrants for failure to appear on other charges.

**Surveillance.** Observation of people and places by trained officers produces evidence of drug trafficking. Still or video cameras and microphones capture the details of street drug transactions.

**Undercover and confidential informant buys.** Narcotics purchases produce evidence for narcotics prosecutions, whether arrests are made immediately or later.

**Buy busts.** Buys can be immediately followed by arrests by either the undercover officer who made the buy or other officers in jump-out squads.

**Reverse stings.** Officers pretending to be dealers sell to users, who are then arrested by other officers. Stings are effective in both street narcotics enforcement and user accountability programs to help reduce demand for illegal drugs.

**Crackhouse raids.** When probable cause has been established by undercover or confidential informant buys, a search warrant can be obtained and executed in a raid on a crackhouse.

**Arrest of narcotics dealers and users for other offenses.** Drug dealers are vulnerable on several nondrug offenses, from trespassing to aggravated assault. On the basis of a lawful arrest, individuals can be searched, and any drugs or weapons found result in additional charges.

**Roadblocks or checkpoints.** Roadblocks and checkpoints that meet federal and state constitutional standards can reduce traffic coming into the neighborhood and reduce drug trafficking.

**Traffic enforcement.** Police can confiscate the automobiles of drug purchasers. As a driver or passenger in a vehicle makes a drug purchase, police secretly observe the transaction. Radio reports identify the vehicle involved in the purchase. The vehicle is stopped, the car and the occupants are searched, and the narcotics that were just purchased are discovered. Although the purchaser is arrested for illegal drug possession, he or she may receive a noncriminal disposition, particularly if the individual does not have a record. The vehicle may be seized under federal and state forfeiture laws. This is the "Fishnet" procedure, which deters would-be drug purchasers, particularly wealthier clients, from entering high drug trafficking areas for drug sales.

## Exhibit 8–2. Local Prosecution Tactics

**Defendant targeting.** The focus is on identification of previously convicted drug offenders to revoke their probation or parole, if the offender is currently under court or parole supervision. The prosecutor files probation and/or parole revocations at the first appearance, which brings down court costs and limits the re-release of arrested probationers and parolees into the community. This effort can also be directed toward those arrested while on pretrial release on earlier charges.

**Deferred prosecution.** First-time offenders charged with less serious drug offenses are held accountable and allowed to pursue rehabilitative services. This program attempts to structure the defendant's activities and monitor compliance with special conditions. Expeditious prosecution follows noncompliance or rearrest.

**Prosecutor-police coordination.** Early and frequent involvement of prosecution personnel in investigative processes and enhanced police involvement in prosecution phases is emphasized. Interaction is designed to improve the quality of case screening, and prearrest technical assistance is supplied by prosecutors to meet evidence requirements.

**Community prosecution.** Prosecution resources are focused on high-crime and drug-crime communities. The prosecutor's jurisdiction is subdivided into district precincts or specific neighborhoods, establishing satellite offices staffed by prosecution personnel. The goal is to enable prosecutors to become problem solvers in their respective jurisdictions, working in collaboration with the community, law enforcement, and other involved agencies.

**Prosecution-based prevention and education.** Prosecution personnel work with local education officials in antidrug abuse education initiatives. The prosecutors give drug and crime prevention presentations to students and community groups.

## Exhibit 8–3. Joint Task Force Implementation Plan

**Step 1: Create the joint task force.** Agree on goals, objectives, and activities.

**Step 2: Prepare memorandum of agreement.** Establish procedures for providing equipment (cars, radios, and cellular phones), personnel (time commitments), and expense funds (money for small, incremental items; petty cash).

**Step 3: Select personnel.** Selections should be based on the candidate's experience, record, and ability to work in a multijurisdictional setting.

**Step 4: Train personnel.** Joint training helps to bond personnel from different agencies and build a team attitude. Training should include community relations and an overview of the Weed and Seed strategy.

**Step 5: Develop policies and procedures (consider adapting these from one of the participating agencies).** Key policies include—

- Managing confidential funds.
- Managing informants.
- Collecting and processing evidence.
- Documentation (e.g., intelligence reports, arrest reports).

**Step 6: Develop a system to coordinate, manage, and use intelligence information.**

**Step 7: Establish the case assignment, and review the process.**

**Step 8: Develop targets, and implement tactics.**

- This is an ongoing process with plans submitted regularly to the Weed Committee.
- Law enforcement agency managers meet periodically with the Weed Committee.

**Step 9: Maintain strong managerial oversight of law enforcement activities.**

**Step 10: Evaluate task force activities and results.**

**Step 11: Adjust task force activities based on oversight and evaluation.**