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1	LIST	RE DEA STATE AND LOCAL TASK FORCE PROGRAM	3	ND	B7(E)	

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DRUG-FREE PUBLIC HOUSING TASK FORCE REPORT



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C. 20410

September 2, 1986

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING

MEMORANDUM TO:

Carlton Turner, Chairman

Drug Use Prevention Working Group
Domestic Police Council

FROM:

hae IV Dorsey, Chairman Mee Rubble Housing

SUBJECT:

Drug-Free Public Housing Task Force Report

I. INTRODUCTION

In response to the President's announcement of his national strategy to lead us to a drug-free America, the Department of Housing and Urban Development (HUD) wrote to the 3100 Public Housing Authorities (PHAs) in the country and asked them to tell what they are doing to combat drugs. The Department has received numerous responses which show that many are actively involved in getting rid of drug dealers and users, in providing information and treatment for their employees and residents, and generally working toward the goal of providing a drug-free environment. Other PHAs, however, told of developments overrun and controlled by dealers and users.

The Drug-Free Public Housing Task Force was established to develop inter-agency strategies which can be used to eliminate drugs from public housing. We recommend the following to accomplish this objective.

- * Reduce the level of drug activity in selected PHA developments by fifty percent over the next two years.
- * Conduct training programs for PHAs and local law enforcement officials to enable them to replicate the process developed for the accomplishment of the first objective.
- * Inform all PHAs of the availablity of services of local agencies affiliated with ADAMHA and the Department of Labor for drug education and drug testing, job training and employment opportunities.

II. TASK FORCE PLAN

A. Mission Statement:

To attain drug-free public housing through a partnership of the Departments of HUD, Justice, Labor, Education and HHS (the Alcohol, Drug Abuse and Mental Health Administration) and local PHAs, state and federal law enforcement officials, and other relevant local agencies.

B. Presidential Decision:

We propose that President Reagan issue the attached Executive Order declaring that drug-free public housing is expected and that within the limits of the regulations and resources, the Federal government will work with those PHAs where drugs are a problem to help them eliminate pushers and users and create and maintain drug-free public housing. The Executive Order will provide the necessary block upon which the Task Force can build support for the accomplishment of the goals.

- C. Specific Goals Within the Overall Mission:
- 1. Reduce the level of drug activity in selected PHA developments by fifty percent over the next two years.

Justice and HUD will form a partnership which will identify public housing developments across the country known to have major drug problems and, in some cases, involve organized crime. Working with PHAs and state and local law enforcement officials the partnership will target these developments for increased law enforcement activity.

HUD and Justice will each identify resources which can be utilized to assist PHAs. Justice has determined its available resources to include (1) the Law Enforcement Coordinating Committee (LECC) programs administered by the United States Attorneys in each of the 94 judicial districts, and (2) the 34 formal and 13 semi-formal state and local Task Forces of the Drug Enforcement Agency (DEA) (additional information attached). HUD has identified its resources as (1) information from the OASIS Technique implemented in the Ft. Lauderdale and Houston PHAs (additional information attached); (2) information gathered from local PHAs concerning their experiences with combatting illegal drugs in their developments (additional information attached); and (3) knowledge of local circumstances within which individual PHAs operate and, accordingly, their appropriateness as sites for accomplishing the goal.

The specific tasks to be undertaken in support of this goal are as follows:

- a. Justice and HUD will define the scope of drug problems in public housing and assess enforcement needs.
- b. Justice will identify eight to ten districts with especially severe drug-related crime problems in public housing and evaluate existing enforcement and reduction efforts, if any, in a district including PHA, LECC, and DEA Task Force, Organized Crime Drug Enforcement Task Force, state, and local resources, etc.
- c. HUD will identify specific PHA developments with severe drugrelated crime problems.

- d. Justice and HUD will select two to four PHA developments as pilot project sites.
- e. Justice will initiate planning of specialized enhanced law enforcement coordination and demand reduction activities as appropriate to meet specific district needs using the LECC mechanism and consulting with state and local officials to develop law enforcement plans and allocate resources.
- f. The partnership will implement drug-free public housing plans in pilot districts, regularly reporting achievements and problems to the Justice project coordinator for ongoing evaluation;
- g. Following initial pilot tests, guidance and strategies will be revised as required and additional PHA developments phased-in on an approximate bi-monthly basis until all severely impacted PHAs have programs.
- h. Targeted districts will be evaluated at regular intervals to assess accomplishments.

Expected Results:

To eliminate or significantly reduce drug activity in the selected $\ensuremath{\mathsf{PHA}}$ developments.

2. Conduct training programs for PHAs and local law enforcement officials to enable them to replicate the process developed for the accomplishment of Goal 1.

The process developed and implemented under the first goal will be analyzed for the purpose of detailing the specific steps that can be taken locally to deal effectively with public housing drug activity.

Justice and HUD will prepare materials for both training programs and general dissemination. For its part, HUD will acquire the service of public housing industry interest groups in both materials preparation and training to make sure that any advice and instructions are appropriate to the target audience.

Training programs will be conducted for PHAs with the assistance of public housing industry interest groups.

Expected Results:

The general availability of a workable process for dealing with drug activity in public housing, and a reasonably large number of PHAs trained in, or otherwise acquainted with implementation of that process.

3. Inform all PHAs of the availablity of services of local agencies affiliated with ADAMHA and the Department of Labor for drug education and drug testing, job training and employment opportunities.

The HHS Department will assist with the development of drug abuse prevention programs to benefit the employees and tenants of PHAs in a number of ways. Examples of the kind of assistance available are listed below:

- 1) Staff consultation for HUD and local housing authorities: ADAMHA may provide consultation in designing programs which may be implemented nationally and/or by local PHAs.
- 2) Material resources: HHS is prepared to provide informational resources in the form of printed material to assist in understanding the nature of the drug problem and in developing programs in response to the problem.
- 3) HHS will provide information about state and Federal resources which are available to link public housing officials with others across the Nation concerned about the drug problem and who are working to reduce the demand for drugs among the Nation's youth.
- 4) HHS will provide available information about prevention program development in low-income communities which may have special application in public housing settings.
- 5) HHS will provide expert consultants in training housing managers and health care providers, and in designing parent-effective training programs for public housing residents.

The Department of Housing and Urban Development and the Department of Labor will form an active working partnership to ensure the awareness of the PHAs of the availability of Job Training Partnership Act (JTPA) funds. Because the eligible recipients are primarily economically disadvantaged individuals and youths, a training program for a development's residents would play a vital role in helping to ensure the development does not witness a resurgence of the drug activity.

The partnership may develop a series of training workshops in conjunction with existing public housing interest groups to further explain how JTPA can be used in their developments and also the possibility of using HUD's Comprehensive Improvement Assistance Program (CIAP) funds.

In addition to identifying available funds, the partnership can also encourage local businesses which have an interest in the residents of a development to contribute jobs to this effort.

President Reagan's Executive Order will give HUD the authority to alter certain regulations and standards to provide incentives to PHAs to achieve drug-free public housing. HUD will also examine the possibility of debarment of PHA employees who deal illegal drugs and the eviction of tenants dealing illegal drugs. HUD will look at the CIAP regulations and handbooks to see if changes are necessary in order to require a PHA to clean up a drug problem as a condition to the receipt of modernization funding or to require that resolution of the drug problem be a part of the PHA's modernization program.

HUD will also conduct training programs at NAHRO and other relevant conferences to explain to PHAs how this program could be implemented.

Expected Results:

PHA awareness of the availability of materials and resources in their local community to assist with drug information and drug testing.

III. COMMUNICATIONS

The Drug-Free Public Housing Task Force's proposal is tailor-made for the best possible showing of the successful implementation of President Reagan's policies.

- It is a major domestic and inner-city thrust to eradicate largescale illegal drug activity in those targeted developments. It can be used as an example when the question is raised of what we are doing within our own shores about drugs.
- It actively involves the ongoing cooperation of four Cabinet-level departments.
- 3. No additional funding is required. The proposal makes use of the existing resources of Justice, HUD, HHS, and Labor.
- 4. New Federalism is the cornerstone to the success of the plan. State and local police, social service agencies, state and local governments, public housing authorities, and private businesses will become involved.

Of course, the White House Office of Communications is the expert on the best ways to utilize the President's public contacts. Following the successful reduction of drug activity, a visit by President Reagan would lend itself to favorable publicity.

Because the initial step is a law enforcement activity which will be enhanced by surprise, a Presidential visit before the cleanup would be inappropriate. The proposed Executive Order does not include reference to selection of specific Public Housing Authority developments for concentrated law enforcement activity. This aspect of the plan should be kept quiet at the signing ceremony to ensure the project's success. After one or two successful clean-ups, the President might then announce, "We couldn't tell you before, but this is part of the plan. This will occur again and again in various developments across the country. I won't tell you when and I won't tell you where. But, if you are engaged in illegal drug activity in a public housing development you'd better stop because we will get you."

Mrs. Reagan could also visit those developments which have a "Just Say No" club and/or which have a treatment program on the premises. As she has done with her "mother to mother" campaign with the wives of leaders of other countries, she could hold similar talks with the mothers living in each development.

DRUG-FREE PUBLIC HOUSING TASK FORCE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. Michael Dorsey
Assistant Secretary for Public and Indian Housing

Jim Stimpson
Deputy Assistant Secretary for Policy Development

Kay R. Kinney Special Assistant to the Assistant Secretary for PD&R

Stuart Sloame Deputy General Counsel

Thomas Sherman
Director of Public Housing

Janice Rattley
Director Project Management Division

Nancy Goetschius Special Assistant to the Assistant Secretary (Key Contact)

John Mooring Staff Assistant to the Secretary

Joseph F. Gelletich
Office of the General Counsel

DEPARTMENT OF JUSTICE

Robert J. Cynkar
Deputy Assistant Attorney General - Civil Division

B. Boykin Rose U.S. Attorney

Jorge Rios-Torres Criminal Division

Tom Sheehan
Drug Enforcement Administration

Grace Mastalli U.S. Attorney

Arthur Goldberg Justice Department

OTHER AGENCIES

Elaine Johnson
Deputy Director-National Institute on Drug Abuse - Alcohol,
Drug Abuse and Mental Health Administration

Patrick Cleary Executive Assistant to Assistant Secretary of Labor for Policy

DRUG-FREE PUBLIC HOUSING DRAFT EXECUTIVE ORDER

WHEREAS, in response to the President's announcement of a national strategy to lead the United States to a drug-free America, the Department of Housing and Urban Development asked the 3100 Public Housing Authorities in the country for a report on their efforts to combat illegal drugs and found in the responses many successes but also many places where illegal drugs are a continuing problem; and

WHEREAS, the presence and use of illegal drugs in public housing is inconsistent with the law-abiding behavior expected of all citizens and is also contrary to a purpose of the United States Housing Act of 1937 which is to promote the general welfare; and

WHEREAS, the presence and use of illegal drugs in the public housing environment is inconsistent with the statutory mandate for the provision of decent, safe and sanitary dwellings and a wholesome living environment; and

WHEREAS, it is the policy of the United States to vest in Public Housing Authorities the maximum amount of responsibility in the administration and operation of their lower-income housing programs utilizing federal funds; and

WHEREAS, Public Housing Authorities charged with responsibility for the maintenance and operation of public housing as decent, safe and sanitary housing providing a wholesome living environment for lower-income families have a duty to assure that the presence and use of illegal drugs not be permitted;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States and as President of the United States, and deeming such action in the best interests of national security, public health and safety, law enforcement and provision of decent, safe and sanitary housing in a suitable living environment for persons of lower-income living in public housing assisted under the United States Housing Act of 1937, it is hereby ordered as follows:

Drug-Free Environment

I hereby Direct the Secretary of Housing and Urban Development to take such actions necessary to obtain and assure the cooperation of Public Housing Authorities funded under the United States Housing Act of 1937 in achieving the goal of providing lower-income families living in public housing a drug-free environment.

I further Direct that all departments and agencies in the executive branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of lower-income housing and provision of services or support to the needs of families of lower income, take all actions necessary to assure that the tenants of such housing be afforded the opportunity to live in a drug free environment.

In addition to the general mandate that departments and agencies of the executive branch of the Federal Government support the efforts of the Secretary of Housing and Urban Development to rid public housing of drugs, I specifically direct that the Attorney General enter into a partnership with the Secretary of Housing and Urban Development to lend its support to this goal.

I further Direct the Attorney General to expand the Department of Justice drug enforcement strategy to focus efforts on the eradication of illegal drug activity in federally assisted public housing.

The Attorney General should direct U.S. Attorneys to initiate Law Enforcement Coordinating Committee activities to marshall appropriate law enforcement attention as necessary to identify needs and priorities in each district to deal most effectively with this serious national problem.

Each district's law enforcement plan should include an assessment of drug trafficking and abuse in public housing projects and include plans to address this problem.

END OF DRAFT EXECUTIVE ORDER

PHA RESPONSE SAMPLES

The Housing Authority of the City of Las Vegas, Nevada

Their private security force works with the local police to deter illegal drug activity. The Authority requires drug and alcohol testing of their employees as a condition of employment and "for cause." When current employees are tested for cause they are suspended with pay pending test results. The employee who tests positive can stay on the job while receiving treatment if the job and the employee's condition do not pose a hazard to himself, his co-workers or the tenants. If either or both does pose such a hazard, and no other assignment is possible, the employee is terminated. For security personnel, random, periodic, and "fitness for duty" testing is required.

Housing Authority of the City of Bloomington, Illinois

This Authority conducts "Summer Youth Employment Program" which involves seminars on finding a job as well as information about drug and alcohol abuse. The Authority has seen an increase in illegal drug activity but does not have a program in place to combat it at this time.

Watervliet, New York Housing Authority

The local Headstart group is used by this Authority to contact families suspected of drug abuse. The Authority also provides the temporary use of empty apartments for police surveillance of drug activity.

Housing Authority of Richmond, Virginia

In cooperation with the City Manager and the police, the Selected Neighborhood Action Patrol (SNAP) program has been started to get the dealers out of the Creighton Court development. Because of SNAP, residents feel more safe and drug dealing has significantly dropped. As the program has just started, it is impossible to tell what long-term results will be.

Housing Authority of North Little Rock, Arkansas

This Authority works closely with the local police department and has a police representative attend monthly staff and tenant meetings. It also has a crime watch program for turning in drug dealers. The Arkansas State Department of Health sponsors a health, teenage pregnancy, and drug abuse clinic in one of the public housing developments. The local boys club offers a series on drug abuse which may include famous athletes talking about drugs. There is also a successful tenant training program and a day care center for children of working parents.

U.S. DEPARTMENT OF HOUSING AND URBAN DE WASHINGTON, D.C. 20410

August 11, 1986

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING

Re: Drug Abuse Policy - Public Housing

Dear Executive Director:

President Reagan has announced a major new initiative to combat drug use in our country. I am pleased that my first official act following confirmation as Assistant Secretary for Public and Indian Housing is to invite your participation in this effort. As a former Chairman of the Housing Authority Board in Kansas City, Missouri, I know that the Kansas City Authority has a program for counseling on substance abuse for tenants and employees. I am sure there are many other housing authorities in the country involved in similar efforts, as well as tenant groups with ongoing programs for combatting drugs in individual projects.

We would like to be able to describe your efforts to President Reagan and make details available to other authorities and tenants who are not yet involved. Please write, or even call, if yours is a program that has been effective against drug use or sales in public housing. Nancy Goetschius is serving as my main staff person on this effort; any questions or comments you might have before responding to this invitation should be directed to Ms. Goetschius on 202/755-7970.

I look forward to hearing from you and to working with you on this and other major public housing initiatives.

Sinceres

J. Michael Dorsey Assistant Secretary

The Oasis Technique

The Oasis Technique was developed in Florida by the Fort Lauderdale Housing Authority. It focuses on reversing deterioration and rising crime rates in troubled neighborhoods and creating oases of safe, decent housing in areas of neighborhood blight. This is accomplished through a careful analysis of a community's strengths and weaknesses and involvement of the residents, community groups, law enforcement and social service agencies, and private businesses. The first step is the eradication of the crime elements in the development (emphasizing particularly the drug dealers) so the area can be returned to the decent residents. The Oasis Technique has also been demonstrated in Houston and in California. The demonstrations were funded by the Department of Housing and Urban Development.

4: JUSTICE DEPARTMENT'S PROPOSAL

A PROPOSAL FOR ACHIEVING DRUG FREE FEDERAL PUBLIC HOUSING PROJECTS USING LAW ENFORCEMENT COORDINATION AND DEMAND REDUCTION STRATEGIES

INTRODUCTION

The Drug Free Federal Housing Initiative is a proposal to utilize existing law enforcement coordination structures to leverage and focus the efforts of state and local law enforcement officials to effectively attack illegal drug activity in federal housing projects, with a targeted investment of federal resources. This proposal is an effective additional step to compliment the major law enforcement efforts already undertaken by the Administration.

The proposal outlines the framework to implement an effective multi-faceted campaign of drug abuse deterrence and law enforcement coordination strategies intended to eliminate illegal narcotics and associated crime from Federal Public Housing Projects. The Drug Free Public Housing Initiative would combine:

- Conduct of carefully coordinated investigations and prosecutions targeting drug trafficking and related criminal acts in order to neutralize illegal production and distribution activities in and around federally assisted public housing; and
- Demand reduction strategies of drug abuse prevention, education and deterrence programs aimed at the low income residents of public housing.

STATEMENT OF PRINCIPLES

The primary responsibility for providing a drug free environment in federal public housing projects rests with state and local law enforcement officials and public housing authorities. Therefore, the federal role in this area must be limited, cost-effective, and consistent both with the Constitutional limits on federal action and fiscal constraints. This can best be accomplished by utilizing existing structures for increasing federal-state-local law enforcement cooperation to attack the drug problem in public housing projects.

THE EXISTING STRUCTURES

At the present time there are two primary law enforcement coordination mechanisms operative in the field and appropriate for this undertaking:

- The Law Enforcement and Coordinating Committee (LECC)
 programs administered by the United States Attorneys in
 each of the 94 judicial districts, and
- The 34 formal (and 13 semi-formal) State and Local Task
 Forces of the Drug Enforcement Agency (DEA).

Both the LECC and DEA Task Force Programs are very flexible mechanisms amenable to addressing the drug problem in public housing projects.

LECCs

Each of the 93 United States Attorneys has a Law Enforcement Coordinating Committee in place, consisting of federal, state, and local agencies involved in district law enforcement. The goal of these committees is to improve cooperation and coordination among law enforcement groups and thereby enhance the effectiveness of the criminal justice system. Districts also have LECC Subcommittees which consist of relevant agency officials working on specialized tasks, such as drug enforcement, white collar crime, etc.

In addition to the establishment of subcommittees, the United States Attorneys developed comprehensive district law enforcement strategies in their respective jurisdictions. The plans are coordinated within the Department and with the major federal law enforcement agencies. The plans have been approved by the Attorney General and may be periodically updated.

The Attorney General strongly supports the LECC program.

(See Attachment A.) LECCs are a cornerstone of joint federal, state, and local law enforcement efforts.

LECC members represent a broad range of multilevel government law enforcement agencies. In some of the larger districts, the full LECC may consist of several hundred individuals. Federal agency members include the FBI, DEA, IRS, INS, BATF, the U.S.

Customs Service, Postal Inspection Service, U.S. Marshals Service, Fish and Wildlife Service, Park Service, federal agency inspectors general, and the military. State agencies generally include state police; State Attorneys General and Inspectors; the National Guard; tax, banking, and insurance regulators; conservation officers; and, state criminal justice planning agencies. Local government agencies provide members from district or prosecuting attorneys' offices, city and rural police departments, sheriffs' departments, county inspectors, and town constables. In some districts, state and local education and social service agencies may be represented on special interest subcommittees such as those on Drug Abuse Prevention. Subcommittees serve as the operational core of most Law Enforcement Coordinating Committee activity. They address specialized areas of district law enforcement need and are made up of personnel with the appropriate interest and expertise. The United States Attorney, Assistant United States Attorney or other high level federal or nonfederal official may head the subcommittee.

The subcommittees exchange information and resources and engage in joint investigation and projects, such as drug education programs. One of the most successful developments has been the sponsoring of training seminars in various areas of law enforcement. Many of these seminars are intended to assist line level officials.

DEA's State and Local Task Forces

The DEA Agent's Manual states that "Effective control of the illicit drug traffic depends to a large extent on close cooperation among agencies at all levels of government.

Collectively, state and local law enforcement agencies dedicate more resources to drug enforcement than does the Federal Government. It is, therefore, of major interest to DEA that state and local agencies be encouraged to expend their resources in line with national objectives and that there be close interagency cooperation at all levels." The specific objectives of the task forces therefore, are to:

- Disrupt the illicit drug traffic in specified geographic areas by immobilizing targeted violators and trafficking organizations.
- 2. Increase the effectiveness of participating agencies by providing extended on-the-job training to assigned officers and exposing them to the benefits of selective targeting.
- Improve operational interaction among all agencies participating in the task force.
- 4. Encourage participating agencies to establish investigative priorities which emphasize those drugs and violators posing the greater danger to society. (emphasis added.)

- agencies in the local area who are <u>not</u> participating in the task force, by providing direct assistance, intelligence information and other support.
- Provide for the development and maximum use of intelligence information through enhanced coordination. (emphasis added.)
- 7. Provide access to the federal judicial system for investigations and cases that could not be effectively tried in state and local courts

While the task forces share these objectives and are similar in concept, they are very different and distinct in composition, responsibility and methods of response to local needs. Their differences are rooted in the diversity of the states and cities of the United States and the varied drug trafficking patterns.

(See Tab B for Task Force locations and staff allocations.)

INITIATIVE IMPLEMENTATION

In order to initiate the employment of the LECC and DEA Task Force mechanisms to address drugs in federally assisted housing projects the Attorney General could direct both the United States Attorneys and the DEA in target districts to take steps necessary to assess the severity of the problem in targeted districts and develop an amended Law Enforcement action plan to address it.

This could be directed by Executive Order language such as:

"I hereby direct the Attorney General to expand the Department of Justice drug enforcement strategy to focus efforts on the eradication of illegal drug activity in federally assisted public housing.

The Attorney General should direct U.S. Attorneys to initiate LECC activities to marshal appropriate law enforcement attention as necessary to identify needs and priorities in each district to most effectively deal with this serious national problem.

Each district's law enforcement plan should include an assessment of drug trafficking and abuse in public housing projects and include plans to address this problem."

However, such Executive Order language is not required to implement these activities, the Attorney General may do so under his existing authority.

The Law Enforcement Initiative for Drug Free Public Housing might also include:

Legislation (similar to the schoolyard law) with higher mandatory penalties for the production, distribution and sale of controlled substances in or near federally assisted public housing (See Tab C);

- Attorney General directive to all United States Attorneys requiring prosecution guidelines be revised to include a priority for all federal drug-related violations in federal public housing projects;
- Attorney General coordination at the national headquarters level with all related federal law enforcement agencies, including at least: United States Attorneys, DEA, FBI, INS, BATF, and the U.S. Marshals Service, to ensure cooperation at the field level for implementation of Drug Free Public Housing strategies jointly with state and local agencies.
- Attorney General direction to United States Attorneys to increase use of cross-designation of Assistant United States Attorneys and appointment of state and/or local prosecutors as Special Assistant United States Attorneys as appropriate to facilitate effective and efficient prosecution of Public Housing-related narcotics violations.

Examples of other possible steps include:

- The establishment of a Public Housing Authority (PHA)
 drug enforcement and education LECC subcommittees;
- * Training and technical assistance tailored to Housing Authority or other Police, e.g. on analysis of evidence, use of computer services, intelligence development, clandestine laboratories, etc. (establish priority category for both DEA on-site training and other federal programs such as Glynco, AGAI, etc).

- Designation of one day per week or month for federal prosecution of housing project related federal crimes (cf. NYC's Operation Pressure Point at Tab C);
- Priority treatment of PHA-related requests for technical services from federal agencies.
- Establish Community Crime Prevention activities to involve citizens of housing project in efforts to stop drug abuse in housing projects, possibly utilizing National Institute of Justice's proposed ten demonstration demand reduction projects or in cooperation with the National Institute on Drug Abuse.
- * FBI-DEA initiative to identify problem at local level, in order to attack drug sources and drug trade across jurisdictional boundaries.

OUTLINE OF GENERAL TASKS FOR DRUG FREE FEDERAL HOUSING PROJECT INITIATIVE

Regardless of the specific mode of initiation chosen, the proposal for achieving Drug Free Federal Housing Project using law enforcement coordination and demand reduction strategies will involve the following tasks:

 Define scope of drug problems in public housing, assess enforcement needs;

- 2. Identify eight to ten districts with especially severe drug-related crime problems in federal public housing and evaluate existing enforcement and reduction efforts if any in district including PHA, LECC, and DEA Task Force, Organized Crime Drug Enforcement Task Force, state, and local resources, etc.;
- 3. Select two to four districts as pilot project sites;
- 4. Initiate planning of specialized enhanced law enforcement coordination and demand reduction activities as appropriate to meet specific district needs using the LECC mechanism and consulting with state and local officials to develop law enforcement plans and allocate resources;
- 5. Implement Drug Free Public Housing Plans in pilot districts and regularly report achievements and problems to Justice project coordinator for ongoing evaluation;
- 6. Following initial pilot tests revise guidance and strategies as required and phase in additional districts on approximate bi-monthly basis until ten districts or all severely impacted PHAs have programs.
- Evaluate targeted districts at regular intervals to assess accomplishments.



Giffire of the Attorney General Sashington, B. C. 20530

12 July 1985

MEMORANDUM TO: All United States Attorneys

FROM: Edwin Meese III

Attorney General

SUBJECT: Law Enforcement Coordinating Committee (LECC)

Program

As you are aware, the Attorney General's Task Force on Violent Crime specifically recommended that United States Attorneys establish Law Enforcement Coordinating Committees (LECCs). On July 21, 1981, Attorney General William French Smith issued Department of Justice Order 951-81 creating an LECC in each judicial district throughout the country. The broad objective in instituting the LECC program was to enhance coordination of local, state, and federal resources in order to produce more effective law enforcement. Since becoming operational, the LECCs have been instrumental in providing forums for the joint exchange of information and many successful law enforcement strategies and operations can be attributed to them.

A primary responsibility of the Department of Justice is to work closely with prosecutors, police, and other criminal justice agencies to insure that all levels of government are more effective in protecting citizens against serious and violent crime. The LECC program, which stresses cooperation with and assistance to state and local law enforcement agencies, is one of the Department's highest priorities. You should continue to vigorously implement the LECC initiative, schedule regular meetings with State, local, and Federal law enforcement agencies, and establish and utilize specific subcommittees where appropriate. The Department will continue its efforts to institutionalize the LECC concept and it is my intention to participate in as many LECC meetings as possible so as to work with all of you to insure that this important program continues to achieve its law enforcement objectives.



Subject

Law Enforcement Coordinating Committees and District Federal Law Enforcement Plans

Dute

January 6, 1982

To

All United States Attorneys

Rudoim W. Giuliani Associate Attorney General

This memorandum discusses two subjects. One is the formation of a district Law Enforcement Coordinating Committee. The other is the preparation of a district federal law enforcement plan. It consolidates my memorandum dated October 6, 1981, and subsequent communications to you on the same subject.

I. LAW ENFORCEMENT COORDINATING COMMITTEES

As the Attorney General directed in his memorandum to you of July 21, 1981, each United States Attorney is to form a Law Enforcement Coordinating Committee (hereinafter LECC) consisting of representatives of federal law enforcement agencies and appropriate state and local law enforcement officials. Attached as Enclosure No. 1 is a copy of Attorney General Order Number 951-81, dated July 21, 1981, assigning responsibility for directing United States Attorneys in the formation and operation of the committees to the Associate Attorney General. This memorandum provides additional instructions regarding the operation of these committees and the formats for reporting on them.

A. Committee Formation

1. Preliminary Meeting of Federal Law Enforcement Officials

Prior to the first meeting of each committee, the United States Attorney is to meet with the district head of the Federal Bureau of Investigation; the Drug Enforcement Administration; the United States Marshals Service; the Bureau of Alcohol, Tobacco, and Firearms; the Postal Service Inspection Department; the Internal Revenue Service, and other federal agencies that have significant criminal law enforcement jurisdiction in the district, such as the Immigration and Naturalization Service, the Secret Service, and the United States Customs Service. All of the federal agencies attending this preliminary meeting also should be represented on the LECC. At this meeting, each federal agency should present its assessment of the crime situation in the district, the resources that it has available in

3. Pirst Meeting Date

1

The first full LECC meeting should be held within two months of the date a United States Attorney assumes office. It is important that these committees be established promptly. However, there may be districts in which, because of exceptional circumstances, the LECC program would be significantly harmed by strict adherence to this timetable. If, in the opinion of the United States Attorney, a longer implementation time period is necessary, the Director of the Executive Office should be notified in advance and provided with the schedule adopted.

4. Notification of Executive Office for United States Attorneys Prior to First Meeting

The United States Attorney is to notify the Executive Office by telex at least two weeks before the initial LECC meeting is to be held. The Attorney General or other Department officials may attend the intial meeting of a number of the LECCs. Timely notice of meeting dates is necessary in order to make scheduling arrangements.

5. Applicability of Federal Advisory Committee Act

The United States Attorney should advise all LECC members that the purpose of the LECC is to provide a forum for the joint exchange of information and for the improvement of operational law enforcement activities involving intergovernmental cooperation. The LECC is not intended to serve as a forum in which state or local law enforcement officials provide advice to federal officials regarding matters of federal policy or operations. Therefore, it should not come within the coverage of the Federal Advisory Committee Act. Additional discussion of the coverage of that Act is provided in an opinion from the Office of Legal Counsel attached to this memorandum as Enclosure No. 2. This opinion should be borne in mind throughout the course of each committee's operation.

B. First Meeting

1. Agency Reporting

At the first meeting of each LECC, a representative of each agency should be asked to make a presentation providing information regarding the following topics:

 a. A description of the most serious crime problems in the district. This should be based upon the best available information concerning particular types of crime, including the incidence of such crimes, the numbers of such offenses reported to law enforcement Movever, where any of the normally required subcommittees are not established, it is mandatory that their functions, as set forth below, be fulfilled by the full committee.

To is important to note that the Pederal Advisory Committee Act may apply to a subcommittee as well as to a full committee. As long as subcommittee activities are limited to providing for the joint exchange of information or the improvement of operational law enforcement activities, they should not come within the coverage of that Act. Bowever, the subcommittees themselves must conduct the exchanges of information or make the operational decisions. Although the subcommittees may not provide advice to the full committee on these matters for full committee action, they may present informational summaries of their own actions to the full committee.

With respect to subcommittee membership, all full committee members whose agencies are likely to be involved in implementing the decisions of a particular subcommittee should be included on it. Each LECC is to form the following subcommittees, unless the exception described above is invoked:

a. Interagency cooperation.

The purpose of this subcommittee is to improve law enforcement effectiveness through better cooperation among federal, state, and local law enforcement agencies. The members of this subcommittee are to enter into interagency operational agreements in three principal areas:

- To govern the referral of cases from one level of government to another;
- ii. To establish the circumstances in which investigative or prosecutorial assistance will be provided by one level of government to another (this includes the sharing of law enforcement facilities, intelligence information, and personnel); and
- iii. To conduct joint investigations or prosecutions (also see cross-designation subcommittee).
- iv. To establish the division of responsibilities for investigating and prosecuting offenses for which federal and state or local concurrent jurisdiction exists. Particular attention should be given to violent crime offenses,

crimes, joint training programs, or a public avareness campaign. The subcommittees should utilize as an aid to their work the discussion papers on areas of major emphasis that are being provided by the Criminal Division to all United States Attorneys.

3: Punding

cussed. Committee members are to be responsible for their own travel expenses. The United States Attorney, however, is responsible for ensuring that adequate facilities for the meetings are available. The United States Attorney first should ascertain whether satisfactory facilities are available in his offices or those of other committee members. If not, Government travel regulations allow reimbursement for the rental of a meeting room. Further information on meeting expenses is contained in the attachment to this memorandum on funding (Enclosure No. 4).

C. Report of First Meeting

Within one week of the first meeting, the United States Attorney is to prepare a report on the meeting and forward three copies to the Executive Office for United States Attorneys for review and submission to the Associate Attorney General. The Executive Office will review the report jointly with the Criminal Division prior to submission to the Associate Attorney General. The report, which also is to be sent to all LECC members as the minutes of the meeting, should record the committee membership and should identify the subcommittees formed and their membership. In addition, it should describe the information provided by each agency concerning (1) the serious crime problems in the district; (2) agency resources; (3) present law enforcement priorities; and (4) any law enforcement cooperation problems. Information provided on these topics by the agencies may be incorporated into the text of the report or appended to it. In preparing the meeting report, please follow the format attached (Enclosure Mo. 5).

D. Second and Subsequent LECC Meetings

The second LECC meeting should be scheduled at the end of the first meeting. Until further notice, LECC meetings should be held at least once every two months.

At the second meeting, the committee members should begin actively exchanging information and making operational decisions on particular law enforcement problems in the district. In

2. Law Enforcement Priorities

The second section of the district plan is to focus on the development of the district's federal law enforcement priorities. These priorities are to be established after consideration of the Department of Justice national prosecutorial priorities (violent crime, Grug enforcement, organized crime, white collar crimes and public corruption), the priorities of the federal investigative agencies, and all other law enforcement information available to the United States Attorney regarding serious crime in the district. Based upon all of the foregoing, the United States Attorney is to formulate federal law enforcement priorities for the district. The priorities should identify the types of cases and investigations that will have the greatest impact on the most serious crime problems in the district. It also should identify the types of defendants who will be accorded the greatest priority. The section then should describe how federal law enforcement manpower and other resources will be allocated so as to implement the priorities. Following the initial drafting of the district priorities, they should be discussed with the district heads of the federal law enforcement agencies to obtain their views before being put in final form.

3. Tracking of Case Referrals

The third section of each plan is to contain the development or clarification of procedures for the referral of all federal cases which are declined for prosecution, but have prosecutive merit or potential, to state or local prosecutors or investigative agencies for their consideration for prosecution or further investigation. It is to address also the policies and practices of federal investigative agencies regarding the referral directly to state or local prosecutors of cases that have prosecutive merit, but which it is recognized will not be accepted by the United States Attorney.

4. Procedures for Interagency Assistance

The fourth section of each plan is to be a statement of operational procedures for interagency assistance. This particularly applies to federal agencies: (1) providing state and local agencies with technical assistance, such as laboratory services; (2) sharing law enforcement intelligence information; and (3) providing personnel assistance, where, for example, federal investigators have a particular expertise or have information on a case that they investigated prior to a

the district, if the United States Attorney wishes to delay completion of the plan until one or more subcommittees have met, or if similar considerations make additional time for preparation mecessary, the United States Attorney should notify the Executive Office within one month of the first meeting of the date by which the plan is expected to be submitted.

The plan should be in the form of a pemorandum from the United States Attorney to the Associate Attorney General through the Executive Office for United States Attorneys. It is to have the seven substantive sections described above. It is important that the substantive sections be specific in nature.

The plan should not be circulated in draft form to the state and local members of the LECC. Also, it should not be circulated to any members, federal or state, at an LECC meeting. The reasons for this restriction are discussed in the Office of Legal Counsel Opinion on the Federal Advisory Committee Act (Enclosure No. 2). After approval by the Associate Attorney General the plan may be given to all LECC members.

C. Review and Implementation of Plan

The plan will be reviewed jointly by the Executive Office for United States Attorneys and the Criminal Division, in coordination with appropriate federal agencies, prior to submission to the Associate Attorney General. Upon approval of the plan by the Associate Attorney General, all federal law enforcement agencies in the district will be expected to use the plan's priorities as guidance in formulating their district law enforcement strategies and in allocating resources. The United States Attorney will be expected to adhere closely to the plan's priorities, particularly in the selection of cases and other resource allocation decisions. In preparing the federal law enforcement plan, please follow the format set forth at Enclosure No. 6.

D. Amendment of Plan

United States Attorneys may wish to add to or change provisions of the plan over time. Amendments to the plan should be developed through the same procedure used for the original plan and similarly submitted for Associate Attorney General approval.



Office of the Attorney General Bashington, A. C. 20520

Order No. 951-81

Law Enforcement Coordinating Committees

By the authority vested in me as Attorney General by 28 U.S.C. §5509, 510 and 5 U.S.C. §301, it is bereby ordered that:

Each United States Attorney is to establish a Law
Enforcement Coordinating Committee to improve cooperation and
coordination among Federal, State, and local law enforcement.
The Associate Attorney General is to direct and assist the
United States Attorneys in the formation and operation of the
Committees.

Date: July 21, 1981

William French Smith Attorney General

Enclosure 1

Recommendation 6

The Attorney General should mandate the United States Attorneys to establish law enforcement coordinating committees in each federal district.

Commentary

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Distinctions among federal, state, and local jurisdictions do not hamper criminals. Neither should jurisdictional divisions be allowed to impede unnecessarily criminal investigations and prosecutions. In each area of the country, federal, state, and local resources available for law anforcement are limited. Coordinating the use of these resources to the fullest extent possible will produce the most effective law enforcement at all levels of government. This especially is true regarding the federal response to violent crime. Because most violent crime prosecution is conducted by state and local authorities, it, is important that federal officials be as supportive as possible of state and local police and prosecutors.

Our understanding of the present situation reveals that a satisfactory level of cooperation among federal, state, and local law enforcement officials does not now exist in every jurisdiction. Frequently there appears to be a lack of initiative on the part of all officials in opening the requisite channels of communication. We believe that this situation, in which federal, state, and local law enforcement officials often chart separate paths without consulting one another, is not in the best interest of the public.

Relations among federal, state, and local law enforcement also vary greatly in both form and effectiveness among the federal districts. In reviewing present practices, we found that the following mechanisms now are used to coordinate federal, state, and local law enforcement activities:

Federal-state-local law enforcement committees. It is not precisely known how many actively operating federal-state-local law enforcement committees there now are. What is evident, however, is that existing committees vary significantly in scope and effectiveness. Originally conceived as federal-state law enforcement committees headed by the State Attorney General, they have typically evolved into federal district organizations with the county prosecutor most often serving as the chief local official. There appears to be no uniformity in constitution or operation, and a committee's success appears to depend largely on the individual personalities involved. Finally, the Department of Justice in recent years has not accorded high priority to promoting and supporting the committees.

Esecutive working group. The Executive Working Group for Federal-State-Local Prosecutorial Relations was formed in December 1979 to provide a vehicle for improving intergovernmental law enforcement relations. The members consist of six representatives of the National District Attorneys Association (NDAA), six from the National Association of Attorneys General (NAAG), and six from the Department of Justice (currently four Criminal Division officials and two U.S. Attorneys). Staff support is provided by the newly-formed Office of Law Enforcement Coordination in the Criminal Division. In April 1981, Department of Justice officials in the new Administration met with officers of NDAA and NAAG to reconstitute the Executive Working Group and elect new members. This group provides a national forum for law enforcement coordination efforts. The group's agenda contemplates participation in the effort to structure law enforcement coordination committees throughout the country.

Informal arrangements. In many areas of the country no active, formal arrangements exist for federal, state, and local law enforcement cooperation. Nevertheless, key law enforcement officials often have good working relationships. In such situations, however, communication among law enforcement officials at different levels of government occurs primarily in conjunction with particular problems in specific cases. Routine sharing of intelligence information, joint investigations and prosecutions, or planning for resource allocation or overall law enforcement strategy generally does not result. The success of such arrangements also is highly dependent upon the personalities of the officials involved.

To summarize, federal, state, and local law enforcement cooperation around the country ranges from very good to nonexistent. As a result, the response to crime by all levels of government is less effective than it could be with a coordinated system.

The Department of Justice has given U.S. Attorneys little direction in this area. This lapse is particularly significant because most state and local prosecutors, police, and corrections officials operate autonomously, both within their own jurisdictions and in dealing with the federal government. If substantial progress is to be made

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RE DEA STATE AND LOCAL TASK FORCE **PROGRAM**

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- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]
- C. Closed in accordance with restrictions contained in donor's deed of gift.

The Southern District of New York has had extensive experience in the use of this law as part of its ongoing "Federal Day" program. This project was undertaken in conjunction with the New York City Police Department's Operation Pressure Point and calls for federal prosecution of drug dealers one day a week in several sections of the city. The program began in the Lower East Side of New York where the lives of residents were dominated by organized drug dealers who

lined up heroin addicts in the streets and kept "order" with

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From December 1984 to February 1986, 274 people were charged in the district under \$845a; 177 were convicted. United States Attorney personnel observed that federal judges were not, at least initially, imposing longer sentences when \$845a counts were added to \$841 charges. However, lengthier prison terms are anticipated, under the mandatory sentencing provisions of \$845a, when this first round of offenders are freed, return to the streets, and commit a second violation of \$845a. Because of the heavy penalties for repeat offenders, United States Attorney staff have noted that few defendants have pled guilty to a \$845a charge, preferring instead to go to trial.

Because of its extensive use in the Southern District, there are a number of significant court decisions interpreting the statute, which should provide guidelines to other districts on its implementation.

These decisions hold that:

baseball bats.

- 1. Section 845a is not unconstitutional in its presumption that drug trafficking in or near a school is harmful even if children are not present at the time of the transactions. U.S. vs. Nieves, 608 F.Supp. 1147 (S.D. N.Y. 1985); U.S. vs. Angilar, 612 F.Supp. 889 (S.D. N.Y. 1985); U.S. vs. Dixon, 619 F.Supp. 1399 (S.D. N.Y. 1985).
- 2. Section 845a is not unconstitutional because it may have an uneven impact on racial minorities living within urban areas. Nieves, Angilar, Dixon, supra.
- 3. Section 845a does not require the government to prove that a defendant had knowledge that a drug transaction occurred within a 1,000 feet of a school. U.S. vs. Cunningham, 615 F. Supp. 519 (S.D. N.Y. 1985); U.S. v. Falu, 776 F.2d 46 (2d Cir. 1985).

Section 845a can be applied to those who aid or abet a drug trafficker. Falu, supra.

For further information on the prosecutions in the Southern District, contact Chris Todd, Chief, General Crimes Unit, at (FTS) 662-1056 or (212) 791-1056; or Rhea Brecher, Chief, Narcotics Unit, at (FTS) 662-0066 or (212) 791-0066.

Two other districts have also recently announced \$845a prosecutions. In the Southern District of Georgia, defendants arrested by local authorities for running a "drive-in" drug service in a park 300 feet from a school were also charged by the United States Attorney's office with violating \$845a. These dealers often used elementary school children as lookouts and had taken over the park. Police plan to referall other cases of individuals arrested in the park for \$845a prosecution. For further information, contact Assistant United States Attorney William McAbee, Chief, Criminal Division, at FTS 248-4422 or (912) 232-3145.

In the Western District of Texas, an LECC attack on drug dealers who sell to high school students resulted in 56 cases against 39 adults. Juvenile delinquency charges against 8 individuals were also filed. The arrests resulted from the work of an undercover investigator who infiltrated a San Antonio high school and was able to make purchases of heroin, methamphetamines, LSD, cocaine, hydromorphine, and marijuana. Four of the suspects were also charged with \$845a violations. For further information, contact Assistant United States Attorney Mitchell L. Weidenbach or LECC Coordinator Beverly Cox, at FTS 730-6500 or (512) 229-6500.

21 U.S.C. \$845a represents a powerful federal tool to be used in assisting local authorities to protect school children against the deleterious effects of drug trafficking. this statute involves concurrent jurisdiction and interagency cooperation, LECCs are encouraged to discuss how and when the law can most effectively be applied.

(EDITOR'S NOTE: Also see the September-October, 1985, issue of the Narcotics Newsletter, published by the Narcotic and Dangerous Drug Section of the Criminal Division, Department of Justice, FTS or (202) 724-7123, for another article on \$845a.)