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**Long Term Interdiction in Open Air Drug Markets:  
Is it Possible?**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
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## **ABSTRACT**

Open air drug markets are disruptive to the community, not only because of the illegal nature of the drugs bought and sold, but also because of the attendant problems of secondary crime and the negative impact on the environment. The central question of this author's study is to examine whether or not it is possible to force long term abatement of open air drug activity, while reducing the resources dedicated to curtailing such crime. In order to better understand this issue, one must first look at the nature of the open air drug trade and then assess possible methods to interdict the illegal marketplace. Further, the methods used by law enforcement should have a chilling affect on future trade. After reviewing the available literature, the author designed an approach which consists of: advertising, anti-buyer and anti-dealer operations, surveying arrested persons, and modifying a city ordinance. The results were inconclusive, due in largely to the reduced availability of key personnel. However, the author believes that continued experimentation with forcing the long term abatement of open air drug activity would be worthwhile.

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## INTRODUCTION

The consumption and sale of illegal narcotics as well as other substances designed to alter the consciousness of the abuser, have long been at issue in the United States and other nations of the world. Many law enforcement agencies are concerned with the apprehension of offenders and the interdiction of drug trafficking. Most national entities have a large body of law specifically addressing the consumption and sale of illegal substances, as well as the manufacture of such substances. Conversely, organizations such as the National Organization for the Reform of Marijuana Laws and Law Enforcement against Prohibition seek to have some illegal substances de-criminalized or made legal. Noted political commentator and author William F. Buckley (1996) has opined that illegal narcotics should be made legal and taxed, with government monitored quality assurance of the product, in much the same way as alcoholic beverages are regulated. In this way, Mr. Buckley believes, the black market in narcotics would be significantly reduced and narcotic "turf wars" and drug related homicides would virtually cease to occur.

The fact remains, however, that the use and sale of narcotics and other controlled substances is currently illegal in most circumstances, other than by prescription. Law enforcement is tasked with addressing this activity. The author is concerned with one method in particular, which illegal narcotics are sold. The "open air drug market" is a phenomenon peculiar to certain highly localized areas of any municipality. It is found in geographically enclosed communities, apartment complexes and other demographically discrete neighborhoods. Open air drug markets usually center around the sale of crack cocaine and heroin, although other narcotics may possibly be found there. The presence of these illegal markets causes a variety of

problems concerning quality of life for area residents and businesses. Drug users tend to congregate in vacant houses and other buildings, causing sanitation problems and property damage. The paraphernalia belonging to drug addicts is discarded within easy access of children. Litter and broken glass are common problems and heavy vehicular traffic can cause noise and pedestrian hazards. Pedestrian drug users congregate on street corners at all hours of the day and night. Frequently, residents are prevented from obtaining adequate rest due to the noise of the drug abusers' conversations. Some residents express fear for their safety and their children's safety. These conditions lead some residents to feel uneasy about walking to neighborhood markets or schools.

The municipal or county law enforcement agency most commonly enforces controlled substance laws and must expend man-hours and physical resources to combat the problem. Yet, open air drug markets continue to thrive. In the author's municipality, the police department has a dedicated five officer unit to interfere with street level drug sales and arrest offenders. There is no long term affect on the activities of street level dealers and customers, however. One narcotics officer told the author this municipality has the reputation as one of the safest areas in the region for obtaining crack cocaine, since the police are always nearby. The author seeks to explore the question: Is it possible to force long term abatement of open air drug markets? If so, how could this be accomplished?

The method of inquiry for this research will include consultation of literature on the topic, an examination of current methods of enforcement and examination of arrest data. A survey of law enforcement officers and, if possible, offenders will be conducted.

It is anticipated that careful study of the dynamics of open air drug markets and previously accomplished research will yield the ability to develop workable strategies for long term abatement of the problem.

If the problem of open air drug markets can be successfully resolved, the benefits to the community would be enormous. Quality of life for members of the community could be expected to improve and new businesses would be attracted to the area. The incidence of related crimes could be expected to decline and a sense of community well-being could develop. The benefit to law enforcement would be the reduction of expended resources and the redirection of officers to interfere with other crimes such as DWI, burglary and theft.

## **REVIEW OF LITERATURE**

The first step in addressing the question of interdiction in open air drug markets is to define the terms and enumerate the qualities that govern the operation of such markets. To begin with, what types of drug sales activities are there and how are they identified? Johnson, Dunlap and Tourigny(1989-1997) defined several groupings of drug sales activities. For instance, low level distributors refer to an assortment of roles in which the actor never possesses drugs and money at the same time. Such individuals are the holders, transporters, deliverers, lookouts and security. The group referred to as the sellers, conduct retail sales in which the actor will handle money and drugs at the same time and sell directly to consumers. Dealers are regional distributors who supply multiple dose units to sellers. They might be referred to as “pound and ounce men”. Upper level distributors are individuals involved in the production, financing, smuggling or importing of drugs.

Johnson, Dunlap and Tourigny (2000) went on to look at street level crack selling organizations and their composition. The research was conducted in New York City from 1989-1997. The researchers established rapport with a variety of people who were involved in the illicit drug trade and based their research findings on the access given them by the actors they interviewed over multiple sessions.

The first group the authors list is the “freelancers”. These were low level distributors, who were not affiliated with any organizations. They were people who might have been forced out of prime locations by more organized sellers, possibly arrested and incarcerated for a sufficient amount of time to disrupt their sales, or possibly smoked up their working capital and could not purchase more to sell.

The second group was referred to as the “freelance cooperatives”. These were several low level distributors who form a loose alliance, occasionally lending each other support. Although each seller staked out their own spot, they occasionally supported each other by acting as lookouts or helping in emergency situations such as providing bail money or funds for funeral expenses.

The researchers next considered the “Day Laborers”. Such people could not afford their own supplies and had to work for other crack sellers on a day by day basis. They acted as lookouts, handed out drugs after the money had been collected, acted as “touts” or “tour guides” and were generally paid in crack, rather than cash.

The final street level organization of crack sellers the researchers considered were the “business-like sellers”. These organizations hired and paid salaries to a few key people, while the lower level employees were hired on a day laborer basis. The importance of knowing the composition of drug sales organization is in the formulation of interdiction methods. During the 1990’s in New York City, there were intermittent

periods of intensive policing of open air drug markets. Due to this intensive policing, a new player emerged in the drug sales organization: the middleman. This individual would offer to arrange a transaction for the buyer. The buyer would then pay the middle man and hope the person would return with the drugs. This protected the drug dealer, by adding a layer of insulation, from being identified by the police. The middle man, for his role in the transaction, received drugs, cash or whatever of both he might steal during the transaction.

The researchers believe, based on their eight year study, that no amount of policing will end the use of illegal drugs in this country. They do believe, however, the face of the drug market can be changed and that the outdoor trade can be driven undercover. This is an important concept in the quest to answer this author's question: Is it possible to effect long term interdiction in open air drug markets?

Curtis and Wendel (2000) changed their focus on street level drug sales and organizations in comparison to Johnson et al. Their focus was on the technical aspects of drug markets and their composition. For instance, street level sales might be considered to be highly visible and blatant transactions between anonymous parties, or might be low profile transactions between parties who are acquainted with each other. Further, the researchers believed that it was important to know which dealers sold which types of illegal drugs in order to analyze the type of market.

Next, Curtis and Wendel (2000) considered the reality of indoor sales at the street level. This type of transaction could take place at a "house connection", that is, a private residence in which the dealer provided the drug and a safe setting in which to use the drug. Other indoor sales might occur in night clubs, store fronts or other indoor public locations. Finally, the researchers identified a rapidly growing trend in drug sales:



delivery sales. This involves the dealer making a delivery to the customer's home or other prearranged location.

Curtis and Wendel (2000) considered the hierarchy and composition of street level sales organizations as did Johnson, et al. However, Curtis and Wendel (2000) differed slightly in categorizing the organizations. The researchers listed their view of the organizations by dividing them into three main groups: Freelance distributors, Socially bonded businesses and Corporate style distributors.

Freelancers, much as Johnson, et al. (2000) viewed them, operate at street level without a formal hierarchy or division of labor. Curtis and Wendel's (2000) model, however, divided the freelancers into three groups: Freelance street level, freelance indoor and freelance delivery. Freelancers, they maintained, tended to be users and aggressively pursued the market, but were incompetent business people and often paved the way for more organized distributors. Freelancers were also believed to be responsible for much of the street violence.

Socially bonded businesses were based on extra-economic factors such as kinship, race, ethnicity, nationality, and neighborhood. These organizations were usually tightly knit and often had community support. The higher ups in these organizations were often seen as community leaders and they frequently acted as protectors and benefactors to the community.

Corporate style distributors were the last type of organization considered. These organizations were highly compartmentalized with divisions between owners, managers and laborers. These organizations were not community based and were strictly profit driven.

This author next considered the physical locations of open air drug markets and consulted a study in 2000 conducted by George Rengert, Sanjoy Chakravorty, Tom Bole and Kristin Henderson of Temple University, Philadelphia, PA. This author wondered: why do markets form in certain areas, yet not in other areas? And will knowing the answer to this question help determine strategy for interdiction? In order to explore this question, this author consulted the study by Rengert, et al. (2000). Their study consulted the work of Eck (1994) and Inciardi and Pottieger (1995).

Eck's (1994) work considered that markets formed around four geographic concepts which were described as neighborhood, open regional, semi open regional and closed regional. These concepts depended on two variables. Did the customers choose the location of the market through a social network, or did customers have to come to a predetermined market location? There were several degrees of each variable, resulting in the four geographic concepts. If the customers of a market were residents of the neighborhood where the market was located, the market tended to be a closed regional or neighborhood market. An open regional market attracts customers from outside of the neighborhood and is usually located on a major thoroughfare, which funnels the customers into and out of the market.

Rengert, et al. (2000) next considered how to determine market strategy that a drug dealer might find important in determining where to sell drugs. The researchers turned to marketing theory to address this question. They believed that a drug dealer would have to know the demographics of his customer base in order to serve that customer base and realize a profit. Building on work done by Inciardi and Pottieger (1995), the researchers learned that in Miami, Florida, 22% of crack users were high school dropouts between the ages of 12 and 17 years. The number of youths

comprising this 22% was 254. These 254 juveniles accounted for 220,000 criminal offenses in a previous one year period. The researchers next learned that the employment rate in a given area can have a profound impact on the number of drug users. If the unemployment rate is high, drug use will be high. The researchers determined that the optimum location for drug markets would be where there is a concentration of juveniles, post teen high school dropouts and unemployed people.

Rengert, et al. (2000) concluded that drug interdiction policies based on market analysis would seek to reduce drug market profitability by limiting spatial access to the market and by reducing local demand. Access could be reduced by re-routing thoroughfares and by operations directed against customers, which would result in confiscating customer's vehicles. The effort to reduce local demand would consist of diversionary activities for users as well as effective treatment programs.

This author next consulted a (1997) study by David A. Kessler and Diane Borella entitled: *Taking Back Druid Hills: An Evaluation of a Community Policing Effort in Birmingham, Alabama*. This study highlighted the efforts of the Birmingham Police Department to curtail the drug market in a section of their jurisdiction. Some of the tactics outlined were the pre-publicized use of road blocks, which we in Texas, would refer to as Driver's License Checks. These actions occurred in conjunction with working with property owners and residents to reduce the areas in which street sales could take place. Police consulted with residents and provided a phone number which residents could use to report drug sales activity and remain anonymous. This was very important to identify trouble areas and to gauge the success of the operations.

The operations resulted in improvements to the community in the form of repaired property, reduction of drug sales and associated crime and an overall sense of

community well-being. This study was conducted in 1997, however, therefore this author does not have current information on the criminal activity in Druid Hills Community of Birmingham, Alabama.

## **METHODOLGY**

As stated in the introduction, this author seeks to determine if long term interdiction in open air drug markets is possible. In an effort to answer this question, this author has consulted several research papers to better identify the issues involved. This author, based on those studies, hypothesizes that in order to effect interdiction in an open air drug market on a long term basis, the police agency concerned must make the drug customer so uncomfortable, the profitability of the drug market will suffer to the point that its structure must change. If the drug market becomes a closed or indoor market, for the purposes of community renewal and dedication of police resources, the problem is solved.

In order to test this hypothesis, this author developed a series of steps to determine its validity. Initially, the author felt it necessary to conduct operations aimed at disrupting the drug sales activities. These operations would target dealers by using undercover officers to buy drugs. While the dealers were incarcerated on delivery charges, stings aimed at the customers would be conducted in which U.C. officer's pose as dealers. In order to effect these operations, preparation would be made by publicizing the fact that U.C. officers would be posing as dealers and that customers will be arrested.

Further, residents of the target area would be encouraged to make anonymous calls to report activity. This would indicate where some of the illicit activity occurs, and it would serve as an indicator of the success or failure of the operation. Of course, the

recurrence of drug transactions would be problematic, therefore a successful treatment plan for drug users would be desirable. As part of the development of a treatment effort, this author will attempt to interview any customers arrested in order to find out why the customer uses that drug; length of use; why the customer purchases the drugs in this author's jurisdiction and what the user believes about the attractiveness of one market as opposed to another.

In order to implement the above operational plans, this author will need the financial and operational backing of his police agency and then a meeting will be scheduled with the chief of police and the city manager to discuss the proposed operation.

## **FINDINGS**

Throughout 2005, meetings were held with the chief of police, city manager and the Public Health and Safety committee of the Grand Prairie City Council to request backing for a new city ordinance targeting drug buyers. The new ordinance was necessary since the current ordinance was legally flawed and much more difficult to enforce. In January 2006, Grand Prairie city ordinance 17-9 was enacted making illegal the purchase of a prohibited substance. This ordinance made possible a two prong approach to curtailing illegal drug activity: targeting the dealers and the buyers.

Also, in January 2006, a large billboard was rented in the affected area of the city and an ad was placed on the billboard announcing the fact that under cover police officers would be arresting drug buyers. Similar, smaller signs were placed at the entrances to various neighborhoods throughout the city.

Prior to and during this period, the Directed Patrol Unit conducted undercover operations targeting dealers. Three operations were conducted beginning in January

2005 and extending through January 2006. The numbers of defendants and cases filed decreased with each operation (table 1-1). This may indicate the impact of the operations on the open air sales of narcotics.

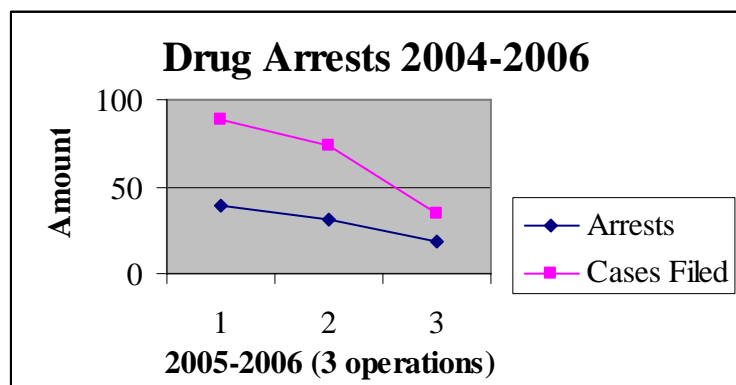


Table 1-1

In March, 2006, the first anti-buyer operation was conducted. The operation, which was plagued with technical problems, yielded one arrest. Curiously, during this operation, undercover officers were repeatedly warned by area residents of police presence. One subject told the officers to change the way their vehicle was parked or it would attract police. Another resident, who happened to drive by with her children in the car, warned the operatives of police presence.

In June, 2006, the second anti-buyer operation was conducted. This operation netted six arrests. Arrestees were asked to answer questions from a form constructed by the author. The arrestees were assured that the information obtained could not affect the outcome of their legal case. Five of the arrested individuals agreed to answer questions, the sixth declined. Three of the five respondents admitted to using crack cocaine as their drug of choice, although most had tried other drugs. Further, two of the five admitted having committed other crimes such as burglary, theft, robbery and prostitution. The average time of drug usage was roughly seven years. Respondents stated that they bought drugs in that particular area of Grand Prairie because they either

felt safer there or knew that the drug they sought was always available. Two of the five respondents said they would seek drug treatment if it were available. Upon checking, the author learned that free drug treatment is available in Grand Prairie, however transportation is not provided. Lack of transportation was a reason cited by some users for not seeking treatment.

Unfortunately, the Directed Patrol Unit, the only unit in the police department capable of conducting these operations, was fully tasked in other areas during the year in which this study was conducted. This meant that too few operations could be conducted, leading to a paucity of data for analysis. While the data in table 1-1 suggests that street level enforcement might curtail street level drug dealing, three operations are hardly enough of a basis to form a conclusion. Further, the inability to conduct adequate numbers of anti-buyer related operations made it impossible to determine if such operations had a significant impact on the open air drug market.

## **DISCUSSION/CONCLUSIONS**

The open air sales of illegal drugs usually occur in a geographically or demographically discrete community. The activities of drug dealers and drug buyers are often disruptive to the life of the community. Law enforcement agencies must address both the criminal aspect and the “community sense of well being” aspect of drug sales. Efforts by law enforcement often seem to have negligible impact on this criminal activity. The author’s purpose in conducting this study was to determine if law enforcement may force long term abatement of illegal drug sales in open air markets, thereby freeing up public resources for work elsewhere while improving the quality of life for citizens in the community.

The author hypothesized that, based on a review of available literature, if both sides of the market were impacted, the market would have to move, change or dissolve. The study called for a new city ordinance to be enacted, signs to be erected advising the public of undercover operations and arrests to be made and a series of operations to be conducted. The author based the study design on a review of pertinent literature. The ordinance was enacted and signs put in place. The operational side of the study depended entirely on the availability of the Directed Patrol Unit. During the course of the year, the Directed Patrol Unit was diverted to other tasks which resulted in only three anti-dealer operations and only two anti-buyer operations. The results, despite the trends noted previously, are inconclusive. While both the law enforcement community and the public would have benefited from long term abatement of illegal open air drug market activity, the author is forced to conservatively state that continued pressure by police on drug dealers and buyers will be the only known way to address the problem. While it was hoped that a method could be devised that would prove otherwise, until an agency has the resources to conduct further experiments, the question will not be definitely answered.



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