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Rocky Pomerance Excellence in Policing Award

Ocala Police Department (Ocala, Florida)

Chief Samuel Williams

Sergeant Corey M. Taylor (Author)

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Abstract

The Purpose of the Rocky Pomerance Excellence in Policing Award is to recognize excellence in policing and to encourage member law enforcement agencies to share with their peers those programs they have developed to address community problems and have enhanced them in the eyes of their respective communities. In 2007, the Ocala Police Department began studying, and ultimately implemented a strategic problem-solving approach purposed with effectively responding to illegal drug markets and their associated crime, violence, and disorder. The strategy, referred to as the Drug Market Intervention (DMI) Initiative was developed by Professor David Kennedy, of John Jay College, and first implemented by a multi-agency team of local and federal law enforcement officials, neighborhood leaders, social service providers, and local government officials in High Point, North Carolina. The strategy brings together drug dealers, their families, law enforcement and criminal justice officials, service providers and community leaders to eliminate overt community drug markets; arrests and prosecutes violent drug dealers; offers non-violent, first time drug dealers opportunities for education, job training, and other assistance; and establishes clear, predictable and meaningful consequences for those who return to dealing. Although the drug dealers working in the target areas are the focus of a considerable amount of attention during the DMI implementation, the DMI is **not** primarily focused on changing individuals. Rather, it is about changing neighborhoods, transforming communities and advancing community and economic development efforts in cities nationwide through a partnership committed to the same goal—eliminating the open-air drug market. The Ocala Police Department’s problem identification and analysis methodology, through implementation, results, and institutionalization will be discussed in detail. Evidence—supporting the Department’s achievements in the continual improvement of services to the community; strengthening of police relations and promotion of community participation; effective use of resources in addressing a significant community concern; enhancement of communication within and cooperation among law enforcement agencies, and/or other service providers; development of creative and innovative approaches that raise the quality and effectiveness of law enforcement; and successful strategies for enhancing quality of life within the community by implementing initiatives to increase citizen safety and security—will be provided.

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Introduction

Chief Samuel Williams can be heard throughout the hallways of the Ocala Police Department reminding officers, as it relates to problem-solving and enforcement related activities, to “think outside of the box.” As opposed to stopping there, Chief Williams revitalized the old cliché, challenging officers, once “the box becomes problematic,” to simply “throw the box away and think.” Good advice considering that the criminal justice community, particularly law enforcement, often pursues ineffective and unproductive strategies solely because “it is the way it has always been done.”

The challenge of effectively responding to illegal drug markets, as well as the associated crime, violence, and disorder, has proven challenging for communities and law enforcement for decades. Illegal open-air drug markets and those enforcement activities purposed with curbing the drug trade (e.g. police sweeps, buy-bust operations, warrant service, and the arrests and jailing of drug dealers) have exacted a heavy toll on our neighborhoods thereby destroying community collateral, sense of community, and quality of life. Ocala Police Department is dedicated to safeguarding life and property, deterring crime, maintaining order and improving the quality of life, not only for today, but tomorrow as well. With a clear understanding of the negative impact open-air drug markets and its associated violent crime has on our community, Ocala Police Department reinforced its Community Policing efforts by implementing one of the most exciting, innovative, and potentially effective drug enforcement initiatives to date.

Problem Identification and Analysis

Drug markets both reflect and exacerbate breakdown in community social control characterized by disorder, crime, and fear of crime. In certain neighborhoods in Ocala, drug dealers and drug buyers had taken over the streets, forcing residents to withdraw.

Many community problems, including the most severe problems with violence and disorder, associated with “the drug problem” are a function of drug *markets*, and particular *forms* of drug markets, rather than with drugs as such. These problems included crime hot spots created by street sales and drug houses; unusable public spaces, for example, sidewalks, parks, and stores; enabling markets for prostitutes and drive-through sex buyers, transients whose presence drives out long-time residents; reduced property values; failed or displaced businesses; eased entry into criminality for young people; and facilitated drug use and addiction. Overt drug markets are areas in which a stranger can readily purchase drugs on the street, in drug houses, from apartments, and the like. Typically, overt markets are located in poorer communities and have clearly defined geographical boundaries.

Unfortunately, these overt markets created strong self-sustaining dynamics. Buyers knew that they could buy in a particular area and sellers know that they could sell there; both continued in the same place despite the risks (i.e. arrest, injury, etc.) associated with their illegal behavior. Enforcement and prevention efforts rarely shut down entire markets, which continue to provide attractive venues for new dealers and users returning from jail or prison. The experience of law enforcement is that overt markets, once established, are fiercely resistant to even heavy and sustained attention.

Routine drug enforcement is often intrusive with high levels of street stops, vehicle stops, and warrants served on residents, and frequently leads to high levels of arrest, conviction, probation, incarceration, and parole, especially for younger men. In some neighborhoods, a substantial majority of young men end up with criminal records and histories of incarceration or court supervision. Communities frequently resent police practices and the unintended harm that often flows from drug enforcement: criminal records that inhibit people from finishing school, taking entry-level jobs, and pursuing higher education; the sense among young men that arrest and imprisonment are normal or even a rite of passage; parents taken away from the children and families.

Implementation

Rather than focusing on individual drug users and sellers, Drug Market Intervention (DMI) focuses on shutting down drug markets utilizing a nine-step process.

The Identification of Drug Markets

In order to prove DMI was objective and not prejudiced or based on politics, the first of the nine steps involved identifying the serious overt drug markets within our jurisdiction; this task was accomplished by mapping drug arrests, Part I crimes, weapons, sexual, and prostitution offenses; reviewing serious crimes within hot spots for a drug connection; and analyzing information from patrol officers, vice/narcotics investigators, informants, and crime tip lines. Through this methodology, the Department identified six (6) neighborhoods as major overt markets; the Department elected to tackle the aptly named Second Chance neighborhood first, followed by the First Avenue neighborhood. The Second Chance area consists of 61.8% renter-occupied homes and 38.2% owner-occupied homes; the First Avenue neighborhood is entirely public housing.

Identification of Dealers Operating in the Drug Markets

Disrupting the entire market and intervening simultaneously with all dealers in the market was seen as crucial to “tipping” the market to a closed condition and addressing the small-group/network dynamics that supported offending. The idea was to identify all street-level dealers. Mid- and upper-level dealers supplied drugs to street dealers in various quantities but mid-level and above dealers will not retail the product themselves, so by taking out the street dealers you disrupt the market. To develop the list, vice/narcotics detectives surveyed patrol officers, probation officers, street narcotics officers, and community members; reviewed every arrest report, incident report, and field interview associated with possible dealers; reviewed all known associates; checked suspects’ current activities; and generated an initial list. Despite the belief that there were numerous drug dealers fueling the drug trade within certain neighborhoods, we found that only a small number of offenders were driving the problem. In Ocala, this process uncovered a very small number of active dealers. Second Chance turned out to have only 13 active dealers and the First Avenue public housing project had 15.

Create Deterrence by Banking Cases

It was relatively easy to create meaningful formal deterrence around the identified dealers. For each drug market, police used ordinary investigative techniques to make cases against each dealer. Undercover officers or confidential informants made buys using digital audio and video surveillance equipment. Volume dealers or violent offenders (those with records of violent or gun crimes, or who were otherwise known to be violent), or those facing a probation or parole revocation or an upcoming court date, were arrested and prosecuted. The cases for low-level

dealers without a history of violence were “banked;” that is, taken to the point where a warrant could be signed, and held there. This permitted law enforcement to tell dealers, at a time of their choosing, that if they continued dealing they would be arrested immediately and without further investigation, but if they stopped dealing, nothing need happen to them. Seven (7) dealers were arrested in Second Chance at the outset and six (6) faced banked cases; in the First Avenue neighborhood, eleven (11) were arrested immediately while four (4) were offered an opportunity to change. Banking the cases, on the other hand, meant that the dealers knew to a certainty ahead of time that they faced whatever inconvenience, expense, and formal penalties their arrests would precipitate. With the charge hanging over their heads, they faced the consequences not just for the single drug transaction (or few drug transactions) for which they could be arrested at the moment, but for *all* transactions they might contemplate while the charge was banked. Although they were on the street, they were *not* free to continue dealing unless they wanted to risk the very high chance of activating their cases. Most, as it turned out, took the chance thereby making a mockery of the street bravado of not caring about the police or prison. It was easy to posture when it was too late to do anything about it, but much harder when there was a clear choice. As backward as it seemed, banking the case was greatly more onerous than pursuing it.

Identifying “Influentials”

Following on the core premise that dealers would stop selling drugs when people around them made it clear they should, the hope was to enlist those close to the offenders—parents, grandparents, guardians, older members of the communities, ministers, ex-offenders—to create and reinforce positive norms and expectations. The “influentials” were identified in what was, in effect, a parallel investigative phase of the initiative. Most were identified through the dealers’ arrest records, which included a standard question at booking about arrestees’ relatives; by probation officers, who often knew given dealers and their families and associates, or through jail records, such as visitor lists. One or several “influentials” were identified for each dealer—primarily mothers and grandmothers.

Organizing Services

Agencies, volunteer groups, and others that could provide social services and assistance in core areas such as education, housing, employment, food and clothing, drug and alcohol treatment, transportation, and the like were identified and Sergeant Corey Taylor chaired a meeting to explain the initiative and recruit their assistance. Resources were reprogrammed, primarily from existing efforts, to support the drug market initiative.

Home Visits

Just weeks prior to the first DMI “Call-In,” teams consisting of an Ocala police officer, a service provider, and a respected community leader visited the homes of the six (6) identified dealers and their “influentials.” They were told that the police had made undercover buys from the dealer; that probable cause existed for an arrest; and that an opportunity to avoid prosecution and an offer of assistance would be discussed at an upcoming meeting that family members and others were encouraged to attend. The offenders received a letter from Chief Williams inviting them to the meeting with a promise that no one would be arrested that night. Most of these visits went surprisingly well, given the concerns the team had about whether the “influentials” would be receptive to the plan.

The Call-In

The key operational moment in the strategy was the call-in at which law enforcement, community members, and service providers delivered a unified message to dealers in the company of their “influentials”. On November 9, 2009, six local drug dealers voluntarily walked into a room amongst a crowd of police and prosecutors, service providers and community members and were presented with an ultimatum: quit selling drugs or go to prison.

Confronted with photographs, video clips, and binders full of evidence gathered during the course of a long-term undercover operation, the drug dealers were promised they would not be arrested, prosecuted, or jailed if they walked away from the drug dealing life-style. And, if they were willing, job training, educational opportunities, and chemical-dependency treatment would be offered to them. Should they squander the second chance and return to drug dealing anywhere in Marion County, the dealers were told they would feel the full force of the law.

At the Department’s first call-in, Assistant State Attorney Tommy Thompson warned, “This is your last and only chance . . . each of you are special to me, I know your names.” The Second Chance community “is sick and tired of being sick and tired of the nonsense going on in their community,” said Ocala Police Chief Samuel Williams. “We are not going to let you take that community and keep it hostage.” “We’ve already bought drugs from you; tonight you receive your proverbial pink slip from the drug selling profession,” Sergeant Taylor told the men and women seated before him. “You’re finished!” A convicted ex-drug dealer talked of the consequences he now faces because of decisions he made in the past, while Reverend Isaiah Johnson, Sr., pastor of Eighth Street Church of God, made a spiritual appeal, imploring the dealers to change their destinies and, in so doing, help heal their community. “People are the components of families,” said Pastor Johnson. “Families are the components of communities and in order to have a strong community, we must build individuals.” A longtime resident encouraged the candidates to accept “whatever” help was being offered.

This initiative has helped mend broken bridges that existed between law enforcement in Ocala and the community. Law enforcement’s willingness not to act on existing cases seemed to make a profound impression on the dealers’ families and other community members. Dealers’ mothers and families cheered both the community’s and law enforcement’s messages. Dealers were given an opportunity to immediately meet the service providers following the call-in meeting for the purpose of assessing their various needs and arranging services.

The success of DMI, and ultimately the transformation of neighborhoods in Ocala, rested on our ability to arrange a variety of services, to include drug/alcohol/substance abuse treatment, education, job training, pathways to gainful employment, family counseling, transportation and ex-offender mentoring. The strategy brings together drug dealers, their families, law enforcement and criminal justice officials, service providers and community leaders to eliminate overt community drug markets; arrests and prosecutes violent drug dealers; offers non-violent, first time drug dealers opportunities for education, job training, and other assistance; and establishes clear, predictable and meaningful consequences for those who return to dealing.

Improvement Process, Results, and Conclusion

After the first year, in the “Second Chance” neighborhood (where DMI was first implemented in Ocala), calls for police service dropped 10 percent, police presence increased 104 percent, violent crime decreased 47 percent, and community drug tips increased 16 percent. In “First Avenue” neighborhood, the Department’s

sophomore DMI effort, calls for police service dropped 11 percent, police presence increased 62 percent, violent crime decreased 16 percent, and community drug tips increased 40 percent.

The most important benefit of this work is the reconciliation that emerges from the dialogue between the community and police. While numbers are often utilized to gauge change, the true measure of positive change is demonstrated by the “new life” visible in both of these neighborhoods. On any given day, you can now stroll by Second Chance Park, which the Ocala Police Department was instrumental in revitalizing in the center of the neighborhood, and observe children in the park swinging on the swing set or launching basketballs at the newly erected basketball goal.