STRATEGIES TO AVOID ARREST: CRACK SELLERS’ RESPONSE TO INTENSIFIED POLICING

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INTRODUCTION

The advent of crack in the 1980s led to a proliferation of highly visible drug markets in New York and other large US cities and an epidemic of violence associated with dealing. In response to public demands to deal with this situation, the police increasingly began to focus their efforts on street-level dealing. They pursued a variety of methods to disrupt dealing, including undercover “buy and bust” and “reverse buy” operations, and drug crackdowns or sweeps involving the saturation of drug markets with police presence.

Evaluations have not produced a clear picture of the effectiveness of these various efforts. On the one hand, short-term benefits have been reported in terms of reduced calls for service and lower crime rates in the immediate neighborhood following the increased arrests of drug dealers; on the other, there is considerable uncertainty about the permanence of these changes and the displacement of dealing into other adjoining areas (see Sherman, 1990, 1992; Uchida and Forst, 1994).

Displacement to another location is but one of the responses drug sellers might have to increased policing. Such displacement may have to be to a less convenient dealing location and it could result in conflict with other sellers already present there. Displacement can also be costly for sellers since they rely on regular customers knowing where to find them.
If, as many contend (Reuter and Kleiman, 1986), drug dealing is principally an economic activity, other adaptations which are less disruptive to the business of dealing drugs are likely to be sought. Such adaptations would also be consistent with the “rational choice” assumptions of much current criminological theory (see Clarke and Felson, 1993), which sees offenders as responding to increased enforcement by judging the additional risk and effort needed to continue with their criminal activities. Where this extra effort or risk is commensurate with the rewards, they will continue to offend.

Little attention has been paid in evaluative studies, however, to ways in which sellers adapt to increased enforcement, other than through displacement. For instance, little is known about how sellers and low-level distributors try to avoid arrest while continuing to deal drugs in the same place. This paper presents information relevant to this issue obtained through interviews with street-level crack sellers in New York, who were questioned in detail about the ways in which they construct their routine activities so as to greatly reduce their contact with police (both uniformed and undercover) and to decrease their vulnerability to arrest if targeted by police.

The sellers were interviewed in New York City at the end of the 1980s and early 1990s, during a period when a major investment was made in arresting and prosecuting crack sellers, principally through the development of Tactical Narcotics Teams (TNT) and special anti-crack (and anti-drug) squads. Squads were organized in every half borough in New York City, specializing in “buy and bust” tactics targeted on different blocks or neighborhoods on different days. Undercover officers would make purchases of crack (and sometimes heroin and cocaine powder) from sellers in the target area, who would then be arrested by other officers. The number of drug arrests increased in New York City from around 25,000 in 1983 to 100,000 in 1989, due primarily to the increasing volume of TNT arrests. An evaluation of TNT by the Vera Institute of Justice (1992) found that TNT generated a large number of highly prosecutable arrests, seized large amounts of cocaine and money and disrupted drug markets at most locations; the evaluation also found, however, that these effects were usually short-lived.

The short-lived nature of these effects is not difficult to understand in the light of the many strategies to avoid arrest used by crack sellers which are documented below. None of these would surprise undercover officers or police. Taken together, with the large number of crack sellers, however, they do help to explain why the average seller has
a very low probability of being arrested during any given sales transaction. The paper concludes by examining the implications of these facts for the future of both traditional “professional” models of policing and newer, community or problem-oriented varieties.

**SELLERS AND LOW-LEVEL DISTRIBUTORS**

This analysis is based largely on interviews with crack “sellers” and “low-level distributors”. Sellers conduct the actual retail sales and are responsible for both money and drugs, while low-level distributors are persons who assist in sales work, but who are not responsible for both money and drugs. They may count money, dispense drugs, serve as lookouts, and perform a variety of support roles – but generally only under the direction of a seller. The key distinction between sellers and low-level distributors is the ability to raise cash (capital) to purchase bundles of drugs or to persuade a dealer to loan drugs (on consignment). The seller assumes responsibility for ensuring that the drugs are sold for enough cash to “reup” (make the next purchase) or to “repay” the loan – and ensure that the drugs are not consumed or stolen. Low-level distributors typically cannot raise capital or obtain a loan of drugs, so they must become quasi-employees of a seller or dealer. Low-level distributors are often “hired” to perform the most dangerous roles, those having very high probabilities of arrest or exposure to robbery or theft. Low-level distributors are usually paid in drugs rather than cash, and are almost always heavy abusers of the drugs which they sell.

Sellers, and low-level distributors are to be distinguished from “dealers”, who primarily operate above the street level. Dealers typically buy wholesale amounts, and make multiple retail doses of drugs (e.g. create “bundles” of “vials” or “bags”), which are sold or consigned to sellers (Johnson et al., 1991).

Sellers and low-level distributors, especially those selling in public places (streets and parks), are at high risk of arrest via observed-buy and “buy and bust” tactics. Since street sellers and low-level distributors need to make many sales a day, often to unknown buyers, good undercover officers should be able to easily make purchases, set up good arrests, and make detailed observations of many different transactions by sellers. Persons performing these roles are also very likely to be “stopped” by police who can claim to have reasonable suspicion
that they may be engaged in illegal activities or may have concealed contraband.

Both the quantitative and ethnographic evidence suggests that consistent crack sellers are likely to operate several days per week, make 10-30 sales per day, and do so for most months of the year. While such sellers are likely to observe one or more police officers in their neighborhoods every day while selling, sellers’ actual encounters, conversations, and interaction with police are much less common; arrests occur in less than one per hundred sales transactions (Anglin and Hser, 1991; Ball et al., 1983; Johnson et al., 1990a).

METHODOLOGY AND SAMPLE

This analysis derives from an ongoing large-scale ethnographic study designed to develop systematic understanding of crack selling and drug careers, the “Natural History of Crack Distribution/Abuse” project. This project has collected detailed information on the structure and functioning of cocaine and crack distribution in New York City, primarily in inner-city minority communities where crack selling has become a major career for many citizens (Dunlap and Johnson, 1992, 1994; Dunlap et al., 1990; Lewis et al., 1992; Manwar et al., 1994; Williams et al., 1992).

Over 300 different crack sellers and distributors were observed systematically in the field and more than 120 were interviewed extensively. During these in-depth interviews, subjects were asked several standard questions about how they managed to avoid police and arrest. The interviews were transcribed verbatim, which resulted in the availability of lengthy transcripts for analysis. The material quoted below (with minimal editing) relies primarily on respondents’ answers to direct questions about their strategies for avoiding arrest, and about their encounters with police. Quotes were selected (with the respondents identified by code names) which most clearly exemplified particular themes.

FINDINGS

The findings are discussed under three main headings: (a) seller strategies to avoid police; (b) seller strategies to counter police tactics; (c) specific responses to TNT.
Strategies to Avoid Police

Crack distributors at all levels (dealer, seller and low-level distributors) routinely practice a variety of “general” strategies to avoid interaction with police – “general” because almost everyone in the crack business (both buyers and sellers) follows these strategies, which are not designed to counter a particular police tactic (such as a buy and bust).

Cooperation in Warning about Police

Both buyers and sellers of illicit drugs cooperated with each other almost all of the time to warn each other of danger or suspicious persons. On a particular block, sellers and low-level distributors quickly came to know almost every resident by sight. Moreover, persons who were “regular” buyers became known. From the street seller’s perspective, only other sellers, residents and regulars were “not suspicious.” Everyone else who entered the block or within 50 feet of a seller’s location was “suspicious.” Street sellers adopted various strategies of cooperation to “screen” suspicious persons and individual practices to avoid police. These are described in the remainder of this section.

Lookouts and Shared Warnings

It is generally agreed that the single best way to prevent arrest is to avoid contact with police and temporarily to suspend selling activity when police are around. Freelance sellers, those working for small businesses, buyers, and many neighborhood residents were constantly on the lookout for police, and especially for undercover officers. Persons were often employed as lookouts and paid by drug sellers to watch the geographical and social environment for uniformed police and undercover police (Johnson et al., 1991; Johnson et al., 1985, 1990a, b).

Tito and Rocky explained how important it was to pay lookouts and described the information provided by customers, while a field worker provided his interpretation of how street crack vendors play the “chickie” (lookout) role.

TITO: Pay people to watch the police, when you coming to the place you know. You gotta pay for that you know.
ROCKY: You have people around you, you know what I’m saying. You have customers, they’ll tell you; or if they on their way to, to buy something, they’ll say well I’m going to inform you that I seen DT’s [detectives] going around. So they let us know ahead of time, or they’ll describe what car they in.

ETHNOGRAPHER (Field notes): Those signaling “dangers” to the sellers, hawkers, and touters, are said to be “playing chickie” – i.e. “watching out for the man”. Not all hawkers (direct buyers to specific sellers) or touters (locate customers for a particular dealer) are chickies, or are always chickie for a particular man,...hawkers and touters may play chickie for one individual but then move on and do the same for others.

Shifting Word Usage by Street Sellers

Another tactic employed by street crack/drug sellers was constantly to alter their use of words and meanings. These words and meanings were shifted slightly from day-to-day among those working in a specific locale. Sellers talked to potential customers using these linguistic code words to ascertain whether their replies reflected an understanding of current meanings. If potential buyers understood the current meanings, they were perceived as “safe” buyers. If persons did not clearly understand the current code words, however, they were perceived (usually correctly) as not part of the local users. But this “screen” for understanding of linguistic code words excluded almost all neighborhood (non-using) residents, many potential customers from other neighborhoods (who were expected to learn the local word meanings quickly) – and, of course, undercover police.

APPLE: They [police] may not know the language as well. They may not know, if you say something and they don’t catch on. That’s how you catch them too. Certain things you know. They’re not in the streets the same way you are . . . There’s a difference trying to survive streetwise and trying to survive being a cop. And so you know, they don’t pick up on everything you pick up on.

APPLE: ‘Cuz like languages change in the street every day. The same word may mean something different, and it may not even be the language changing. It may be the area they’re in, that
makes something a little different. Certain words mean certain things in one area and in another area – it may be a two block difference – where something means something totally different and it’s the same word. But you know the difference because we’re in the streets and we’re getting around all these blocks. And the other people know because they’re gettin’ around all these blocks. And they know which blocks that say whatever.

**Stashing Drugs being Sold**

Another nearly universal tactic was to stash the drugs being sold in a hidden and safe location. The typical crack seller would have bundles of 25 crack vials (or several bundles) to sell during a given time period. But keeping so many vials in physical possession would expose the seller (if arrested) to a felony charge of “possession with intent to sell,” with a mandatory minimum sentence. Therefore, almost all sellers hid the majority of vials and kept only 5-7 vials on their person or nearby, which were then sold during one or two transactions. The seller then took additional vials from his stash. Many different hiding places are used, which can defeat the best efforts of police and of other drug abusers/sellers to locate them.

ROSS: When I was going to go out, I would have about two packages on me. I never take it all out. And it’s one thing I never kept on me when I am outside. I never hold it, I never kept it on me, kept it on my possession when I was outside. I would always find me a little hole to put it in. I get me a little, I’d put it in a little paper bag, and wherever be, I’d take the paper, if I don’t find a hole, take the paper bag and just throw it on the side or something [as if it were trash or garbage]. It would be close by me, where I could just reach down and pick it up. I don’t have nothing on me. I always have it my, everything I take outside I have it in my little brown bag.

ETHNOGRAPHER: Well then if somebody seeing you reaching down and pick it up, they may rip you off?

ROSS: No, somebody standing there. I don’t put it down there, when they’re standing there. After you give me the money I give you what you want. You don’t, then I cannot give you, get my stash back.
ETHNOGRAPHER: But then you have to go in the brown bag and show people where your whole stash is.

ROSS: But once they gone, they don’t know where I put it. I never, I never stay in one spot.

STEVE: . . . one time a police officer came up and told us to get up for a second. He wanted to look behind my radio and stuff. ‘Cause they just busted two guys like down the block. They had them in the cop car and what not just going by. And the detective, everybody was out there. They must have had big bust. We got up with the radio and the cop moved my radio he looked at us, and said, “what you doing at this block.” I said, “we are just standing here officer, that’s all.” He told us to know move away, you know to “move!” And they were looking for stuff and what not, you know, under the curb and all that, and we just stepped up the block. Came back down my stuff was still there. We stuffed, we stuffed them up in the tire, in the car. It is like a old car, look like it has been there for awhile. So we, we just stuff it up in there. Police just search real quick. And we just start selling again. After we sold that package we just cooled out for that whole day for a while till night time.

Stop Selling when Police Present

If and when a lookout signaled that a policeman or suspicious person had entered the neighborhood, all selling activity ceased nearly instantaneously. Sellers immediately deposited any supplies of crack or other drugs in a stash or other location, so it was not in their possession. Most sellers would step into a doorway, a store, or some other indoor location in order to not be visible to police. A block bustling with many sellers and buyers would rapidly become nearly deserted. It remained quiet and peaceful – as all sellers kept their eyes on their stash – until police or the suspicious person left. Normal selling typically resumed within a few minutes.

QUEEN BEE: I stay out they [police] way. I see them coming, I give ’em respect. I don’t do nothin’ in front of them you know to draw their attention.
ETHNOGRAPHER (Field notes): But nobody was moving, nothing was happening, on this block where jugglers are said to shoot customers and one another, if one man’s customer went to another. And all because of one fresh-faced policeman who shot us mean glances as we went by and slowed. Today is the first day in which the “beat cop” policy is being put into effect, and this precinct was awarded additional men to pioneer it. The one young cop had stalled distribution in a way that fear of the TNT’s random sweeps had never done. The 11 jugglers not only couldn’t sell anything, but they couldn’t even move. All of them had stashed their drugs in the empty lot, and were afraid to go away and risk their stash being stolen. So they were rendered immobile. Indeed, Little said that he would have been happy to come with us because he was anxious to get off the block, but was forced to remain. Since Little sold half of his “8-balls” (once $50, now $80) and “25s”, we estimated that he might have about half an ounce stashed, or $600 by current prices.

Using Intuition and Training to Identify Police

Most crack sellers reported that somehow they knew who was a policeman by reading body language or other clues. Most persons had developed such skills in their childhood. Rocky and Apple reported having accurate intuitions about who police officers were and attempted to explain how undercover officers could be detected. Such skills at identifying and avoiding police were thought to be essential to being a successful crack seller.

ROCKY: Even if they have on street clothes, you can still tell. I mean when you in the street long enough, you learn to pick up the scent.

APPLE: And people really think you’re joking when you say you can smell ‘em. I could actually smell a cop! Today, that scent is in the air. I mean anywhere they walk, I don’t care what they dressed in, I don’t care how they look, I can smell a cop. I can smell a cop a mile away.

APPLE: . . . you can ask the average kid. These young kids, you say you know the cops out here? They’ll point ‘em out to
you. They don’t have any involvement with drugs. They’ll tell you who are the cops. They know who the cops are. They know!

ROCKY: Most of them [undercover police] are black.

APPLE: You can just tell. It’s the way they carry themselves. It’s the way they act, the way they look. The way they dress. Everything. They just don’t, they don’t know how to work the street. They don’t know how to be you know “down”.

**Seller Explanations of Routine Police Behaviors**

Crack sellers and distributors continuously made observations of police behaviors and constructed their own explanations about police routines. They believed these apparent regularities would prevent them from being targeted by police or avoid being around when the police came.

TYRONE: Whenever you see a dirty car, you know it’s a cop car. (Interviewer laughs) . . . I don’t know whether you heard it or not, but yeah, they say, when you see a dirty car, it’s a cop car.

TYRONE: Ah, the police in the area . . . They come in and they raid and they arrest people. They’re certain days, Tuesdays and Thursdays, are the days that they’re gonna be [here] . . . (laughs).

**Strategies to Counter Specific Police Tactics**

Especially for persons who routinely sold crack on the streets, strategies of lookouts, avoidance, cessation of selling, and general guidelines for discerning police were not sufficient to avoid becoming known as a seller to police officers. Thus, crack sellers and distributors were expected to learn how to avoid arrest and to develop selling strategies which countered or protected against standard police arrest tactics. Wide variations in all of the following strategies for countering arrest were reported by street crack sellers.
Countering the “Observed Buy”

Crack sellers have adopted a variety of tactics that make it difficult for an undercover officer to document observed buys. In addition to using lookouts and stashing drugs, crack sellers attempted to counter observed buys by separating the exchanges of money and drugs. Selling groups had different persons perform various roles. The actual seller (responsible for both money and drugs) might negotiate the verbal agreement with a buyer about the price to be paid for so many vials of crack. The seller then directed verbally (or used hand signals to) his associates about the specifics of the transaction. The buyer was then directed to hand the money to another person, a “correct man,” who checked that the money was “correct” and who was often also responsible for removing it to a safe location (e.g. a “money stash”). Next, the buyer went to a “hand-off” man who delivered the amount of drugs purchased. The actual seller had reduced criminal culpability because police could not state that he was ever observed to possess the money or the drugs, even though he was the actual owner of both.

In another variation of the above, one person, usually a freelance seller, completed transactions with several customers, but would appear to an undercover police observer to never have money or drugs in his possession, and only to be engaging in conversation with persons who subsequently pick up “garbage”.

ETHNOGRAPHER (Field notes): Sam reports that he never handles money or drugs when selling. Rather, prior to selling, he places different numbers of vials in paper bags, newspaper, banana peels. These containers (with crack vials) are placed in slightly hidden locations where they look like ordinary street litter located at easily described places near his spot. When crack buyers approach him, he negotiates the price. Then, keeping hands behind his back, Sam has the buyer count the money to be sure it is correct. The buyer is directed to leave the money “in the phone booth” (or other nearby location which would be semi-hidden to an observer). The buyer is then directed to retrieve the “banana peel near the tree” (which contains two crack vials), or the “paper bag next to the stoop” (which contains five vials), or the “newspaper under the bush” (which contains four vials). Somewhat later the seller retrieves the money from the phone booth and stashes it in another
hidden location. Sam replenishes his “litter” (containing vials) from his larger hidden crack stash during slow periods.

The temporary “money stash” reported by this freelancer was not common. More often a trusted friend or “correct man” held the cash, or the seller went home. Large amounts of cash made sellers targets for a robbery.

Check for Marked Money

Marked currency used in “buy and bust” operations (see below) created a chain of evidence establishing that a given person was the dealer or supplier. While our respondents were aware of marked money, none reported clear strategies to counter such money – such as examining and refusing currency with marks, or attempting to “wash out” invisible ink from currency.

QUEEN BEE: They buy from you, then they lock you up. Either they send somebody to get it, or they send marked money. They come different ways. They might send a bill with holes punched in it, right. And when they buy from you, then the police pulls up. If you got that bill, say it’s a $20 bill, it got a red mark on it . . . if you got that marked money, you goin’ to jail.

SILVER: Some of the money is marked. They use invisible ink to mark the money, the police. OK. Only can see it under florescent lights. That is why they know that the undercover came and bought. And you made a sale. OK, because that person got that [marked] money.

Police Stops of Suspected Sellers

Another strategy followed by local precinct officers and beat patrols was called “stops” by police and “harassment” by sellers. The officer ordered potential suspects to stay where they were and asked them questions, perhaps to produce identification and sometimes to submit to a “search and frisk” for weapons or drugs. Police were especially eager to stop persons whom they knew to be sellers or users from prior arrests. Those emerging from known crack houses were likely to be stopped and searched for drugs, but these users can often quickly dispose of the crack vials.
ETHNOGRAPHER (Field notes): Sam and Jennifer went to cop crack [in an abandoned building] while I went into the store. After coming out of the store on the corner, I saw that the police had them up against the building searching them. The police were very rude, one police officer was fussing at Jennifer. He told me that [building address] was a known crack dealing spot and that they had come out of that building. The partner goes to the car and calls for a female cop to search Jennifer, as they think she has drugs on her but they cannot search her and he cannot make her take the drugs out of the hiding place. The police radio reports they cannot get a female cop. He calls Jennifer over to the car, talks to her a while and (then) the police leave.

As we walk, they relate what had happened. They had gone in [the building] and bought three vials; as they came out of the building the police pulled up and stopped them. At that point Jennifer threw out three empty vials, diverting police attention to her. As she did so, Sam had dropped the vials containing crack and smashed them. The police then had thrown them up against the wall.

Stop Automobiles of Suspected Sellers

In areas where large numbers of crack sellers operate, police assume that most people in cars are likely to be crack buyers (and occasionally) crack sellers. Cars are often stopped, the license plates checked, and the driver’s identity checked for arrests or warrants. Car occupants are observed carefully; anyone attempting to hide something will be invited out, and the car checked for drugs or weapons. Such strategies resulted in the arrest of a higher level dealer, but on a weapons charge (his dealer status remained unknown).

KEVIN: So all right, we hop in the car and thing. Soon as she pull out the parking lot so, police flashing lights . . . They ask she for she license and thing, she’s fumbling cause she just had a hit, you know, she just finished smoking [crack]. So she trembling and trembling. I say what happen to the papers give the man the papers. She, she “a think a leave it upstairs.” I say, “oh, oh s . . .!?” I know I get f . . . . there now because . . . they
goin’ want search the car. I got me pistol, you know, in me waist and thing. So they went back to the car and they put on the beam light. So I done know now, to go back then I don’t know what happen to him come and search everybody in the car. So I sit down, you know, easing out my pistol, ease it out. And I push it up under the seat. Well, they see me in motion … They come, amm, everybody get out of the car. So they, I get out the car and the other two girls get out … The cops … search it, he push he hand under there. He tell the partner, “they got a pistol in the car” … After they find the gun they want nothing more, drugs be right under there, didn’t worry them. Start handcuf f all and we and take we and throw we in. Hear she [the driver], “no, I don’t know he had a gun … but I see when he put it under there.” They charge all we guilty, lock we up.

ETHNOGRAPHER: They found the drugs, eventually?

KEVIN: They found nah, they found no drugs, (chuckle), they found no drugs, drugs is still in the car.

The Setup

The “setup” involves police “turning” a person known to the dealer. Usually a seller or buyer is arrested and faces a long prison term if convicted. The police and prosecutor will greatly reduce the sentence if he makes a buy from a higher level supplier or dealer which is observed by police (marked money is also often involved).

Silver was a wealthy kilogram level dealer when interviewed in 1990. At that time, he was an upper level dealer who never directly sold to retail customers and never on the streets. He reported being set up by a junkie earlier in his career – even when following his standard precaution of not selling directly to junkies.

SILVER: And they did set me up. That is how I did my first time in jail . . . They set me up with a sale. All right. So it happens that they sent a undercover to buy drugs in the neighborhood. All right, I was sitting in the park with the guys that I have working for me. They used a guy from the neighborhood, a junkie. He came to buy drugs for the undercover. Alright? So he came to the group . . . And the undercover was watching from across the street in a car. OK,
and he saw him coming to the group. So when they came they came and arrested me. They came directly to arrest me. And I wasn’t the one who made the sale. But the undercover said yeah, the guy he sent bought drugs from me. So, it was my word against him [police] . . . You know, it was like a trap.

**The Sustained Investigation**

Sustained investigations are specifically targeted at higher level dealers who may be known or suspected. If the suspected dealer’s identity is reasonably certain, police may employ several tactics, including setups, observations, harassment, threats, or wiretaps. In the early 1980s, Silver had learned how to avoid setups and had evaded other concerted efforts, including sustained investigation by a sergeant to send him away under the Rockefeller Drug Law (with a mandatory life sentence).

SILVER: So, this sergeant was determined to get me out of the neighborhood. So, every time he had a chance to stake me out and really scratch me up there. He tried. But, he never succeed. OK. He never caught me with anything on me.

It was this one sergeant. Because they brought him specially into the narcotics force . . . to free the neighborhood of drug dealers . . . And I was the only one that he couldn’t catch . . . And even though the officer that worked for him told me: He knows that you the one. And if you don’t leave he going to push away, he’s going to set you up. So he’s determined to get you out of the streets one way or another . . . if you don’t leave the neighborhood, this man is going to put you away for life.

These guys were playing very hard. He was harassing me. Everywhere he used to cut me, jump me, search me, bump up my car . . . He was very determined to get rid of me. So, I had to leave the neighborhood.

**Surviving Buy and Bust**

The most common and most successful police tactic for arresting and convicting street crack sellers is the “buy and bust”. Police officers are specially trained as undercover buyers to defeat crack sellers’ tactics (lookouts, linguistic codes, body language, etc.). Such undercover
officers will be disguised as homeless persons, sanitation workers, drug buyers, or friends of residents. They approach crack sellers, negotiate a price, make a purchase, and pay for the drug (sometimes with marked currency). They may make several buys from other sellers on the street. The undercover officer radios a description of each seller’s physical appearance and clothing. Soon afterwards, other plain clothes officers arrest those who sold the drugs. The undercover officer reidentifies them, and they are formally booked and prosecuted for crack sales.

Street crack sellers reported few effective strategies for avoiding buy and bust tactics. Sellers needed to make so many sales per day to so many persons who were unknown to them, that a sophisticated undercover officer could easily make buys from most street sellers. A few street sellers said that they had managed to avoid buy and bust arrests by TNT but could not explain their good fortune except by reference to their being away when the arrests occurred.

ETHNOGRAPHER: Okay, what about the TNT thing? How does that work?

QUEEN BEE: I don’t know. I never ran into them.

ETHNOGRAPHER: What do you think about them?

QUEEN BEE: I think they doin’ a good job if they don’t come f... with me.

Specific Responses to Tactical Narcotics Teams (TNT)

During 1988-90, New York City relied mainly on TNT to make good arrests, leading to the successful prosecution and incarceration of crack sellers. While TNT relied primarily on buy and bust tactics, they also made observations of selling networks and arrested lookouts, steerers (who refer potential buyers to sellers), and almost anyone else whom they believed was associated with the crack business in the target location. Virtually all crack sellers and low-level distributors respected police in TNT and hoped their activities would not attract TNT attention.

STEVE: What do I think about TNT? I know TNT is no joke, man. They bust a lot of people, a lot of people that want to get busted. I watch, I give them respect, you know, I will give them respect, you know, to the utmost ’cause I am not, you know. Once they bust you, man, that’s it, you gone, you are gone.
Silver believed that TNT was ineffective. But he reported proactive efforts by his network of workers and other informants to follow police (observed in the streets) to determine whether they were regular detectives or TNT undercover officers.

SILVER: They used to come Tuesdays and Thursdays. Right now they come any day, you know, but still, it’s like they announce when they come because they cruise the neighborhood two, three times before they do anything! . . . They [the sellers] follow them and they see that the whole team [TNT] is around, they cut out, they stay off the streets for a few hours, until they raid and they take whoever they gonna take, then they come back in, you know what I mean? And that’s why I say its ineffective. So you gotta stop doing what you’re doing. So everybody put their s . . . away and they don’t do anything!

Overall, street crack sellers and those in distribution support roles (steerer, tout, lookouts, holders (usually the holder physically possesses the dealer’s drugs)) were apprehensive about TNT. Generally, the most compulsive crack abusers accepted low-level distributor roles, so that when TNT raids occurred these were the ones likely to be arrested. Most other sellers generally avoided TNT arrest because police could not document their involvement in selling. Unless TNT or uniformed patrolmen remained on the block, crack sales would often resume within a week, but with a new set of street sellers and low-level distributors (also see Vera Institute of Justice 1992).

**CONCLUSIONS**

The large ratio of sellers to police, as well as constitutional constraints for making drug buys and arrests, suggest low probabilities of arrest for sellers. Indeed, several previous studies have shown that arrests are occasional events for drug sellers and very rare relative to their total volume of drug sales. The average heroin seller, for example, experiences an arrest about once per year while at liberty (Anglin and Hser, 1991; Ball et al., 1983), but this includes a few persons with several arrests per year and many with near-zero arrests per year (averaged over several years). Moreover, heroin sellers probably experience about one arrest per 200 (or more) drug transactions (Johnson et al., 1985). The most experienced and highest rate sellers probably sustain about one arrest per 1,000 sales or even more.
Most street sellers and distributors expect to make so many sales per
day, however, and they must sell to numerous strangers – even those they
may be suspicious about. They are, therefore, very vulnerable to arrest. Since
most have little or no opportunities for legal work and income and most are
compulsive users of crack, they confront the daily risk of arrest by
participating in crack distribution.

In response to this threat, crack sellers and distributors have
developed and routinely practice several important strategies which
substantially limit their vulnerabilities to arrest. The most important
appeared to be those designed to avoid encounters with police or to avoid
police suspicion about their sales activity. The few sellers who claimed no
arrests for crack sales or possession reported being scrupulous about limiting
their sales to known persons, carefully assessing every buyer as a possible
police officer, avoiding sales to those who were suspicious in any way,
generally not selling in public places, cooperating with other sellers to warn
each other of police, keeping separate stashes of drugs and money, avoiding
attention, and maintaining the appearance of being regular working persons.

When and if crack distributors became a focus of police (especially
undercover police) attention or suspicion, success in avoiding arrest
diminished considerably. Well-trained undercover officers can easily
disguise themselves, thus defeating the seller’s intuition about suspicious
persons or police. Such undercover officers typically made buys from several
sellers on a block and then notified the TNT team who swept up many sellers
at once – with many resulting convictions and incarcerations.

But most crack sellers still experienced a low probability of arrest,
principally because mobile police teams such as TNT have difficulty in
identifying which persons in a community were crack sellers. While a few
more obvious sellers may attract their attention, other more careful sellers
were not suspected as sellers. Further, crack sellers systematically
reorganized their selling time to occur between police shifts or when police
were apt to be absent. Many sellers were, in fact, very good at determining
which persons were undercover police. Sellers have so many hours during
the day when police are not present in their community, that they can make
hundreds of sales (limited only by the number and monetary income of
buyers).

If it is so difficult, as suggested above, to raise the chances of arrest
through intensified police enforcement efforts, other ways of disrupting drug
markets need to be explored. Some recent successes have stemmed from so-
called problem-oriented approaches, which rely not on temporarily
increasing the risk of arrest, but on permanently disrupting the underlying
environmental conditions that permit the development and continued operation of particular drug market sites. For instance, Hope (1994) has shown how the use of building code enforcement and mortgage foreclosure was effective in closing down drug houses in St. Louis. Conner and Burns (1991) have collected a number of case studies from cities across the country, in which similar successes in closing down street markets attended a variety of problem-oriented actions including: razing, boarding-up, and fencing-off abandoned buildings; erecting street barriers; enforcing loitering ordinances; introducing drug-free school zones; closing businesses where drugs were tolerated; and altering public telephones to prohibit incoming calls. The evaluations may not be sophisticated and these few successes may seem insignificant in the face of the magnitude of the problem. Nevertheless, the strategy they represent of making permanent changes in the drug-dealing environment does seem, in the light of present results, a more promising approach than temporarily increasing risks of arrest through crackdowns.

NOTES

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REFERENCES AND FURTHER READING


