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A UNIVERSITY TRAINING PROGRAM FOR AGENTS OF THE BUREAU OF DRUG ABUSE CONTROL

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On July 15, 1965, President Lyndon B. Johnson signed the Drug Abuse Control Amendments of 1965.¹ The new laws, which became effective on February 1, 1966, provide for stronger regulation of the manufacture, distribution, delivery, and possession of depressive and stimulative drugs. These drugs, including the barbiturates, amphetamines, and other psychotoxics, potentially may be abused because of their respective depressive or stimulative effect on the central nervous system, or because of their hallucinogenic effect. These laws do not apply to narcotic drugs, including opium, or opium derivatives, and marijuana, which are regulated by the Treasury Department under other statutes.

When he signed the new Amendments, the President emphasized the fact that their purpose was to prevent both the misuse and the illicit traffic of potentially dangerous drugs. At this time, he cited the Food and Drug Administration's estimate to the effect that at least one-half of the annual production of certain useful drugs is being diverted to criminal traffic.

The Food and Drug Administration, in support of the legislation, reported:

Abuse of drugs has become one of the major health and social problems of our times. The non-medical use of certain drugs is contributing to a rising death toll on the highways, juvenile de-

linquency, violent and bizarre crimes, suicides, and other abnormal and anti-social behavior.

The traffic in heroin and other narcotics is being overshadowed by the peddling of barbiturates, amphetamines and other depressant and stimulant drugs, such as LSD-25, and some tranquilizers. There is evidence that such traffic has become an even more serious problem than the narcotic evil. Organized rings bootleg barbiturate and amphetamine drugs on a large scale. Some of these rings cover many states and deal in millions of tablets and capsules.

Somewhere along the line of distribution, depressant and stimulant drugs are being diverted from legal channels. These diversions may occur at any point in the chain of distribution. FDA inspectors have found diversions of basic chemicals used to make the drugs, diversion at the manufacturing, wholesale, and retail levels, and through physicians and pharmacists.²

The new laws begin with a declaration which eliminates the necessity for the Food and Drug Administration to prove in each case that the drugs have moved across state lines. The widespread traffic in depressant and stimulant drugs, as well as the serious hazard to health caused by counterfeit drugs, is of such magnitude that Federal controls were deemed necessary regardless of the

² Fact Sheet, Drug Abuse Control Amendments of 1965, U.S. Department of Health, Education, and Welfare, Food and Drug Administration, undated.

¹ Public Law 89-74, 89th Congress, H.R. 2, July 15, 1965.

interstate or intrastate origin. Some of the activities prohibited by the Drug Abuse Amendments include:

The manufacturing, processing or compounding of the designated drugs, except by registered drug firms for legal distribution.

The distribution of the drugs to any persons who are not licensed or authorized by Federal or state law to receive them.

The possession of stimulant or depressant drugs except as authorized by law.

The making, selling, keeping or concealing of any counterfeit drug equipment, and of any action which results in the sale of a counterfeit drug.

The penalties for the violation of the Amendments are: one-year imprisonment and/or a \$1,000 fine for the first offense; and, three years imprisonment and/or a \$10,000 fine for a second or subsequent offense. Special penalties are provided for those over eighteen years of age who give or sell the drugs to anyone under twenty-one. In this case, for a first offense, the penalty is two years imprisonment and/or a \$5,000 fine, and for a second or subsequent offense, six years imprisonment and/or a fine of \$15,000.

While the Amendments specifically apply to the barbiturates, amphetamines, and other depressant and stimulant drugs, a medical advisory committee is authorized, after an opportunity for a public hearing, to determine other drugs which may be included in the new controls. The basis for such a decision rests on the "potential for abuse" which is inherent in the drugs. Thus, the Amendments provide for a constant expansion of the list of drugs to be regulated.

A new bureau—the Bureau of Drug Abuse Control (BDAC)—was created within the Food and Drug Administration in December, 1965. John Finlator, an able and experienced administrator, became the Bureau's first Director in March, 1966. BDAC is organized into three major divisions: Case Assistance, Drug Studies and Statistics, and Investigations. It has nine regional offices established in Atlanta, Baltimore, Boston, Chicago, Dallas, Denver, Kansas City, Los Angeles, and New York.

There were three sources used for the recruitment of agents for BDAC: transfers from other Bureaus within the Food and Drug Administration; transfers from other Federal agencies, such as the Internal Revenue Service, or the Federal Bureau of Narcotics; and, candidates from a Civil

Service Commission list of successful competitors for the position of Criminal Investigator.

In general, the majority of the agents selected were experienced in criminal investigation (50 percent with three to six years field experience; and an additional twenty-seven percent with over six years experience). Over ninety percent of the new agents were college graduates, and almost one in five had done graduate work or had received a graduate degree.

BDAC was initially authorized to select 150 agents. One of the first and most important decisions to be made by the new Bureau was the decision regarding the nature and location of the training program for these agents. The training program was not only intended to provide guidelines for daily operations of BDAC in the immediate future, but also, at a later date, when the new agents moved onto responsible administrative and policy-making levels, to relate to the methods the agency would employ to address the entire problem of drug abuse at the Federal level.

The Food and Drug Administration contracted with the School of Criminology at the University of California in Berkeley to design and provide the training and educational experience. Due to the urgency of having the newly-appointed agents operating in the field at the earliest possible moment, it was decided to limit the training time to eight weeks, and to establish three classes—the first with thirty students, and the other two with sixty—the first class to commence in February, and the last to graduate in July, 1966.

The program at the University is designed to provide a broad, academic background as it relates to law enforcement and the drug problem. This generalized, overview approach is seen as a significant departure from the more established and traditional "how-to-do-it" training programs of law enforcement agencies at all levels of government. Indeed, the University program is of such academic caliber that upon successful completion of the course, the students (agents) receive eight units of University academic credit. The general description of the program, as published by the University is:

LAW ENFORCEMENT AND THE DRUG PROBLEM

Theoretical and operational aspects of law enforcement and the dangerous drug problem with particular emphasis on the amphetamines, barbiturates, and hallucinatory drugs. The course is divided into nine principle components

including criminology and corrections, law, techniques of enforcement, narcotics and dangerous drugs, physical evidence, accounting and auditing for law enforcement, and weapons, vehicle, and physical training. Approximately 435 classroom hours of instruction including 75 hours of laboratory work.

In establishing the program at the University several important considerations were taken into account:

1. The enormous complexity and extent of the new legislation, which not only covers the illicit traffic in legitimately produced stimulants, depressants, and psychotoxic drugs, but also includes the counterfeiting of these drugs. And, as noted previously, the possibility of the advisory committee adding to the list of prescribed drugs, other drugs which have the required "potential for abuse". Recent additions to the original list are such drugs as LSD, peyote, and mescaline.

2. The University program could assist in developing a model for a national training academy which could be conducted by the Food and Drug Administration on its own premises. Included in this model would be course content and sequence, curriculum materials, training aids, and the like.

3. The need to duplicate and develop the strengths of already established law enforcement training programs, and at the same time to take serious note of the problems and difficulties of their law enforcement experiences.

The initial program was designed by members of the faculty of the School of Criminology and representatives of the Food and Drug Administration. Technical assistance was provided by academic sources, including the University Schools of Law, Pharmacy, Pharmacology, Business Administration, Psychology, Sociology, and Physical Education, and by operational agencies at the local, state and federal level.

The first eight-week, 435-hour program covered nine general areas:

Criminology and Corrections

Law

Techniques of Enforcement

Narcotics and Dangerous Drugs

Physical Evidence

Accounting and Auditing for Law Enforcement

Weapons Training

Physical Training

Vehicle Training

In addition to the extensive laboratory and classroom instruction were weekly reading assignments, bi-weekly examinations, and practical

work in weapons firing, surveillance, and the use of technical investigative equipment. Each student is provided with a thirty-volume personal library consisting of the significant texts in the field and is issued copies of appropriate articles or other readings related to dangerous drugs.

Some fifty persons provide instruction in the program. These include representatives from the University Schools cited above, as well as persons from crime laboratories, the judiciary, prosecuting and defense attorneys, and technicians and specialists from law enforcement agencies. Each of the instructor personnel is considered an outstanding authority in his field. Approximately 75 percent of the instruction is provided by University staff; the balance by personnel from the field, including such officials as Assistant U. S. Attorneys, municipal court judges, Federal Public Defenders, supervisory police officers from the San Francisco Bay Area Police Departments, crime laboratory technicians and supervisors, and representatives from the California Attorney General's office and State Narcotics Bureau.

To support the material presented by the instructional staff is the latest in law enforcement equipment ranging from communication and photographic equipment to microscopes and helicopters. The equipment available is of sufficient quantity that students have an opportunity to utilize it on an individual basis. The equipment is, of course, identical with the equipment which will be used by BDAC agents in the field. Needless to say, only equipment and methods of use which are in accord with procedures and methods consistent with Constitutional and judicial requirements of investigation are employed.

As has already been mentioned, and as readily recognized from the outline of the program which appears below, the training program at the University has a substantial academic flavoring. The reader will recognize the distinct attempt to relate theory to practice in an effort to place the problem of law enforcement and dangerous drugs within the broader context of society's attempt to control defined deviance. It should also be recognized that the program is designed to produce an agent, who, upon graduation, can functionally operate in the field as an investigator, armed not only with generalized knowledge, but with a specific competence in the investigative field. The subject matter listed below is not a complete outline of the instructional program, but is designed to familiarize the reader with the scope of the program.

Criminology and Corrections

Criminology as a scientific pursuit
 Crime, law, and social control
 Systems and patterns of crime
 The process of criminalization
 Social psychology of law enforcement
 Organized crime
 Correctional treatment: theory and methods

Law

Basic concepts
 Criminal responsibility
 Criminal liability and conspiracy
 Defenses to crime
 Administrative law
 Due process
 Pre-arraignment
 Arrest, search and seizure
 Detention, interrogation, right to counsel, arraignment
 Discovery
 Grand jury proceedings
 Trial procedures
 Testimony in court
 Federal civil rights
 Mock trial
 Federal, State, and local laws relating to drugs

Techniques of Enforcement

Introduction to criminal investigation
 Survey of law enforcement agencies
 Undercover investigation
 Raids
 Arrests and searches
 Development of leads and informants
 Investigation reports
 Personal descriptions
 Field problems (practical work): investigation

Narcotics and Dangerous Drugs

Drug chemistry
 Pharmacology of drugs
 Symptomatology of drug absorption
 Toxicology of drug absorption
 Generic names of common drugs
 Capsules, tablets, and containers

Physical Evidence

Scientific services for detection and control
 Recording of information
 Pattern (form) evidence
 Inherent (substantive) evidence
 Collection and preservation of evidence
 Reconstruction and interpretation of laboratory reports

Accounting and Auditing

Business records
 Distribution records
 Interpretation of records
 Operations of typical drug manufacture

Weapons Training

Legitimate use of firearms
 Preliminary weapon instruction and range firing
 Orientation to weapons other than pistols

Physical Training

First Aid
 General conditioning
 Techniques of boxing, wrestling, judo, hand-to-hand combat

Vehicle Training

Safety on the highway
 Tactics of vehicle pursuit
 Trucking equipment

There are many advantages of a university setting over a traditional training-school setting for the program described above. There is a wide range of academic and other enriching experiences available within a university community which are unavailable elsewhere. There are, of course, facilities such as the university library, and the opportunity to attend or participate in significantly related programs on the campus, such as the six-day LSD Conference sponsored by the University of California to be held in June, 1966, or to hear occasional visiting lecturers who are carrying on experimentation and research in drug use and abuse. The opportunity to participate in the public dialogue concerning drug use and abuse, such as movements to legalize marijuana or LSD, presents a substantial and broadening experience. The importance of law enforcement agents knowing and understanding these various perspectives and points of view is an important condition of law enforcement action. And, of even greater importance, is the total learning atmosphere found in a university setting which, from the authors' observations, is frequently absent at other kinds of training centers.

The University contract with the Food and Drug Administration also directed the creation of an evaluation component within the School of Criminology. The primary functions here are to examine the program in terms of its effectiveness, to provide detailed demographic data on the agents undergoing training, to measure their attitudes in a multitude of areas, and to suggest modifications and changes in the curriculum.

A record of proceedings in the classroom is maintained by the tape recording and transcription of each lecture. In addition, selected classes, particularly in the physical evidence area, are recorded on video tape for playback at a later date. Finally, selected lectures and important readings in the field of law enforcement and dangerous drugs are being incorporated into a comprehensive manual which will be given to each student as both a record of training, and also as a reference text.

Although there is a distinct academic orientation to the University of California-Bureau of Drug Abuse Control training program, there are also a number of field-work operational components to the program. These are designed to familiarize the agents, whether experienced or not, with anticipated operations in the field. Examples of this feature are the field problem, mock trial, and inspection of a drug manufacturing company.

The field problem and mock trial are related to one another and occur during the last two weeks of training. During the field problem, the agents, organized into investigative teams, initiate and conduct an investigation of persons suspected of involvement in the large-scale, illicit traffic of dangerous drugs. The "suspects" in the problem are all law enforcement officers from local police agencies, each with considerable experience in the conduct of investigations. Throughout the development of the case all conceivable investigative techniques and aids are utilized, including surveillance on foot, by automobile and by air, the use of photographic and electronic equipment, and laboratory analysis of physical evidence obtained during the investigation. The problem also includes requirements to obtain proper warrants for search and/or arrest, the conduct of a raid, actual "arrests", searches of persons, residences, automobiles, and crime scenes, interrogation of suspects and questioning of witnesses, report writing, and preparation of the case for the judicial proceedings which follow in the mock trial.

The mock trial is based upon the investigation conducted during the field problem, and is held in the mock court room of the University's School of Law. All proceedings are the same as those found in the United States District Court and reflect recent Federal decisions relating to law enforcement. The "judge" at the mock trial is a municipal court judge who formerly served as the United States Commissioner in San Francisco. The "prosecutor" is an Assistant United States Attorney, currently engaged in criminal prosecution,

and the "defense attorney" is the United States Public Defender, who also previously served as an Assistant United States Attorney. Thus, all three major court room participants have detailed and lengthy experience within the Federal court system, where, of course, BDAC cases will be prosecuted.

The drug company inspection, another practical exercise, tests the agents' understanding of drug manufacturing procedures, auditing and accounting, and basic chemistry. Through the cooperation of a local drug manufacturer, legitimately produced drugs are "siphoned off" the production line. However, this loss can be detected by a careful analysis of manufacturing, distribution, and transportation records. Again, this exercise is considered to closely approximate the agents' actual duties in the field.

In summary, the training program as described has approached the problem of training agents from a perspective which significantly departs from that of most traditional law enforcement agency training programs. The emphasis is clearly academically oriented and is designed to provide the student-agent with the widest possible understanding of the total problem of law enforcement and dangerous drugs, rather than to only give him a limited understanding of the problem with great emphasis on day-to-day operations. In part, this approach is a reflection of the enormity and complexity of the task confronting the agents, and recognizes the fact that a "practical" training program requires more basic considerations if the agent is to be provided with sufficient detailed information to operate without difficulty in the field. In addition, in the absence of finalized standard operating procedures for BDAC, instruction can not be too detailed.

The faculty for the training program is comprised of outstanding authorities from various Schools on the University campus and recognized experts from the field of law enforcement. The equipment utilized is of the latest design and is the same as that which will be used by BDAC agents upon graduation. The practical exercises described above provide a general orientation to the problems which are likely to be encountered in the field. In short, the training program developed as a joint venture between the University of California and the United States Food and Drug Administration combines a broad base of academic knowledge with practical work which is related to the field of law enforcement and dangerous drugs.