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## Young Dealers Slip Through The Loopholes; Drug Laws, Parental Denial Leave Teens Few Deterrents Series: SUBURBAN HIGH: TEENAGERS AND DRUGS IN FAIRFAX Series Number: 2/2; [FINAL Edition]

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Full Text (2710 words)

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For three months, seven days a week, Fairfax County police officer Nick Boffi was a teenager again. He commuted to James Madison High School in Vienna in a 1989 Ford Probe. He cleaned cages in a pet shop after school. He hung out with classmates. And he bought drugs.

He bought marijuana at the local McDonald's, in his car in front of a student's Vienna home and at his desk in Sports Entertainment Marketing class.

What his new friends couldn't understand, though, was why he didn't smoke it. When they started pressing him, Boffi, 24, realized his high school days were over.

By the time he left, his school work had netted four drug arrests, but none resulted in jail time. The most serious punishment any of the teenagers got -- and that was for selling drugs inside a school -- was a year's probation and temporary loss of his driver's license.

For Fairfax County police, the small payoff in the undercover operation demonstrates how hard it is to pierce a teenage drug network, even with a substantial commitment of time, planning and resources.

"It's awfully difficult for police to infiltrate down to that level," said Col. M. Douglas Scott, the Fairfax police chief.

That means police often wind up on the periphery, at the edge of a wide-open territory. Teenagers who have dealt drugs in Fairfax County say they have done it with little fear of being caught. And the truth is, relatively few are.

"We are dealing with an absolutely massive problem in this country," and "at the lowest level, no one really has time to concentrate on it," said Pete Grudin, head of the Drug Enforcement Administration's Washington field office.

Faced with a steady flow of drugs into Fairfax County, narcotics investigators say, they concentrate their resources on adult circles, where undercover officers can blend in more easily and snare bigger caches.

Fairfax Capt. Dave Lubas, supervisor of the narcotics section, said his investigators are so busy chasing adult dealers that he could double the size of his 40-person division and still be overtaxed.

That focus on adults helps shield teenage dealers from being caught, punished and publicly identified, as do:

Laws that give first-time drug offenders virtually no penalty, and a juvenile justice system that keeps most juvenile defendants' names private.

Confidentiality rules assuring young clients in drug programs that they can share their secrets but preventing counselors from alerting parents, schools or communities -- much less police -- to crucial information.

Parents who either deny their child's involvement or try to protect the child's reputation by hiding the havoc drugs visit on their family.

All of those can make it awfully hard to get tough on drugs. The result, as a 17-year-old Annandale youth said, is that drugs are "easier {to get} than alcohol. It used to be only a couple of people doing it. Now everybody's doing it."

### Law Enforcement Hurdles

Richard Doyle, the hearing officer for the 150,000-student county school system, has witnessed the problem firsthand. Not a week goes by that he doesn't hear a case involving an illegal substance.

In interviews with The Washington Post, nearly all of the 100 Fairfax teenagers reached at treatment centers, randomly at a mall and at the juvenile detention center said they have distributed drugs, in amounts small and large, without being detected. Numerous drug treatment counselors said that many of the hundreds of teenagers they work with also admit dealing.

The drug enterprises that move large amounts are run by adults, but on county streets, the transactions are youngster-to-youngster. "I get {drugs} from friends. I don't know of any big conspiracy thing," said a 16-year-old boy from Burke.

Last school year, the school newspaper at Madison surveyed 500 students -- 125 from each grade -- and found that about one-third of the freshmen and sophomores interviewed and about 40 percent of the juniors and seniors have tried marijuana. In lesser numbers, students said they had also tried psychedelic mushrooms and LSD, Ecstasy and crystal methamphetamine. The statistics highlight not just use, but the daily temptation and exposure to drugs that non-using children face.

When Doyle asks teenagers why they sold drugs, he often gets the same response: "Because I didn't think I'd get caught."

The teenagers who are caught, said Doyle, "admonish us as to how we don't have a clue" about the dealing that goes on.

Federal law has few provisions for prosecuting juveniles, and federal agents concentrate on large criminal operations, which leaves local police to sort the ethical and legal dilemmas in cases involving youngsters.

Should officers use child buyers to investigate an adult-run drug ring they know sells to children?

Should undercover officers watch children buy or sell drugs over days or weeks among themselves before moving in for an arrest? That tack helps build a better court case but lets some children walk away with dope.

More than a few parents have become outraged, said Capt. Gary Ball, when police wait to tell them about their children's dealing instead of stopping it at the first incident.

Even the question of exposing adult ringleaders takes on added complexity.

Ball, who was supervisor of Fairfax County's narcotics division for nearly four years, said some parents encouraged him to involve their children directly in catching the person who had supplied the drugs. But, when Ball warned them about the considerable risks, parents usually changed their minds.

Soft-pedaling the details might coax more families into helping, but "the welfare of the child is obviously paramount, at least in our department," said Ball, now commander of the Reston police station. "It doesn't take a lot to figure out who a confidential informant is. The drug trade is dangerous. People do end up dead."

### A Slap on the Hand

Teenagers "have a significant impact on the drug market," said Gaylord L. Finch Jr., chief judge of Fairfax County's juvenile court. "They consume. They deal."

Yet in court, juveniles who plead guilty to a first-time marijuana possession are likely to have the charge dismissed if there are no further violations within a set period of time.

Adults get the same deal, leading Robert F. Horan Jr., the county's chief prosecutor, to say that "everybody's got one free drug possession coming to them from the State of Virginia."

When the stakes with juveniles go higher -- teenagers caught selling, rather than possessing, drugs for the first time -- the punishment goes up incrementally, he said, with youngsters generally getting probation and drug treatment, not a sentence to a state correctional facility.

The court tests juveniles on probation for drugs but not every teenager arrested for a drug crime, a procedure Horan said should be changed. "There's got to be a feeling out there that there's a price tag to this, that you're going to pay," Horan said.

Taking away a teenager's driver's license for a period of time, as is done now in drug possession cases, "probably has the most impact on kids," Finch said. But it may take more to "begin showing adolescents that using illegal drugs is wrong. We haven't done a very good job of it."

Many teenagers in court on drug charges do not perceive they did anything wrong or think about the consequences to themselves, their futures or their parents, Finch said.

He has asked teenagers in court for the names of their drug suppliers but said he runs up against convenient memory lapses or a genuine ignorance about who runs the drug network.

Near Richmond, though, one prosecutor is getting his questions answered.

### Breaking the Silence

The stony silence, the nearly transparent lies, the smugness of a teenager about to walk out of court on probation: Henrico County prosecutor Toby Vick had seen it all in the juvenile drug cases his office has brought in the Richmond area.

Frustrated by the inability to glean information about drug suppliers from teenagers who rolled through juvenile court, Vick decided to ratchet up the pressure.

In the last year, Vick began asking all juveniles convicted of drug offenses to voluntarily name their suppliers. If they refuse, Vick brings them before a multijurisdictional grand jury sitting in the Richmond area and asks again for the names, then demands that the teenagers testify against those indicted.

The grand jury subpoena is issued after the juveniles have been sentenced on their own cases and is not as part of a plea agreement, Vick said. A teenager who declines to name a supplier before the grand jury faces contempt-of-court charges.

So far, most teenagers have voluntarily talked rather than face a grand jury, he said, even though "they hate snitching on their buddies more than anything."

The Henrico Juvenile Narcotics Task Force has interviewed about 75 juveniles under the new system and been astounded that the juvenile drug activity was "just as intense, although on a smaller scale, as the adults'," said Lt. Joe Sands, commander of the narcotics division.

Information from juveniles has resulted in five indictments of adults who dealt to children and 27 other active or pending investigations, said Vick, who went to local schools to let students know what they would face under the program.

"What we have walking through our courthouse every day is a vast knowledge of who it is who is dealing drugs that has not wended its way to police," said Vick, who is using the same tactic in some adult cases. "We decided

to subpoena everybody.

"I'm not holding it out as a panacea, but we're trying," he said.

In Fairfax, Horan said police don't need a special grand jury to gather information on Northern Virginia teenagers dealing drugs. He said police officers should, as a matter of policy, be questioning juveniles about who sold them drugs when they are arrested for possessing them.

### Pointing to Parents

Peter D. Greenspun, a prominent criminal defense lawyer in Fairfax, believes the burden of monitoring teenagers' drug use shouldn't fall primarily on the police.

"The war on drugs has nothing to do with law enforcement; it has to do with parental enforcement," said Greenspun, who has represented numerous county teenagers charged with drug offenses. "If there is a common theme, it's kids with significant hangout time and parents not managing" it.

Many parents refuse to acknowledge that their children are involved with drugs despite obvious signs, such as unexplained purchases of clothing, compact discs and other items, said Nina Pitkin, the Fairfax school system's coordinator for Safe and Drug-Free Youth. "People like to think they're in Fairfax County, and it doesn't happen here," she said.

When youngsters are caught, said Ball, the former narcotics chief, parents often lash out. "It's like, 'How can I get my child out of this?'" Ball said. "Everybody's into, 'You're wrecking my child's future.'"

"Even when their kids are caught," said Robert R. Spillane, former Fairfax school superintendent, "they'll say, 'He only had a drag on someone else's joint.'"

Given the alternatives, marijuana use may hit some parents as the lesser evil. But that's false comfort, says Robert J. Cates, vice chairman of emergency medicine at Inova Fairfax Hospital. "The biggest deal in Fairfax County is that people don't think it's a big deal," he said.

The current version is more potent than marijuana some parents may have been familiar with, and children who use it, drug counselors say, are often smoking larger amounts packed into hollowed-out cigars known as blunts.

"The pot messed up my brain," said a 14-year-old Falls Church girl who at one time smoked it daily. "I can't remember what someone said five minutes ago."

Horan, the chief prosecutor, called marijuana "insidious." Many children, he contends, "burn out" before their parents grasp their chronic use.

Even parents attuned to their children's problem may not be able to get the whole picture.

The bottom of a clinic's diagnosis evaluation sheet for a 15-year-old West Springfield girl, for example, carried this standard notice: "The federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug-abuse patient."

Confidentiality laws, particularly those governing state and federally funded drug-counseling programs, require counselors to get a waiver from a child before parents or authorities can be told certain facts, unless a child's life or other lives are in imminent danger.

School officials who run educational drug programs for children suspended because of drug use also can't share information they pick up with classroom teachers.

James Money, a former D.C. police officer who conducts the drug and alcohol programs for suspended Fairfax students, said parents will often say, "Thank God, it's only pot." But, he said, "usually it's a lot more going on

than that. These parents need to be told the truth."

As a private provider, Thomas W. Minnick, director of the Northern Virginia Counseling Group, says he has a little more flexibility and often tries to persuade a young client to be open with parents. If that doesn't work, Minnick will try to convey the seriousness of the situation to the parent through his treatment recommendation.

"It's a delicate balance," Minnick said. "I've got information on kids who are dealers who would face felony counts."

Confidentiality laws prohibit police officers from publicly identifying juvenile offenders, so "I can't warn the community about kids out here we need to warn them about," said Capt. Jim Charron, commander of Fairfax's youth division.

Officials also need to focus on even younger children, said Tom Cooke, security and safety specialist at Madison. "We're fighting an uphill battle until they put police officers and security specialists in the middle schools," Cooke said.

To bring attention to drugs, Horan said, it might be worth the school system's doing yearly surveys of high school seniors to better gauge drug use, and or having school-by-school postings of drug arrests that would include the number of arrests at each school and the ages and grade levels of students involved.

The information might raise awareness among the community overall, rather than household by household, he said. Said Horan, "There doesn't seem to be a concern until {the problem} hits your front door."

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